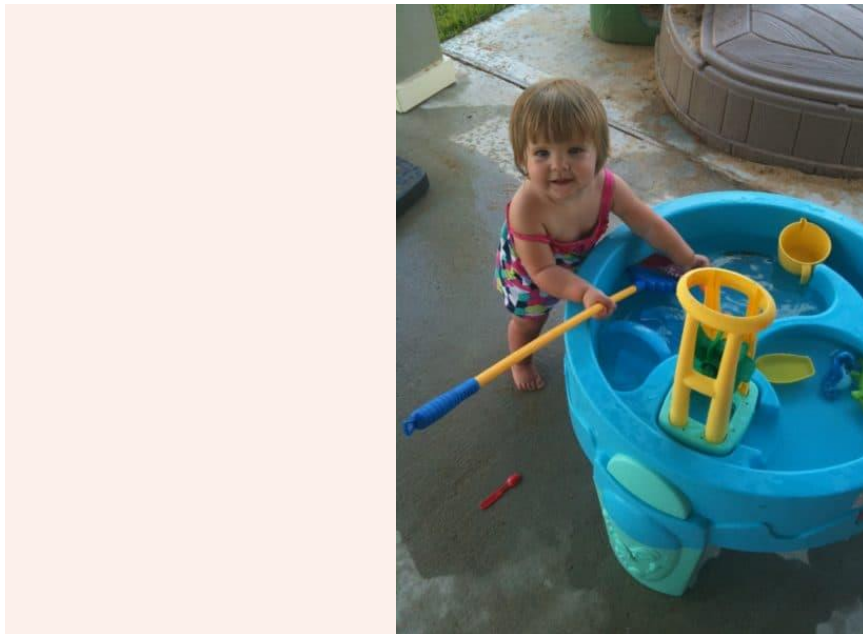


## Safety Advocates Assail Lack of Federal Action on Weak Vehicle Seats

By [Eli Wolfe](#) on September 2, 2020

Andrew Warner was driving his family home from a Christmas party near Houston when they were rear-ended by a drunk driver. Warner's seat buckled, slamming backward into his infant daughter, Taylor. She suffered massive brain trauma and died less than a day later.

In the decade since his child's death, Warner has learned that what happened to Taylor was no freak accident. While relatively rare, seatback failures have been injuring and killing people for decades. According to one estimate, [roughly 50 children](#) have been killed each year since 2001 in rear-end crashes, and experts say that some of those fatalities were likely from front seats collapsing backwards.



Taylor Warner died after a rear-impact collision caused her father's seat to collapse and strike her in the face. (Photo courtesy of Andrew Warner).

For decades, the National Highway Traffic Safety Administration (NHTSA) has required automakers to build seats strong enough to meet a safety standard. But experts regard the standard, established more than 50 years ago, as laughably weak—several who spoke with FairWarning said that a lawn chair could pass it. In actual rear-end collisions, the seat pushing forward against the weight of a person in the front seat can cause the seat to collapse, sometimes throwing the driver or passenger head-first into the back or out the rear window, and also endangering anyone in the backseat.

Although NHTSA has long recommended that young children be seated in the back for safety reasons, critics say the agency should also be telling parents to put a child behind the unoccupied passenger seat, or behind the lightest person in the front, to reduce the risk of injury. NHTSA has been [aware for years](#) that collapsing seats can smash into passengers in the rear.

Car shoppers have virtually no way to compare seat strength of different vehicles. Automakers boast on their websites about numerous seat features, from their fabric treatment to their ability to be folded and stowed away. But none that FairWarning reviewed mentioned seatback strength.

“Each individual manufacturer has their own internal seatback standard,” said Jeff Wigington, a Texas-based attorney who has handled numerous seatback lawsuits, including a high-profile case against Audi. “The problem is that unless you have a lawsuit against them for a seatback that collapsed, you’re not going to be privy to that information ... You could have a situation where the manufacturer’s standard is 10 percent better than the federal regulation, or 50 percent better, or twice as good—you just don’t know.”

