QUESTIONS FOR THE RECORD
For the Honorable David J. Friedman, Acting Administrator
National Highway Traffic Safety Administration

April 1, 2014 Hearing on
"The GM Ignition Switch Recall: Why Did It Take So Long?"

Committee on Energy and Commerce
Subcommittee on Oversight and Investigations

Questions from the Honorable Tim Murphy:

1. *In April 2009, NHTSA conducted a Special Crash Investigation (SCI) of a fatal accident in Pennsylvania involving a Cobalt. In that crash, the airbags failed to deploy and the vehicle was found in the accessory position. Unlike previous crashes investigated by SCI, this accident did not involve an off-road incident.*

    a. *In light of previous Special Crash reports [sic] had also noted the ignition was in "accessory" and the airbags failed to deploy - and the 2007 proposal to open an investigation that NHTSA ultimately rejected- did NHTSA do anything to follow-up on this SCI investigation? Did it request any information from GM?*

    NHTSA is currently conducting an internal due diligence review with the Office of the Secretary of Transportation. Based on those efforts to date, the SCI report was reviewed by the NHTSA Office of Defects Investigation (ODI), but our review has found no documentation of further follow up of the SCI report. The absence of additional documentation in the SCI files was expected because SCI's routine procedure to assure cooperation with crash victims and witnesses is not to retain any records related to an investigation following publication of a final report. Our review has also found no record that NHTSA spoke with or contacted GM regarding the 2009 Pennsylvania crash.

    b. *Can you confirm today that this report was shared with the Office of Defects Investigation?*

    Yes. The SCI report was reviewed in 2010 by ODI staff.

    c. *Did NHTSA reach a conclusion as to why the airbags failed to deploy in this tragic accident? If not, why not?*

    As indicated above, NHTSA is currently conducting an internal due diligence review with the Office of the Secretary of Transportation. NHTSA's review has found no records indicating that a conclusion beyond that expressed in the SCI report was reached by either SCI or ODI.

NHTSA continually seeks new ways to improve our processes. As noted above, we are reviewing the events leading up to this recall to see if there are areas that can be improved. As part of that effort we are considering ways to improve the use of crash investigations in identifying defects.

d. Was this accident included in early warning report data provided by GM?

GM did not include the crash in their early warning reporting data. GM is required to report a "claim" or a "notice" of a death or injury. A claim is defined at 49 C.F.R. Part 579.4 as "a written request or written demand for relief … related to a motor vehicle crash …" A notice is defined as "a document, other than a media article, that does not include a demand for relief, and that a manufacturer receives from a person other than NHTSA." Not every crash results in a claim against, or notice to, a manufacturer. While GM often reports death and injury incidents beyond the minimum requirement, in this case it did not.

e. If not, did NHTSA inquire why it was not included in GM's early warning report data?

There is no record of NHTSA asking GM about this issue prior to 2014. Reportable death and injury incidents are claims against, or notices to, a manufacturer stemming from an injury or a death. Not every crash results in a claim against, or notice to a manufacturer. EWR death and injury claims are not and were never intended to represent a census of all severe incidents occurring on the road.

2. *Did NHTSA ever ask GM to provide any follow-up information about the crashes studied in the Special Crash Investigations?*

NHTSA asked for more information on the Maryland and Wisconsin SCI crashes via a death and injury request letter after those crashes were reported in GM's early warning reporting submissions.

3. *When considering a possible investigation in 2007- did NHTSA ask GM for its service information so it knew how its airbags worked?*

We have not identified any formal or written requests for information submitted to GM in connection with the 2007 evaluation of the Cobalt and Ion vehicles. However, as the committee is already aware, there were informal discussions between NHTSA and GM's safety office staff in early 2007 concerning the air bag system performance in the Maryland crash. Knowledge of these discussions was provided by staff and former staff recalling information from seven years ago. It appears that during those discussions GM responded to NHTSA's concerns that there was an air bag system performance problem by stating instead that they did not see any indications that the air bag system performed improperly. Despite GM's position on this matter, the issue was referred to an ODI panel to consider whether or not to open an investigation.

We have no indication that NHTSA sought the service information from GM in 2007. However, we have since reviewed the service information for the Cobalt and it warns those servicing the vehicles not to attempt to service the air bags for up to 60 seconds after de-powering the vehicle because of the hazard of the bags possibly deploying. Information available to emergency responders concerning these vehicles contained a similar warning. This information is consistent with NHTSA's understanding, at the time, of how the reserve power would have been present to ensure air bag deployment even after loss of engine power. However, if NHTSA had suspected that the ignition switch position could play a role in air bag deployment, we would not have relied on service information. To understand the details of how an air bag system worked, we would speak with the design engineers and obtain their perspective and input.

4. *Was NHTSA aware of GM's 2005 and 2006 Technical Service Bulletins related to "low ignition key cylinder torque/effort?"*

    a. *At the time, did the agency take any steps to review the underlying problem and GM's proposed solution?*

        Manufacturers must provide NHTSA with all technical service bulletins, and NHTSA reviews all that it receives for safety issues. GM's 2005 and 2006 technical service bulletins about the ignition switch did not contain information about a link between switch position and air bag deployment. NHTSA is currently conducting an internal due diligence review with the Office of the Secretary of Transportation. We have not uncovered any evidence in NHTSA's records suggesting that NHTSA followed up with GM or conducted any activity regarding these bulletins.

    b. *On its own, does NHTSA consider a low torque ignition switch to be a safety defect?*

        Yes. The answer to this question differs from what it would have been in 2007, at which time NHTSA did not have an understanding or notification of the effect of ignition switch position on air bag deployment in some vehicles. In 2007, a low detent torque ignition switch condition leading to stalls was viewed as a vehicle stall consequence (occurring coincident with external vehicle disturbance) with immediate restart capability, which would have been deemed as a lower hazard level stall (as opposed to a stalling hazard where restart was not possible, especially in those situations where the stalled/stopped vehicle would be in proximity to other vehicles moving at high speed). These and other stall-related concerns were pursued by NHTSA, leading to 42 stalling investigations resulting in 31 recalls involving 5.1 million vehicles from 2004 through 2013.

    c. *Is NHTSA aware of any accidents that were caused by inadvertent key rotation in GM vehicles?*

With regard to those crashes NHTSA has investigated involving GM vehicles, we are not aware of any where the defect ignition switch caused the accident (as opposed to being the likely cause of air bag non-deployment). We are aware that, at least since the 2014 recall, some have alleged that crashes may have been caused by that condition due to its effects on steering or braking. Of course, the recalls that are underway will remedy the condition so that, whether the concern is air bag non-deployment or a possible reduction in braking or steering capability, the recall should address the concern.

As of March 7, 2014, NHTSA found in its database 317 complaints with stalling related keywords in the summary description for Model Years 2003 to 2007 vehicles recalled under NHTSA Recall 14V-047 (Ion, Cobalt, HHR, etc.). In those 317 complaints, eight are marked for a crash. None of the 8 crash complaints cite or allege that the ignition switch was the cause of, or related to the stall. Further, one of the eight crash complaints does not involve a stall; three appear to be a generic engine system problem as the cause of the stall; and four are ambiguous as to the cause of the stall.

d. In NHTSA's opinion, is this an airbag recall or an ignition switch recall?

GM's recalls are for defects in the ignition switch and ignition cylinder, but the hazard identified by GM for those defects is air bag non-deployment. Of course, the recalls that are underway will remedy the condition so that, whether the concern is air bag non-deployment or any other condition resulting from an inadvertent key off condition, the recall should address the concern.

5. *In general, how frequently does NHTSA request additional information from manufacturers based on death and injury reports?*

a. Is this information effective? If so, how? If not, why not?

NHTSA receives about 1,500 death and injury reports each quarter from manufacturers, and NHTSA requests additional information on about 150 per quarter. Yes, this information is helpful and, in some cases, provides NHTSA with an additional facet of information to analyze in combination with all other data sources to make a judgment about the possibility of a safety defect.

6. *Since 2001, how many investigations has NHTSA conducted involving non-deployment of airbags in frontal impact crashes? Please provide details of these investigations including but not limited to the vehicles involved, the timing and outcome of the investigation.*

a. In that same time period, how many investigations has NHTSA conducted involving unwanted deployment of airbags? Please provide details of these investigations including but not limited to the vehicles involved, the timing and outcome of the investigation.

Since 2001, NHTSA has conducted 21 investigations involving non-deployment of a frontal air bag and 16 investigations involving inadvertent deployment of a frontal air bag. The following tables provide investigation numbers and whether the investigation resulted in a recall.

Frontal Air Bag Non-deployment Investigations (2001-2013)

Investigation Number	Investigation Resulted in Recall(s)?
SQ01-015	
EA02-009	
EA02-010	
EA02-020	Yes
PE02-022	
PE02-038	
EA03-010	
EA03-020	
PE03-002	
EA04-013	Yes
PE04-053	Yes
RQ04-001	
PE05-061	
EA06-003	Yes
PE07-045	
EA08-001	Yes
EA08-012	Yes
EA09-017	Yes
PE09-034	
RQ09-003	Yes
PE11-019	Yes

Frontal Air Bag Inadvertent Deployment Investigations (2001-2013)

Investigation Number	Investigation Resulted in Recall(s)?
PE01-018	
EA02-008	Yes
PE02-010	
PE02-026	
RQ02-004	
PE04-076	
PE08-017	
PE09-046	
EA10-001	
PE11-035	
EA12-001	Yes
PE12-023	
PE13-020	Yes
RQ13-002	
PE01-018	Yes
EA02-008	Yes

The investigation files are available via NHTSA's website at: http://www-odi.nhtsa.dot.gov/owners/SearchSafetyIssues. Select "ID Number" and check "Investigations." Enter associated investigation number in the box and press "Go."

