



**Monthly Report** – March 2014 -- Vol. 2, No. 4 – ISSN 2332-063X

## **Who is Responsible For The Last Decade of Crash Deaths?**

Louis V. Lombardo

### **On The Trail of Responsibilities for Crash Deaths and Serious Injuries**

Investigative reporters and editors are looking into the GM Recall problem and detecting failures in the public and private sectors to protect Americans. The Washington Revolving Door of people going in to regulatory agencies and out to corporate positions is now in their sights.

See NY Times articles at

<http://www.nytimes.com/2014/03/31/business/former-safety-agency-aides-some-now-aiding-the-car-industry.html?emc=eta1>

<http://www.nytimes.com/2014/03/31/business/carmakers-close-ties-to-regulator-scrutinized.html?emc=eta1>

See Washington Post articles at

[http://www.washingtonpost.com/business/economy/why-did-gm-take-so-long-to-respond-to-deadly-defect-corporate-culture-may-hold-answer/2014/03/30/5c366f6c-b691-11e3-b84e-897d3d12b816\\_story.html](http://www.washingtonpost.com/business/economy/why-did-gm-take-so-long-to-respond-to-deadly-defect-corporate-culture-may-hold-answer/2014/03/30/5c366f6c-b691-11e3-b84e-897d3d12b816_story.html)

[http://www.washingtonpost.com/politics/gm-hearing-will-test-automakers-deep-washington-ties/2014/03/30/f4052514-b514-11e3-b899-20667de76985\\_story.html](http://www.washingtonpost.com/politics/gm-hearing-will-test-automakers-deep-washington-ties/2014/03/30/f4052514-b514-11e3-b899-20667de76985_story.html)

Since 2001, more than 500,000 Americans have died of their injuries in crashes. And an estimated (NHTSA does not count them) 2 million more Americans suffered serious injuries in crashes such as brain and spinal cord injuries, burns, amputations, and disfigurements. During this decade of crash deaths and injuries, the number of Americans who died of their crash injuries is more than the number of Americans who died in the wars of WW I, WW II, Korean, Viet Nam, Iraq, and Afghanistan - combined.

See [http://en.wikipedia.org/wiki/United\\_States\\_military\\_casualties\\_of\\_war](http://en.wikipedia.org/wiki/United_States_military_casualties_of_war)

This is a much bigger story than it appears at first. One part of the story is that the Safety Industrial Complex (SIC) heavily influences national

policies. Another, part that is becoming clear: What is not good for the American people is not good for GM, or Toyota, or any other auto company.

With great power comes great responsibility. So let's examine some of the powerful people and policies. Who had the power and responsibilities in the U.S. government and GM to protect American crash victims?

The NY Times and others have compiled Timelines of Complaints and NHTSA information on the GM recall going back to 2001 to help answer questions of who knew what, and when at GM and NHTSA.

The investigations need to include the powerful people in government, GM, and the auto industry. A pattern will emerge that will help the public understand who the people in power were that failed to protect us all.

## **A Decade of Government Safety Policies - Driving Under the Influence**

### **Andrew Card --**

From 2001 when President George W. Bush was selected President until April 14, 2006, Andrew Card was White House Chief of Staff. Formerly Mr. Card was General Motors' Vice President of Government Relations. See [http://en.wikipedia.org/wiki/Andrew\\_Card](http://en.wikipedia.org/wiki/Andrew_Card)

### **Jeffrey A. Rosen --**

*"From 2003 to 2006, Rosen served as the General Counsel of the U.S. Department of Transportation, after having been unanimously confirmed by the U.S. Senate. As that Department's Chief Legal Officer, he had final authority within the DOT to resolve all legal questions arising within or referred to the Department. As General Counsel, he oversaw the activities of more than 400 lawyers in the Transportation Department and its operating administrations. Rosen also had responsibility for DOT's regulatory program, enforcement and litigation activities, legal issues relating to international activities involving transportation, legislative proposals..."*

*"From 2006 to 2009, Rosen served as General Counsel and Senior Policy Advisor for the White House Office of Management and Budget, which made him the Administration's lead lawyer for regulatory and fiscal issues, as well as for executive orders. Rosen's legal responsibilities included giving analysis*

*and advice to the OMB Director and the President with regard to federal laws related to a wide array of government agencies and programs, as well as administrative law, Constitutional law, ethics laws, federal credit and insurance laws, litigation against the United States, and federal budget and appropriations laws. He also handled responses to Congressional oversight and investigations. Illustrative issues within his purview included such things as energy and climate change, safety and security regulations, infrastructure investment, higher education, litigation reform, spending earmarks, and federal credit programs."*

See <http://www.acus.gov/contacts/jeffrey-rosen>

During the 1990's, while in private practice, Mr. Rosen defended GM in the side-saddle gas tank recall.

