



**Monthly Report** – December 2014, Vol. 2, No. 12– ISSN 2332-063X

## **Deadly Defects - Corporate & Governmental**

Louis V. Lombardo

### **People in Danger - Deliberately**

The deadly defects in Takata airbags, GM switches, and Jeep gas tanks are mechanical defects that have killed, and injured people for more than a decade – and continue to endanger millions of us. [1, 2, 3]

Mechanical defects happen and are not deliberate defects. But defects in corporate and governmental policies and practices that permitted the mechanical defects to persist, are far worse because they are political. Political defects are deliberate. Cover-ups by corporations and government are far more deadly than mechanical defects because they result in far more deaths and injuries over a long period of time - decades.

Corporate cover-ups and governmental failures to protect are conscious political evasions of safety responsibilities for money and are an abuse of power. Such deliberate actions are far worse than the initial mechanical defects.

When corporations capture government agencies such as NHTSA, tragedies multiply in number and severity of consequences.[4] The results of regulatory capture have consequences for individuals, families, and organizations whether corporate or governmental.

When corporate and governmental organizations cover-up problems short-term financial gains may result. Longer term, losses often grow.

### **Deliberate Corporate & Governmental Actions**

Delays. Denials. Obfuscations. Minimization. These are some of the deliberate actions we have seen in the cover-ups of mechanical defects by corporations and NHTSA that have been revealed in 2014.

Together these actions resulted in safety and justice denied to an unknown number of Americans – past, present, and future. [5, 6, 7]

Cover-ups are not over yet. Efforts to minimize monetary costs continue to deny and delay safety and justice to people.

One example is the Chrysler efforts to minimize the adequacy of gas tank protections and rate of recall trailer hitch installations. [7]

Another example is the GM Compensation program that minimizes the costs associated with the mechanical switch defect. Automotive News reports:

*“As of Friday, GM had received a total of 251 claims for deaths, 156 for catastrophic injuries and 1,919 for less-serious injuries requiring hospitalization -- bringing the total claims count to 2,326.*

*The company's compensation program has so far determined that 42 deaths, seven severe injuries and 51 other injuries were eligible for payment, the report from lawyer Kenneth Feinberg said.” [8]*

And the Takata efforts to minimize the airbag recall scope to a limited number of States and the rate of installation of replacement modules. [9]

### **Next, Safety or More Danger?**

Toyota proposed disconnecting airbags.

*“Not everyone thinks this is a good idea, since only a small percentage of the defective airbags are likely to explode in a crash. More people could be killed due to disabled airbags than by the defective airbags, said the Center for Auto Safety's executive director Clarence Ditlow.*

*"You save more lives by leaving the airbags in place than you would lose lives by the airbag exploding," Ditlow said. Even if a driver is wearing a seatbelt, he said, airbags can provide life-saving protection in a crash....*

*“Toyota has gotten permission from the National Highway Traffic Safety Administration to disable the airbags, which otherwise would be illegal.”[10]*

Major Auto Dealer Jack Fitzgerald pushes NHTSA to adopt Toyota “solution”. [11]

Automotive News has been doing excellent reporting on recalls. Keith Crain, Publisher of Automotive News, asks: What's a dealer to do? What's a driver to do? He notes "Big recalls are a dilemma for us all". [12]

### **What are we to do?**

TIME carried a piece "What You Should Do About the Massive Airbag Recall" by Byron Bloch listing many options. [13]

A suggestion that should be given much wider consideration appeared in an excellent article in Automotive News by Hans Greimel. He points to the example of the creation of an Innovation Network Corp. of Japan. [14]

I have faith in Takata's technical ability to solve this problem with better management decisions than hiring 3 former DOT officials to be lobbyists. Reminiscent of the classic illustration in the NY Times of 3 crash test dummies: See no evil, Hear no evil, and Speak no evil. [15]

Takata needs to apply its considerable technical expertise, ramp up design, manufacturing, and installation on a scale commensurate with the needs of public safety. [16]

In the meantime, motorists need to minimize driving as much as possible – especially in southern, mostly red, States that have worse than average fatality rates.