7. *How does NHTSA's new software improve the agency's ability to track and identify defects?*

   NHTSA acquired the IBM software in fiscal year 2012. NHTSA purchased four software packages including Cognos Business Intelligence, ICA Content Analytics, Advanced Case Manager, and SPSS predictive analytics. The new software will enable NHTSA to fuse data across the Office of Defects Investigation, providing faster, more consistent, more relevant, and more accessible results to data calls. It will also provide for the first time alerts to staff based on predefined business rules. These alerts can rely on multiple data sets rather than just one. Cognos and ICA were implemented in initial capability in the third quarter of fiscal year 2012. Plans are underway for fuller implementation of each portion of the IBM software by the end fiscal year 2015.

   a. *Has NHTSA initiated a recall as a result of the information presented by this software?*

      No. The software is at an initial operational capability and is in limited use by the Defects Assessment staff as a supplement. It has been used primarily to demonstrate broader trends to put the daily complaint reviews in perspective.

   b. *Has the agency been able to quantity its benefits, to date?*

      The software has not been used broadly to demonstrate an impact on regular business processes. IBM Cognos, the business intelligence package, furnishes regular reports and complaint rankings on demand that formerly required hours to create. IBM Content Analytics, the search package, has allowed us to conduct specialized searches over a decade's worth of complaints for topics not readily found by filtering on component codes or using simple Boolean keyword searches.

   c. *What is NHTSA doing to improve its ability to leverage the capabilities of this technology?*

      NHTSA is working on two essential elements needed to fully exploit the IBM software: construct a proper operational data store that will allow it to fuse data collected across all of the agency's business lines; and, continue requirements-capture and implementation to absorb more business processes into the software.

8. *Is the warranty information currently provided to NHTSA through early warning reports valuable to the agency's safety mission?*

   Yes, this aggregate information is helpful and, in some cases, provides NHTSA with an additional facet of information to analyze in combination with all other data sources to make a judgment about the possibility of a safety defect.

a. *How frequently does the agency initiate investigation based on the warranty data provided by the manufacturers?*

Since 2004, there were16 cases in which warranty claim data was used in the agency's defect trend analysis to open an investigation. Additionally, warranty claim data is frequently used in the course of other agency investigations.

b. *If NHTSA received every specific warranty claim received by manufacturers, how would the agency process this information?*

NHTSA obtains warranty claims if it believes they would shed light on an issue. In our judgment, it would not be helpful to receive "all" warranty data from a manufacturer, as such a large volume of data contains data that has no safety relevance, such as data relating to radios, paint and upholstery. Presently, NHTSA requests that the manufacturer provide underlying information if the agency's analysis indicates a possible problem. However, if a manufacturer were to provide all warranty claims to NHTSA, the agency would have to create a digital database to store all warranty claim information and take sufficient steps to enter all the information or establish a requirement for industry to submit the information in a standard electronic format. If a problem were indicated by the counts, the agency would then need to access its database rather than requesting that the manufacturer send the claims to NHTSA. There would be little to no value in having staff read every warranty claim, even if NHTSA could sort the claims preliminarily to exclude those that are not safety-related (e.g., audio systems, paint, etc.) because NHTSA's current methods to analyze warranty claims detect problem areas more efficiently.

i. *Does the agency have the IT infrastructure to manage this volume of information?*

No. NHTSA would need to conduct an analysis to determine the technical specifications for an appropriate system. It is likely that new information technology resources would have to be added to NHTSA's data warehouse and analysis systems. The agency's IBM software would also require additional configuration to accommodate the volume of data. The agency also does not have sufficient personnel at present to manage this volume of information.

ii. *Would it be of any use to the agency or would it potentially have the adverse effect of drowning investigators in information?*

In most cases, NHTSA would likely continue to analyze warranty claims using the agency's current methods, so having manufacturers provide all warranty claims would have little direct impact on the agency's safety defect investigations. However, it would provide a burden on NHTSA resources to create the infrastructure needed to input and maintain the

additional warranty claim data. NHTSA currently lacks the resources to do this without cutting back on some other work within the Office of Defects Investigation.

9. *NHTSA has unfulfilled 2007 legislative requirements to produce and implement the Tire Fuel Efficiency Consumer Information Program (TECIP). Despite publishing a proposed final rule in 2010, soliciting and analyzing comments and taking years to conclude work, the agency has failed to finalize the tire labeling requirement. It is my understanding that NHTSA is now drafting a supplemental notice of proposed rulemaking (SNPRM). Please answer whether NHTSA has completed the data gathering and research phase of the rulemaking, and when the supplemental rulemaking will be completed and published.*

    a. *Does NHTSA intend to allow for a public comment period, and if so, for how long?*

    NHTSA published a final rule in 2010 establishing test methods that would be used for the new consumer information program on tire fuel efficiency. However, in order to provide NHTSA with the time needed to conduct additional consumer testing to evaluate the most effective format in which to provide the information provided and to resolve important issues raised by public comments on the proposal, the 2010 final rule did not specify the content or requirements of the consumer information and education portions. The agency has conducted additional consumer research and is in the process of drafting a supplemental notice (SNPRM), which would have the typical 60-day comment period.

    b. *Finally, does NHTSA intend to conduct any pilot programs for evaluating the results of a tire rating label?*

    As discussed above, we have done consumer research on the label. NHTSA also conducts evaluations of the effectiveness of its consumer-oriented regulations, such as bumpers, theft protection, fuel economy and the New Car Assessment Program (NCAP) on a periodic basis. The TECIP would be a candidate for such evaluation once sufficient time has passed after implementation of the final rule.

Questions from the Honorable Henry A. Waxman:

1. *With passage of the TREAD Act, Congress acknowledged that NHTSA was underfunded and understaffed. NHTSA also needed additional staffing resources in order to implement the Act and establish the Early Warning Reporting system. In 2001, NHTSA' Office of Defects Investigation (ODI) had 52 employees; in 2002, that number increased to 59, and yet now, ODI has one fewer employee than when the TREAD Act passed A recent headline for a Bloomberg News article was: "Auto Regulator Has 51 People Tracking 250 Million Cars." ODI is funded at $10.6 million and the Department of Transportation has requested no increase in FY 2015. I understand that NHTSA has many important*

functions. But 51 staff members is low particularly when only a portion of those 51 are investigators.

a. *Please indicate that different offices or divisions composing ODI and state the role of each of its employees.*

   Please see the attached document that details the functions of each ODI division and the role of each of its employees.

b. *For a short time, in FY 2002, ODI had as many as 59 employees. Please detail what ODI could do in FY 2015 if it added ten more individuals to its current staff of 51 employees.*

   With an additional ten individuals, ODI would add three additional defect screeners to the Defects Assessment Division, two investigators to the Vehicle Integrity Division, three investigators to the Vehicle Control Division, one analyst to the Early Warning Division, and add a new position for a dedicated records manager to alleviate the burden of records management from the investigative staff, allowing them to focus more time on mission critical tasks.

c. *As cars have grown in complexity, has NHTSA added staff who understands these advances? How many electrical and software engineers does NHTSA employ?*

   The agency has a diverse and experienced workforce with extensive experience in automobile safety, including experts conducting defects investigations and experts researching and testing vehicle safety at NHTSA's Vehicle Research and Test Center. NHTSA currently has a total of 17 electrical, electronics and software engineers on staff. NHTSA continually assesses ODI's needs to determine what additional staff with expertise in electrical and software engineering or other areas of specialization are needed. In addition, ODI also obtains resources from outside the agency in specialized fields of expertise to ensure that its analyses are thorough and comprehensive, when such a course of action is necessary.

While ODI uses a variety of data sources to determine whether a safety-related defect may exist or that an issue may warrant further scrutiny, ODI officials have indicated in bipartisan briefings with Committee staff that the information provided by consumers to NHTSA's consumer complaints database plays a particularly important role. In response to member questioning at the Subcommittee hearing on April 1, 2014, you stated: "Right now, we've got 45,000 complaints. I'd like to see that number get up to 50,000; 60,000; 75,000 complaints relative to safety issues so that we can have more information to be able to track down these problems."

d. *It is my understanding that the NHTSA consumer complaint database represents a sample; i.e. there are many incidents that might involve a potential safety-related defect that are not reported by consumers to the agency. Is that correct?*

Yes, this is correct.

e. Please discuss the benefits of an increase in the number of consumer complaints submitted to NHTSA. If NHTSA's consumer complaint database included 75,000 complaints relevant to safety issues, what are likely ways that this development might aid NHTSA in its safety mission?

Consumers file complaints with NHTSA for a variety of reasons, only some of which are safety- related or useful to screening and investigations. More safety-related complaints would provide better trend information, more opportunities to find clear defects, and better insight into emerging vehicle safety issues. More safety-related complaints could also indicate that consumers are more aware of NHTSA's role in defects investigations and therefore more likely to report problems to us in addition to reporting them to automakers.

f. Does NHTSA receive more or fewer potentially safety-related consumer complaints, on a per-model basis, when compared to auto dealers and manufacturers? What is the ratio of complaints to manufacturers compared to complaints to NHTSA?

