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## GM Recall: From Tragedy To Safety

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How do we make this a turning point from tragedy to safety for all of us?

### **Magnitude of American Crash Victim Tragedies (Tears Not Counted)**

The GM Recalls come at a time when the nation is celebrating its Declaration of Independence that held “Safety” as a fundamental purpose. During just the expected 8 years of President Obama’s Administration, the nation is on track to record nearly 250,000 crash deaths (more than twice the number of Americans killed in the Afghanistan, Iraq, Korean, and Viet Nam Wars -- combined). Plus 1 million serious crash injuries. And all crashes are expected to result in \$7 Trillion of societal losses in America during these eight years.

For comparisons of American crash fatalities with other fatalities the media covers daily; crash deaths in the U.S. currently occur at a rate of nearly 100 per day. Serious crash injuries occur at the rate of nearly 400 per day. Societal losses from U.S. crashes occur at the rate of more than \$2 Billion per day. [1]

### **GM Cover-up and NHTSA Corruption Scandals**

Congressional hearings, investigations, and lawsuits have been sparked by the GM scandal that broke into the news early in 2014. The GM scandal, so far, has documented more than a decade of deadly delay by both GM and NHTSA in protecting Americans from death and injury. [2]

During the years 2000 - 2012, the number of crash deaths – just in GM vehicles – amounted to more than 130,000 people in America. [3] Note: That number is crash deaths in all GM vehicles -- not just recalled defective vehicles. This large number of deaths in GM vehicles is recorded, but not publicized, by NHTSA. The number is significant because it provides an important indicator of the magnitude of the safety problems neither generally recognized by the public, nor responsibly addressed both by NHTSA and GM for more than a decade. To this day, NHTSA will not publish crash death data that it has in its files by corporate manufacturer and by model. NHTSA reports death data in terms of driver errors such as alcohol involvement, but not in terms of corporate fatalities and rates.

### **GM Defects Endanger Us All**

GM as of this writing reports 17 crash deaths and 167 injuries in some vehicle models with recalled defective ignition switches. Fortunately for crash victims and the American people we now have a “GM Ignition Switch Death Watch” produced by the Center for Auto Safety. [4] The numbers of GM crash deaths and injuries are expected to increase.

Currently the nation is experiencing a record number of recalls after the GM scandal broke at the beginning of the year. So far, the number of GM vehicles recalled in 2014 amount to nearly 30 million dangerously unsafe defective vehicles. [5]

Delays in repairs are expected to continue for many more months – and 25% of GM vehicles might never be fixed. [6] For the several million defective switch vehicles, all Americans will be in danger as unsuspecting motorists face sudden loss of engine power, power steering, power braking, and air bag protection. Drivers of these GM vehicles will face the experience of sudden loss of power (SLOP) when their ignition switch moves unexpectedly from “on” to “accessory” or “off” position. Until all vehicles are properly fixed, drivers, their passengers, other nearby motorists and pedestrians are all in danger. [7]

### **Cover-up at GM**

GM cover-up efforts have been documented including a major GM funded report described by Connecticut Senator Richard Blumenthal as the best that “money can buy. It absolves upper management, denies deliberate wrongdoing and dismisses corporate culpability.” [8]

The GM Ignition Recall Compensation plan paid for by GM has been shown to be limited in many ways. The GM/Kenneth R. Feinberg plan offers to provide “some” monetary compensation to “some” crash victims that can provide GM with timely evidence of “eligibility” – in return for signing a promissory note releasing GM from further liability. Crash victims will be hard pressed to meet the stringent deadlines and requirements for evidence submission. Crash victims, whether they participate in the GM Feinberg plan or not, will be at a disadvantage by not having the time, information, and expertise that the GM lawyers will have to minimize payouts.

Many crash victims are excluded from the GM/Feinberg plan. As reported in the NY Times:

*“Yet G.M. maintains that a distinct difference exists between its recall of 2.6 million older Chevrolet Cobalts and other cars, which started in February, and its more recent recall of 7.6 million cars like the Chevrolet Malibu, announced on June 30.*

*“For that reason, it has refused to expand a fund set up to compensate victims of the defective Cobalts, infuriating safety advocates. Its insistence comes even after new information filed with regulators was made public Friday that further detailed the similarities.*

*“The compensation fund should be open clearly and readily to anyone who suffered death or injury as a result of these similar defects which were concealed in the same reprehensible way,” Senator Richard Blumenthal, Democrat of Connecticut, said in an interview Friday.” [9]*

## **Corruption at NHTSA**

Next on the Senate Hearing agenda are NHTSA’s failures to investigate GM and force a recall for more than a decade. [10]

The most important purpose of the Hearings is to gain information and give policy direction to prevent future tragedies and to protect us all. As in the Watergate Hearings, Congress can reveal to the American people the corrupting influence of corporate money and power on policy making. The Congress can spotlight the former GM officials in powerful positions of influence in and over NHTSA since 2001 [11]

What the public does not yet know can kill. How many Americans know what GM and NHTSA know? In the U.S. alone, on average, we have about 30 people dying of crash injuries each day involving GM vehicles? In 2012, GM vehicles involved in fatal crashes resulted in 11,212 fatalities according to NHTSA data. Of those, 7,171 fatalities were occupants of GM vehicles, i.e., about 20 GM occupant crash deaths per day. [12]

Members of Congress can ask NHTSA to publish annual fatalities and fatality rates per hundred thousand registered vehicles by company of manufacture. This would incentivize car companies to compete for safety improvements. NHTSA does not currently publish such data that it has, but the Congressional committee could demand -- and publish such data as part of its oversight responsibilities.

