



ADVOCATES
FOR HIGHWAY
& AUTO SAFETY

**Summary of Testimony of Joan Claybrook
Consumer Co-Chair, Advocates for Highway and Auto Safety
Former Administrator, National Highway Traffic Safety Administration**

Each year motor vehicle crashes kill more than 33,000 lives and injure millions more at a cost to society of \$800 billion. Unfortunately, deaths resulting from motor vehicle crashes are on the rise. The most recent data available from the National Highway Traffic Safety Administration (NHTSA) indicates that traffic fatalities in the first three months of 2015 have increased by 9.5 percent since last year. Moreover, the National Safety Council estimates that motor-vehicle deaths are up 14 percent over the first six months of 2015, representing the largest increase since 2007.

These grim statistics come at a time when Americans are also facing a record number of recalls for defective motor vehicles. In 2014, according to NHTSA, there were 801 separate recalls and service campaigns involving 63.7 million vehicles. So far in 2015, there have been 613 recalls covering over 40 million vehicles according to the agency. Additionally, there have been ten Congressional hearings on vehicle safety defects issues during the 113th and 114th Congresses, of which six were held by the House Energy and Commerce Committee. Yet, Congress has not taken any meaningful or corrective actions to stop auto industry cover-up and hold corporations accountable or provide the NHTSA with the staff and financial resources to protect consumers, issue critical safety standards and regulate the auto industry. In the face of so many recent deadly safety recalls, hundreds of needless deaths and injuries due to hidden defects, extensive auto industry misconduct, inadequate agency funding, and paltry fines there is an urgent need for Congress to pass legislation that protects the public instead of corporate executives.

The NHTSA has a laudable history of saving lives through issuing vehicle safety standards and implementing behavioral initiatives. It is both unfortunate and unnecessary that the agency is chronically underfunded even while its critical importance to public health and safety and saving money is clearly documented. In order to advance safety gains and improve the agency's effectiveness in detecting, investigating and solving safety threats as well as meeting new expected challenges, a substantial increase in funding is essential and justified for NHTSA. The agency must also be given the authority to pursue relevant and robust penalties. The unsatisfactory conclusion to the recent investigation of the GM vehicles equipped with a defective ignition switch is a stark reminder of why NHTSA must be given the authority to levy larger monetary fines than currently capped in the law at a measly \$35 million as well as criminal penalties for such grave malfeasance and misconduct.

Advocates supports amending several federal laws to provide NHTSA with enhanced authorities to address existing safety problems and future challenges. The draft bill released by the Committee's majority does not provide solutions to the problems identified at the six hearings nor does the bill advance safety in any significant or meaningful way. Instead, the bill seriously dilutes critical environmental protections that control vehicle emissions and promote fuel economy and wastes taxpayer dollars by turning NHTSA into the National Highway Traffic *Study* Administration. The bill diverts precious agency resources to conducting at least 16 separate burdensome studies or reports. Additionally, several provisions put the auto industry in the driver's seat on vehicle safety at the expense of the regulatory agency and the safety of the American public.

Many of the needed changes are included in the Vehicle Safety Improvement Act of 2015, H.R. 1181, sponsored by Committee Ranking Member Frank Pallone (D-NJ6) and Subcommittee Ranking Member Jan Schakowsky (D-IL9) as well as other Committee colleagues. This legislation includes commonsense and cost-effective solutions to the numerous problems identified in hearings held by the Energy and Commerce Committee on the defective GM ignition switches and exploding Takata airbags. In addition to tougher penalties, imminent hazard authority, improved transparency and pedestrian safety, critical motor vehicle safety provisions should be part of the Committee's safety title including protecting consumers by prohibiting rental car and used car dealers from selling or renting consumers cars under recall, judicial review of final agency actions, a lobbying and communications "cooling-off" period for NHTSA personnel, and equipping vehicles with technology to detect the presence of a child who has been left in a vehicle to prevent another senseless tragedy.

There are no acceptable excuses for delaying any longer the adoption of lifesaving laws, consumer protections, increased penalties for corporate misbehavior, strengthening NHTSA's authority and resources, and improved vehicle safety standards that can save lives and reduce injuries, especially when sensible solutions are at hand.



**ADVOCATES
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**STATEMENT OF JOAN CLAYBROOK
CONSUMER CO-CHAIR
ADVOCATES FOR HIGHWAY AND AUTO SAFETY**

ON

**“EXAMINING WAYS TO IMPROVE VEHICLE
AND ROADWAY SAFETY”**

BEFORE THE

COMMITTEE ON ENERGY AND COMMERCE

SUBCOMMITTEE ON COMMERCE, MANUFACTURING AND TRADE

OCTOBER 21, 2015

Introduction

Good morning Chairman Burgess, Ranking Member Schakowsky and members of the Subcommittee. I am Joan Claybrook, Consumer Co-chair of Advocates for Highway and Auto Safety (Advocates) and former Administrator of the National Highway Traffic Safety Administration (NHTSA). Advocates is a coalition of the leading public health, safety, and consumer organizations and the major property and casualty insurance companies and insurance agents that works together to prevent motor vehicle crashes, save lives, reduce injuries and contain costs through the adoption of highway and auto safety laws, programs and regulations. Advocates is a unique coalition dedicated to improving safety by addressing motor vehicle crashes as a public health issue.

According to the federal government, each year motor vehicle crashes claim more than 33,000 lives and millions more are injured at a cost to society of \$800 billion.¹ Unfortunately, deaths resulting from motor vehicle crashes are on the rise. The most recent data available from the National Highway Traffic Safety Administration (NHTSA) indicates that traffic fatalities in the first three months of 2015 have increased by 9.5 percent since last year.² Moreover, the National Safety Council estimates that motor vehicle deaths are up 14 percent over the first six months of 2015, representing the largest increase since 2007.³

These grim statistics come at a time when Americans are also facing a record number of recalls for safety-defective motor vehicles. In 2014, according to NHTSA, there were 801 separate vehicle recalls and service campaigns involving 63.7 million vehicles.⁴ So far in 2015, there have been 613 recalls covering over 40 million vehicles according to the agency.⁵

History has shown that when automakers place defective vehicles into the marketplace there are deadly consequences. In 2000, Congressional hearings and the media revealed hundreds of needless deaths and injuries caused by the Firestone/Ford defective tire fiasco. Again, in 2009, families were put at unacceptable risk due to the Toyota sudden acceleration problem. And, in the past two years the public has learned about the cover-ups and deception by General Motors (GM) executives who knowingly used faulty ignition switches that have been linked to at least 174 deaths with some reports placing the grim total above 200 fatalities,⁶ and many more injuries. Subsequently, the defective airbags manufactured by Takata have caused at least 8 deaths and 100 injuries.⁷ This tragic death toll from these defects that were not revealed to NHTSA as the law requires is equivalent to the lives that would be lost in a major aviation crash. If such an incident were the result of a faulty airplane part known to the manufacturer, there is no doubt that Congress would take swift, strong and immediate action to stop it from happening again.

Yet, why has the Congress not taken any meaningful action to address and assure correction of known safety problems contributing to this public safety crisis, despite ten Congressional hearings⁸ on vehicle safety defects issues during the 113th and 114th Congresses, of which six were held by the House Energy and Commerce Committee?⁹ The majority draft bill contains no significant solutions to deter future safety defects or hold corporations and individuals responsible for their wrongful actions. And, despite the release last June of the Department of Transportation's Inspector General's scathing report¹⁰ on NHTSA's inadequate efforts to identify safety-related vehicle defects, including the agency's failure to document its decisions to not

investigate potential safety issues, the Majority Bill fails to provide for judicial review of the agency's arbitrary rejection of defect petitions filed by the public.

In the face of so many recent disastrous safety recalls, some of them years after the cars were first sold, the public cries out for action by Congress. The time to act is now or we can surely expect the same shameful industry behavior, the same unacceptable agency shortcomings, and the same callous disregard for the safety of families. Is there no moral authority in this Congress to insist that the blood of innocent victims not be needlessly spilled?

NHTSA has a laudable history of saving lives through issuing vehicle safety standards and implementing behavioral initiatives, and in the last year has significantly improved its performance as the cop on the regulatory beat. However, there is still an unfinished safety agenda that needs to be addressed in the safety title of the multi-year, multi-modal surface transportation authorization bill Congress is currently debating. This bill will set the safety agenda for the next six years. During this time period it is expected that there will be nearly 200,000 people killed on our roads and 12 million injured. This is roughly equivalent to the populations of Irving, Texas¹¹ and the Commonwealth of Pennsylvania¹² respectively. Why is the sanctity of life not job One in this Congress? Particularly when the proven life-saving record of NHTSA's vehicle safety programs is so significant.

Furthermore, the agency will certainly face many new future safety challenges as vehicle technology becomes more complex and continues to rapidly develop. While emerging in-vehicle technologies hold out the hope of improving safety on our nation's roads, many remain unproven

and others may very well contribute to the epidemic of distracted driving. Due to the swift advancement of these technologies, cyber security is also a growing and serious concern. Earlier this year, researchers funded by the U.S. Department of Defense remotely hacked into the control system of a driverless car including the braking and steering controls.¹³ It is essential that NHTSA, the agency charged with ensuring the safety of our vehicles and our drivers, be equipped with both the appropriate resources and personnel to confront the myriad of emerging issues presented by new technologies. It is almost incomprehensible that the entire vehicle safety program for the U.S. has a miniscule budget of only \$130 million, and it has barely increased over the last six years. It is both unfortunate and unnecessary that this agency is chronically underfunded by Congress even while its critical importance to public health and safety continues to expand. Congress has a moral obligation in the safety title of the six year reauthorization bill to give NHTSA the ability to do its job and to do it effectively. Our lives and those of our families as well as yours literally depend on it.

Advocates commends this committee for including in the safety title of the Moving Ahead for Progress in the 21st Century Act¹⁴, or MAP-21, several safety provisions directing agency regulatory actions on overdue lifesaving measures to improve motorcoach safety. These issues, identified in countless recommendations and crash investigations by the National Transportation Safety Board, languished for years, even decades, until specific deadlines for agency action were enacted in MAP-21. However, even now, deadlines for the issuance of a number of final rules and other safety actions required by the legislation are delayed and will not be completed on time, including final rules for roof strength, anti-ejection protection and rollover crash avoidance.¹⁵ These safety advances are critical as millions of passengers are transported by

motor coaches each year. In 2013, according the American Bus Association Foundation, the motorcoach industry in the United States and Canada provided 605 million passenger trips.¹⁶ These delays in issuing safety standards are, in part, a reflection of the agency's totally inadequate resources to comprehensively address its safety mission.

Lives Saved by Safety Systems and Programs

Laws passed by Congress and subsequent rules issued by NHTSA requiring vehicle safety standards and technologies have saved thousands of lives. NHTSA studies show that since 1975 motor vehicle safety technologies have saved over 400,000 lives.¹⁷ For example, frontal air bags saved 2,388 lives in 2013 and have saved nearly 40,000 people since 1991.¹⁸ In 2012, electronic stability control (ESC) saved an estimated 1,144 lives among passenger vehicle occupants.¹⁹ Child restraints saved the lives of 263 children age four and under in 2012 and more than 10,000 young children since 1975.²⁰ In addition to laws requiring safety technologies, other laws enacted by Congress to improve safety on our roads have been proven lifesavers. For example, the 21-year-old minimum drinking age law has saved 25,013 lives since enactment in 1984.²¹

A comprehensive NHTSA reauthorization bill with sufficient agency funding, stronger enforcement tools, enhanced consumer protections and commonsense and cost-effective safety requirements will allow NHTSA to fulfill its statutory mission to prevent death and injuries and economic losses from motor vehicle crashes.