NHTSA does not collect or maintain statistics comparing complaint rates it receives with rates received by auto dealers and manufacturers. However, based on EWR complaint data and experience from defect investigations, manufacturers usually receive significantly more complaints than NHTSA. The ratios vary and may be influenced by several factors, such as: the manufacturer, vehicle type and brand, the type of defect condition, the perceived safety risk, and vehicle age.

g. Please identify at least the three most consequential steps the agency would need to take to accomplish the goal of substantially increasing the number of consumer complaints in NHTSA's database, and indicate what resources would be necessary to carry out these efforts.

To accomplish the goal of substantially increasing the number of consumer complaints in NHTSA's database, NHTSA will first increase its outreach to consumers. NHTSA will launch a new outreach campaign in late fiscal year 2014 to increase awareness about ODI to consumers. Another part of this effort is to complete the MAP-21 requirement to promote vehicle defect reporting by requiring a label in the glove compartment or other readily accessible location that provides information about how to submit a complaint to NHTSA. However, even though every owner's manual already contains information on how to file complaints with NHTSA, focus group results show that consumers are unaware of the resources that NHTSA and its ODI provide to the public in keeping the nation's roadways safe. Generally, consumers do not know that they can file complaints about vehicle safety issues that could potentially lead to vehicle recalls. The resources needed to carry out this effort include contractor support,

television and radio announcements, additional outreach materials, and partnership engagement with automotive and consumer safety organizations.

Second, NHTSA will update its website and mobile application to create a robust medium to communicate important vehicle safety information with consumers. This effort will require information technology contractor support, including three additional contractors to expedite enhancements and maintain ODI's website, mobile app and intranet applications.

Third, NHTSA will revise its vehicle owner questionnaire to provide a simple, user-friendly format for consumers to easily file complaints. This effort will require information technology contractor support.

h. *Please indicate specific ways in which NHTSA can improve the analysis of information in its consumer complaints database.*

NHTSA's adoption of the IBM software is improving its ability to search specific complaint topics and to display broader complaint trends quickly and consistently. Next steps are spread across three packages and the general area of data management.

The next major step to improving the utility of the complaint database is to utilize the IBM software to fuse complaints with information from other data sources. For example, a consumer complaint may correspond to an EWR Field Report, D&I claim, or SCI / NASS case. The IBM software (Cognos) and related operational data store would cross-reference these separate areas to add more detail to that one complaint. This functionality would be married (drill-through capability) to the existing reports that show problem rankings. In essence, 15 – 30 minutes of searching and documentation would be replaced with an on-demand concise report. ODI has built the needed operational data store to achieve this. The next step is to establish the needed business rules to define relationships among the data sets and to proof out sample reports.

Coupling the above approach with Advanced Case Manager (ACM) will marry complaint and related incident data to ODI decision-making / screening / investigative history, assuring a consistent, data-driven approach. ACM still requires more implementation and detailed requirements capture for deployment. When deployed, ACM will improve documentation of screening work and improve cooperation across lines of business.

To take the IBM software beyond the basic functionality in place, further refinement of the data elements and available collections, and implementation of custom dictionaries are needed (e.g., is the mist an oil leak or weather condition?)

None of these tools require advanced database skills, meaning that they will offer fast, consistent command of the right information at the analyst level freeing our screeners and investigators to focus on incident follow-up /research.

Taken as a whole, this suite of tools is expected to fuse data and decision-making effectively from across the organization to enable us to move quickly and accountably, and to allow our screening and investigative staff to focus on their fields of expertise rather than managing data.

Relatedly, I understand that NHTSA's Crash Investigation Division (CID), which oversees the Special Crash Investigations (SCI) commissioned by the agency, has a staff of nine people. SCI reports for crashes in 2005, 2006, and 2009 provided NHTSA with the first detailed information on crashes involving what would later be determined as the General Motors (GM) ignition switch/air bag non-deployment defect. At the time, the investigations focused on the non-deployment of air bags, and could not conclusively identify the position of the ignition switch as the likely cause of the crashes that were investigated.

i. *Please provide a table showing the total number of Special Crash Investigations undertaken each year from 2000 to 2013.*

Special Crash Investigation Cases 2000-2013
Total Number of Cases Assigned

Year	**Total**
2000	**124**
2001	**118**
2002	**131**
2003	**180**
2004	**202**
2005	**294**
2006	**120**
2007	**126**
2008	**156**
2009	**166**
2010	**109**
2011	**102**
2012	**128**
2013	**93**
Total	**2049**

SCI cases vary year to year due to several factors. Namely, Agency priorities dictate the types of cases that are investigated by SCI. SCI is not a census type

program; its yearly cases reflect the specific requests from various NHTSA Offices. Therefore the number of investigations varies from year to year.

Additionally, the types of cases play a major role in the number of cases that can be investigated. As an example, motorcoach crashes require significantly more resources to investigate than a single vehicle crash. To further account for the fluctuation, SCI periodically conducts special study-type investigations that have a specific time-sensitive focal area and are typically not counted in SCI full crash investigation case numbers. For example, in 2013, SCI conducted an increased number of special study-type cases on heavy truck crashworthiness so that the Agency could provide a report to Congress. SCI completed 88 such special study-type cases, but these cases were not counted in our overall total of full investigation cases.

j. Please detail the impact on NHTSA's safety mission of a funding boost allowing for a 25% increase in the number of Special Crash Investigations undertaken annually. Would such an increase provide a greater body of evidence for NHTSA to draw on when determining that a safety-related defect may exist or that a particular issue at least warrants further scrutiny? Please explain what NIITSA capabilities would be enhanced by such a change and address whether it could help speed NHTSA's identification of defects.

The SCI program supports the agency by providing topical in-depth crash data to support our Research Office, Rulemaking Office, Traffic Injury Control programs, as well as immediate response to requests from ODI. Currently, the SCI program budget ($1.7M) is sufficient to support approximately 130 in-depth investigations from professional crash investigators each year.

An increase in the SCI budget of 25% could potentially allow for up to 20-25 additional in-depth SCI cases per year to support various agency needs and would also help defray the rising costs in collection and help keep the investigators equipped with the most up-to-date equipment.

With increased funding SCI would certainly continue to investigate certain crashes of interest to ODI. However, SCI would still be just one of many sources that ODI could use to look for trends that warrant a vehicle safety investigation or recall.

In your testimony at the Subcommittee hearing on April 1, 2014, you stated, "We are… considering ways to improve the use of crash investigations in identifying defects. We are reviewing ways to address what appear to be remote defect possibilities."

k. Please provide details on how NHTSA plans to improve the use of crash investigations in identifying defects.

NHTSA's ODI will continue its close collaboration and information sharing with SCI. A recent change was made to ensure that SCI is represented at all ODI defect panel decision meetings. Additionally, NHTSA is exploring ways to better leverage technology to automate internal notifications between SCI and ODI staff as to the availability of new information and to bring relevant SCI and other crash investigations into discussions around potential defects.

l. *Would an increase in the number of Special Crash Investigations that are undertaken enable the agency to have more data on those issues that, in your words, "appear to be remote defect possibilities"? Please explain your answer.*

An increase in the number of SCI cases would provide additional data to various stakeholders in NHTSA that rely on these data. NHTSA is also exploring the potential of other field investigative resources in addition to SCI that may be beneficial for specific types of crashes or fires such as those involving rollovers, hybrid or alternative fuel vehicles. In addition to crash investigations, we are considering other ways to address remote defect possibilities, especially by ensuring that manufacturers evaluate those possibilities promptly.

2. *In written testimony submitted for the Subcommittee hearing on April l, 2014, you wrote that "GM had critical information that would have helped identify this defect," that NHTSA did not possess. I would like to explore this point further. Press reports from the hearing have gone as far as saying that GM withheld information from NHTSA. I would like to focus on what exact information GM failed to provide to NHTSA before the existence of a safety-related detect was formally determined. In response to members questioning, you stated that there are several pieces of information you would have "liked" to have had at a minimum from GM, including "information that they changed the part in the ignition switch [in 2006]," "information that they were talking to their suppliers" because of "concerns about the algorithm associated with air bag nondeployments," and "any information they had directly linking the ignition switch defect to air bag nondeployments." You also indicated that NHTSA's ongoing investigation may determine additional information possessed by GM that would have been useful for NHTSA defect identification activities.*

Perhaps this information, if known by GM, should have been reported to NHTSA as a matter of principle. However, it is not clear that this principle is enshrined in federal law or regulations in a manner that ensures NHTSA receives that information it needs to identify possible safety-related defects.

a. *What pieces of information that NHTSA did not receive may have helped the agency ascertain the safety problem earlier, if it had received them? Please include the three kinds of information mentioned above that you said you "would have liked" to have had.*

Through its timeliness query investigation, NHTSA found that GM had specific information indicating that it knew or should have known that a safety-related

defect existed in these vehicles well in advance of when it recalled them. Specifically, GM's supplier notified it as early as 2009 that the air bags in the Cobalt would not work unless the key was in the "run" position. Moreover, at least as of 2012, GM personnel investigating reports of crashes were aware that in many of the crashes that the ignition was in "accessory" or "off" when the impact occurred and that, with the ignition in that position, the air bags will not deploy. Around the same time, GM was discussing potential remedies, including the possibility of revising the ignition switch to increase the effort to turn the key out of the "run" position. GM had already made such a change for its later model years vehicles.