And we must demand transparency and accountability of NHTSA and the corporations involving the safety of Americans.

NHTSA needs to publish safety progress tallies on each automaker.

- \* What is each company's fatality rate per 100,000 registered vehicles?
- \* What is each company's list of defects and recalls?
- \* What is the cumulative number of deaths & injuries known each month?
- \* What is the number of vehicles fixed and remaining to be fixed?

When NHTSA is no longer a captive agency, we all will be safer.

[1] Takata airbag victims list

[http://www.autosafety.org/sites/default/files/imce\\_staff\\_uploads/Takata%20Victims.pdf](http://www.autosafety.org/sites/default/files/imce_staff_uploads/Takata%20Victims.pdf)

[2] GM fatal switch list

[http://www.autosafety.org/sites/default/files/imce\\_staff\\_uploads/GM%20Victim%20List%202011-11-2014.pdf](http://www.autosafety.org/sites/default/files/imce_staff_uploads/GM%20Victim%20List%202011-11-2014.pdf)

[3] Jeep fatal fire crash list [http://www.autosafety.org/sites/default/files/imce\\_staff\\_uploads/JeepFARSLog\\_5.pdf](http://www.autosafety.org/sites/default/files/imce_staff_uploads/JeepFARSLog_5.pdf)

[4] Some of the factors in the capture of NHTSA are examined at <http://www.careforcrashvictims.com/assets/CFCV-MonthlyReport-March2014.pdf>

[5] GM cover-up actions see <http://www.careforcrashvictims.com/blog-safetyandjustice.php>

[6] Airbag cover-up actions see <http://www.careforcrashvictims.com/blog-takatahonda.php>

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

and <http://docs.house.gov/meetings/IF/IF17/20141203/102776/HHRG-113-IF17-20141203-SD002.pdf>

[7] Jeep Fires cover-up actions see <http://www.autosafety.org/jeep-grand-cherokee-fires-homepage>

[8] GM minimization actions see

<http://www.autonews.com/article/20141215/OEM11/141219922/gm-approves-4-more-death-claims-for-recall-comp-fund>

and [http://www.gmignitioncompensation.com/docs/program\\_Statistics.pdf](http://www.gmignitioncompensation.com/docs/program_Statistics.pdf)

[9] Takata airbag cover-up and minimizations <http://www.autosafety.org/takata-airbag-homepage>

[10] Toyota Disconnect <http://money.cnn.com/2014/10/31/autos/exploding-airbag-fix/>

[11] Auto Dealer Jack Fitzgerald pushes NHTSA on Toyota “solution”. See attachments

[12] Keith Crain, Publisher, Automotive News:

Dealers in hot seat <http://www.autonews.com/article/20141201/RETAIL07/312019986/recalls-dealers-in-the-hot-seat>

Big Recalls <http://www.autonews.com/article/20141215/OEM11/312159986/big-recalls-are-a-dilemma-for-us-all>

[13] Byron Bloch <http://time.com/author/byron-bloch/> and

<http://www.consumersdigest.com/news/proposed-air-bag-recall-expansion-could-create-long-repair-delays-for-consu>

[14] Hans Greimel

<http://www.autonews.com/article/20141208/OEM10/312089952/takata-brass-waits-in-the-bunker-as-airbag-crisis-grows>

[15] NY Times OP-ED “Weak Oversight, Deadly Cars” by Clarence Ditlow & Ralph Nader <http://www.nytimes.com/2014/10/29/opinion/weak-oversight-deadly-cars.html?module=Search&mabReward=relbias%3Ar%2C{%221%22%3A%22R1%3A7%22}>

[16] Takata has safer airbag technologies that have not yet been applied in millions of vehicles currently on the roads.

<http://www.autonews.com/article/20141210/OEM11/141219996/takata-patent-history-shows-decades-spent-seeking-safer-airbags>