Sufficient Resources for NHTSA are Essential

NHTSA's funding and staffing levels have suffered over the years. Today, 95 percent of transportation-related fatalities and 99 percent of transportation injuries²² occur on our streets and highways and yet, NHTSA receives only one percent of the overall U.S. Department of

Transportation (DOT) budget.²³ NHTSA is responsible for the safety of over 316 million Americans who drive or ride in or are around more than 269 million registered motor vehicles.²⁴ Motor vehicle crashes are the leading cause of death for all Americans ages five to 24, and the second leading cause of death among adults 25 to 34 years of age.²⁵ By any measure motor vehicle deaths and injuries are a major and costly public health epidemic. In order to advance safety gains and improve the agency's effectiveness in detecting, investigating and solving safety threats as well as meeting new expected challenges, a substantial increase in funding is essential and justified for NHTSA.

The current NHTSA budget for motor vehicle safety activities and research (including rulemaking, enforcement, research and analysis) is a small portion of NHTSA's overall budget. Current funding for NHTSA's Vehicle Safety and Research program was just \$130 million for Fiscal Year (FY) 2015.²⁶ This total is grossly inadequate in the face of the agency's mission and safety responsibilities that affect every American and every registered motor vehicle on our roads. Moreover, this paltry sum has barely increased over the past eight years.²⁷ When accounting for inflation over that same time period, NHTSA has effectively experienced a 4 percent decrease in funding for operations and research activities. The agency's Vehicle Safety and Research budget of \$130 million equates to NHTSA receiving less than one-half dollar for each of the 269 million registered vehicles on the road in the U.S.²⁸

While NHTSA's safety budget has shrunk in terms of its buying power, the number of vehicles on the road the agency must regulate has increased by 24 percent, from 217 million vehicles in 2000 to 269 million in 2013.²⁹ NHTSA remains woefully under-resourced and the agency's

ability to keep up with technology and crash and injury trends is imperiled by the lack of sufficient resources. This was made abundantly clear during the Toyota sudden acceleration crisis when the agency had few personnel with backgrounds and experience in electronics, and none with software experience.³⁰ This is unacceptable in light of the important lifesaving mission of this agency and the rapid increase in vehicle installation of electronic systems in motor vehicles.

A comparison of the NHTSA's Vehicle Safety and Research budget and the Federal Aviation Administration's (FAA) Aviation Safety (AVS) budget provides a clear example of the resource and funding disparities. From 2006 to 2013, aviation fatalities in the U.S. averaged 534 deaths annually over that eight year span, while motor vehicle fatalities averaged 35,907 annually over the same time period.³¹ (Chart #1). On average, motor vehicle fatalities are about 67 times greater than aviation fatalities. This may be understandable because the FAA AVS budget for Aviation Safety is so much larger than the NHTSA Vehicle Safety and Research budget. In the past eight years the FAA AVS budget increased from \$949 million (2006)³² to \$1.2 billion in (2014)³³ while the NHTSA Vehicle Safety and Research budget barely moved from \$119 million (2006)³⁴ to \$130 million (2015).³⁵ (Chart #2).

The NHTSA paltry increase of a meager \$11 million since 2006 is dwarfed by the increase of more than \$250 million in the FAA AVS budget over the same time period, and the FAA AVS budget increase since 2006 is itself nearly twice NHTSA's entire Vehicle Safety and Research budget. The comparison between aviation safety and vehicle safety, both in terms of budgets and results, are stark and disturbing. Moreover, the discrepancy between the amount spent per

fatality is stunning. (Chart #3). In 2013, based on the comparable budget figures, nearly \$3 million was spent per aviation fatality while less than \$5,000 was spent per motor vehicle fatality, and the gap is getting wider each year that NHTSA is not sufficiently funded to carry out its lifesaving mission. My father always told me that you get what you pay for, and we are paying for aviation safety and benefitting from that investment. However, the figures clearly show that NHTSA is being short-changed and has been for far too long. And, the public is paying the price with their lives and their wallets.

The agency budget for vehicle safety should reflect its important lifesaving and cost-saving mission. Laws and programs administered by NHTSA are responsible for saving at least an estimated 436,000 lives since 1975.³⁶ NHTSA authorization for vehicle operations and research should be tripled in acknowledgement of the daunting task the agency faces, the tremendous workload NHTSA undertakes to ensure the safety of millions of Americans every day of the year, and the success of its efforts.

NHTSA Must be Given the Authority to Pursue Relevant and Robust Penalties

The recent settlement of the investigation of the GM vehicles equipped with a defective ignition switch did not include any admission of criminal culpability or a civil fine sufficient to deter similar corporate misbehavior and offenses from occurring in the future. This unsatisfactory conclusion to an investigation involving a motor vehicle defect that has killed far too many Americans is a stark reminder of why NHTSA must be given the authority to levy larger monetary fines than currently capped in the law at a measly \$35 million as well as criminal penalties for such grave malfeasance and misconduct. Without this overdue legislative change,

the American public will continue to be the unknowing victims of manufacturers that place profits above public safety.

For far too long manufacturers have been selling deadly cars that kill and injure consumers without taking personal responsibility or suffering serious consequences. History will continue to be repeated unless Congress acts. In 2000, faulty Firestone tires were found to be responsible for numerous fatal crashes. In 2009 the sudden and unintended acceleration of Toyota vehicles killed and injured innocent motorists. Over the last two years, Congressional hearings revealed purposeful actions and decisions by corporate executives to hide and mislead NHTSA and the public about defective GM ignition switches and exploding Takata airbags. Individuals who knowingly permit vehicles with serious and deadly safety defects to be placed in the stream of commerce, and those who knew of the defect and concealed that knowledge should be held accountable for their actions. Without appropriate civil penalties and criminal sanctions to deter corporate misbehavior, nothing will change.

NHTSA is almost 50 years old³⁷ and should be given authority and powers commensurate with the agency's experience and safety mandate. This responsibility should be coupled with powers that permit the agency to fully perform its duties and allow the agency to exercise its enforcement authority to ensure the safety of vehicles on our streets and highways. For these reasons, the current cap on maximum fine amounts NHTSA may impose should be removed. For large multinational corporations the financial penalty imposed must be more than just a cost-of-doing business paid from petty cash.

The NHTSA must also be given the authority to pursue criminal penalties in appropriate cases where corporate officers who acquire actual knowledge of a serious product danger that could lead to serious injury or death and knowingly and willfully fail to inform NHTSA and warn the public. Under current federal law, many agencies already have authority to pursue criminal penalties including the Consumer Product Safety Commission, the Food and Drug Administration and the Securities and Exchange Commission. The lack of criminal penalty authority has hampered the agency's ability to deter automakers from safety defect recidivism.

Safety Provisions Essential to the Safety Title

Advocates supports amending several federal laws to provide NHTSA with enhanced authority to address existing safety challenges with 21st Century approaches that will allow the agency to leverage its resources to protect the American public. Advocates strongly supports the following legislation.

Vehicle Safety Improvement Act of 2015, H.R. 1181

We commend the Ranking Members of the House Energy and Commerce Committee and the Subcommittee on Commerce, Manufacturing and Trade Representatives Frank Pallone (D-NJ) and Jan Schakowsky (D-IL) as well as other Committee colleagues for sponsoring the Vehicle Safety Improvement Act of 2015, H.R. 1181, and strongly support its enactment. This legislation includes commonsense and cost-effective solutions to the numerous problems identified in hearings held by the Energy and Commerce Committee on the defective GM ignition switches and exploding Takata airbags. We urge that provisions in this bill be a part of the Committee's safety title.

Early Warning Reporting of Fatal Incidents by Manufacturers

The intent of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act³⁸ was to ensure that the DOT Secretary receives all reports of fatal traffic crashes that are alleged or proven to have been caused by a possible motor vehicle defect. However, under current NHTSA regulation, manufacturers need only report that a fatal crash occurred and do not have to provide the agency with copies that document the underlying claim, notice or articles that inform the manufacturer that a defect-related fatality involving one of its vehicles had taken place.³⁹ The Vehicle Safety Improvement Act of 2015 requires that for incidents involving a fatality, manufacturers must submit to the DOT relevant claims and documents that notified the vehicle manufacturer of the fatal incident.⁴⁰

Document and Information Transparency

Currently, NHTSA is not making documents and investigations of safety defects readily available to the public. The agency has prevented public access to information by overly classifying records as confidential or requiring the public to seek records through lengthy Freedom of Information Act (FOIA) proceedings. The Vehicle Safety Improvement Act of 2015 makes several important reforms to give the public better access to NHTSA documents. It requires:

- The NHTSA to amend its regulations to establish a presumption in favor of public disclosure of all early warning data unless otherwise exempt from disclosure under federal law. This would prevent the agency from misclassifying non-privileged factual information as confidential, and allow it to be released to the public.⁴¹

- Improvements to NHTSA’s early warning database in order to increase public access and availability so private individuals and researchers can assist the agency in identifying safety problems.⁴²

Imminent Hazard Authority

The Vehicle Safety Improvement Act of 2015 would also authorize NHTSA to take immediate action when the agency determines that a defect involves a condition that substantially increases the likelihood of serious injury or death if not remedied immediately. This “imminent hazard” power is needed to protect the public, by allowing the agency to direct manufacturers to immediately notify consumers and remedy the defect as soon as possible. Sadly, far too many Americans have been killed by a defect in their vehicle they did not know existed. As serious motor vehicle recalls continue to come to light, this critical reform will give NHTSA a powerful tool to remedy the danger posed by defective motor vehicles.

Pedestrian Protection

On average, nearly 4,500 pedestrians are killed and 68,000 are injured each year since the recent low point in pedestrian deaths in 2009.⁴³ This equates to an average of a pedestrian being killed every two hours and a pedestrian being injured every eight minutes.⁴⁴ Pedestrian fatalities have increased by 15 percent and the number of pedestrians injured has increased by 12 percent since 2009.⁴⁵ In 2013, the latest year of data available, there were 4,735 pedestrian deaths and 66,000 pedestrians injured.⁴⁶ Vulnerable populations make up a significant share of pedestrian fatalities. More than one-fifth of children under the age of 15 who were killed in traffic crashes were pedestrians.⁴⁷ Older pedestrians (age 65+) accounted for 19 percent (896) of all pedestrian fatalities in 2013.⁴⁸ Moreover, the fatality rate for older pedestrians (age 65+) was 2 per 100,000 population – higher than the combined rate for all the other ages under 65 (1.4).⁴⁹ In 2010,

pedestrian crashes resulted in \$65 billion in comprehensive costs.⁵⁰ The Vehicle Safety Improvement Act of 2015 directs DOT to establish standards for motor vehicles in order to reduce the number of injuries and fatalities suffered by pedestrians who are struck by motor vehicles. Such a standard could protect especially vulnerable pedestrian populations, including children, older adults, and individuals with disabilities. Being hit by a car does not have to be a death sentence. Advocates and other safety groups have been urging Congress to require the DOT to issue a safety standard for the hood and bumper areas of motor vehicles in order to reduce the severity of injuries suffered by pedestrians and bicyclists that frequently result in death and lifelong disabilities. Such a standard has been in place in Europe for years. Just as added padding and restraint systems provide occupant protection inside the vehicle in the event of a crash, design improvements to the hood and bumper, which are already available on some makes and models sold in the U.S., can afford pedestrians and bicyclists protection on the outside of the vehicle in the event of a crash.

Eliminate the Sale of Used Cars with Open Recalls

Federal law prohibits automobile dealers from selling new vehicles that are subject to a safety recall until they are fixed.⁵¹ However, there is no such restriction on the sale of used vehicles even when they have the exact same defects such as defective breaks, faulty steering, or malfunctioning air bags and seat belts. The Vehicle Safety Improvement Act of 2015 would close this dangerous loophole.

Consumers who cannot afford to purchase a new vehicle or who simply seek the value of purchasing a used auto deserve the same protections against safety defects afforded to new car buyers. In fact, it is not only purchasers of unsafe used vehicles that are endangered by this lack

of a common sense protection for consumers, but also all those with whom they share the roads. The problem of selling these dangerous used cars is widespread. According to CarFax, the company that provides vehicle history reports to the public, 5 million vehicles with an open recall were bought and sold by consumers in 2014.⁵²

Prohibit Regional Recalls

The Vehicle Safety Improvement Act of 2015 will also eliminate so-called “regional recalls.” Due the transient nature of motor vehicles and the fact that the American public is highly mobile, recalls limited to certain areas of the country exclude numerous vehicles that should be subject to the same recall and remedy, leaving many Americans needlessly at risk. This dangerous and ill-advised administrative limitation on recalls should be ended immediately.