b. *For each piece of information listed as potentially helpful that NHTSA did not receive:*
   i. *Please state what law or regulation requires that manufacturer submit such information to NHTSA;*
   ii. *Please indicate if such information is or is not currently required to be submitted to NHTSA, based on the current language of federal law and regulations; and*
   iii. *For any information not required to be submitted by law or regulation, please submit language that would make such helpful information required to be submitted by law.*

   Based on the information described above, GM was aware that a safety-related defect existed in its vehicles. As GM admitted in a Consent Order with the agency, GM violated the Safety Act by failing to provide notice to NHTSA of that safety-related defect within five working days as required by 49 U.S.C. § 30118(c)(1), 49 U.S.C. § 30119(c)(2), and 49 C.F.R. § 573.6(b). Therefore, all of the information noted above should have been provided to NHTSA under current law.

c. *GM, like all manufacturers, is required to submit to NHTSA several different kinds of information, including: defect and noncompliance reports pursuant to 49 C.F.R. Part 573.6; notices, bulletins, customer satisfaction campaigns, consumer advisories, and other communications, pursuant to 49 C.F.R. Part 579.5; and Early Warning data pursuant to 49 C.F.R. Part 579.21. I know this list is incomplete, so please list all types of information manufacturers are required to submit to NHTSA that the agency then reviews for possible safety-related defects. In addition, what information is required to be sent to NHTSA once a defect is formally determined?*

   Under the TREAD Act manufacturers are required to submit quarterly counts of death and injury claims and notices, warranty claims, property damage claims, and consumer complaints. Actual documents that are required to be submitted to NHTSA are field reports (quarterly), service bulletins (monthly), and substantially similar vehicle lists (annually). Additionally, the TREAD Act also requires manufacturers to report foreign recalls and other safety campaigns in foreign

countries within five days of a determination to conduct a recall or campaign (either by the manufacturer or a foreign government).

Once a defect has been formally determined, a manufacturer must send an information report to NHTSA for each defect or non-compliance. 49 C.F.R. § 573.6 outlines the specific information which must be included in the defect or non-compliance information report. Additionally, manufacturers must also submit a quarterly report for each defect or non-compliance campaign. 49 C.F.R. § 573.7 outlines the specific information which must be included in the quarterly reports.

As a result of its Consent Order with NHTSA, GM is also required to submit additional information to NHTSA. With respect to this recall, GM must submit a comprehensive written plan of how it intends to maximize the completion rate for its recall along with reports on the progress of the recall on a biweekly basis for six months and monthly basis thereafter for a total reporting period of three years. Other information that GM must provide to NHTSA pursuant to the Consent Order includes a monthly list of every safety-related issue under consideration by any GM Product Investigator or otherwise under consideration by GM's Global Vehicle Safety organization. This requirement applies for one year.

3. *The bipartisan investigation by the Committee on Energy and Commerce has found that GM approved, at least twice, the inclusion of ignition switches in its vehicles that did not meet the company's own specifications for torque performance between the run and accessory positions. In fact, the ignition switches of certain vehicles in the 2003-2007 model years had torque, between run and accessory, that measured between 4 and 10 Newton centimeters (Ncm) rather than meeting the GM specification of 20 Ncm (plus or minus 5 Ncm). In making the decision to accept ignition switches that did not meet its torque performance specifications, GM put the safety of its customers at great risk. Yet, to the surprise of many of my colleagues, such a move did not violate federal motor vehicle safety standards (FMVSS), because there is no FMVSS provision on ignition switch torque performance.*

   a. *Please describe the process NHTSA employs in determining new safety hazards that warrant being regulated under FMVSS.*

      NHTSA is a data-driven agency, and the process begins by considering relevant available motor vehicle safety information. We prioritize our existing rulemaking resources and look first at possible regulations that are likely to save many lives. We also consider whether a proposed standard is reasonable, practicable, and appropriate for the particular type of motor vehicle or motor vehicle equipment for which it is prescribed. New standards must be practicable, meet the need for motor vehicle safety, and be stated in objective terms. Furthermore, in most cases, the agency is required to conduct a cost-benefit analysis and determine that the benefits of a proposed standard justify the costs imposed by the standard.

b. *Is NHTSA evaluating, or does NHTSA plan to evaluate, whether an FMVSS is needed for ignition switches?*

NHTSA will consider all of the relevant safety information and determine whether a standard is warranted.

c. *Aside from issuing or amending an FMVSS, what are other methods that NHTSA can use to monitor known safety hazards in individual vehicle parts and ensure that manufacturers do not place their customers at risk from these hazards?*

Manufacturers have a legal duty to inform NHTSA of any unreasonable risk to safety. If they change a part to address such a risk, they must do so as a recall. NHTSA pursues recalls when a motor vehicle or item of motor vehicle equipment does not comply with an FMVSS or when there is a safety-related defect in the vehicle or equipment. Generally, a safety defect is defined as a problem that exists in a motor vehicle or item of motor vehicle equipment that poses an unreasonable risk to motor vehicle safety. In fact, most of the recalls that NHTSA pursues are for safety-related defects and not for noncompliance with an FMVSS.

4. *At different occasions during the Subcommittee hearing on April 1, 2014, you stated that NHTSA will "hold General Motors accountable" if the agency's investigation determines that GM failed to meet its legal responsibilities to report and address the ignition switch defect, including by failing to act quickly or in good faith toward the agency. However, the maximum civil penalty that NHTSA can issue for a related series of standards or compliance violations is $35 million. (It can also issue up to $35 million for a related series of violations of inspection, investigation, and records standards.) I do not believe that the prospect of these fines is an adequate deterrent to unsafe practices by major automakers, whose annual revenue can top $150 billion.*

a. *The Motor Vehicle Safety Act of 2014, which I introduced, would increase the maximum civil penalty NHTSA can levy for a related series of violations to $200 million. Please detail the impact on NHTSA's deterrent capabilities if the agency's maximum total civil penalty for a related series of violations was increased to $200 million. Would such a development help NHTSA ensure that manufacturers are accountable for the safety of their customers?*

Secretary Foxx recently unveiled the GROW America Act, which would increase the maximum civil penalty for a related series of violations of the Motor Vehicle Safety Act to $300 million. NHTSA supports this increased civil penalty amount to enhance the penalty's deterrent effect and help NHTSA ensure that manufacturers are held accountable for failures regarding safety defects and noncompliance under the law.

On March 4, 2014, NHTSA sent GM a Special Order (essentially, an administrative subpoena) with 107 questions that the company must answer pertaining to the ignition switch/air bag non-deployment safety defect and its handling of related recalls. GM's

answers were due to NHTSA on April 3, 2014. An April 8, 2014, letter from NHTSA to GM indicated that the company was not in compliance with the agency's investigation, having failed to "respond to over a third of the requests" and to "answer under oath as required."

Because GM did not fully respond to the Special Order, the agency demanded civil penalties of the statutory maximum of $7,000 a day, pursuant to 49 C.F.R. Part 578. As of April 15, 2014, GM has still failed to fully comply with the requests of the NHTSA Special Order.

b. *Is GM's failure to respond to significant portions of the NHTSA Special Order unusual? Has a manufacturer previously simply disregarded NHTSA's inquiries for weeks on end in favor of paying civil penalties?*

   Yes, this is unusual. Manufacturers typically comply, as they must, with the agency's information requests pursuant to 49 U.S.C. § 30166(g).

c. *Please detail the likely impact on manufacturer compliance with NHTSA requests for information if the agency's maximum daily civil penalty was substantially raised. Would such a change help NHTSA ensure that manufacturers are accountable and responsive to the agency's inquiries?*

   Secretary Foxx recently unveiled the GROW America Act, which would increase the maximum daily civil penalty for failing or refusing to perform an act required by 49 U.S.C. § 30166, or a regulation prescribed thereunder, to $25,000. NHTSA supports this increased civil penalty amount to enhance the penalty's deterrent effect.

5. *In a March 2010 hearing before the Subcommittee on Commerce, Trade, and Consumer Protection, then-NHTSA Administrator David Strickland acknowledged an inconsistency: when a consumer reports a safety problem directly to NHTSA, the report goes into a publicly searchable database; however, when a consumer instead reports the safety problem to a car company, that report becomes confidential business information. I would like you to discuss the regulations that implement the Early Warning Reporting (EWR) system and why they are so restrictive of public accessibility. If consumers had more access to EWR information earlier, they could influence defect investigations and even bring about earlier auto recalls, which could prevent injuries and save lives.*

   At that same hearing, Administrator Strickland explained the Administration's commitment to transparency, and said, "the more transparency we have, the better."

   a. *It is my understanding that NHTSA grants confidential treatment to all submissions in certain classes of EWR information, including: data relating to warranty claims and warranty adjustments; data relating to field reports and copies or field reports; data relating to consumer complaints; production*

numbers, other than of light vehicles; and Common Green Identifiers. Is this correct?

Upon an appropriate showing, NHTSA grants confidential treatment to reports and data relating to vehicle warranty claim information and tire warranty adjustment information; reports and data relating to field reports, including dealer reports, product evaluation reports, and hard copies of field reports; and reports and data relating to consumer complaints. See 49 C.F.R. Part 512, Appendix C (a).