FairWarning reached out to several major automakers for information about the strength of their vehicle seats. A spokesman for Chrysler said in an email that the company’s seats meet or exceed federal safety standards but declined to get more specific. Mercedes-Benz and Volvo—widely considered two of the best models for vehicle safety—refused interview requests. Ford, a defendant in several recent seatback lawsuits reviewed by FairWarning, did not respond to a request for comment.

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NHTSA declined an interview request and refused to answer a list of written questions. Instead, the agency emailed a brief statement to FairWarning, saying that later this year it intends to seek public comment on major updates to the New Car Assessment Program—the agency’s five-star safety rating system that many consumers rely on when shopping for vehicles. But there’s no indication that seat strength will be factored into the safety ratings.

Victims of seatback failures like Warner and traffic safety advocates have long called for a stronger standard. In July, Senators Edward Markey (D-Massachusetts) and Richard Blumenthal (D-Connecticut) introduced a [bill](#) that would force NHTSA to adopt a stronger standard for seats. But even if the legislation is enacted, it could take years before NHTSA amends the standard and requires vehicle makers to meet it.

Still, auto safety experts said they are pleased by congressional interest in the issue. For years, the agency has ignored petitions urging improvements to the standard. Alan Cantor, who runs the engineering consulting firm ARCCA, Inc., petitioned the agency in 1989 and again in 2015 for changes to the standard. Cantor and others note that, just as a seat belt protects passengers from a frontal collision, the seat is essentially the seatbelt for a rear collision. In the more recent [petition](#), Cantor and several co-signers called on NHTSA to make seatbacks provide “the same kind of protection to the user that a seat belt provides in a frontal impact.” According to Cantor, the agency acknowledged their petition but didn’t do anything else.

“When we talk to NHTSA it’s like talking to the wall,” Cantor said. Yet when he gave a presentation to agency staff about seatback issues a few years ago, Cantor recalled, several members of the audience asked him what cars they should buy for their families.

“It astounded me,” he said.

**VIEW SEATBACK TESTING VIDEO HERE - <https://youtu.be/EDIZTiEfzmA>**

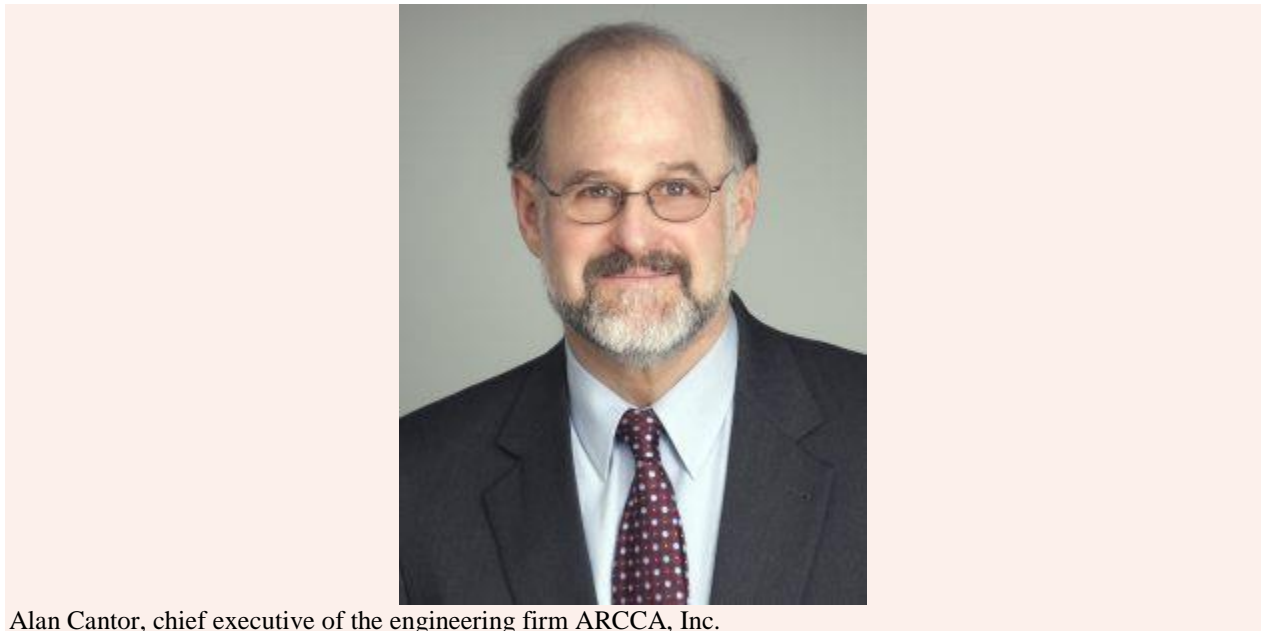
Experts like Cantor said they have been involved in hundreds of seat failure lawsuits where people were injured. An analysis from 2016 calculated that 898 children under the age of 12 died in rear impact crashes from 1990 to 2014. But there’s no way to know how many of these children died due to seat failures, said Michael Brooks, chief counsel for the Center for Auto Safety, a Washington D.C.-based advocacy group.

