



ADVOCATES
FOR HIGHWAY
& AUTO SAFETY



FOUNDATION



Liam'sLife



January 13, 2023

The Honorable Manka Dhingra, Chair
The Honorable Yasmin Trudeau, Vice Chair
Senate Law and Justice Committee
Washington State Legislature
Olympia, Washington 98504

Dear Chair Dhingra and Vice Chair Trudeau:

As representatives of leading public health and safety organizations working to pass highway and auto safety laws that prevent deaths and injuries and contain crash costs, we urge you to support Senate Bill (SB) 5002. This legislation will lower the limit of alcohol-impaired driving to .05 percent blood alcohol concentration (BAC), deter drunk driving and save lives.

Research and laboratory evidence finds that most adults are significantly impaired at .05 percent BAC.ⁱ When behind the wheel of a car, driving skills are degraded resulting in reduced coordination, decreased ability to track moving objects, difficulty steering and diminished response to emergency driving situations.ⁱⁱ The risk of being killed in a single-vehicle crash with BACs of .05 to .079 percent is seven to 21 times higher than for drivers without measurable alcohol.ⁱⁱⁱ

Traffic crashes are a deadly and costly threat to Washington families and visitors that requires urgent attention and action. According to recently released data from the National Highway Traffic Safety Administration (NHTSA), in the first nine months of 2022, 591 people were killed on state roads, a 21 percent increase over the same period in 2021.^{iv} During the last two years, deadly driving behaviors including impairment, lack of seat belt use and speeding have been cited as the primary factors contributing to steep increases in traffic fatalities. Traffic crashes also cost Washington taxpayers nearly \$5.8 billion annually when adjusted for inflation according to NHTSA. Adopting a .05 percent BAC limit will dissuade drinking and driving and curb needless highway deaths and injuries which threaten all road users.^v

Last year, the NHTSA released a [study](#), *Evaluation of Utah's .05 BAC Per Se Law*, that provides critical data on the success of Utah's .05 percent BAC law which was enacted in 2017. The study finds that Utah experienced a nearly 20 percent drop in traffic fatalities in 2019 (248), the first year the law was in effect, compared to 2016 (281), the last year before the law was enacted.^{vi} This improvement in roadway safety occurred despite an increase in vehicle miles traveled (VMT) and outpaced neighboring states as well as the nation as a whole.

Opponents may state that lowering the BAC will reduce alcohol sales and endanger certain businesses, but this assertion is not supported by experience or data.^{vii} In fact, the new Utah study found that state revenues from taxes related to the hospitality industry continued to rise, and tourism increased. Additionally, studies show that when states lowered their BAC limits from .10 to .08 percent, there were no adverse impacts on the operation of the criminal justice system. This has been affirmed from criminal justice experts in Utah, as well as the new Utah study which documents the fact that arrests due to drunk driving did not spike nor was the criminal justice system overwhelmed. Moreover, more than 90 countries have already adopted .05 percent BAC or lower limits and affirmed the safety benefits of the policy.^{viii}

Approximately 30 percent of all traffic fatalities nationwide involve an alcohol-impaired driver indicating progress on curbing drunk driving must be accelerated. If all states adopted a .05 percent BAC or lower law, our nation would experience an 11 percent decline in fatal alcohol crashes and 1,790 lives would be saved.^{ix} A national poll by the Texas Medical Center Health Policy Institute found 55 percent of Americans approve lowering the BAC limit while driving to .05 percent.^x

Each person killed in a preventable alcohol-related crash on Washington roads forever changes the lives of families and communities. The data are clear, the lifesaving benefits are certain, the support is documented and the justification for action is compelling. We urge you to take this critical step to seriously address the death and injury toll of alcohol-impaired driving by supporting SB 5002. Thank you for consideration of our views.

Sincerely,

Catherine Chase, President
Advocates for Highway and Auto Safety

Lorraine Martin, CEO
National Safety Council

Natalie A. Draisin, Director, North American Office
& United Nations Representative
FIA Foundation

Honorable T. Bella Dinh-Zarr, Former Vice Chair
National Transportation Safety Board
Co-founder, *.05 Saves Lives* Coalition

Janette Fennell, Founder and President
Kids and Car Safety

Thomas M. Louizou, Former Regional Administrator
National Highway Traffic Safety Administration
Co-founder, *.05 Saves Lives* Coalition

Marcus Kowal and Mishel Eder, Co-founders
Liam's Life Foundation
Parents of Liam Mikael Kowal

Stephen Hargarten, MD, MPH, Founding President
Society for the Advancement of Violence and Injury
Research

Dennis Maughan, Regional Executive Director
Mothers Against Drunk Driving (MADD)
Washington State Office

Andrew McGuire, Executive Director
Trauma Foundation

Additional organizations that are not signers but recommend or support .05 percent BAC policy:

American Medical Association (AMA)
American Public Health Association (APHA)
Association for the Advancement of Automotive
Medicine (AAAM)
National Academies of Sciences, Engineering and
Medicine (NASEM)
National Road Safety Foundation

National Transportation Safety Board (NTSB)
Remove Intoxicated Drivers (RID)
Safe States Alliance
Society for Public Health Education
Transportation Alternatives
Vision Zero Network
World Health Organization (WHO)

cc: Senate Law and Justice Committee

ⁱ Ibid.

ⁱⁱ MADD, *What is .08?* Available at: <http://www.madd.org/drunken-driving/about/understanding-08.html>

ⁱⁱⁱ Fell, Jim C., Voas, Robert B, *The effectiveness of a 0.05 blood alcohol concentration (BAC) limit for driving in the United States*, PIRE. June 2014.

^{iv} National Center for Statistics and Analysis. (2022, December). Early estimate of motor vehicle traffic fatalities for the first 9 months (January–September) of 2022 (Crash•Stats Brief Statistical Summary. Report No. DOT HS 813 406). National Highway Traffic Safety Administration.

^v NTSB, *.05 BAC Safety Briefing Facts*, February 2017.

^{vi} United States, Department of Transportation, NHTSA, Office of Behavioral Safety Research, *Evaluation of Utah's .05 BAC Per Se Law [Traffic Tech]*, DOT HS 813 234; February 2022.

^{vii} NTSB, *.05 BAC Safety Briefing Facts*, February 2017.

^{viii} Fell, James C., *The Merits of Adopting a 0.05 Administrative Blood Alcohol Concentration Limit for Driving*, *Am J Public Health*. 2016 June; 106(6): 977–978.

^{ix} NORC: Fell JC & Scherer M, Estimation of the Potential Effectiveness of Lowering the Blood Alcohol Concentration (BAC) Limit for Driving from 0.08 to 0.05 Grams per Deciliter in the United States, 2017. Available at: <https://bit.ly/2E5pliq>

^x Governing.com, *How Drunk Is Too Drunk to Drive?* October 2018. Available at: <https://bit.ly/2Et1r6C>.