Upon an appropriate showing, NHTSA also grants confidential treatment to reports or production numbers for child restraint systems, tires, and vehicles other than light vehicles; and lists of common green tire identifiers. See 49 C.F.R. Part 512, Appendix C (b).

b. *Please state the rationale for the agency's confidential treatment of all EWR data relating to consumer complaints. How can information submitted by consumers be considered confidential business information?*

Exemption 4 of the Freedom of Information Act protects, "trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential." See 5 U.S.C. § 552(b)(4). Under Exemption 4, the standard for assessing the confidentiality of required submissions of information is whether disclosure is likely either to cause substantial competitive harm to the originating entity or to impair the government's ability to obtain necessary information in the future. See *National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765, 770 (D.C. Cir. 1974). Meeting the competitive harm standard requires that there be, "actual competition and a likelihood of substantial competitive injury," from disclosure of the information. See *CNA v. Donovan*, 830 F.2d 1132, 1152 (D.C. Cir. 1987). Assessing the effect of disclosure under the impairment prong requires a "rough balancing" of the extent of impairment and the information's importance against the public's interest in disclosure. See *Washington Post v. Dep't of Health and Human Services*, 690 F.2d 252, 269 (D.C. Cir. 1982).

NHTSA typically does not consider individual consumer complaints to be confidential business information. When all the complaints filed with a manufacturer are aggregated into a single database, the data has competitive value. Aggregate complaint data could be monitored, mined, analyzed or manipulated by other manufacturers to the detriment of the submitter.

Motor vehicle and motor vehicle equipment manufacturers who are required to submit EWR data contend that they operate in a highly competitive business environment. See http://stats.bls.gov/oco/cg/cgs012.htm (generally describing the nature of the motor vehicle and parts industry). In light of the competitive environment in which these manufacturers operate, the comprehensive EWR data that they submit has commercial value. Further, these data are standardized and

the EWR reports contain identical informational elements for each regulated manufacturer category under the EWR rule. See 49 C.F.R. Part 579 subpart C. Each manufacturer in a regulatory category reports on the same systems and components and provides a snapshot of that manufacturer's experience for each of the standard informational elements. If this information was publicly available, competing vehicle manufacturers, parts suppliers and other entities may have ready access to data that they could use to exploit weaknesses in the submitter's performance or improve their own position at the submitter's expense.

Public release of this aggregate complaint data may also provide a substantial incentive for manufacturers to collect as little of it as possible. Under the TREAD Act, manufacturers need only produce that information which they already collect. Disclosure of categories of EWR information that could cause competitive harm is likely to cause manufacturers to scale back their collection efforts, which would impair the agency's ability to obtain the data in future submissions and impair the effectiveness of the EWR program.

c. *It is my understanding that manufacturers may submit individual requests for confidential treatment of additional EWR information, relating to reports of incidents involving death and injury, numbers of property damage claims, and/or production for light vehicles. Such requests must conform to all requirements of NHTSA's confidential business information regulation (at 49 C.P.R. Part 579 [sic]), including adequate support that the release of EWR data will cause competitive harm and that such harm will be substantial. Is this correct?*

Manufacturers may submit individual requests for confidential treatment of EWR information to the extent the confidentiality of such information is not otherwise determined via the class determinations set forth in 49 C.F.R. Part 512, Appendix C. Such requests must conform to all requirements for confidential treatment including but not limited to the requirements set forth in 49 C.F.R. Part 512.

d. *What is the broadest amount of EWR data to which such an individual request for confidential treatment may apply? Are manufacturers required to make such a request for each individual EWR report for which they are seeking confidential treatment?*

As explained in response to question "c" above, manufacturers may submit individual requests for confidential treatment of EWR information to the extent the confidentiality of such information is not otherwise determined via the class determinations set forth in 49 C.F.R. Part 512, Appendix C. Such requests would have to be filed with each submission. An entity requesting confidential treatment can make their requests as broad as their judgment allows. NHTSA may either grant or deny such requests as dictated by applicable legal standards.

e. *What percentage of all individual manufacturer requests for confidential treatment of EWR data is granted? What percentage of such requests that are*

determined to comport with the requirements of 49 C.F.R. Part 512 - including the requirement to support an assertion of substantial competitive harm - is granted?

If the "EWR data" referred to in this question is limited to the quarterly reports filed by manufacturers under our EWR reporting requirements, NHTSA rarely receives requests for confidential treatment for information not encompassed by the class determinations described in our responses to the previous questions. To the extent the agency received such requests during the early years of the EWR reporting program, those requests were generally denied.

f. Please detail the process of determining whether a manufacturer has provided adequate support that the release of EWR data will cause competitive harm and that such harm will be substantial. In this explanation, please include the criteria used to make such a determination.

Requests for confidential treatment are reviewed by NHTSA's Office of Chief Counsel. As explained in response to question "b" above, the standard for assessing the confidentiality of required submissions of information is whether disclosure is likely either to cause substantial competitive harm to the originating entity or to impair the government's ability to obtain necessary information in the future. See *National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765, 770 (D.C. Cir. 1974).

g. Please detail the role that the spirit of transparency plays in NHTSA's decisions on whether or not to grant confidential treatment to manufacturers when they make individual requests for such treatment. Are manufacturers' requests weighed against the public interest in the transparency of safety data? If so, how?

NHTSA's confidentiality determinations include careful consideration of many factors, including existing legal requirements and the public's right to know about important vehicle safety information.

Several statutes apply directly to information the agency receives in pursuit of its mission. Section 30167(a) of Title 49 of the United States Code (49 U.S.C. § 30167) prohibits public disclosure of information within the scope of the Trade Secrets Act (18 U.S.C. § 1905) unless the Secretary determines that such disclosure is necessary to carry out the purposes of the Safety Act (49 U.S.C. §§ 30101 et. seq.) Similarly, § 30166(m)(4)(C) provides that none of the information collected pursuant to NHTSA's early warning regulations shall be disclosed pursuant to § 30167(b) unless the Secretary determines the disclosure of such information will assist in carrying out those sections of the Safety Act related to defect and noncompliance determinations, notification and remedy (§§ 30117(b) and 30118 through 30121). Section 30167(b) declares that NHTSA must disclose defect or noncompliance information that it decides will assist in carrying out the

Safety Act's provisions regarding the defect or noncompliance determination, notification and remediation sections of the Act.

The courts have determined that the scope of the Trade Secrets Act is coextensive with Exemption 4 of the Freedom of Information Act (5 U.S.C. § 552(b)(4)) *CNA Financial Corp. v. Donovan*, 830 F2d 1132, 1141 (D.C. Cir. 1987). Therefore, NHTSA determinations regarding the confidentiality of manufacturer information must be guided by both the Trade Secrets Act and Exemption 4. In instances where materials are not provided voluntarily, the touchstone for according confidential treatment is the test in *National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974). Under that test, information is confidential under Exemption 4 of the Freedom of Information Act if its disclosure would be likely to cause substantial competitive harm to the submitter or to impair the government's ability to collect the information in the future. Moreover, the D.C. Circuit has firmly rejected the contention that a consideration of the public's interest is a factor in considering the release of competitively valuable information. *Public Citizen Health Research Group v. FDA*, 185 F.3d 898, 904-05 (D.C. Cir. 1999).

In view of the foregoing, NHTSA accords confidential treatment only to those materials whose disclosure would be likely to cause competitive harm or impair the agency's ability to collect the information in the future. Further, NHTSA releases some classes of information under § 30167(a) when necessary to carry out the purposes of the Safety Act. For example, the agency routinely denies requests for confidential treatment for test data establishing that vehicles meet NHTSA's safety standards.

h. *Please state whether granting confidential treatment to EWR information precludes NHTSA from posting such information on its website with sensitive business or personal information redacted. If so, please detail what kind of treatment of this information would permit NHTSA to make the information publicly accessible, except with sensitive business or personal information redacted. If not, please detail whether the agency does or does not post such information on its website, with sensitive business or personal information redacted, in cases where there it would be in the interest of safety or transparency to do so.*

Again, our response is premised on the conclusion that your question employs the phrase "EWR information" to mean the data in EWR quarterly reports. As stated above, NHTSA's view that certain categories of EWR data are entitled to confidential treatment is based primarily on the aggregate nature of the data rather than the content of individual data points in the submissions. Accordingly, NHTSA could release some portions of some EWR submissions without necessarily causing the submitter to suffer substantial competitive harm or by redacting portions of the submissions. Some of the data at issue is not submitted or stored by the agency in a form where redaction would be feasible. Other

information, such as field reports, could be released in limited quantities and/or redacted to protect competitively valuable information.

Implementation of such a partial release policy would impose significant burdens and costs without producing clear tangible benefits other than in cases where we have determined it is necessary to carry out the purposes of the Safety Act. Public release of limited quantities of EWR data would provide public access to fragmented and potentially misleading information. While the data made available would have little value, releasing it would require the expenditure of scarce agency resources and reduce the volume and quality of EWR information provided by manufacturers. As noted above, manufacturers are only required to provide NHTSA with data they already collect. Release of portions of the EWR data would provide these manufacturers with an incentive to collect less information and reduce the effectiveness of the EWR program. Selective release of EWR data could also require that the agency abandon or modify the existing class determinations in Appendix C of 49 C.F.R. Part 512. Doing so would require NHTSA to process requests for confidential treatment for large quantities of information that are submitted each and every quarter.