A GM study published by NHTSA in 2007 found that in the period May 2005 – May 2006, OnStar data identified 1,045 frontal crashes with air bag deployments and 356 frontal crashes where airbags were expected to deploy but did not deploy. That suggests a 25% rate of airbag non-deployments. Members of Congress can ask NHTSA to obtain from GM all OnStar data on airbag non-deployment frontal crashes.

Over the past decade, an extrapolation of OnStar data suggests that GM vehicles had about 3,500 airbag non-deployment frontal crashes. What do we know about these crashes? What do NHTSA and GM know about these crashes?

Members of Congress can ask NHTSA and GM to make OnStar safety data publicly available for analysis by NHTSA, insurers, and safety consumer groups. Vehicle owners own the data that GM collects, but GM controls the use of our data. We the people can obtain such data to better protect ourselves.

## Notes

[1] Declaration of Independence Rights states *“That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.”*

See NHTSA “Traffic Safety Facts 2012”, Tables 1 & 2, pp. 17 & 18 available at <http://www-nrd.nhtsa.dot.gov/Pubs/812032.pdf>

and NHTSA Report “The Economic and Societal Impact of Motor Vehicle Crashes, 2010” available at <http://www-nrd.nhtsa.dot.gov/Pubs/812013.pdf>

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

[2] <http://www.nytimes.com/2014/07/16/business/documents-show-general-motors-kept-silent-on-fatal-crashes.html>

[3] See figures on 130,000 fatalities of GM passengers during the years 2000 - 2012 in GM vehicles posted by Dr. Leonard Evans, a retired GM researcher. Note that if figures included fatalities involving GM vehicles, not just occupants of GM vehicles, the number of 130,000 deaths would be about 30% greater. See GM occupant death data at <http://www.scienceservingsociety.com/GMvehFats.htm>

[4] See [http://www.autosafety.org/sites/default/files/imce\\_staff\\_uploads/GM%20Victim%20List%206-26-2014.pdf](http://www.autosafety.org/sites/default/files/imce_staff_uploads/GM%20Victim%20List%206-26-2014.pdf)

[5] <http://www.nytimes.com/2014/07/24/business/a-new-gm-recall-covers-800000-more-cars.html>

[6] See <http://www.detroitnews.com/article/20140620/AUTO01/306200035>

[7] See articles on switch scandal at

<http://www.nytimes.com/2014/07/19/business/gm-resists-expanding-victims-fund.html?module=Search&mabReward=relbias%3Aw%2C{%221%22%3A%22RI%3A6%22}>

<http://www.autonews.com/article/20140723/OEM11/140729944/gm-lists-more-cobalt-ion-fatalities-in-quarterly-crash-data>

<http://www.usatoday.com/story/money/cars/2014/07/23/gm-recall-switch-deaths-nhtsa/13067327/>

<http://www.nytimes.com/interactive/2014/06/05/business/The-Fault-in-the-Cobalt-Ignition-Switch.html?action=click&contentCollection=Business%20Day&module=RelatedCoverage&region=Marginalia&pgtype=article&r=0>

<http://www.nytimes.com/interactive/2014/05/18/business/gms-ignition-problem-who-knew-what-when.html?action=click&contentCollection=Business%20Day&module=RelatedCoverage&region=Marginalia&pgtype=article>

<http://www.nytimes.com/2014/02/14/automobiles/general-motors-recalls-778000-small-cars-for-ignition-switch-problem.html?module=Search&mabReward=relbias%3As%2C{%221%22%3A%22RI%3A8%22}>

<http://www.careforcrashvictims.com/blog-moredefectiveswitches.php>

<http://www.nytimes.com/2014/07/19/business/gm-resists-expanding-victims-fund.html?hpw&action=click&pgtype=Homepage&version=HpHedThumbWell&module=well-region&region=bottom-well&WT.nav=bottom-well&r=0>

[8] See <http://www.blumenthal.senate.gov/newsroom/press/release/blumenthal-statement-on-gm-rollout-of-valukas-report>

[9] See NY Times article at

<http://www.nytimes.com/2014/07/01/business/gm-victim-compensation-how-the-plan-works.html?action=click&contentCollection=Business%20Day&module=RelatedCoverage&region=Marginalia&pgtype=article>

and See C Span video of the Feinberg conference at

<http://www.c-span.org/video/?320219-1/gm-ignition-switch-compensation>

See documents handed out at <http://www.gmignitioncompensation.com/>

[10] [http://www.commerce.senate.gov/public/index.cfm?p=Hearings&ContentRecord\\_id=5885c075-9727-479d-9e88-15321a4b221e&ContentType\\_id=14f995b9-dfa5-407a-9d35-56cc7152a7ed&Group\\_id=b06c39af-e033-4cba-9221-de668ca1978a](http://www.commerce.senate.gov/public/index.cfm?p=Hearings&ContentRecord_id=5885c075-9727-479d-9e88-15321a4b221e&ContentType_id=14f995b9-dfa5-407a-9d35-56cc7152a7ed&Group_id=b06c39af-e033-4cba-9221-de668ca1978a)

[11] <http://www.careforcrashvictims.com/assets/CFCV-MonthlyReport-March2014-2%20.pdf>

[12] <http://www.careforcrashvictims.com/assets/MonthlyReport-May2014.pdf>

[http://www.nytimes.com/2014/07/07/business/gm-data-has-potential-as-safety-tool.html?module=Search&mabReward=relbias%3Aw%2C\(%221%22%3A%22RI%3A8%22](http://www.nytimes.com/2014/07/07/business/gm-data-has-potential-as-safety-tool.html?module=Search&mabReward=relbias%3Aw%2C(%221%22%3A%22RI%3A8%22)