Additional Motor Vehicle Safety Provisions that are Needed

Protect Consumers by Prohibiting Rental Car Companies from Leasing Consumers Cars Under Recall

Advocates supports the passage of The Raechel and Jacqueline Houck Safe Rental Car Act of 2015, H.R. 2198, of which a modified version is included in the Developing a Reliable and Innovative Vision for the Economy Act (DRIVE) Act passed by the Senate in July.⁵³ This legislation will ensure recalled rental vehicles are fixed before a consumer gets behind the wheel. The measure is named in memory of Raechel and Jacqueline Houck, daughters of Carol (Cally) Houck, who were killed in a recalled but uncorrected rental car due to a defect in a steering component that caused an under-hood fire and led to the loss of steering control. The car had been recalled but had not been repaired before it was rented to the sisters, Raechel (age 24) and Jacqueline (age 20). The intent of the bill is to prevent future tragedies and to allow consumers who rent cars to do so with confidence that the vehicles do not have safety defects subject to a safety recall. The legislation is supported by Carol (Cally) Houck, Consumers for Auto

Reliability and Safety, Center for Auto Safety, Consumer Action, Consumers Union, Consumer Federation of America, National Association of Consumer Advocates, Trauma Foundation, Advocates for Highway and Auto Safety, and others.

Judicial Review of Final Agency Actions

As already noted, the DOT Inspector General in its June 2015 report to Congress on NHTSA's efforts to identify vehicle defects, found that the agency does not always document its decisions not to investigate potential safety issues.⁵⁴ The agency's decisions to decline to fully investigate reported defect problems, to deny defect petitions and its basis for opening and closing preliminary investigations and engineering evaluations must be documented and explained to the public. Moreover, these final agency decisions should be subject to judicial review which is the standard practice for all other final agency orders.

Lobbying and Communications "Cooling-Off" Period

The federal agency tasked with ensuring that manufacturers meet federal regulations should never show bias or even give the appearance of partiality. Thus, except for providing testimony, former DOT and vehicle safety employees should be prohibited, for a period of one year, from engaging in any communication regarding vehicle safety matters on behalf of a regulated manufacturer where the former DOT or NHTSA employee seeks official agency action. This important reform will give the public confidence that NHTSA's first priority remains protecting the American public.

No Child Left Behind in the Car

All too often adults leave infants and young children in child restraint systems in the rear seats of passenger vehicles tragically leading to death. Exposure of young children, particularly in extreme hot and cold weather, leads to hyperthermia and hypothermia that can result in death or

severe injuries. In 2014 alone, 30 children in the U.S. died of heatstroke.⁵⁵ Over the period 1998 to 2014, 636 children were killed from heatstroke.⁵⁶ Of these needless deaths, 53 percent occurred when children were forgotten in the vehicle.⁵⁷ This risk of heatstroke is higher among children than adults because a child's body temperature heats up three to five times faster and risk is exacerbated if the child is too young to communicate.⁵⁸

These inadvertent deaths can be avoided by equipping vehicles with sensors to detect the presence of the child and sound a warning at the time the driver locks the vehicle with a child inside. This is not rocket science. Similar warning features currently remind drivers when they have left the key in the ignition, left the headlamps on, and when a door or trunk is open while the vehicle is in motion.

Draft Majority Bill-Unsafe Under Any Standard

The bill released by the Committee's majority (Majority Bill)⁵⁹ does not seriously advance safety in any significant or meaningful way. Additionally, the bill seriously dilutes critical environmental protections that control vehicle emissions and promote fuel economy. The Majority Bill also wastes taxpayer dollars by turning NHTSA into the National Highway Traffic *Study* Administration by directing the federal safety agency to divert its inadequate resources and staff time to engage in 16 separate burdensome studies or reports.⁶⁰ There are also several provisions which put the auto industry in the driver's seat instead of the regulatory agency.

The Majority Bill is long on burdensome and delaying studies and short on direct actions that will actually reduce the carnage on our roads, protect consumers from deadly defects, prevent purposeful industry cover-ups and deceit and address the funding and staffing deficit at NHTSA.

This draft bill fails to increase the cap on civil penalties that NHTSA may pursue, or provide for criminal sanctions for manufacturers that knowingly introduce a defective vehicle into the marketplace even as the massive number of vehicle safety recalls continues unabated. Instead, the discussion draft of the Improving Recall Tracking Act⁶¹ directed NHTSA to establish a needless vehicle identification number (VIN) database that will do little to combat the endless flood of vehicle recalls confronting American motorists.

In addition, the Majority Bill fails to provide any tangible improvements in vehicle safety, such as prohibiting used cars with open recalls from being sold to unsuspecting consumers, or providing NHTSA with imminent hazard authority to expedite the grounding of vehicle models that present a clear and present public danger. To the contrary, the Majority Bill seeks to exempt hundreds, possibly thousands of replica vehicles from Federal Motor Vehicle Safety Standards (FMVSSs) for lifesaving devices such as air bags and seat belts.

Manufacturers already consult databases maintained by private companies to contact customers regarding vehicle recalls. Thus, not only is a VIN database maintained by NHTSA unnecessary, but it will also cost untold taxpayer dollars and will swallow precious agency resources at a time when the agency is badly underfunded. In addition, as the recent scandal regarding the data breach at the Office of Personnel Management demonstrates, federal databases containing sensitive personnel information about millions of Americans are ripe targets for computer hackers at a time when the federal government seems unable to thwart such attacks. Requiring NHTSA to maintain a VIN database is nothing more than a bad solution in search of a problem that does not exist.

Furthermore, under the Majority Bill, it will take even longer for the public to learn of dangerous recalls. Section 202 of the bill delays notification to the public of recalls until NHTSA is in receipt of all the VINs subject to the recall.⁶² Failing to promptly notify the American public about dangerous defects in their vehicles can have deadly consequences. The tragic death toll from the faulty General Motors Corp. (GM) ignition switch, and the exploding Takata air bags, may have been lessened if drivers had learned earlier that their vehicle contained a fatal defect. As the Takata defect has proven, the number of vehicles subject to a recall can expand over a matter of months. Delaying notification to the public of a safety recall when the number of affected vehicles may change is misguided and dangerous. Moreover, Section 202 also inappropriately requires NHTSA to draft any notice of a vehicle defect or noncompliance in coordination with the manufacturer prior to publishing the notice. This provision dilutes NHTSA's role as an objective regulatory agency charged with enforcing vehicle safety recalls.

The Majority Bill also contains a number of exemption provisions that will diminish public safety on our highways. For example, Section 404 of the Majority Bill provides a blanket exemption from the FMVSS for vehicles intended for testing or evaluation by manufacturers.⁶³ This broad exemption applies to an unlimited number of vehicles and, unlike the current application process, will have little or no oversight from federal authorities to ensure these vehicles do not pose any unreasonable or unnecessary risk to the American public.

Under current law, vehicles that are introduced into interstate commerce for testing or research may apply for an exemption from the FMVSS.⁶⁴ A regulatory process already exists by which

manufacturers who produce as many as 10,000 vehicles a year can seek exemption for up to 2,500 vehicles a year on the basis of substantial economic hardship, development or field evaluation of a new safety feature, or development or field evaluation of a low-emission vehicle.⁶⁵ NHTSA should retain this oversight responsibility to ensure exemptions from FMVSS do not unreasonably place the public and safety at risk. Section 404, if enacted, would provide manufacturers with a blanket exemption from all safety standards without any process for ensuring that a manufacturer will provide or even attempt to provide the bare minimum level of safety which highway users should be afforded.

Equally egregious is Section 405 of the Majority Bill which directs NHTSA to establish a program allowing any number of low volume motor vehicle manufacturers to produce 500 “replica” motor vehicles (replicas of cars produced not less than 25 years ago) annually without complying with the applicable federal motor vehicle safety standards. As noted above, examples of lifesaving safety standards from which these vehicles would be exempt include frontal- and side-occupant impact protection, effective seat belts, and airbags, among others. Under this provision, potentially thousands of “replica” motor vehicles without the proper safety protections as required by federal law could be on American roads. The safety implications are very serious for vehicle owners, their passengers and other motorists on the road who are traveling at speeds of 65 miles per hour or more, in the event they are involved in a crash.⁶⁶

The Majority Bill creates a breathtaking double standard in favor of the industry at the expense of consumers. Section 406 mandates that instances where the industry has failed to follow voluntary guidelines issued by U.S. DOT cannot be used as evidence of liability in a civil

action.⁶⁷ However, industry may use conformity with those same guidelines as evidence of compliance with federal regulations in the same civil action.⁶⁸ This provision attempts to shield wrongdoing, undermine corporate accountability and hinder consumers at a time when deadly vehicle recalls are proliferating.

Section 501 of the Majority Bill establishes an Advanced Automotive Technology Advisory Committee “to develop safety performance metrics for advanced automotive technologies and connected vehicle technologies originally installed in motor vehicles.”⁶⁹ This committee will be charged with developing standards that will be used as the basis for safety ratings in the New Car Assessment Program (NCAP).⁷⁰ Such a committee, if stacked with industry representatives, should not be able to dictate to the NHTSA what standards should be used as part of NCAP. In addition, such a procedure undercuts the regulations relating to NCAP that are already in place.

The Majority Bill also fails to adequately address the serious and evolving threat of cyber security as it relates to highway safety. The possibility that a criminal could hack their car is a frightening prospect to every American, yet the majority bill seeks to protect the auto industry, rather than protect the American public. Section 301 of the Majority Bill⁷¹ directs manufacturers to develop a privacy policy but fails to ensure that those policies will include sufficient protections and safeguards for the public. Nevertheless, the bill sweetens the provision for manufacturers by providing an exceedingly broad safe harbor protection. Any industry-developed privacy policy, no matter how inadequate, would exempt manufacturers from being sued for unfair or deceptive acts under Section 5 of the Federal Trade Commission Act which is intended to protect consumers.⁷²

Similarly, Section 302 of the Majority Bill provides only civil penalties for individuals that hack into a vehicle even when such crimes may result in death or serious injury to the victim. By contrast, Section 4103 of the GROW America Act provides criminal penalties when such acts constitute a “reckless disregard for the safety of human life.”⁷³ Moreover, the Automotive Cybersecurity Advisory Council established under Section 303 of the Majority Bill to develop “cybersecurity best practices,” is mandated to have at least 50 percent of its members drawn from industry, and only one representing consumers.⁷⁴ Thus, the committee membership is obviously unbalanced and will do little to reflect the concerns of consumers facing the very real threat of having their car hacked and their privacy data breached.

Additionally, the Majority Bill seeks to give manufacturers emission and fuel economy credits for safety technologies that are already installed in many vehicles.⁷⁵ This provision will not serve as an effective incentive for automakers to install new safety technologies in their vehicles but will ensure that in the future vehicles will emit even more pollution into the air. At a time when Volkswagen, reputedly the largest automaker in the world, recently admitted to Congress that it placed a device in millions of cars worldwide to intentionally defeat current emission standards,⁷⁶ this Committee should be seeking ways to improve fuel economy and emissions standards, not weaken them. We know that the auto industry is capable of building safe, fuel efficient and clean cars without Congress providing unnecessary and unseemly trade-offs.

