

United States Senate

WASHINGTON, DC 20510

November 12, 2014

President Barack H. Obama
The White House
Washington, D.C. 20500

Dear Mr. President:

Reports indicate that you may soon nominate a new Administrator for the National Highway Traffic Safety Administration (NHTSA), and that additionally you are engaged in a review of that agency to determine whether it has “the dial set correctly” on safety. We believe this is an opportunity to improve NHTSA’s safety mission by providing the agency with strong leadership and reforming some of its practices. As you move forward with your efforts, we urge you to direct and empower the new Administrator to take the following vital steps in order to improve public confidence in NHTSA and save lives.

- 1) Improve Transparency.** Recent automobile safety crises have illustrated serious deficiencies in measures Congress intended to provide public awareness of potential safety defects. A 2007 accident analysis prepared by the Wisconsin State Patrol Academy correctly identified the cause of the GM ignition switch safety defect, but this document was kept secret by both GM and NHTSA until it was obtained and released publicly in 2014 at a Senate Commerce Committee hearing. Honda has also acknowledged a failure to comply with its statutory requirement to submit information about accidents involving Takata airbags to NHTSA’s public Early Warning Reporting database. NHTSA must alter its practices to require automakers to publicly release more information about accidents that could be caused by safety defects, upgrade its own safety databases, and do a better job of enforcing compliance with transparency measures intended to provide early warnings about potentially dangerous defects to the public.
- 2) Curtail Regional Recalls.** We are concerned that regional recalls may not sufficiently protect the public. For example, the recent safety actions related to more than 7 million vehicles with recalled Takata airbags have largely been limited to four States that have continuously hot and humid climates. These actions may not account for States that experience seasonally high heat and humidity, and they fail to acknowledge the potential for drivers to permanently or temporarily move among States. Because of the potential for overlooking so many affected consumers, when it comes to serious safety defects that could kill drivers or passengers, NHTSA should not allow regional recalls.
- 3) Take Dangerous Cars Off the Road.** Despite the fact that the GM ignition switch defect has been linked to at least 32 deaths and more serious injuries, NHTSA allowed impacted cars to continue to be driven as long as drivers followed GM’s warnings not to make the key chains too heavy. And while Toyota has warned owners of some vehicles that contain passenger-side Takata airbags to disable them and cease allowing passengers to sit in the passenger seat until the airbags are repaired, NHTSA has not required other automakers that contain Takata airbags on the driver or passenger side to issue similar


warnings. When a safety defect that could cause fatalities is identified, NHTSA should ensure that the owners of all potentially impacted vehicles are warned, that automakers are required to provide safe and free rental vehicles until the repairs are made, and, when the safety defect could harm the driver, that drivers are warned not to drive the cars at all.

- 4) **End Voluntary Service Campaigns for Safety Defects.** Although the Takata airbag defects have been linked to at least four deaths and more injuries, many automakers have not been required to undertake mandatory safety recalls. Instead, they have undertaken voluntary service campaigns, which means that NHTSA cannot enforce compliance with issues related to whether dealers perform the required service free of charge, the manner in which consumers are made aware of the potential safety defect, and the speed at which the repairs are made.
- 5) **Provide Sufficient Resources.** While we believe that some of NHTSA's recent failures stem from a lack of will to aggressively oversee compliance with and enforcement of its statutory authority, we also acknowledge the need for additional resources to be made available to the agency in furtherance of its vital safety mission. We encourage you to request all necessary resources in your FY 2016 budget request, and we stand ready to support such a request.

Thank you very much for your consideration of these safety priorities.

Sincerely,


Edward J. Markey
United States Senator


Richard Blumenthal
United States Senator


Bill Nelson
United States Senator