

Registration
SOR/2010-279 November 29, 2010

MOTOR VEHICLE SAFETY ACT

Regulations Amending the Motor Vehicle Restraint Systems and Booster Seats Safety Regulations

P.C. 2010-1500 November 29, 2010

Whereas the proposed *Regulations Amending the Motor Vehicle Restraint Systems and Booster Seats Safety Regulations* make no substantive change to existing regulations and are therefore, by virtue of subsection 11(4) of the *Motor Vehicle Safety Act*^a, not required to be published under subsection 11(3) of that Act;

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Transport, pursuant to section 5^b and subsection 11(1) of the *Motor Vehicle Safety Act*^a, hereby makes the annexed *Regulations Amending the Motor Vehicle Restraint Systems and Booster Seats Safety Regulations*.

**REGULATIONS AMENDING THE MOTOR
VEHICLE RESTRAINT SYSTEMS AND
BOOSTER SEATS SAFETY REGULATIONS**

AMENDMENT

1. Section 700 of the *Motor Vehicle Restraint Systems and Booster Seats Safety Regulations*¹ is replaced by the following:

700. Until September 30, 2011, the restraint systems and booster seats referred to in these Regulations may, instead of conforming to the requirements of these Regulations, conform to the requirements of the *Motor Vehicle Restraint Systems and Booster Cushions Safety Regulations* as they read on the day before the day on which these Regulations came into force and as they were modified in their application by the *Order Modifying the Operation of the Motor Vehicle Restraint Systems and Booster Cushions Safety Regulations* and the *Motor Vehicle Safety Regulations*, which came into effect on May 1, 2009 and was published in the *Canada Gazette*, Part I, on May 9, 2009.

COMING INTO FORCE

2. These Regulations come into force on the day on which they are registered.

**REGULATORY IMPACT
ANALYSIS STATEMENT**

(This statement is not part of the Regulations.)

Issue and objectives

In May 2010, the Government of Canada published the *Motor Vehicle Restraint Systems and Booster Seats Safety Regulations* (the Regulations), which introduced a parallel regime, until December 31, 2010, that allowed manufacturers to follow either the previous requirements or the new child restraint testing requirements.

The Juvenile Products Manufacturers Association, an association representing most of the restraint manufacturers, has noted that the manufacturers have not had sufficient time to complete the testing, research, and resulting design modifications to their restraints, to allow for product certification to be completed prior to December 31, 2010. As a result, they have requested a delay in the mandatory introduction of the Regulations, to allow sufficient time for the restraints to be certified. The association has further noted that not delaying the introduction of the Regulations would lead to a reduction in the choice and supply of restraints available on the Canadian market. There could be a detrimental effect on safety, if children are conveyed in vehicles without using restraints.

The objective of this amendment is to allow the manufacturers to complete the testing, redesign and certification of their restraints to conform with the Regulations.

Description and rationale

This amendment will extend the transition period to December 31, 2011, allowing a further 12 months for the manufacturers to complete the testing, research and certification of their restraints. Until this date, manufacturers will have the option of producing

^a S.C. 1993, c. 16

^b S.C. 1999, c. 33, s. 351

¹ SOR/2010-90

^a L.C. 1993, ch. 16

^b L.C. 1999, ch. 33, art. 351

¹ DORS/2010-90

products that meet either the Regulations or the previous regulatory requirements.

The Regulations were introduced to more closely align the Canadian restraint requirements with those of the United States, including allowing restraint systems for larger children, the introduction of more advanced test dummies, and additional aligned testing performance criteria such as a sled pulse corridor. The requirements of these new Regulations allowing restraints designed for larger children had been in effect in Canada since May 2007, by means of successive Interim Orders. In addition to aligning most testing protocols with those of the United States, the Regulations maintained some pre-existing unique-to-Canada testing requirements and introduced some new ones.