While the Majority Bill does include two incremental improvements regarding the retention of records by automakers and the time period for when a consumer may obtain a recall remedy at

no charge, these provisions should be strengthened in line with the provisions in the H.R. 1181, the Vehicle Safety Improvement Act of 2015. While Section 403 of the Majority Bill requires manufacturers to retain records related to safety issues for a period of not less than 10 calendar years,⁷⁷ the Vehicle Safety Improvement Act of 2015 requires such records to be retained for 20 calendar years.⁷⁸ In addition, the Vehicle Safety Improvement Act of 2015 would eliminate the 10 year cap on remedies that are available to a consumer to fix a recall at no charge,⁷⁹ while the Majority Bill only extends the cap to 15 years.⁸⁰ These provisions in the Vehicle Safety Improvement Act of 2015 provide the sensible and optimal protections for consumers and should be adopted.

I do commend the majority bill for including some safety positive provisions. These include Section 402 that requires the agency to complete research and potentially issue a rule on rear seat crash worthiness, Section 102, corporate responsibility for NHTSA reports, and Section 201 which requires NHTSA to upgrade its website to allow the public better access to agency records. Finally, Section 204 of the Majority Bill rightly restricts a manufacturer from escaping its recall obligations by filing for bankruptcy under Chapter 7 of the bankruptcy code.⁸¹ This provision provides an important protection for a consumer by ensuring that their vehicle will be remedied no matter the legal status of the manufacturer that provided them with a defective product.

Conclusion

There are no acceptable excuses for delaying any longer the adoption of lifesaving laws, consumer protections, increased penalties for corporate misbehavior, strengthening NHTSA's authority and resources, and improved vehicle safety standards that can save lives and reduce

injuries, especially when sensible solutions are at hand as we have highlighted today in our testimony.

Thank you for the opportunity to testify before you today and I am pleased to answer your questions.

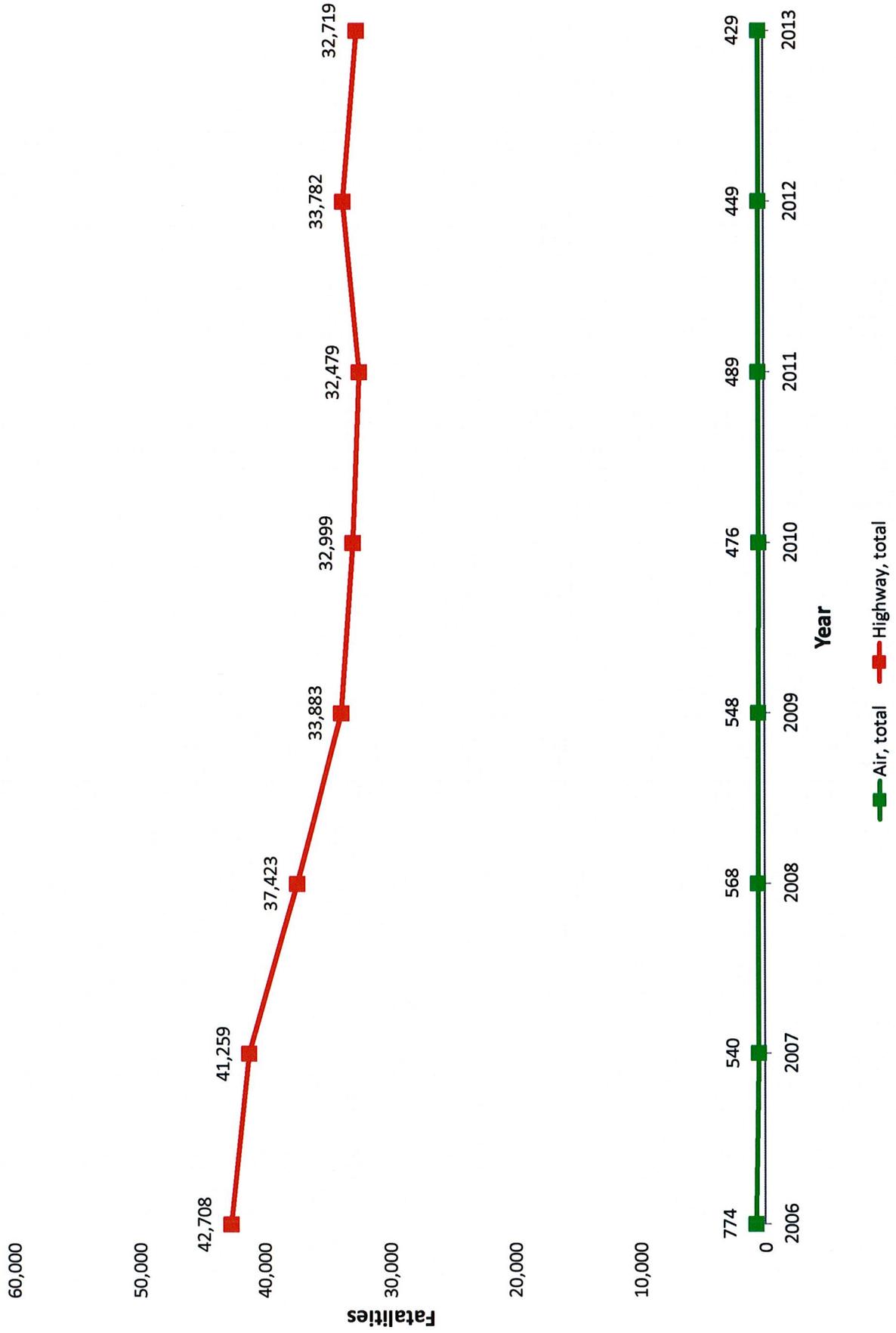
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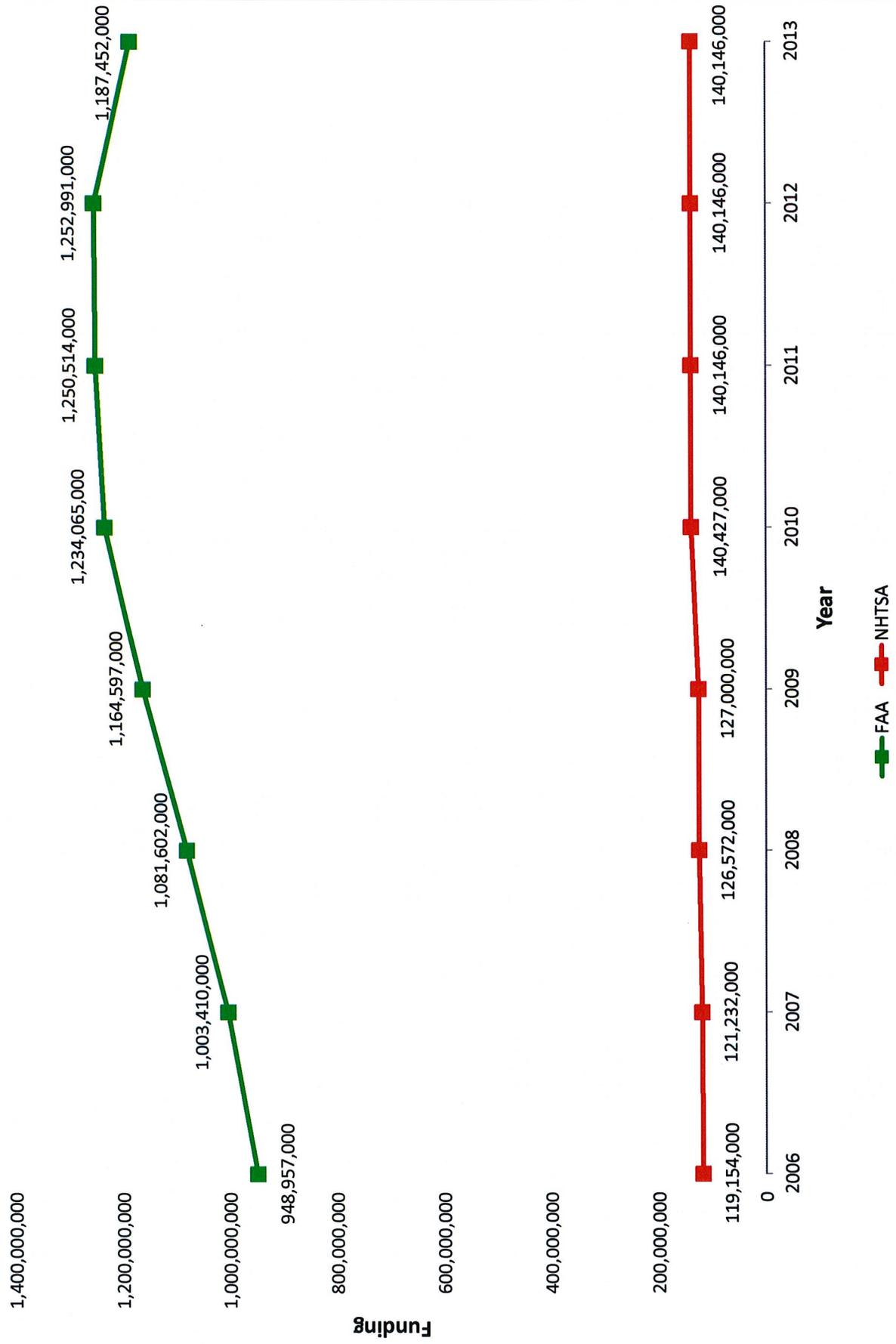
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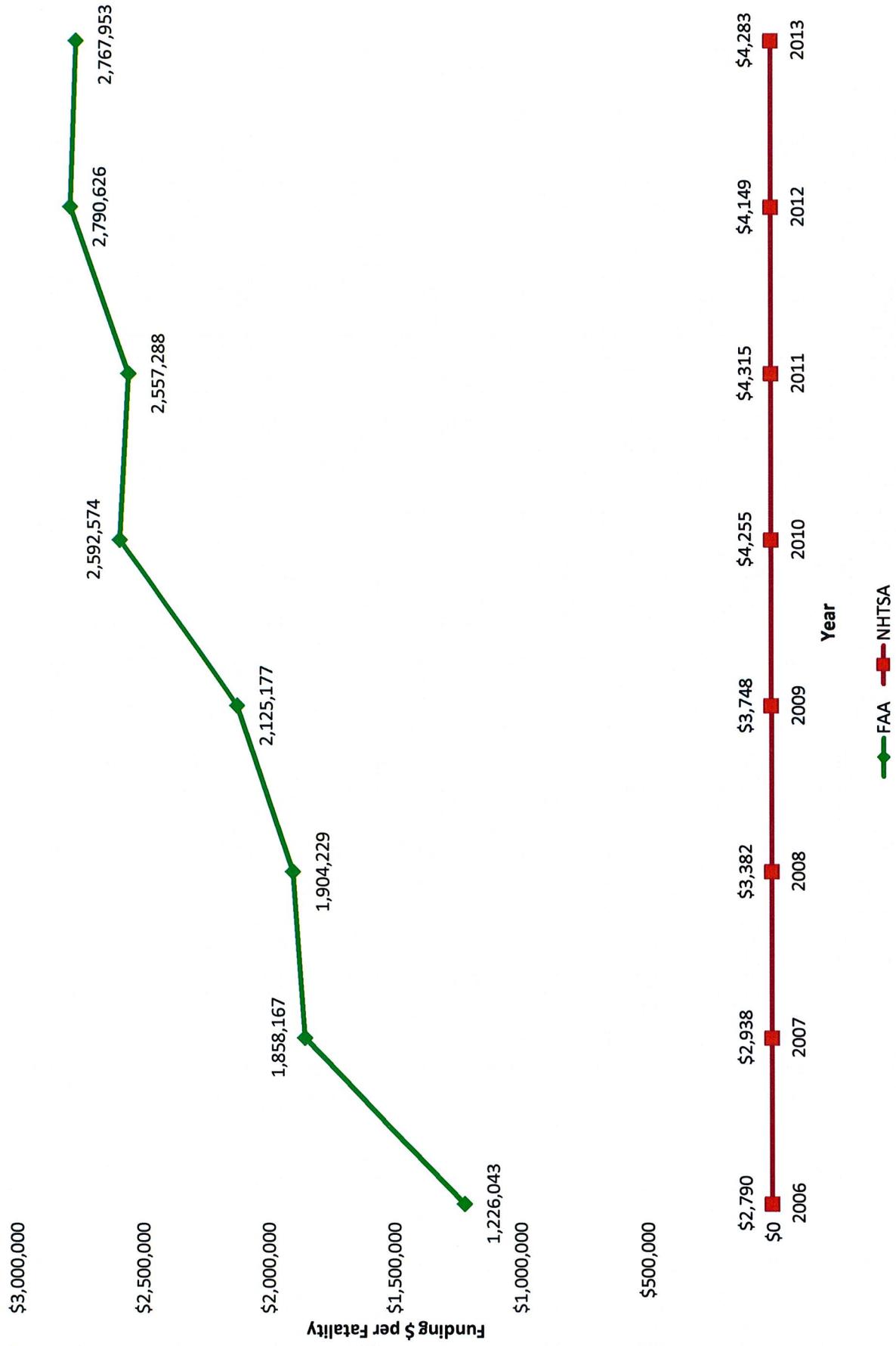
Fatalities Per Year: U.S. Air vs. Highway (Chart #1)