If NHTSA were to attempt to process individualized requests for confidentiality of individual EWR submissions, the agency would be overwhelmed. A huge backlog would develop and grow. During the time that NHTSA was processing these requests for confidentiality, nothing would be released. The situation would be similar to the substantial FOIA request backlog experienced at some agencies. Moreover, submissions would not be released until the individual processing was completed. The net effect would be to hamper agency efforts to address these claims for confidential treatment expeditiously and likely divert resources from other efforts, including pursuing other enforcement activities. The U.S. District Court for the District of Columbia recognized this possibility when it ruled that categorical rules that address the confidentiality of EWR data are necessary "to allow the agency to administer the EWR program effectively," *Public Citizen, Inc. v. Mineta*, 427 F. Supp. 2d 7, 13 (D.D.C. 2006), and that the agency was "justified in making categorical rules to manage the tasks assigned to it by Congress under the TREAD Act." Id.

i. It is my understanding that [NHTSA] has the authority to rewrite federal regulations pertaining to EWR information (at 49 C.F.R. Part 579) and confidential business information (at 49 C.F.R. Part 512). Is this correct?

Yes, this is correct, to some extent. The regulations governing confidential business information must remain consistent with the Trade Secrets Act 18 U.S.C. § 1905.

j. Please detail whether, and how, [NHTSA] is reviewing these regulations in the spirit of enhancing transparency and the public accessibility of EWR data.

The agency is currently reviewing 49 CFR Part 512. As regulated entities continue to create and retain increasing volumes of electronic data, review of individual requests for confidential treatment is becomingly increasingly burdensome to an agency, like NHTSA, operating with limited resources. In regard to EWR data, any action taken by NHTSA must be consistent with the command in § 30166(m)(4)(C) that none of the information collected under the EWR rule shall be disclosed pursuant to § 30167(b) unless the Secretary determines the disclosure of such information will assist in carrying out those sections of the Safety Act related to defect and noncompliance determinations, notification and remedy (§§ 30117(b) and 30118 through 30121). Any agency action must also comply with the protections given to commercially valuable information under *National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974).

Because of its aggregate nature and the comprehensive embrace of EWR reporting, NHTSA has concluded that wholesale release of consumer complaint, warranty, field report and certain kinds of production data would be likely to cause submitters to suffer competitive harm and impair NHTSA's ability to obtain similar information in the future. As noted above, partial releases of EWR data might protect the interests of submitters while providing greater public access. The utility of such access would, however, provide little benefit.

6. *NHTSA's second Special Crash Investigation report from 2007 discusses the ignition switch problem raised by the December 2005 TSB, stating, "it is not known what role, if any, this may have played in the non-deployment of the air bags." The report later says looking into the issue would be "beyond the scope of this investigation." Did others in NHTSA then follow-up on this issue? If not, why not?*

   NHTSA is currently conducting an internal due diligence review with the Office of the Secretary of Transportation to identify what information was available prior to this recall. This thorough review is also identifying what information was known and when. From interviews of those involved in the 2007 evaluation, the prevailing theory was that the air bag system contained a reserve power system intended to provide backup power in the event of power disruption. Movement of the key from the run position was seen as one of many power disruptions that the reserve power system would have been intended to address. At that time, ODI personnel were not aware that air bag systems could be disabled during this type of scenario.

   NHTSA continually seeks new ways to improve our processes. As part of our due diligence effort we are considering ways to more rapidly update our knowledge base on key safety technologies and how to address remote defect possibilities.

7. *When the ignition switch position moves from run to accessory, what's the actual problem? Is it that power is disconnected from the airbags or is the engine shutting down inherently a safety problem?*

As stated by GM in its February 7, 2014 defect notification letter, "The timing of the key movement out of the 'run' position, relative to the activation of the sensing algorithm of the crash event, may result in the air bags not deploying, increasing the potential for occupant injury in certain kinds of crashes." Thus, a primary factor affecting the safety risk associated with the ignition key defect is the "timing" for when the switch is prone to move out of the "run" position relative to a severe frontal crash event. Because they are susceptible to movement out of the "run" position when subjected to inertial forces that often occur in the initial stages of severe crashes, such as from weight on a key chain in a vehicle that is bouncing on uneven terrain following a road departure, the ignition switches in the recalled vehicles may disable the front air bag protection in the critical seconds just prior to severe impacts when front occupants need them most. However, if the crash forces have caused the enablement of the air bag deployment algorithm before the key moves out of the "run" position, air bag deployment will not be affected.

The ignition switch may also move out of the "run" position in circumstances that are not associated with a crash event. This would result in engine stall, which would present a different set of potential safety hazards based on frequency of occurrence and other factors, such as vehicle speed, traffic density, availability and accessibility of a road shoulder or convenient location to remove the vehicle from traffic, and the ability to promptly restart the engine. Experience has shown that the most severe crashes involving stalled vehicles, though infrequent, generally result from impacts from traffic approaching the slowing or stopped vehicle from the rear or if the vehicle stalled in a hazardous location such as in the middle of an intersection or on railroad tracks. Front air bags would not provide protection for these types of crashes as they would typically involve rear or side impacts.

8. *For conducting future investigations, has NHTSA formally changed its procedures to make sure that ignition switch position is an issue that should be monitored more closely? Does NHTSA have formal procedures that would apply here?*

   NHTSA's usual practice for investigating potential safety defects in the nation's fleet includes considering prior recalls for patterns and similarities. The GM Cobalt recall brought to light new information that NHTSA will use in the future to evaluate stalling issues. As part of this process, NHTSA will certainly consider ignition switch position when available in evaluating complaints of stalling and air bag non-deployment, loss of power steering and loss of power brakes and other circumstances where we now know key position to be relevant. Key position information, however, is not provided in most consumer complaints or crash reports submitted to the agency.

   NHTSA is also actively engaging automakers and suppliers about other potential issues associated with air bag control algorithms and will take appropriate action as warranted.

9. *NHTSA is using new IBM software to search for patterns, but does NHTSA currently have in operation any software which predicts safety defect trends? If not, why not?*

NHTSA does not currently have in operation any software which predicts safety defect trends. NHTSA reads every consumer complaint as it is received. The current consumer complaint data is not structured or consistent enough in its content to support reliable predictive analytics with the systems that NHTSA utilizes. However, the IBM software contains capabilities that are expected to ultimately support predictive analysis.

The new IBM software will enable ODI to fuse data across its operation, providing faster, more consistent, more relevant, and more accessible results to data calls. The software is at an initial operational capability and is in limited use by ODI's Defects Assessment staff as a supplement to its other screening tools. It has been used primarily to demonstrate broader trends to put daily complaint reviews in perspective. The software has not yet been used broadly within ODI to demonstrate an impact on regular business processes. NHTSA has acquired four IBM software packages (Case Manager, Cognos, ICA, and SPSS). Cognos, the business intelligence package, furnishes regular reports and complaint rankings on demand that formerly required hours to create. ICA, the search package, has allowed us to conduct specialized searches over a decade's worth of complaints for topics not readily found by filtering on component codes or using simple Boolean keyword searches. ODI plans to use Case Manager to manage several critical workflows.

ODI is working on two essential elements needed to fully exploit the IBM software: construction of a proper operational data store that will allow it to fuse data collected across all of the agency's business lines; and, continue requirements-capture and implementation to absorb more business processes into the software.

10. *What criteria does NHTSA use to determine when it opens a safety defect investigation? Is the criteria used consistently across all possible investigations?*

NHTSA's process is data-driven, and decisions are based on input from around the agency. NHTSA uses the basic principles of risk analysis when deciding what issues to investigate and which investigations involve issues that should be the subject of a safety recall. Under those principles, the risk involved in a situation can be determined by considering both the frequency of the potential harm and the severity of the potential consequences of the harm. During both the pre-investigation and investigation processes, NHTSA applies these risk analysis principles.

At the pre-investigative stage the analysis is focused on spotting possible defect trends or defects that might warrant an investigation. A frequency assessment provides information regarding current failure rates and, often, data from peer vehicles or from prior similar investigations and recalls. A failure trend may be included as part of the frequency assessment to show if complaints are increasing, decreasing or constant as a function of time in service. The severity assessment provides an analysis of the harm that has resulted from the failures that have already occurred and the potential for harm to occur in the future. The harm is measured not only by the number of crashes, fires, and injuries that have occurred, but also by their severity and the likelihood that similar events will occur. In general terms, then, this process is designed to surface for

investigation the issues presenting a significant degree of safety risk, with priority given to those that may pose the highest risk. These criteria are generally consistent across all possible investigations but cannot be reduced to a formula.

11. *When considering whether to open an investigation, what sources of data does NHTSA rely on? Does it seek outside sources like safety advocates in addition to consumer complaints and EWR reports? If not, why not?*

When considering whether to open an investigation, NHTSA relies on the information it collects using the authority delegated by Congress -- consumer complaint data, manufacturer communications including field reports and technical service bulletins, EWR reports, precedent in prior investigations, and peer vehicle data. Additionally, defect assessment screeners may also obtain information from other experts within the agency (e.g., SCI, VRTC, OVSC), as well as consumer forums, petitions from safety advocates and other individuals, and materials posted in the public domain by safety advocates.

NHTSA has opened investigations at the behest of safety advocates, such as the recall of certain Jeep vehicles due to a defect making them more likely to experience fires in rear-end crashes than their peers. While using what the advocates provided, the agency still needed to develop the case using its own analysis of all relevant factors, and ultimately obtained a recall on a broader category of vehicles than those that the advocates requested be recalled in their defect petition.

While NHTSA evaluates all safety allegations and supporting information furnished to us including those from safety advocates, it is essential that the information provided contain sufficient detail to be actionable. We do receive concerns about cases where NHTSA is already evaluating, but bringing new information to NHTSA's attention is critical to this process.