Restraint systems are tested on a dynamic sled, which simulates a vehicle collision. Using a sled with a standard design bench seat allows restraint manufacturers to complete repeatable tests. The introduction of the Regulations included a new standard bench seat design. During the consultation phases, prior to the introduction of the Regulations, manufacturers did not fully anticipate the implications of the increase in dummy mass specifications, the new updated standard bench seat design and the extension of the rebound testing criteria to include all rear-facing child restraints. These requirements have resulted in a greater number of certification tests being required, as well as design challenges that were not anticipated.

Following publication of the Regulations, the restraint manufacturers have been in the process of updating their standard bench seat and retesting their existing restraint designs. As some manufacturers do not have an in-house sled testing facility, they have had to rely on contractor testing facilities. As there are few testing facilities available for contract testing, some manufacturers have not had the opportunity to test all of their existing designs and, subsequently to complete restraint design modifications followed by recertification testing.

Due to the imminent date of entry into force, the design modifications needed, and the unavailability of testing facilities, the Juvenile Products Manufacturers Association has noted that several manufacturers have not completed the re-certification of all restraints models. As a result, it has requested that the Government delay the mandatory introduction date of the requirements. It has to be noted that many restraint systems that complied with the repealed *Motor Vehicle Restraint Systems and Booster Cushions Safety Regulations* would also comply with the new requirements of the Regulations. The repealed requirements have provided a high level of safety for children for many years and will continue to provide protection throughout the useful life of the restraints.

The concern noted by the Juvenile Products Manufacturers Association was that there would be a reduction in number of restraint models available, limiting consumer choice, if this extension were not granted. This is especially true for infant and rear-facing child restraints where the addition of new dummies has resulted in additional testing requirements, which were not part of the previous Regulations.

The Government is also concerned about the possibility that there may not be a sufficient supply of restraints that comply with the Regulations if an extension is not granted. As the use of a restraint is paramount to child safety in the event of a collision, the Government is extending the transitional period until December 31, 2011, after which child restraint manufacturers must comply with the new regulatory requirements. This transition period will allow for sufficient choice and quantity of restraints to be available for Canadians.

Consultation

On May 20, 2009, an informal notice was sent to child restraint manufacturers to gather comments on the Government's intention to amend the now-repealed *Motor Vehicle Restraint Systems and Booster Cushion Safety Regulations*. On August 15, 2009, a Notice of Intent was issued, which outlined the Government's intention to amend the same Regulations by issuing the *Motor Vehicle Restraint Systems and Booster Seats Safety Regulations*. A consultation session followed on August 27, 2009, and the proposed Regulations were published in the *Canada Gazette*, Part I, on October 10, 2009, followed by a 45-day comment period. The new Regulations were published in the *Canada Gazette*, Part II, on May 12, 2010, and included a transitional period, starting on the date of publication, and ending on December 31, 2010.

On September 21, 2010 the Juvenile Products Manufacturers Association sent a letter to Transport Canada requesting a delay in the mandatory introduction date of the new testing requirements. Their reasoning behind this request was based on three issues: the short implementation time allowed by Transport Canada, the unanticipated issues experienced during certification testing, stemming from some modifications to the Regulations, and the lack of available testing facilities. On October 23, 2010, the Juvenile Products Manufacturers Association sent a second letter to Transport Canada with additional data supporting their concern.

Implementation, enforcement and service standards

Motor vehicle manufacturers, child seat manufacturers and importers are responsible for ensuring that their products comply with the requirements of the *Motor Vehicle Safety Regulations* or *Motor Vehicle Restraint Systems and Booster Seats Safety Regulations*, as applicable. The Government monitors self-certification programs of manufacturers and importers by reviewing their test documentation, and inspecting and testing vehicles or equipment obtained in the open market. In addition, when a defect in a vehicle or equipment is found, the manufacturer or importer must issue a Notice of Defect to the owners and to the Minister of Transport. If a vehicle or child seat does not comply with a Canadian safety standard, the manufacturer or importer is liable to prosecution and, if found guilty, may be fined as prescribed in the *Motor Vehicle Safety Act*.

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