Funding Per Year: FAA vs. NHTSA (Chart #2)



Funding per Fatality Recorded: FAA vs. NHTSA (Chart #3)



The New York Times

The Opinion Pages



Taking Note

THE EDITORIAL PAGE EDITOR'S BLOG

The Lesson of the General Motors Settlement

By [Vikas Bajaj](#)

September 17, 2015 4:04 pm



The world headquarters of General Motors in Detroit. Credit Bill Pugliano/Getty Images

General Motors has [agreed to pay](#) the government \$900 million for failing to disclose a defective ignition switch that led to numerous deaths and injuries, the United States attorney for the southern district of New York, Preet Bharara, [announced on Thursday](#). While large, the settlement cannot be satisfying to many victims and their families because it does not include charges against any G.M. engineers or executives who withheld the life-saving information from the government and the public in the first place.

In a press conference, Mr. Bharara said the government could still bring charges against individuals in the future but blamed “gaps in the law” that made it hard to bring cases against people responsible for concealing the defect. “It’s not a criminal violation to put into the stream of commerce an auto that might harm people,” he said, [according to Bloomberg News](#).

As Danielle Ivory and Ben Protess [reported at The Times in July](#), federal law sets a very high standard for pursuing a criminal case against people who knowingly withhold information about the risks products pose to human life. In auto cases, prosecutors have to prove corporate officers intended to defraud someone, something they do not have to do in food and pharmaceutical cases.

If it was not clear to Congress already that the law needs to change, this case should certainly make it clear. Serious safety problems in cars can be as deadly as contamination in food or drugs, and the law should treat them similarly.

G.M. used the defective switch in numerous cars and it has been linked to 124 deaths, [according to](#) compensation claims evaluated by a G.M. fund for victims administered by the lawyer Kenneth Feinberg. The fund has determined that another 275 people deserve compensation for injuries.

But even if the law were changed, it is not clear that federal prosecutors would file criminal charges against individuals in such cases. The Department of Justice has been widely criticized, including [by the editorial board](#), for not charging individuals for the wrongdoing that it has accused businesses of engaging in.

[Last week](#), the deputy attorney general, Sally Yates, issued a [memo](#) that called on officials to prioritize the prosecution of individuals in white-collar crime cases, not just their employers. That seems like a positive step but it won't be clear how this changes prosecutors' behavior for months, perhaps more than a year. Another concern is that a future attorney general – the president elected in 2016 will probably appoint a new one – might have different ideas about who should be prosecuted.

The New York Times

[The Opinion Pages](#) | Editorial

A Senate Bill That Makes Roads and Railroads Less Safe

By [THE EDITORIAL BOARD](#)

JULY 21, 2015



Last month the House [passed an appropriations bill](#) that would put bigger trucks with overworked drivers behind the wheel on the nation's highways. If that weren't irresponsible enough, the Senate [is now considering legislation](#) that would allow trucking companies to hire 18-year-old drivers for interstate routes and undermine safety on roads and railroads in numerous other ways.

Even by the low standards of the current Congress, these bills are egregious examples of faithfully saying yes to everything industry wants, in this case the transportation companies. The Senate is expected to take up its disingenuously named [Comprehensive Transportation and Consumer Protection Act of 2015](#) this week as part of a larger transportation package that reauthorizes federal agencies and programs.

One of the measure's worst provisions would lower the minimum age for interstate truck drivers to 18, from 21, in a misguided attempt to help the industry recruit more drivers. ([Most states allow](#) people as young as 18 to drive trucks within state limits.) Studies show that teenage and young adult drivers are [much more likely](#) to be involved in accidents than other adults. It would be foolish to allow these inexperienced drivers to drive long distances in large, heavy trucks. A

far better way to address a shortage of drivers would be for the industry to raise wages and improve working conditions.

Another provision would eviscerate federal rules on how much rest truckers must get. Companies would be allowed to seek temporary or permanent exceptions from the Department of Transportation's rules governing hours of driving. Those regulations are already quite lenient because they allow truckers to drive up to 60 hours in seven consecutive days or 70 hours in eight days before getting at least 34 hours of rest. The House voted in June to postpone those rules pending another study.

The Senate bill would also forbid the department to publish safety ratings of trucking and bus companies, which it currently does on a [website](#). The legislation would also make it much harder for the department to increase the minimum insurance requirements for trucks and buses that were [last set](#) in 1985.

That's not all. The bill would [delay an end-of-year deadline](#) for railroads to install positive-train control technology to help prevent accidents like the Amtrak crash in Philadelphia in May that killed eight people and injured more than 200. It would also delay a federal rule that requires trains carrying crude oil to have brakes that can stop all cars at the same time, rather than sequentially.

The Senate bill also falls well short of addressing important issues raised by recent scandals involving defects in General Motors' ignition switches and Takata airbags. While it would raise the [maximum fine](#) that the National Highway Traffic Safety Administration can levy against automakers that do not promptly disclose defects to \$70 million from \$35 million, that increase is a pittance for companies that make billions in profits. And by not proposing criminal liability for executives who knowingly hide the life-threatening dangers of their products, the bill simply sidesteps the issue of individual accountability.

During hearings about auto defects in recent months, lawmakers from [both parties](#) spoke forcefully about safety failures and the need to make driving less dangerous. This legislation does not come close to matching their words. Unless this bill is fixed on the Senate floor, it will lead to more accidents, deaths and injuries on American roads.



Help NHTSA turn car safety around: Our view

[The Editorial Board](#), 7:49 p.m. EDT June 15, 2015

Federal watchdog now has the will and the leader needed for change. Congress needs to deliver the way.

When the nation's car safety watchdog fails to do its job, people are killed and maimed.

Among the most recent casualties: Kylan Langlinais, of Lafayette, La. The 22-year-old died in April after her 2005 Honda Civic hit a utility pole and its Takata air bag ruptured, spewing shrapnel into the cabin, according to [a lawsuit filed by her parents](#).

Rupturing air bags had already killed [four drivers in the USA](#) when the National Highway Traffic Safety Administration pushed Takata and car makers to recall air bags last summer, but only in a handful of high humidity states where Takata insisted ruptures were more likely. Hot, humid Louisiana, for unfathomable reasons, [wasn't included in that recall](#). Honda finally mailed its letter about the air bags to Langlinais just [three days before the fatal crash](#).

If there's a welcome development on the car safety front, it's that NHTSA's new administrator, Mark Rosekind, is trying to turn the agency around. He's finally taking the tough steps needed to keep drivers and passengers safe. Last month, NHTSA forced a nationwide recall of 34 million Takata air bags. This month, in a candid self-appraisal, NHTSA took responsibility for its failings in another bungled investigation: General Motor's defective ignition switches, linked to more than 100 deaths.

Congress has talked a good game in the past two years, demanding a stronger agency. Now it's time for lawmakers to give NHTSA what it needs to succeed:

- **Transparency.** A reporting system — created in 2000 to provide NHTSA with an "[early warning](#)" of potentially dangerous defects — has been saddled with so much bureaucracy and secrecy that it often helps to obscure lethal defects rather than spotlight them. Had more data been public, independent safety advocates might have spotted the defective GM ignition switches when NHTSA failed to connect the dots itself. Sens. Edward Markey, D-Mass., and Richard Blumenthal, D-Conn., want car makers to provide more data more quickly to NHTSA about fatal accident claims involving potential defects. They want the information to be public in searchable, user-friendly databases. The plan

would enable consumers and outside experts to scrutinize the data, upping the odds of finding a defect.

- **Money.** The office that investigates consumer complaints and defects has less money today in inflation-adjusted dollars than it did in 2001. Its staff of about 57 is [half the size of the enforcement division](#) in the 1970s, when the agency was at the height of its power as a safety enforcer. Meanwhile, the nation's fleet has swelled to 265 million vehicles, and the complaints from car owners it receives have nearly tripled just in the past four years. Money alone won't make an agency stronger, but as Rosekind tackles its systemic problems, he needs money to hire staff and modernize.
- **Fines.** The [maximum fine NHTSA can levy](#), even for such egregious behavior as GM's failure to report a deadly defect, is \$35 million. The sum is hardly a threat to a company such as GM, which had [\\$156 billion in revenue last year](#). The Obama administration wants the maximum fine increased, [to \\$300 million](#), to give NHTSA a bigger stick.

Rosekind faces fierce opposition to his plans. Sen. John Thune, R-S.D., who heads a committee that oversees NHTSA, questions whether more money is really needed. The Alliance of Auto Manufacturers, which lobbies for car makers, opposes higher fines and making certain key records public. Last year, the Alliance and the industry [spent more than \\$40 million](#) and [deployed 268 lobbyists](#) to get its way on a variety of issues.

NHTSA has the will and the leader needed for change. If Congress won't deliver the rest, lawmakers will share the blame the next time people die because of unrecognized or hidden defects.

October 7, 2015

The Honorable Fred Upton
Chairman
Committee on Energy and Commerce
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Frank Pallone, Jr.
Ranking Member
Committee on Energy and Commerce
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Upton and Ranking Member Pallone:

The recent settlement of the investigation of the General Motors (GM) vehicles that contained a defective ignition switch contained no admission of criminal culpability and included an insufficient civil fine that will do little to deter future similar offenses. This unsatisfactory conclusion to an investigation involving a motor vehicle defect that has killed by some accounts at least 174 people epitomizes why the National Highway Traffic Safety Administration (NHTSA) must be given the authority to levy meaningful monetary fines as well as criminal penalties for such grave malfeasance and misconduct. Without this overdue legislative change, the American public will continue to be the unknowing victims of manufacturers that place profits above public safety.

While the DRIVE Act (H.R. 22), which was approved by the Senate in July, did raise the limit on civil penalties to \$105 million, this increase will not seriously deter cover-ups of deadly defects. It is inconsequential and inadequate for companies reaping billions of dollars in profits each year.

Our organizations strongly support the penalty provisions in the Vehicle Safety Improvement Act of 2015 (H.R.1181) and urge you to ensure they are included in any surface transportation reauthorization legislation. In addition to removing the caps on maximum fine amounts NHTSA may issue, the Vehicle Safety Improvement Act would, among other things: give NHTSA the power to act quickly when a vehicle defect or non-compliance poses an imminent hazard; prohibit auto dealers from selling or leasing recalled used cars that have not been repaired; eliminate regional recalls to protect all motorists throughout the country; improve the transparency and quality of the information submitted to the NHTSA Early Warning Reporting Database, as well as its SaferCar.gov database; and provide the agency sufficient funding commensurate with its vital work.

For far too long manufacturers have been selling deadly cars with defective equipment to consumers that kill and injure without any serious consequences. History will continue to be repeated unless Congress acts. In 2000, faulty Firestone tires were found to be responsible for numerous fatal crashes. In 2009 the sudden and unintended acceleration of Toyota vehicles killed and injured innocent motorists. Over the last two years, hearings held by the Senate and House revealed purposeful actions and decisions by corporate executives to hide and mislead NHTSA and the public about defective GM ignition switches and exploding airbags. Individuals who knowingly permit vehicles with serious and deadly safety defects to be placed in the stream of commerce, and those who knew of the defect and concealed that knowledge should be held accountable for their actions.

