

Hon. Bella Dinh-Zarr, PhD, MPH
Vice Chairman, National Transportation Safety Board
Oral Testimony before the Law Enforcement and Criminal Justice Committee
Utah State Legislature 2/10/17

Good afternoon Chairman Perry, Vice Chairman Redd, Members of the Committee,

I am honored to be here today. My name is Bella Dinh-Zarr and I am Vice Chairman of the National Transportation Safety Board.

Thank you for allowing me time speak about the safety benefits of a .05 BAC limit.

The NTSB is an independent federal agency and we investigate accidents in all modes of transportation. We are the people you see combing through wreckage to get the Black Box. Our job is to find out what happened and make recommendations to prevent tragedies from happening again. We also work closely with our law enforcement colleagues to assist victims after an accident.

Sadly, sometimes, when I visit a state, it is because of a tragedy that has occurred. So I am very glad to be here today, in Utah, in support of a solution that can prevent tragedies before they happen. That solution is having a .05 or lower BAC limit.

How does a .05 BAC law prevent crashes, deaths, and injuries? Not by increasing DUI arrests. But by preventing people from driving after they have been drinking.

It that has been proven again and again, in country after country, that simply having a lower BAC changes behavior. Simply having a lower BAC prevents people from getting behind the wheel.

When we discuss lowering BACs, sometimes we focus too narrowly on only that group of drivers with BACs between .05 and .079 BAC. It is true, we can't forget that drivers at those BAC levels also cause deaths, such as the death of Sergeant Douglas Weddleton in Massachusetts who was hit by a drunk driver with a .07 BAC. And we can't forget that people ARE impaired at those lower levels – in fact, drivers between .05 and .79 BAC are 7 times more likely to be in a fatal crash than drivers without any alcohol in their systems.

But the much, much bigger effect that a lower BAC law has is on the entire population of drinkers - on people at ALL LEVELS of BAC – high and low – people who are discouraged from driving. A .05 BAC law works to prevent deaths and injuries because it reminds people to separate drinking from driving.

That is why, in 2013, the NTSB recommended that all 50 States lower their illegal BAC per se limit to .05% or lower. That is why we included .05 BAC is an effective tool to reduce impaired driving as part of our Most Wanted List of Transportation Priorities. Here in Utah, you already have the lowest rates of alcohol fatalities in the nation. But we are concerned because the percentage of alcohol-involved deaths did increase in Utah from 12% in 2005 to 22% in 2014. (NHTSA) A .05 BAC can help Utah truly move Towards Zero Deaths on your highways.

I won't go over the many decades of research that conclusively show that .05 BACs can save lives but I have prepared a safety briefing sheet for you.

We know that .05 BAC levels would result in a potential 11% decrease in fatal alcohol crashes, which means we could save nearly 1800 lives (1790 lives) every year nationwide. We also know that about 100 countries have .05 or lower BAC laws and, although people in those countries drink MORE per capita than people in the US, there are fewer deaths on the roads. That's right, they drink more yet they die less – because of a .05 or lower BAC.

Opponents are wrong when they say that a .05 BAC law is about drinking. It is about separating drinking from driving.

I am **not** here today to stop people from drinking; I **am** here today to stop people from dying.

That is what we do at the NTSB. We make safety recommendations to prevent deaths and injuries in transportation. We already know many ways we can prevent impaired driving crashes and a .05 BAC limit is one of those proven ways.

Yesterday, I called a retired state trooper I know. I wanted to know what reservations he and other law enforcement officials might have about a .05 BAC law because I respect his opinion. His response surprised me. He said “none.” He said that even if .05 did increase the workload, which it has **not** in other jurisdictions, but even if it did, he said (quote) “it would be worth it to me because it still would be better than having to deliver a death notification”. He said that police officers never forget the experience of telling a family member that their loved one has just died.

Talking with my friend the former state trooper (and many other law enforcement professionals today here in Utah) made me think again about the far-reaching prevention potential of a .05 BAC law. From the time I was a young student in Texas volunteering in a Level 1 trauma center to today at the NTSB when we must rush to the scene of an accident, I have seen the terrible aftermath of preventable accidents. And I want to do everything I can to prevent them.

Without burdening police officers or prosecutors with extra work, lowering the BAC would prevent deaths and injuries on Utah roads. It would spare dozens of Utah families every year from hearing about the death of a loved one. A .05 BAC would also spare dozens of Utah police officers every year from the painful duty of delivering such tragic news.

We are all here for the same reason – because we care about the well-being and safety of our fellow human beings. A .05 BAC law is proven to save lives and the majority of Americans support it. I respectfully ask that you support this lifesaving bill. Thank you.