*"[General Motors 1973-1987 C/K pickup trucks have the fuel tank located outside the frame](#). According to the [Center for Auto Safety](#) this creates a fire hazard.<sup>[3]</sup> In automotive applications, improper placement of the fuel tank has led to increased probability of fire in collisions. Circa 1990, [General Motors](#) faced over a hundred [product liability](#) lawsuits related to fires allegedly caused by GM's decision to place the fuel tanks in its [pickup trucks](#) outside the protection of the vehicle's frame.<sup>[4]</sup> In 1993, reportage on this matter for [NBC News](#) created a scandal over vehicles [rigged to catch fire](#) for the television camera."*

See [http://en.wikipedia.org/wiki/Fuel\\_tank](http://en.wikipedia.org/wiki/Fuel_tank)

## **NHTSA**

**David Strickland** – NHTSA Administrator 2009 – 2014, leaves through revolving door to work at Venable law firm with transportation clients.

**David Friedman** - Acting NHTSA Administrator 2014. He has fuel economy experience, but not much auto safety experience.

**Jacqueline Glassman** -- From 2002 - 2006 Ms. Glassman was Chief Counsel and Acting Administrator of NHTSA. Formerly she served as a Senior Counsel for Chrysler Corporation. Now she is again back in the private sector representing auto industry interests.

**John Mattox** -- From 2008 - 2012 Mattox was NHTSA Associate

Administrator, Vehicle Safety. Formerly he worked at Ford and VW. Now he is back in the private sector doing research with auto industry interests as Director of Collaborative Program Strategies, University of Michigan Transportation Institute and Texas Transportation Institute.

**Steve Ridella** -- From about 2007, Mr. Ridella worked at NHTSA in Vehicle Safety Research. He is now head of NHTSA Vehicle Crashworthiness Research. Ridella formerly worked for GM. See latest NHTSA Organization Chart and 2014 Budget attached.

**Dr. Matt Craig** -- for several years now Dr. Craig has been head of the NHTSA Human Injury Research program (HIRP). HIRP includes the NHTSA CIREN program that investigates crashes and injuries. Dr. Craig reports to Mr. Ridella. Dr. Craig also formerly worked for GM. [Disclosure: I had a role in the development of the CIREN Program in the 1990s.]

## **GM**

**Jeff Boyer** -- *"Boyer began his GM career in 1974. Since 2001 he was Executive Director of Engineering Operations and Systems Development. Before that, Boyer served as Executive Director of Global Interior Engineering and Safety Performance where he was responsible for the performance and certification of GM vehicle safety and crashworthiness."*

See <http://www.thedetroitbureau.com/2014/03/stung-by-recall-scandal-gm-appoints-new-safety-czar/>

**Robert C. Lange** -- From 1994 to November, 2008, Mr. Lange was Executive-In-Charge, Engineering Director, and Executive Director Vehicle Structure and Safety Integration at General Motors Corporation. Before, and afterwards, he worked for the product liability defense company Exponent. See

*"Robert C. Lange worked for the Company from 1982 to 1994. During this period, he was promoted to Principal Engineer and Vice President in 1985. Mr. Lange rejoined Exponent in November 2008 as Group Vice President and Principal Engineer. From 1994 to 2008, Mr. Lange was Executive-In-Charge, Engineering Director, and Executive Director Vehicle Structure and Safety Integration at General Motors Corporation. Mr. Lange received his M.S. (1975) and B.S. (1969) in Mechanical Engineering from the University of Michigan. Mr. Lange is a past Director of the National Safety Council. Mr. Lange is a member of the Transportation Research Board Advisory*

*Committee for Congressional Report on the Strategic Highway Research Plan, SHRP-2 and a past member of the Board of Directors of the National Safety Council. He was Chair of the Society of Automotive Engineers' Motor Vehicle Systems Board from 2004 to 2008.*