Without appropriate civil penalties and additional agency authority to deter corporate misbehavior, nothing will change. We urge you to include this legislation in any surface transportation reauthorization bill and stop future preventable deaths and injuries.

Sincerely,

Jacqueline Gillan, President
Advocates for Highway and Auto Safety

Will Wallace, Policy Analyst
Consumers Union

Sally Greenberg, Executive Director
National Consumers League

Clarence M. Ditlow, Executive Director
Center for Auto Safety

Stephen W. Hargarten, MD, MPH
Society for the Advancement of Violence and
Injury Research

Jennifer Tierney, Board Member
Citizens for Reliable and Safe Highways

Joan Claybrook, President Emeritus
Public Citizen and
Former NHTSA Administrator

Jack Gillis, Director of Public Affairs
Consumer Federation of America

Rosemary Shahan, President
Consumers for Auto Reliability and Safety

Janette Fennell, Founder and President
KidsAndCars.org

Andrew McGuire, Executive Director
Trauma Foundation

John Lannen, Executive Director
Truck Safety Coalition

cc: Members of the House Committee on Energy and Commerce

October 13, 2015

The Honorable John Thune
Chairman
Senate Committee on Commerce, Science
and Transportation
Washington, DC 20510

The Honorable Bill Nelson
Ranking Member
Senate Committee on Commerce, Science
and Transportation
Washington, DC 20510

The Honorable Jerry Moran
Chairman
Senate Subcommittee on Consumer Protection,
Product Safety, Insurance and Data Security
Washington, DC 20510

The Honorable Richard Blumenthal
Ranking Member
Senate Subcommittee on Consumer Protection,
Product Safety, Insurance and Data Security
Washington, DC 20510

The Honorable Frank Upton
Chairman
House Committee on Energy and Commerce
Washington, DC 20515

The Honorable Frank Pallone, Jr.
Ranking Member
House Committee on Energy and Commerce
Washington, DC 20515

The Honorable Michael Burgess, M.D.
Chairman
House Subcommittee on Commerce,
Manufacturing and Trade
Washington, DC 20515

The Honorable Jan Schakowsky
Ranking Member
House Subcommittee on Commerce,
Manufacturing and Trade
Washington, DC 20515

Dear Chairman Thune, Ranking Member Nelson, Chairman Moran, Ranking Member Blumenthal, Chairman Upton, Ranking Member Pallone, Chairman Burgess and Ranking Member Schakowsky:

As family members who grieve the needless loss of our family members because executives at General Motors (GM) knowingly and willfully concealed a deadly ignition switch safety defect for over 15 years, we urge you to enact legislation to stop such callous disregard for human life and to hold corporate executives accountable for their actions. This will only be achieved when Congress finally gives the National Highway Traffic Safety Administration (NHTSA) the authority to pursue criminal penalties for corporate officers who fail to disclose to the agency and inform the public about safety defects that kill and maim innocent people like our family members.

We are outraged and offended by the deal negotiated by the Department of Justice with GM which only resulted in a monetary fine equal to “chump” change for such a large and profitable corporation. Meanwhile, compare this pittance of a fine to the pain, suffering and loss we will suffer for the rest of our lives. At least 174 people were killed and hundreds more injured because of GM’s cover-up – a mortality toll equivalent to several airplane crashes. Congress would never stand by and allow a slap on the wrist penalty for an airline company that purposely allowed a defective plane to fly, crash and kill innocent victims. Yet, after more than a dozen congressional hearings investigating the GM cover-up that documented insufficient penalty

authority and inadequate resources for NHTSA, the legislative solutions being advanced are meager and meaningless compared to the magnitude of the problems and the mounting death and injury toll.

In shocking contrast, on September 21, only a few days after the announcement of the GM financial settlement, an executive of the Peanut Corporation of America was sentenced to 28 years in federal prison for shipping tainted peanut butter that resulted in 9 deaths. Whether you buy a deadly product at a supermarket or at a car dealership, those who put corporate profit before public safety must be held accountable. Unfortunately, auto executives will continue to get away with murder with impunity until the scales of justice are balanced.

There is still time for Congress to act. We strongly urge you to adopt tougher penalties and other reforms like those included in S. 1743, the Motor Vehicle Safety Act of 2015, in order to protect families across the country, including your own, who may be victims of auto industry malfeasance. In 2000, Congress failed to enact criminal penalties when the Firestone/Ford defective tires were uncovered. Again, in 2009, Congress failed to enact criminal penalties in response to the deadly Toyota sudden acceleration problem. And, thus far, after two years of hearings, investigations and agency review of defective GM ignition switches and Takata airbags, Congress still has failed to seriously consider enacting stronger penalties to safeguard our families and deter automakers from egregious misconduct and misbehavior.

Corporate auto industry officials who knowingly conceal defects which kill and injure need to be held accountable for their actions. GM buried evidence and as a result we buried our loved ones. It is time to act and, once and for all, to stop coddling corporate criminals.

Sincerely,

Laura Christian
Birth mother of Amber Rose,
Killed by GM ignition switch defect
July 29, 2005
Harwood, Maryland

Beth Melton
Parents of Brooke Melton
Killed by GM ignition switch defect
March, 2010
Destin, Florida

Ken Melton
Parents of Brooke Melton
Killed by GM ignition switch defect
March, 2010
Destin, Florida

Dierdre Averill Acebal
Granddaughter of Jean Averill
First victim killed by GM ignition switch
defect
December, 2003
Easley, South Carolina

Cherie Sharkey
Mother of Michael Starkey
Killed by GM ignition switch defect
June 21, 2012
Queensbury, New York

Samantha Nehls
Family of stepfather, Adam Powledge,
brothers Jacob, Blake and Isaac and sister
Rachel
All killed by a GM Malibu defect
Houston, Texas

Michelle Bradford
Sister of Tasha Bradford
Killed by GM ignition switch defect
December 21, 2008
Kansas City, Missouri

Candice Anderson
Fiancé of Gene Mikale Erickson
Killed by the GM ignition switch defect
November 15, 2004
Also personally injured and later falsely
prosecuted for the death of her fiancé
Canton, Texas

Marianne Waldron Karth
Mother to AnnaLeah and Mary
Killed by a negligent truck driver
Rocky Mount, North Carolina

Jamie Frei
Injured marine, spent 29 days in a coma
Injured by GM ignition switch defect
December, 2006
Quakerstown, Pennsylvania

Daryl Kennedy Chansuthus
Mother of Hasaya Seyde Chansuthus
Killed by GM ignition switch defect
December 2009
Murfreesboro, Tennessee

Rosie Cortinas
Mother of Amador Cortinas
Killed due to GM ignition switch defect
October, 2013
Wilder, Idaho

Wendy Powell
Injured due to GM ignition switch defect
Las Vegas, Nevada

Azar Brannan
Injured due to Toyota/Lexus sudden
unintended acceleration
San Francisco, California

Juliya Za
Injured due to GM ignition switch defect
Buffalo, New York

Amanda Siniard
In memory of Aubrey Smith Wallace
Lexington, Alabama

Belinda Fox Spencer
Mother of Leslie Spencer
Killed by GM ignition switch defect
December 2010
Peterstown, West Virginia

Melissa Peet
Granddaughter of Jean Averill
Killed by GM defective ignition switch
December, 2003
New Milford, Connecticut

Lisa Morgan Goad
Mother of Justin Goad
Killed by defective GM Impala
November, 2007
Palmyra, Wisconsin

Stephanie Burns
Wife of Patrick Burns
Killed by GM defective ignition switch
September, 2013
Franklin, Kentucky

Gerri Gass Adams
Mother of Lara Gass
Killed by GM ignition switch defect
March, 2014
Adams, Tennessee

Jane Averill
In memory of her aunt, Jean Averill
Killed by the GM ignition switch defect
December, 2003
Chicago, Illinois

Sarah Spencer Wikle
Sister of Leslie Spencer
Killed by GM ignition switch defect
December, 2010
Peterstown, West Virginia

Dori Phillips
Wife of Adam Powledge, mother to Jacob,
Blake and Isaac and sister Rachel
All killed by a GM Malibu defect
Houston, Texas

Dee Averill
In memory of her aunt Jean Averill
Killed by the GM ignition switch defect
December, 2003
White Plains, New York

Margie Beskau
Mother of Amy Rademaker
Killed due to GM ignition switch defect
October, 2006
Wisconsin

Molly Waugaman
Fiancé of Richard M. Carver
Injured due to GM ignition switch defect
October, 2011
Greensburg, Pennsylvania

Jayne Rimer
Mother of Natasha Weigel
Killed due to GM ignition switch defect
October, 2006
Hammon, Wisconsin

Ken Rimer
Stepfather of Natasha Weigel
Killed due to GM ignition switch defect
October, 2006
Hammon, Wisconsin

Katy Leigh Hutchison
Sister of Amy Rademaker
Killed due to GM ignition switch defect
October, 2006
Menomonie, Wisconsin

Gloria Alexander
Injured by GM defect
December, 2012
Houston, Texas

Rebecca Dickerson
Mother of Jaanai Dickerson
Killed by Toyota defect
June 2013
Oak Ridge, Tennessee

Christine Jones Raniolo
Mother of Christian Raniolo
Killed due to GM ignition switch defect
October, 2007
Kings Mountain, North Carolina

Renee Trautwein
Mother of Sarah Trautwein
Killed due to GM ignition switch defect
November, 2009
Gilbert, South Carolina

Jay Gass
Father of Lara Gass
Killed by GM ignition switch defect
March, 2014
Adams, Tennessee

Terry DiBattista
Mother of Amber Marie Rose
Killed due to GM ignition switch defect
July 2006
Conway, South Carolina

Sam Raniolo
Brother of Christian Raniolo
Killed due to GM ignition switch defect
October 2007
Kings Mountain, North Carolina

Lauren Bonamo
Friend of Amy Rademaker
Killed in GM ignition switch defect
October 2006
Carson City, Nevada

Monica Coronado
Sister of Amador Cortinas
Killed due to GM ignition switch defect
October 2013
Wilder, Idaho

Mary Lou Powledge
Mother of Adam Powledge, grandmother to
Jacob, Blake and Isaac and sister Rachel
All killed by a GM Malibu defect
Houston, Texas

Donna Gotzman
In memory of Amy Rademaker
Killed due to GM ignition switch defect
October, 2006
Hammon, Wisconsin

Betsy Mendenhall
In memory of her aunt Jean Averill
Killed by the GM ignition switch defect
December, 2003
White Plains, New York

Neil Kosilla
Father of Amy Kosilla
Killed due to GM ignition switch defect
March 2010
Fishkill, New York

Maria Aguirre
Injured due to defective Mazda Tribute
December 2006
Tucson, Arizona

Nephthys Fleming-Griffin Proctor
Suffers permanent brain damage due to a
GM ignition switch defect
June 2012
Tampa, Florida

Debra Callaway
Mother of Daniel Jones
Killed by GM ignition switch defect
July 2015

Leo Ruddy
Father of Kelly Ruddy
Killed by Gm ignition switch defect
January 2010
Scranton, Pennsylvania

Theresa O'Malley Ruddy
Mother of Kelly Ruddy
Killed by GM ignition switch defect
January 2010
Scranton, Pennsylvania

James Rose
Father of Amber Marie Rose
Killed by GM ignition switch defect
July 2005
Indian Head, Maryland

Sergio DiBattista
Step-Dad of Amber Marie Rose
Killed by GM ignition switch defect
July 2005
Conway, South Carolina

Tracy Disque
Aunt of Amber Marie Rose
Killed by GM ignition switch defect
July 2005
Myrtle Beach, South Carolina

Darren Disque
Uncle of Amber Marie Rose
Killed by GM ignition switch defect
July 2005
Myrtle Beach, South Carolina