“There’s not even a true mechanism to capture these kinds of events,” Brooks said, adding that police crash reports usually fail to note instances of seat failures.

“There’s a monumental failure in our reporting,” said Todd Tracy, a Texas-based attorney, who has been collecting lawsuits and police reports to build his own count of seatback injuries and deaths. But this method still has flaws, he said, because “the standardized police reports do not say if the front seat collapsed.”

Raymond Paul Johnson, a Los Angeles-based attorney who has handled numerous seat-back accident lawsuits, said that European automakers such BMW and Volvo tend to put more of a premium on safe designs. He recommended vehicles with belt-integrated seats, which are built directly into the frame of the seat.

“Most dealerships don’t know anything about seat strength,” Johnson said. “If you ask them about the seat, they’ll tell you how cushy it is or how the vinyl won’t make you sweat... The consumer is basically on their own.”



Alan Cantor, chief executive of the engineering firm ARCCA, Inc.

Short of stripping down a seat to its individual components, the only way to really gauge a seat’s strength is to test it—an option only available to engineers.

“You’re going to think this is nuts—if I’m looking at a car for myself or a family member, I will buy a seat and I’ll run a test on it,” said Alan Cantor.

Engineers and attorneys said there has been a decline in seatback-related injuries since the 1990s as automakers increased the strength of seats. But lawsuits over the past few years show these accidents are still occurring.

In March 2016, a family in a Ford Explorer was rear-ended while waiting in traffic. According to court records, the front passenger seat collapsed and the headrest struck a child sitting in the rear, causing a [severe head injury](#). Ford denied that a seat failure took place, and the parties agreed to settle the case earlier this year, according to court documents.

In September 2017, a couple in a 2016 Ford Fusion in Arkansas were rear-ended while waiting at a red light. The front passenger seat failed and struck a 23-month-old child in the backseat, who later [died](#). The passenger, a pregnant woman, also lost her fetus, which had been due in about 10 weeks. The suit claimed that the seat failed, as well as the seat-track locking mechanism, which allowed the seat to slide backward as it collapsed. Ford was dismissed from the case; it’s unclear if it paid a settlement. The case is still pending against other defendants, according to court records.

In August 2017, a driver in Riverside, California was rendered a quadriplegic after her car was struck from behind in a chain reaction collision. The seat failed from the impact, throwing her into the rear compartment of her car, according to a lawsuit. The suit said that the defendant, Ford, has [known](#) about the weakness of its seats since the early 1970s. Ford [denied](#) the claims and the case is still pending.

Lawsuits only capture the most severe incidents. Andrew Warner said he knows this firsthand: seven years after a seatback accident killed his daughter, he was rear-ended again and uninjured. His seat collapsed again, but this time there was no one in the backseat.

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