Source: <http://www.forbes.com/profile/robert-lange/>

**Chester A. Huber** -- Chet Huber's bio reads:

*"in 1995 Chet was assigned to lead a study team to evaluate a wireless, location-based services opportunity in the auto industry, and was ultimately selected to lead the start-up effort that became GM's OnStar business. During his fourteen year tenure as President and CEO, OnStar grew to over six million subscribers, built a market leading brand and intellectual property position, generated revenues in excess of \$2 billion, and achieved industry leading profitability. He retired from General Motors in 2009....*

*He has served on the Board of Directors for General Magic and XM Satellite Radio, been appointed to Federal Advisory Committees at NASA and the Centers for Disease Control,"*

See <http://www.hbs.edu/faculty/Pages/profile.aspx?facId=139259>

Mr. Huber, in his 2011 book "Detour" praises his relationship with Dr. Richard C. Hunt (p. 230). *"(Meeting Dr. Hunt) was the beginning of an important relationship with Dr. Hunt and something that turned into a wonderful personal friendship.... Rick was subsequently asked to become a section head at the CDC's Center for injury Prevention and Control....Our head of public policy, Bill Ball, did some great work coordinating an effort with Rick where we provided funding to the CDC Foundation to study ways for the 911 community to fully exploit our newly deployed digital crash signature technology. By that time, we'd rolled it out across almost all of GM's new vehicles."*

**\$250,000 from GM to CDC Foundation to CDC - March 27, 2007**

Announcement of partnership of CDC and GM at  
<http://www.cbsnews.com/news/onstar-cdc-join-forces-on-crash-response/>

Photos of Dr. Hunt and Chet Huber at the June 5, 2007 announcement at  
<http://www.cdc.gov/news/2007/06/crashresponse.html>

In 2006, under the direction of Dr. Hunt, CDC removed "Rollover and Extrication" from the Triage Guidelines. Later, on January 23, 2009, (after the 2008 election) this decision was described by CDC:

*"In 2005, with support from the National Highway Traffic Safety Administration, CDC began facilitating revision of the Decision Scheme by hosting a series of meetings of the National Expert Panel on Field Triage, which includes injury-care providers, public health professionals, automotive industry representatives, and officials from federal agencies. In 2006, the most recent revision of the Decision Scheme was published by the ACS Committee on Trauma (ACS-COT) without an accompanying rationale (6). To expand dissemination of the 2006 and future decision schemes, CDC and ACS-COT have agreed to publication of this report, which describes the process of revision and the detailed rationale behind new triage criteria in the scheme ([Figure 1](#))"*

### **Rollover Crash: Criterion Deleted**

*Panel members concluded that a rollover crash is not associated per se with increasing injury severity. The increased injury severity associated with rollover crashes results from an occupant of a motor vehicle being ejected either partially or completely from the vehicle, which occurs most frequently when restraints are not used. Because partial or complete ejection is already a criterion for transport to a trauma center as a mechanism of injury associated with a high-risk MVC, the Panel chose to delete rollover crash from the 2006 Decision Scheme.*

*Published data indicate that rollover crash is associated with a PPV for severe injury of <10% (100). A multivariate analysis of 621 crashes indicated that rollover crash was not associated with ISS of >15 (92). Further, an analysis of contemporary NASS CDS research confirmed that rollover crash (in the absence of ejection) was not associated with increasing injury severity (AIS of  $\geq 3$ ); however, rollovers with ejection were associated with increasing injury severity (105). Review of NASS CDS data also indicated that a >20% risk of ISS of >15 was not associated with the number of quarter turns in a rollover crash, the landing position of the vehicle, or maximum vertical or roof intrusion (100).*

### **Extrication Time >20 Minutes: Criterion Deleted**

*The Panel discussed the value of retaining extrication time of >20 minutes as a criterion in the 2006 Decision Scheme. In its discussion, the Panel recognized potential problems with field use of this criterion. EMS personnel can experience difficulty in determining exact times while managing the scene of a crash and assessing and treating vehicle occupants. Adverse weather conditions and darkness can complicate matters further. Additionally, because the majority of EMT personnel are trained only to do light extrication and must call someone else for heavy rescue, when EMS personnel should start the clock for the 20-minute timeframe has remained unclear.*

*In any vehicular crash, the need for extrication is caused most often by intrusion into the passenger compartment. The Panel recognized that, although lengthy extrication time might be indicative of increasing injury severity, new crush technology in automobiles is causing an increase in the number of nonseriously injured patients who require >20 minutes for extrication. Intrusion already is contained in the 2006 Decision Scheme as a criterion for transport to a trauma center associated with a high-risk MVC. The Panel determined that the modifications made to the triage protocol for cabin intrusion adequately addressed issues relevant to extrication time and elected to delete extrication time as a criterion."*

See <http://www.cdc.gov/mmwr/preview/mmwrhtml/rr5801a1.htm>

**Sept. 16, 2010 GM Foundation adds another \$100,000 to CDC Foundation and \$500,000 to Stewart C. Wang at U. of Michigan.** See <http://johndayautomotiveelectronics.com/gm-relaunches-onstar/> <http://automotivemedicine.org/about/>

Dr. Stewart C. Wang was heavily involved in the Triage Guideline revisions and funded by GM, Toyota, and NHTSA.