Sandra Donahue
Aunt of Amber Marie Rose
Killed by GM ignition switch defect
July 2005
Prince Frederick, Maryland

Betty Rose
Aunt of Amber Marie Rose
Killed by GM ignition switch defect
July 2005
Fairfax, Virginia

Kathleen Reynolds
Aunt of Amber Marie Rose
Killed by GM ignition switch defect
July 2005
Indian Head, Maryland

Gayle Reynolds
Aunt of Amber Marie Rose
Killed by GM ignition switch defect
July 2005
Mechanicsville, Maryland

John Reynolds
Uncle of Amber Marie Rose
Killed by GM ignition switch defect
July 2005
Mechanicsville, Maryland

Michael Casper
Uncle of Amber Marie Rose
Killed by GM ignition switch defect
July 2005
Waldorf, Maryland

Margie Gebers Johnson
Wife of Robert Johnson
Killed by GM Chevy Malibu defect
June 2001
Fairfield, California

Laurie Porter
Mother of Daughter
Killed due to GM ignition switch defect
2012
Humboldt, Toronto

Leslie Axsom
Sister of Leigh Ann Gray
Killed due to GM ignition switch defect
February 2006
Indianapolis, Indiana

Kristine Averill Ryan
Grandaughter of Jean Averill
Killed due to GM ignition switch defect
December 2003

