

United States Senate

WASHINGTON, DC 20510

March 24, 2014

COMMITTEES:
ENERGY AND NATURAL RESOURCES
COMMERCE, SCIENCE, AND
TRANSPORTATION
BANKING, HOUSING, AND
URBAN AFFAIRS
SPECIAL COMMITTEE ON AGING
VETERANS' AFFAIRS

The Honorable David J. Friedman
Acting Administrator
National Highway Traffic and Safety Administration
1200 New Jersey Avenue, SE
West Building
Washington D.C. 20590

Dear Administrator Friedman:

As the Ranking Member of the Senate Commerce Science and Transportation Sub-Committee on Consumer Protection, Product Safety and Insurance, I write to you today in an effort to better understand why the National Highway Traffic and Safety Administration (NHTSA) determined that the stalling incidents and airbag failures in General Motors (GM) vehicles did not warrant further investigation by NHTSA even though GM has been aware of these issues since 2001.¹

As you know, Public Law 106-414, the Transportation Recall Enhancement Accountability and Documentation (TREAD) Act amended Section 30166 of title 49, United States Code to provide the Secretary of Transportation with rulemaking authority to establish early warning reporting requirement for manufacturers of motor vehicles and motor vehicle equipment.

The TREAD Act also mandated manufacturers to report information periodically or on demand that includes data on claims submitted to the manufacturer for serious injuries (including death) and aggregate statistical data on property damage from alleged defects in a motor vehicle or in motor vehicle equipment.

Even with access to information directly from the manufacturer, the Office of Defects Investigation declined to move forward in both 2007 and 2010 on any vehicle recall recommendation. Your agency has stated that this was because the agency was unable to identify trends in GM vehicles that were significant when compared to peer vehicles or the US passenger fleet or were indicative of potential problems.² Yet, NHTSA received 260 complaints over 11 years that vehicles were suddenly turning off while being driven.³

General Motors has now issued a recall of over 1.7 million vehicles stemming from these issues, which they now acknowledge they first learned about in 2001, and which have been directly linked to accidents on the road in which 12 people have lost their lives.⁴

¹ Shepardson, David and Melissa Burden. "GM Recalls 1.7M More Vehicles; Barra Vows to Revamp System," *Detroit News*, March 17, 2014, national edition.

² Representative Fred Upton et al. Letter to the Honorable David J. Friedman. March 11, 2014.

³ Stout, Hilary, Danielle Ivory, and Matthew L. Wald. "Auto Regulators Dismissed Defect Tied to 13 Deaths," *New York Times*, March 8, 2014, national edition.

⁴ Bennett, Jeff. "GM Knew of Ignition Flaws Earlier," *Wall Street Journal*, March 13, 2014, national edition.

To better understand the actions taken by NHTSA, I request an answer to following questions no later than March 31, 2014:

1. Did GM report all consumer complaints related to the stalling incidents and airbag failures that it considered in the recall to NHTSA? What actions did NHTSA take based on these reports? What conclusions regarding the vehicles were made, and when were they made? Based on the information provided, why did NHTSA not identify an actionable pattern?
2. What thresholds does NHTSA use to determine whether complaints warrant further investigation or action? In this case, how many additional incidents or reports would have been necessary to have NHTSA take further action? Please provide documentation detailing why the decision not to move forward was made in both 2007 and 2010.
3. Is the Secretary of Transportation consulted when decisions regarding NHTSA investigations are made? If so, was the Secretary consulted regarding the decision to not take further action in 2007 or 2010? If not, was anyone in the Secretary's office consulted?
4. Did any government official outside of the Department of Transportation consult or provide input on the decision not to move forward in 2007 or in 2010?

Thank you for your attention to this important matter. If you have any questions, please contact Josh Finestone with the Consumer Protection, Product Safety and Insurance Subcommittee at (202) 224-6244.

Sincerely,



DEAN HELLER
U.S. Senator