Congress of the United States
Washington, DC 20510

August 7, 2024

Ms. Sophie Shulman
Deputy Administrator
National Highway Traffic Safety Administration
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, D.C. 20590

Dear Deputy Administrator Shulman,

We write with alarm after a new study of recent model-year vehicles found known and suspected carcinogens in nearly all of the vehicle interiors tested. Motor vehicle manufacturers most commonly meet the required flammability standard Federal Motor Vehicle Safety Standard No. 302 (FMVSS 302) by adding flame retardants into vehicle seat foam and other materials. However, flame retardants are often highly toxic chemicals with known cancer risks. We urge you to review, and update as necessary, FMVSS 302 to protect consumers from toxic chemicals.

In May, researchers with Duke University, the University of Toronto, and the Green Science Policy Institute published a study that found at least one harmful flame retardant in all 101 vehicles tested across twenty-two different manufacturers. Troublingly, the study also found that ninety-nine percent of the vehicles contained tris(1-chloro-isopropyl) phosphate (TCIPP) – a suspected carcinogen.[1] TCIPP and other flame retardant chemicals are increasingly associated with IQ loss and other neurodevelopmental harms, and many are known endocrine disruptors and carcinogens.[2]

We are concerned that consumers could be unknowingly exposed to these harmful flame retardant chemicals in their vehicles because of this dated standard. When the National Highway Traffic Safety Administration (NHTSA) adopted FMVSS 302 in 1971, it was designed to protect

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[1] Rebecca M. Hoehn, Lydia G. Jahl, Nicholas J. Herkert, Kate Hoffman, Anna Soehl, Miriam L. Diamond, Arlene Blum, and Heather M. Stapleton, "Flame Retardant Exposure in Vehicles is Influenced by Use in Seat Foam and Temperature," *Environmental Science & Technology* 2024 58 (20), 8825-8834.

[2] Rosemary Catorina, Asa Bradman, Heather M. Stapleton, Craig Butt, Dylan Avery, Kim G. Harley, Robert B. Gunier, Nina Holland, and Brenda Eskenazi, "Current-use Flame Retardants: Maternal Exposure and Neurodevelopment in Children of the CHAMACOS Cohort," *Chemosphere* 189, December 2017, 574-580. Heather B. Patisaul, Mamta Behl, Linda S. Birnbaum, Arlene Blum, Miriam L. Diamond, Seth Rojello Fernández, Helena T. Hogberg, Carol F. Kwiatkowski, Jamie D. Page, Anna Soehl, Heather M. Stapleton, "Beyond Cholinesterase Inhibition: Developmental Neurotoxicity of Organophosphate Ester Flame Retardants and Plasticizers," *Environmental Health Perspective* 129, October 2021.

against the interior spread of fires caused by small, open flames, like discarded cigarettes or matches. Today, far fewer people smoke in their cars, and less than ten percent of vehicle fires are caused by an open flame.[3] Most vehicle fires are instead caused by mechanical or electrical failures or malfunctions and are very large by the time they reach a vehicle's interior compartment.[4] We appreciate the NHTSA-commissioned review of the test procedures for FMVSS 302, as reported in an April 2021 study.[5] However, NHTSA must also review the underlying standard to ensure it protects consumers from both fires and harmful chemicals in their vehicles.

We were proud to lead the Safer Occupancy Furniture Flammability Act, which Congress passed in 2021, to update the federal flammability standard for upholstered furniture, moving to a more effective smolder standard and reducing consumers' everyday exposure to harmful flame retardants.[6] It may be time for NHTSA to consider doing the same for vehicles. We look forward to your response on this important matter.

Sincerely,

RICHARD BLUMENTHAL
United States Senate

H. MORGAN GRIFFITH
Member of Congress

DORIS MATSUI
Member of Congress

[3] National Highway Traffic Safety Administration, "Test Procedures for Evaluating Flammability of Interior Materials," by Barbara C. Hennessey, SAE Government Industry Meeting, January 25-17, 2017, https://www.nhtsa.gov/sites/nhtsa.gov/files/documents/2017saebhennessey.pdf.
[4] Marty Ahrens, "Vehicle Fires," National Fire Protection Association, March 2020.
[5] National Highway Traffic Safety Administration, Office of Vehicle Safety Research, *Potential Alternative Methodology for Evaluating Flammability of Interior Automotive Materials*, by Jason P. Huczek, et al, DOT HS 812 091, https://rosap.ntl.bts.gov/view/dot/55583.
[6] Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, 134 Stat. 1182.