NHTSA will continue to evaluate all safety allegations furnished to us including those from safety advocates. NHTSA is currently exploring ways to engage members of the safety community, such as trial lawyers, to increase opportunities for us to receive actionable information on potential safety defects. NHTSA also has activities planned to increase consumer reporting of potential safety defects to further improve our access to safety allegations. Safety advocates have various means of contacting the agency directly to request action. Please note, however, that no safety advocate group, or private attorney, had requested action by NHTSA concerning air bag non-deployment in the recalled GM vehicles prior to GM's February 2014 recall.

12. *What methodology does NHTSA use to analyze vehicle safety complaints?*

NHTSA's first review of vehicle safety complaints is the initial read of each complaint as received by a defects assessment screener with extensive field experience. Select complaints are referred to subject matter experts for additional review and follow-up. These complaints are cross-referenced against ODI history and other data sources. This

work is complemented by searches for broader trends and comparisons to other data sets. NHTSA expects its IBM software to enhance the agency's vehicle safety complaint analysis.

13. *What information does NHTSA receive about vehicle safety that is not made available to the public?*

    Among other things, NHTSA receives the following information about vehicle safety that is not made available to the public:

    - Names and other personal details about consumers who file complaints with the agency.
    - Actual field reports (hardcopy documents).
    - The last six characters of the vehicle identification number in an incident-level record (death/injury).
    - Production volumes of any product other than a light motor vehicle.
    - Common green, original equipment fitment, and SKU-to-type code information for tires.
    - Some 49 C.F.R. § 579.5 submissions. These include certain communications between manufacturers and dealers such as certain technical service bulletins, customer satisfaction campaigns and consumer advisories involving the repair or replacement of motor vehicle equipment.
    - Whistleblower- type referrals from other government agencies such as the U.S. Department of Labor.
    - Material submitted by a manufacturer with a request for treatment as confidential business information, pending agency determination whether or not to grant the request.

Questions from the Honorable G.K. Butterfield:

1. *Mr. Friedman, NHTSA is on record in support of S. 921, the Raechel and Jacqueline Houck Safe Rental Car Act. As you know, at its core the legislation is straightforward- it requires cars that are under a safety recall to be repaired before they are rented to customers. The legislation has been approved by the Senate Commerce Committee on a bi-partisan basis.*

    a. *Given that current law prohibits a dealer from selling a new car subject to recall before it is repaired, can you think of any reason why a dealer should be able to rent such a vehicle?*

       No. While current law allows the rental of vehicles subject to a recall, I cannot think of a reason why the law should not be changed. Further, sales and leases of used vehicles are also not subject to the same prohibition, so dealers may continue to sell or lease/rent defective or noncompliant used vehicles to purchasers, unless the law is changed. Secretary Foxx recently unveiled the GROW America Act,

which includes language that would change the law to prohibit the rental or sale or lease of vehicles subject to a safety recall.

b. *The car rental industry strongly supports S. 921 as approved by the Senate Commerce Committee. Some have suggested that S. 921 should distinguish between "serious" and "minor" recalls. What is your view on this idea? Do you think recalls should be "tiered" into categories based on the level of safety hazard?*

No. All safety recalls involve either defects with unreasonable risks to safety or noncompliance with minimum federal safety standards. After a manufacturer makes a defect determination that a vehicle or equipment involves an unreasonable risk to safety, it is imprudent for rental car companies or others to suggest that the unreasonable risk can be ignored because they consider other recalls to be more "serious". NHTSA opposes any policy to stratify recalls and thereby suggest or imply to owners and drivers that some recalls are "more important" than others. The direct consequence of this policy would be to imply to owners and drivers that if NHTSA does not expressly state that a recall is one of its top concerns, this means that it is not important.

Member Request from the Honorable Tim Murphy:

1. *If General Motors makes a change to a part, do they also have to have a different part number? What are NHTSA's requirements with regard to that?*

While it is standard procedure for manufacturers like GM to assign a different part number when they make a change to a part, they are not legally required to do so. If, however, GM makes a change to a part, and communicates that change to more than one dealer, distributor, lessor, lessee, other manufacturer, owner, or purchaser in the United States, it must provide a copy of such communication to NHTSA. See 49 C.F.R. § 579.5(b).

Member Request from the Honorable Steve Scalise:

1. *During the hearing we discussed a chart that showed the number of sales and the correlating complaint rates with those vehicles. You explained that the Cobalt did not stand out when compared to peer vehicles. Of the peer vehicles included on that chart, please provide the Committee with a list of the cars where NHTSA decided to take action.*

NHTSA opened an investigation that influenced Hyundai to conduct Recalls 08V532 and 08V522 on the 2001-2003 Elantra. During this period (2007-2013), NHTSA air bag investigations led to four other recalls for air bag non-deployment. We are also currently evaluating other peer vehicles on that chart with higher air bag non-deployment rates than the Cobalt and will take appropriate action as warranted.

2. *In your testimony you say that NHTSA is pursuing an investigation or whether GM met its timeliness responsibilities to report and address this defect under Federal law. Please explain the specifics of how you came to that conclusion.*

   When GM notified NHTSA on February 7, 2014 of an ignition switch defect in certain models, and provided a chronology regarding its actions relating to the defect on February 24, 2014, these submissions raised questions as to whether GM met its obligations to report and address this defect in a timely manner. In particular, they raised a question as to whether GM met its obligation to report this defect to NHTSA within five working days as required by 49 C.F.R. § 573.6(b). On February 26, 2014, NHTSA opened a timeliness query (TQ) to investigate whether GM acted in a timely manner. No conclusion on timeliness had been made at that time or at the time of my testimony.

   On May 16, 2014, GM and NHTSA entered into a Consent Order in which GM admitted "that it violated the Safety Act by failing to provide notice of the safety-related defect that is the subject of Recall No. 14V-047 within five working days" as required by law. NHTSA determined that such an admission of untimeliness was warranted and appropriate based on information indicating that GM knew or should have known that the vehicles contained a safety-related defect well in advance of February 2014.

3. *Please provide a clear and detailed explanation of what information NHTSA believes GM failed to provide to the agency, the reason why OM would be required to provide that information to NHTSA at the time a specific event or action took place and how that information would have benefited NHTSA's evaluation of this specific issue.*

   Through its timeliness query investigation, NHTSA found that GM had specific information indicating that it knew or should have known that a safety-related defect existed in these vehicles well in advance of when it recalled them. Specifically, GM's supplier notified it as early as 2009 that the air bags in the Cobalt would not work unless the key was in the "run" position. Moreover, at least as of 2012, GM personnel investigating reports of crashes were aware that in many of the crashes that the ignition was in "accessory" or "off" when the impact occurred and that, with the ignition in that position, the air bags would not deploy. Around the same time, GM was discussing potential remedies, including the possibility of revising the ignition switch to increase the effort to turn the key out of the "run" position. In a Consent Order with the agency, GM admitted that it violated the Safety Act by failing to provide notice to NHTSA of the safety-related defect within five working days as required by 49 U.S.C. § 30118(c)(1), 49 U.S.C. § 30119(c)(2), and 49 C.F.R. § 573.6(b). If NHTSA had this information, it would have pursued a different course of action regarding a potential investigation. Further, NHTSA would have benefitted from timely knowledge of the safety-related defect so that it could ensure that GM carried out its legal obligations to notify owners and to remedy the vehicles.

Member Request from the Honorable Diana DeGette:

1. *If General Motors is changing a part, are they legally required to inform NHTSA of that change?*

   If GM makes a change to a part, and communicates that change to more than one dealer, distributor, lessor, lessee, other manufacturer, owner, or purchaser in the United States, GM must provide a copy of such communication to NHTSA. See 49 C.F.R. § 579.5(b).

Member Request from the Honorable John D. Dingell:

1. *During the hearing you stated that there were additional reasons that a review was prompted other than the 29 consumer complaints, 4 fatal crashes, and 14 field reports. Please explain the additional reasons.*

   In addition to the information described during my testimony, other supporting information considered during the issue evaluation conducted in late 2007 included photographs, EDR data and SCI investigation data.