### **Why Did GM Fund Removal of "Rollover and Extrication"?**

At the time I was shocked because rollover crashes are the most likely to involve serious injuries. In a rollover crash there is more than a 50% probability of an injury.

July 18-20, 2007 - Paula Lawlor organized a conference on Roof Crush in Washington DC. At a coffee break, I asked some people present, who I did not know, if anyone had any ideas why GM would want "Rollover and Extrication" removed from the nation's triage guidelines after having been in them for nearly two decades. Why?

One gentleman then said:

1. Auto companies have a long list of outstanding law suits against them on rollover crashes.
2. As long as the triage guidelines had "Rollover and Extrication" in them as important indicators of serious injuries, company lawyers faced a legal hurdle of defending against "foreseeability" legal obligations to have improved the vehicles to prevent injuries in rollovers.
3. If the person died, rather than living for decades as a quadriplegic or brain injured victim, it would be much cheaper to settle the law suit. (I thought that was over the top.) I asked around later and was told that the gentleman was a famous rollover trial lawyer and could be believed. But when I asked if I could quote him he declined.

For reasons on the Importance of Rollover as a Triage Criteria, see paper I worked on at [http://www.careforcrashvictims.com/assets/rollover\\_paper.pdf](http://www.careforcrashvictims.com/assets/rollover_paper.pdf)

**Dr. Richard C. Hunt** -- Where is he now? As of September, 2013:

*"Richard C. Hunt, MD, FACEP serves as Senior Medical Advisor for the National Healthcare Preparedness Programs in the Office of the Assistant Secretary for Preparedness and Response, U.S. Department of Health and Human Services."*

See [http://www.iscramlive.org/portal/sites/default/files/Advancing\\_Community\\_Disaster\\_Resilience.pdf](http://www.iscramlive.org/portal/sites/default/files/Advancing_Community_Disaster_Resilience.pdf)

Since 2002, nearly 120,000 Americans died from rollover crash injuries.

See <http://www.careforcrashvictims.com/assets/2012-00872-FATALITIES.PDF>

## **NHTSA 2014 Budget**

*"Safety Defects Investigation – Enforcement:*

*• \$10.6 million – The increase of \$0.6 million is due to funding restoration resulting from prior year enacting legislation."*

See p. 13 in attached 2014 NHTSA Budget Overview.

On p. 15 it shows that in 2013, the number of people was about the same number (610) as in 1983 when the Reagan Administration had cut the Agency by about 300 people. I often wonder how many more lives could NHTSA have saved if over those 30 years NHTSA had remained at the 1980 level under Joan Claybrook in both numbers and dedication to the public interest. Since then more than 1 million more Americans have died of crash injuries.

## **How Many More Tragedies & Mismatched People and Policies?**

NHTSA ODI Budget: \$10.6 million, Mary Barra's income: \$14 million.

GM's Mary Barra invited to sit with Michelle Obama at State of Union. Not a female auto safety leader whose work has saved tens of thousands American lives.

More Americans died of crash injuries under President Obama in 5 years than Americans who died in the Korean, Viet Nam, Iraq, and Afghanistan wars combined. But auto safety is not on the White House web site of issues.

[http://www.washingtonpost.com/politics/gm-hearing-will-test-automakers-deep-washington-ties/2014/03/30/f4052514-b514-11e3-b899-20667de76985\\_story.html](http://www.washingtonpost.com/politics/gm-hearing-will-test-automakers-deep-washington-ties/2014/03/30/f4052514-b514-11e3-b899-20667de76985_story.html)

See House Commerce Committee Hearing documents for April 1, 2014 at

<http://democrats.energycommerce.house.gov/index.php?q=hearing/hearing-on-the-gm-ignition-switch-recall-why-did-it-take-so-long-subcommittee-on-oversight-a>