Supporters:
Charlene McCarthy Blake
Brandy Station, Virginia

Jamie Michelle Jackson
Many, Louisiana

Kim Parks
Macomb, Michigan

Lela Lesson
Cortaro, Arizona

Samar Madanat
Wilmington, Delaware

Denise Kennedy Velasquez
Nashville, Tennessee

Linda Wise
Murfreesboro, Tennessee

Christine Curry
Joliet, Illinois

Phyllis Smith Hegler
South Carolina

Frances Monge
Tucson, Arizona

Doug Turner
Midlothian, Virginia

Carolyn Turner
Midlothian, Virginia

Phyllis Crawford
Melbourne, Florida

Steve Crawford
Athens, Georgia

Donna Crawford
Athens, Georgia

Vickie Powell
Las Vegas, Nevada

Jane Crawford
Arlington, Virginia

Tom Crawford
St Augustine, Florida

Vince Vlasisavich
Florence, Kentucky

Phyllis Keylor
Columbiana, Ohio

Artie George
East Fishkill, New York

Vicki Sweet
Macon, Missouri

Denise Roe
Canton, Texas

Rebecca Bishop
Tampa, Florida

Jennifer Alford
Pangburn, Arkansas

Debbie Blair
Negley, Ohio

Bud Miller
Adair, Oklahoma

James McVey
Adair, Oklahoma

Debra Simonsen
Sweet Home, Oregon

Jesus Gonzales
Odessa, Florida

Phyllis Jucido Rosa
Graham, North Carolina

James Lehr
Norfolk, Virginia

Hattie Moore
Fort Wayne, Indiana

Melissa Christian
Glen Burnie, Maryland

Justin Christian
Glen Burnie, Maryland

Jim Christian
Harwood, Maryland

Meredith Wathen
Bethesda, Maryland

Lydia Durham Turner
Savannah, Georgia

Julien Turner
Concord, New Hampshire

Danny Turner
Concord, New Hampshire

Carol Tackett
Bowie, Maryland

Teresa Thompson
Newburg, Maryland

Will Bibbins
Newburg, Maryland

Megan Bibbins
Newburg, Maryland

Wayne Wathen
Faulkner, Maryland

Lori Peterson
Edgewater, Maryland

Betsy Mendenhall
Coatesville, Pennsylvania

Keith Folsom
Albany, Oregon

Ann Twilley Henderson
Kennesaw, Georgia

Marie Corbo
Gates Mills, Ohio

Franz Schneiderman
Baltimore, Maryland

Erica Turriziani
New Stanton, Pennsylvania

Tina Buzzard
Dallas, Georgia

John Hutton
Hopewell, Pennsylvania

Lana Thomas
Caldwell, Idaho

Bekki Crabtree Brown
Sullivan, Missouri

Sheree Moskow
Alexandria, Louisiana

Jesse Luther
Hopewell, Alabama

Lacey Clinkscales
Lancaster, South Carolina

Cindi Smith
League City, Texas

Brianne Luther
Hopewell, Pennsylvania

Tami Westbrook Martino
Las Vegas, Nevada

Diedra Meredith
New York, New York

Carol Bitto
Edwardsville, Pennsylvania

James Lehr
Norfolk, Virginia

Karen Humpheys-Copeland
Taylorsville, North Carolina

Jim Sibio
Clarks Summit, Pennsylvania

Margaret Roetzler
Waller, Texas

Mary Barrett Kelley
Lakeland, Florida

Bruce Rogers
Arkansas City, Kansas

Janie Balderas Strider
Decatur, Alabama

Joseph Strider
Decatur, Alabama

Theresa Stillans
Shawnee, Oklahoma

Niurka Romero
Sorrento, Florida

Bob Clark
Nevada, Missouri

Brad Hollon
Trenton, Ohio

Tara Bearden
Moore, Oklahoma

April Shaw
Norfolk, Virginia

Rebecca Persinger
Accokeek, MD

George Persinger
Accokeek, MD

Angel Smith
Indian Head, MD

Joseph Smith
Indian Head, MD

Tami Demarr
Indian Head, MD

Maegen Masterson
Camden, NC

Cecelia Hockenberry
Accokeek, MD

Garry Funkhouser
Accokeek, MD

Kenny Funkhouser
Accokeek, MD

Ken Amos
Baltimore, MD

Adriana Amos
Baltimore, MD

Jerri Persinger
Hughesville, MD

Donald Persinger
Hughesville, MD

Dixie Fitzwater
Smithers, WV

Wayne Fitzwater
Smithers, WV

Timothy Fitzwater
Stanton, VA

David Rose
Waldorf, MD

Krystal Hockenberry
Accokeek, MD

Alma Ness
Accokeek, MD

Allen Persinger
Frederick, MD

Miriam Persinger
LaPlata, MD

Tanya Rose
Waldorf, MD

Irma Wimbush
Washington DC

Michelle Persinger
LaPlata, MD

Fred Burden
Rossville, GA

Leah Burden
Rossville, GA

Janet Grenoble
Accokeek, MD

William Grenoble
Accokeek, MD

Lyle Grenoble
Accokeek, MD

Christopher Masterson Jr.
Virginia Beach, VA

Christopher Masterson III
Camden, NC

Maureen DeHart
Chesapeake, VA

Kathryn Dean
Chesapeake, VA

Larry Dean
Chesapeake, VA

Kimberly Brackens
Myrtle Beach, SC

Autumn Clements
Indian Head, MD

Steven Roby
Indian Head, MD

Michael Mehl
Mechanicsville, MD

Lindsey Martin
Aynor, SC

Denise Martin
Aynor, SC

Lisa Godfrey
Jonesboro, GA

Tammy Ellis
Waldorf, MD

Ann Corcoran
Conway, SC

Beverly Windsor
Upper Marlboro, MD

William Haynes
Orlando, FL

Jennifer Cutright
Conway, SC

Joshua Cutright
Conway, SC

Darlene Ong
Mobile, AL

Denise Brooks
North Beach, MD

Julie Andrianopolous
Mobile, AL

Bruce Black
Burtonsville, MD

Angela Calaway
Mobile, AL

Christine Marshal
Holbrook, NY

Doris Frazier
Owings, MD

Janet Gray
North Beach, MD

Donna Thompson
Brandywine, MD

Yvonne Thompson
Brandywine, MD

Calvin Woodard
Robertsdale, AL

Gena Singleton
Waldorf, MD

Deborah Scott
Indian Head, MD

Edward McGee
Indian Head, MD

Lori Kotlarsic
Waldorf, MD

Florette Tothill
Wheaton, MD

Sonny Tothill
Wheaton, MD

Sherrie Taylor
LaPlata, MD

Amber Roberts
Waldorf, MD

Judith South
Accokeek, MD

Theresa Dudley
Prince Frederick, MD

Michael Varnadore
Indian Head, MD

Amber Varnadore
Indian Head, MD

Charles Fullerton III
Indian Head, MD

Hunter Fox
Indian Head, MD

Edward Ness
Orange, VA

Dennis Ness
Orange, VA

John Warner
Silver Spring, MD

Susan Warner
Silver Spring, MD

Lee Greigo
Indian Head, MD

Charles Funkhouser
Baden, MD

Ruby Funkhouser
Baden, MD

Doyle Funhouser
Baden, MD

Sharon White
Baden, MD

March Machotka Sigurdson
Hernando, FL

Kathleen Bilmanis
Newberg, MD

Juris Bilmanis
Newberg, MD

Della Hamilton
Newberg, MD

Lisa McClure
Holiday, FL

Betty Brown
Mechanicsville, MD

Angela Shafer
Waldorf, MD

Kimberly Tolson
Churchton, MD

Barbara Polikof
Brandywine, MD

Deborah Demar
Brandywine, MD

Cheryl Seesman
Brandywine, MD

Lee Hamilton
Newberg, MD

Patrick Underwood
Nanjemoy, MD

Sandra Overby
Mechanicsville, MD

Frank Overby
Mechanicsville, MD

Patricia Smith
Brandywine, MD

Michael Hare
Clinton, MD

Skylar Dane York
Clinton, MD

Judith Castellano
White Plains, MD

Kenneth McCoy
White Plains, MD

Joyce Green
Mechanicsville, MD

Julio Sato
Baltimore, MD

Bagner Gonzalez
Hyattsville, MD

Nora Critzer
Orange, VA

Sabrina Bates
Rossville, GA

Sherri Singleton
Waldorf, MD

Brett Michael
Brandywine, MD

Carrie Pompizzi
King George, VA

Karl Pompizzi
King George, VA

Parker Amos
Baltimore, MD

Catherine Burden
Rossville, GA

Cathy Richards
Ocean City, MD

Deborah Crampton
Crofton, MD

Pam Gallahan
Richmond, VA

Dawn Brett
Cobb Island, MD

Angela Perino
Waldorf, MD

Lacy Logue
Huntington, AL

Ronald Cutright
Morgantown, WV

Joanne Johnson
Manassas, VA

Rebecca Plummer
Washington, DC

Ourania Cesar
Jersey City, NJ

Shawn Evans
Lonedell, MO

Jason Dallas Demarr
New York, NY

Jason Evans
Lonedell, MO

Christina Paulin
Bradenton, FL

Kelci Evans
Lonedell, MO

Oscar Paulin
Bradenton, FL

Sally Mills
Lonedell, MO

Paul Davidson
Vero Beach, FL

Douglas Mills
Lonedell, MO

Betty Dixon
Oxon Hill, MD

Tara Hatoway
Conway, SC

Matthew Dixon
Indian Head, MD

Rickey Brown
Clarksburg, WV

Sandra Hartsock
Lusby, MD

Heather Tilke
Conway, SC

Keyshia Dorsey
LaPlata, MD

Beate Coluzzi
Waldorf, MD

Timothy Thompson
New Port Richey, FL

Patrick Tweed
Waldorf, MD

Patricia Paul
Waldorf, MD

Erin Tweed
Waldorf, MD

Jeanette McIntosh
Atlanta, GA

Tabitha Burden
Rossville, GA

James Kincaid
Newfield, NY

Irma Kincaid
Newfield, NY

Joy Kincaid
Newfield, NY

Kristine Kincaid
Newfield, NY

Kim Riforgiato
Brocton, NY

Valerie Stringer
Waldorf, MD

Amanda Shafer
King George, VA

Blake Persinger
Indian Head, MD

Jennifer Bazemore
Bryans Road, MD

Bonnie Haynes
Bryans Road, MD

Christopher Povloski
Ocean Pines, MD

Buddy Kalin
Longs, South Carolina

Teresa Lantz-Thomas
Waynesboro, PA

Daniel Thomas
Waynesboro, PA

Crystal Blake
Montross, VA

Christopher Bishop
Ruther Glen, VA

Jenniser Bishop
Ruther Glen, VA

Paul Zerbian
Locust Grove, VA

Beverly Zerbian
Locust Grove, VA

Donna Bledsoe Grubbs
Hampstead, NC

Barrie Brubbs
Hampstead, NC

Brady Lee Cox
Hampstead, NC

Jessie Neal Cox
Holly Ridge, NC

Brittany Brewer-Foy
Myrtle Beach, South Carolina

Richard Sutliff
White Lake, MI

Terri Welch
LaPlata, MD

Melissa Nowak
Smithfield, NC

Robert Welch
LaPlata, MD

Cynthia Smallwood
Fairfax, VA

Teresa Raum
Laurel, MD

Michelle Gordon
LaPlata, MD

Sherry Grogg
Leonardtown, MD

Angela Bilodeau
LaPlata, MD

Elizabeth Archer
Waldorf, MD

Cheryl Williams
White Plains, MD

Kelly Gilgorovic
Chesapeake Beach, MD

Michelle Maternowski
Brooksville, FL

Eileen Labunski
Conway, South Carolina

Ben Labunski
Conway, South Carolina

Kelly Corbin
Accokeek, MD

Charlane Fogle
Conway, South Carolina

Melvin Fogle
Conway, South Carolina

Ellen Scott Marino
White Plains, MD

Steven Collins
Lancaster, MA

David Conner
Woodbridge, VA

Lisa Roselle
LaPlata, MD

Kathleen French
Conway, South Carolina

Kellie Grimes
Indian Head, MD

Kelly Park Vargo
Conway, South Carolina

William Vargo
Conway, South Carolina

Raymond Vargo
Myrtle Beach, South Carolina

Nancy Vargo
Myrtle Beach, South Carolina

Susan Frye Speer
Grafton, OH

Rebecca Reppert
Radford, VA

Matthew Reppert
Radford, VA

Rachel Warfield
Accokeek, MD

Elsie Warfield
Accokeek, MD

Russell Echard
Bryans Road, MD

Jayne Cutright
Morgantown, WV

Erica Blue
Thurmont, MD

Melodie Echard
Nanjemoy, MD

Darral Echard
Nanjemoy, MD

Evelyn Ekstrom
Citrus Springs, FL

Barbara Matthews Scott
Rhome, TX

Jamie Lee Jones
Rhome, TX

Nicole Lydick-Gilbert
Magnolia, DE

Taylor Gilbert
Rehoboth Beach, DE

Melissa Myerly
Waldorf, MD

Michael Myerly
Waldorf, MD

Alexander Myerly
Waldorf, MD

Jacqueline Atwood
Surfside Beach, South Carolina

Mona Faggione
Winston Salem, NC

Bridget Kozlow
Winston Salem, NC

James Faggione
Winston Salem, NC

Cathie Ridgely
Cambridge, MD

Phillip Shafer
Waldorf, MD

Nancy Burch
King George, VA

Brandy Richardson
Aynor, South Carolina

Jesse Richardson
Aynor, South Carolina

Carol Tucker
Cody, WY

Jennifer Scott
Cody, WY

Jessica Barlow
Powell, WY

William Clarke
Cody, WY

Tracy Holt
Decator, TX

George Ward
Cody, WY

Morris Terry
Powell, WY

Pat Terry
Powell, WY

Tracy Darrah
Powell, WY

Allen Green
Georgetown, South Carolina

Kaila Green
Georgetown, South Carolina

Lisa Olson
Lancaster, PA

Kathleen Mishoe
Conway, South Carolina

Cynthia Myers
Waldorf, MD

Carol Krause
LaPlata, MD

Amy Whiteside
Mansfield, TX

Sherry Thomas
Murfreesboro, TN

Ronald Cooper
Murfreesboro, TN

Rachael Christian
Chesapeake Beach, MD

Shanda Buckler
Mechanicsville, MD

Norma Yampiere
Conway, South Carolina

Carmen Solis
Brooklyn, NY

Brenda Mattes
Conway, South Carolina

Mary Simms Johnson
Indian Head, MD

Tamela Skipper
Galivants Ferry, South Carolina

Janet Proctor
Punta Gorda, FL

Michelle Harris
Pomfret, MD

Laura James
Mill Spring, NC

Eddy Mead
Indian Head, MD

Donna Vickery
Conway, South Carolina

Carolyn Burns-Frazier
New Windsor, MD

Mallori Hayes
Conway, South Carolina

Matthew Thompson
Charlotte Hall, MD

Hildit Hucks
Loris, South Carolina

William Hucks
Loris, South Carolina

Diana Knighting
Conway, South Carolina

Cynthia Hartman
Juniper, FL

Guy Hartman
Juniper, FL

Mary Beth Pockey-Johnson
Chesapeake Beach, MD

Mary Burks Cannon
Galway, NY

Carolyn Kashady
Conway, South Carolina

Walter Kashady
Conway, South Carolina

Sandra Copeland
Accokeek, MD

Nora Gioia
Hughesville, MD

Barbara Rudd
West Haven, Utah

Barbara Jaquette
Aynor, South Carolina

Mary Jo Sargent
Mechanicsville, MD

Kaitlyn Cox
LaPlata, MD

Donald Cox
LaPlata, MD

Linda Cox
LaPlata, MD

Lori Malady
Marbury, MD

Timothy Malady
Marbury, MD

Larry Klotz
Waldorf, MD

Brittany Wallace
Loris, South Carolina

Jennifer Quicksell
Myrtle Beach, South Carolina

Lance Wright
Myrtle Beach, South Carolina

Kenneth Godfrey
Myrtle Beach, South Carolina

Kevin Burns
Jonesboro, Georgia

Jean Krause
Mill Springs, North Carolina

Elizabeth Hayes
Ocala, Florida

Donna Christian
Chesapeake Beach, Maryland

Sherry Halford
Mill Spring, North Carolina

Virginia Herbert
Myrtle Beach, South Carolina

Adam Burns
Jonesboro, Georgia

Alan Burns
Jonesboro, Georgia

Ashley O'Sullivan
Myrtle Beach, South Carolina

Gregory O'Sullivan
Myrtle Beach, South Carolina

Dorothy Ferrell
Hughesville, Maryland

Lurana Vitagliano
Clearwater, Florida

Ashley Disque
Glen Burnie, Maryland

Jeannie Ortuso
Roselle, NJ

Darren Disque Jr.
Glen Burnie, Maryland

Bonnie Barbieri
Spring Hill, Florida

Tracy Disque
Glen Burnie, Maryland

John M. Knuckles
Clarksville, Ohio

Sean Donahue
Prince Frederick, Maryland

Judith Mosley
Lumberton, Texas

Jacqueline Casper
Mechanicsville, Maryland

Carolyn Jacobs
N. Falmouth, MA

Brittany Gough
Annapolis, Maryland

Walt Huemmer
St. Paul, MN

Stacy Oosterink
California, Maryland

London Cleo
Covington, LA

Michael Casper
Mechanicsville, Maryland

Candice Andolina
Florida

Stacy Hawkey
Linden, Virginia

Kathy Lindsey
Lexington, AL

Hayden Hunt
Chesapeake Beach, Maryland

Larry Lindsey
Lexington, AL

Theresa Rose
Sterling, Virginia

Ted van Skiver
Wellsboro, PA

Brett Miskovich
Arlington, Virginia

Mike Henry
Mooresville, NC

Jennifer Hunt
Chesapeake Beach, Maryland

Kristin Fitch
New Castle, PA

Barbara WurtSmith Cleveland
Pinckney, MI

Carrie Goodman Powledge
League City, TX

Megan Jackson
Killen, AL

Cindy Waasdorp
San Diego, CA

Kim Shone
St Petersburg, FL

April Shaw
Norfolk, VA

cc: Members of the Senate Commerce, Science and Transportation Committee; Members of the House Energy and Commerce Committee

June 2, 2015

The Honorable Frank Pallone, Jr.
Ranking Member, Committee on Energy and
Commerce
U.S. House of Representatives
Washington, D.C. 20150

The Honorable Jan Schakowsky
Ranking Member, Subcommittee on Commerce,
Manufacturing and Trade
U.S. House of Representatives
Washington, D.C. 20510

Dear Ranking Member Pallone and Ranking Member Schakowsky:

As representatives of the nation's leading consumer, public health, and safety organizations, we are writing in support of legislation you have introduced, the Vehicle Safety Improvement Act of 2015, H.R. 1181. This bill will give the National Highway Traffic Safety Administration (NHTSA) needed authority and additional resources to better fulfill its safety mission. It addresses critical gaps in our auto safety defects and enforcement system identified in Congressional hearings and by the media and exemplified by the recall of millions of vehicles for serious safety defects. For example, 2.6 million vehicles have been recalled due to the General Motors (GM) ignition switch defect, which has resulted in at least 109 deaths and 208 injuries, and 34 million vehicles recalled due to the Takata airbag defect responsible for at least six deaths and hundreds of injuries. Inadequate government oversight as well as corporate cover-ups by automakers and auto suppliers will continue to occur again and again unless NHTSA is given appropriate financial resources and statutory authorities to effectively protect the public as provided in H.R. 1181.

This bill would, among other things: give NHTSA the power to act quickly when a vehicle defect or non-compliance poses an imminent hazard; prohibit auto dealers from selling or leasing recalled used cars that have not been repaired; improve the transparency and quality of the information submitted to the NHTSA Early Warning Reporting Database, as well as its SaferCar.gov database; increase NHTSA's enforcement power by increasing the civil penalties cap; and, provide the agency sufficient funding commensurate with its vital work. Additionally, the bill eliminates regional recalls to protect all motorists throughout the country; requires NHTSA to establish standards for cars to reduce the number of injuries and fatalities suffered by pedestrians, bicyclists and other non-occupants of cars; and, requires that purchasers of used cars are provided information about the vehicle's damage and recall repair history. We commend your leadership on these issues and look forward to working with you to enact this critically important and overdue legislation.

Revelations about the failures of GM and Takata to identify and report deadly vehicle safety defects and conduct timely recalls brought a spotlight on inadequacies with NHTSA's investigation and recall process, consumer information, corporate and agency transparency, and paltry penalties to deter intentional cover-ups. In 2007, legislation with similar provisions was introduced in the aftermath of the Toyota sudden acceleration fiasco. Eight years have now passed without these serious problems being adequately addressed. We have the solutions and they are included in this bill. We urge the leaders of the House Energy and Commerce Committee to convene a hearing on this bill and advance this legislation to prevent needless deaths and injuries, to ensure corporate responsibility and to protect the safety of our families.

NHTSA's safety mission is one of the most important throughout government. Approximately 94 percent of transportation-related fatalities and 99 percent of transportation injuries occur on our streets and highways and yet, NHTSA receives only about one percent of the overall U.S. Department of Transportation budget. Additionally, since 1960, more than 610,000 lives have been saved by laws and programs that NHTSA

carries out. It is imperative that this small agency be given sufficient funds to effectively do its job. This legislation provides the revenues and resources for NHTSA to advance its safety mission.

The tragedies caused by the GM ignition switch defect and Takata defective airbags have once again sounded the alarm on lapses in procedures for identifying and disclosing safety defects and laws to deter corporate actions that result in deaths and injuries. Now is the time to enact The Vehicle Safety Improvement Act of 2015, H.R. 1181. When commonsense and cost-effective solutions are at hand, there are no acceptable excuses for delaying any longer the adoption of lifesaving laws, consumer protections, increased penalties for corporate misbehavior, strengthening NHTSA's authority and resources, and improved vehicle safety standards that can save lives and reduce injuries.

Sincerely,

Jacqueline Gillan, President
Advocates for Highway and Auto Safety

Joan Claybrook, President Emeritus,
Public Citizen and
Former NHTSA Administrator

Andrew McGuire, Executive Director
Trauma Foundation

Janette Fennell, Founder and President
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