Office of Defects Investigation

(NVS-210)

Director's Office

Program Specialties

Office Director

Special Assistant - COTR, Project Management, Policy, Social Media, Special Projects

Administrative Staff Assistant - Administration, Scheduling, Timekeeping

Program Assistant - FOIA, Document Management/Retention, Auto Shows

Defects Assessment Division – NVS211

Program Specialties

Division Chief

Safety Defects Specialist - Child Safety Seats, Safety Belts, Airbags

Safety Defects Engineer - Steering, fires, general light vehicle defect screening

Safety Defects Specialist - Airbags, recreational vehicles, EMTs, medium heavy trucks

Safety Defects Specialist - Heavy truck complaints, EWR field reports, technical service bulletins

Safety Defects Engineer - Tires, Wheels, Brakes, general light vehicle defect screening

Safety Defect Specialist - Vehicle Drivability (engine / powertrain controls), HEV / EV, general light vehicle screening

Safety Defects Specialist - Powertrain Systems

Vehicle Integrity Division – NVS212

Program Specialties

Division Chief

Safety Defects Specialist - Child seats, fuel systems, door latch systems

Safety Defects Engineer - Airbags, seat belts, structure

General Engineer - Airbags, fire, restraints

Safety Defects Engineer - Airbags, occupant classification, seat belts

General Engineer - Structure, door latch, fires

Program Analyst - Child seats, vehicle lighting

Vehicle Control Division – NVS213

Program Specialties

Division Chief

Administrative Staff Assistant - Inventory, Timekeeping, Travel

Safety Defects Engineer - Steering systems, wheels, stalling, advance technologies

General Engineer - Brakes systems, tires, wheels, suspensions

Program Analyst - Engine stalling, wheels, vehicle throttle control

Safety Defects Engineer - Brake systems, fires, advance technologies

Electronics Engineer - Vehicle electronics and embedded controls systems

Medium & Heavy Duty Vehicles Division – NVS214

Program Specialties

Division Chief

Safety Defects Engineer - Heavy trucks – engine controls, braking, fuel

systems

Safety Defects Engineer - Fires – light & heavy vehicles

Safety Defects Specialist - Motorcycles – all aspects

Safety Defects Engineer - Medium Trucks – engine controls; RV's – braking

Safety Defects Engineer - School & transit Buses – all aspects

Recall Management Division – NVS215

Program Specialties

Division Chief

Recall Analyst - School bus, child seat, tires, and equipment

Recall Analyst – Processing, updating, and uploading recalls

Sr. Recall Analyst - Technical engineering expert responsible to review, analyze and investigate safety recalls, and to prepare special recall information reports as requested for internal and external clients

Recall Specialist - Recall audits & consumer information

General Engineer - Enforcement of recall-related regulations; recall queries

Correspondence Research Division – NVS216

Program Specialties

Division Chief

Technical Writer – Draft technical correspondence for Congressional and consumer inquiries

Writer – Draft correspondence for Congressional and consumer inquiries

Investigative Case Assistant - Coordination and redaction of sensitive materials

Writer/editor – Draft correspondence for Congressional and consumer

inquiries

Writer – Draft correspondence for consumer inquiries

Early Warning Division – NVS217

Program Specialties

Division Chief

Program Analyst - Analysis of TREAD Act records; Buses; Medium/Heavy Vehicles

Safety Defects Engineer - EWR data screening; EWR tires

Mathematical Statistician - EWR programming

Safety Defects Specialist – EWR data screening

OFFICE OF DEFECTS INVESTIGATION

MISSION. To conduct testing, inspection, and investigation necessary for the identification and correction of safety-related defects in motor vehicles and motor vehicle equipment under the National Traffic and Motor Vehicle Safety Act of 1966, as amended. To ensure that recalls are effective and are conducted in accordance with Federal law and regulations.

FUNCTIONS

a. Examines the records, reports, and other information requested from the manufacturers with respect to actual or alleged safety-related defects.

b. Conducts tests, inspections, and investigations necessary to uncover potential, or to confirm the existence of suspected or alleged, safety related defects in motor vehicles and related equipment.

c. Communicates with manufacturers regarding existing or potential safety-related defects, which may lead to safety recalls.

d. Develops and monitors data and information gathering and proof testing requirements necessary to assist in the confirmation of existing, potential, or alleged safety-related defects.

e. Recommends for issuance the appropriate disclosures of information developed during the testing, inspection or investigation activities relating to existing or potential safety-related defects.

f. Administers the recall, reporting, and related provisions of the National Traffic and Motor Vehicle Safety Act together with implementing regulations.

g. Prepares and transmits cases indicating safety-related defects to the Associate Administrator for coordination and review with the Office of Chief Counsel and other appropriate officials.

h. Completes and establishes public files of defect investigations and related materials.

i. Receives and maintains consumer complaints regarding defects in motor vehicles and motor vehicle equipment from a variety of sources including those forwarded from the Auto Safety Hotline.

Defects Assessment Division – NVS211

MISSION. Collects and analyzes motor vehicle information from all sources to identify potential safety defects or recall inadequacies that may warrant the opening of defect or recall investigations involving motor vehicle or motor vehicle equipment.

FUNCTIONS

a. Evaluates and monitors safety-related information from all sources including vehicle owner complaint letters, fleet reports, field inspections, various manufacturer submissions, crash reports, media reports, vehicle inspection reports, research reports, consumer group submissions, manufacturer's bulletins and communications, and other government agency documents. Analyzes and develops the information to identify (a) potential safety defect trends and (b) potential safety recall problems requiring further investigation.

b. Provides extensive reviews and analyses of all manufacturers' data to ensure that service-oriented campaigns and service bulletins are not utilized to circumvent the statutory requirements for formal safety defect recalls.

c. Conducts defect petition analyses and initial evaluations to identify potential safety-related defects involving any system or component of motor vehicles and items of motor vehicle equipment. Conducts recall petition analyses pertaining to the effectiveness and appropriateness of a manufacturer's safety recall performance in accordance with Federal law and supporting regulations.

d. Utilizes contractors retained to supplement leads and information to survey specific groups of vehicles, and to interview vehicle owners reported to have experienced specific problems regarding potential safety defects. Reviews contract work statements and evaluates technical contract proposals relating to testing and other technical service contract work in support of defect identification and safety recall performance.

e. Provides the technical expertise for ODI and NHTSA elements relating to the identification of potential safety defects and the effectiveness of safety recalls.

f. Establishes and maintains extensive contacts with industry representatives, safety groups, government organizations, consumers, manufacturers and other sources to gather all appropriate data as required to timely identify potential safety defects, recall problems, and to exchange views and information on the latest technology.

g. Develops, maintains, and administers such systems and programs as appropriate for the identification of potential safety defects in motor vehicles and motor vehicle equipment. Identifies and recommends changes in methods and priorities to improve the effectiveness of the alleged safety defect trend identification.

h. Conducts field studies, surveys, and inspections to identify developing safety-related vehicle problems and to clarify alleged safety-related defect information received by the agency.

Vehicle Integrity Division – NVS212

MISSION. Conducts investigations into alleged safety defects in motor vehicles or motor vehicle equipment involving the integrity of vehicles or their components.

FUNCTIONS

a. Opens new investigations (Preliminary Evaluations, Recall Queries, and Engineering Analyses) on information developed by the Defects Assessment Division and other evidentiary material.

b. Conducts Preliminary Evaluations, Recall Queries, and Engineering Analyses, including collection of evidentiary material for possible litigation, to determine the existence of potential motor vehicle safety-related defects involving the safety-related integrity of items such as fuel, exhaust, and electrical systems.

c. Establishes requirements for and monitors laboratory testing and analyses performed by contractors and the NHTSA Vehicle Research and Test Center. Utilizes technical service contractors, retained to supplement leads regarding possible safety defects, to survey specific groups of vehicles and to interview vehicle owners reported to have experienced specific malfunctions.

d. Establishes and maintains extensive contacts with industry representatives, safety groups, Government organizations, consumers, manufacturers, and other sources to gather all appropriate data required to make timely safety defect determinations and to exchange views and mutually benefit from the latest technology.

e. Operates programs to establish or identify inherent weaknesses in the design or construction of motor vehicles and related equipment.

f. Provides the engineering and technical expertise for ODI and other NHTSA elements relating to the integrity of vehicle fuel, exhaust, and electrical systems.

g. Reviews contract work statements and evaluates technical contract proposals relating to testing and other technical service contract work in support of defects investigations.

Vehicle Control Division – NVS213

MISSION. Conducts investigations into alleged safety defects in motor vehicles or motor vehicle equipment involving the control of vehicles or their components.

FUNCTIONS

a. Opens new investigations (Preliminary Evaluations, Recall Queries, and Engineering Analyses) on information developed by the Defects Assessment Division and other evidentiary material.

b. Conducts Preliminary Evaluations, Recall Queries, and Engineering Analyses, including collection of evidentiary material for possible litigation, to determine the existence of potential motor vehicle safety-related defects involving vehicle control systems such as steering, brakes, or suspension.

c. Establishes requirements for and monitors laboratory testing and analyses performed by contractors and the NHTSA Vehicle Research and Test Center. Utilizes technical service contractors, retained to supplement leads regarding possible safety defects, to survey specific groups of vehicles and to interview vehicle owners reported to have experienced specific malfunctions.

d. Establishes and maintains extensive contacts with industry representatives, safety groups, Government organizations, consumers, manufacturers, and other sources to gather all appropriate data required to make timely safety defect determinations and to exchange views and mutually benefit from the latest technology.

e. Operates programs to establish or identify inherent weaknesses in the design or construction of motor vehicles and related equipment.

f. Provides the engineering and technical expertise for ODI and other NHTSA relating to vehicle control systems.

g. Reviews contract work statements and evaluates technical contract proposals relating to testing and other technical service contract work in support of defects investigations.

Medium & Heavy Duty Vehicle Division – NVS214

MISSION. Conducts investigations into alleged safety defects in motor vehicles or motor vehicle equipment involving medium and heavy duty trucks and their components.

FUNCTIONS

a. Opens new investigations (Preliminary Evaluations, Recall Queries, and Engineering Analyses) on information developed by the Defects Assessment Division and other evidentiary material.

b. Conducts Preliminary Evaluations, Recall Queries, and Engineering Analyses, including collection of evidentiary material for possible litigation, to determine the existence of potential motor vehicle safety-related defects in medium and heavy-duty trucks, school buses, transit buses, recreational vehicles, and items of motor vehicle equipment related to those vehicles.

c. Establishes requirements for and monitors laboratory testing and analyses performed by contractors and the NHTSA Vehicle Research and Test Center. Utilizes technical service contractors, retained to supplement leads regarding possible safety defects, to survey specific groups of vehicles and to interview vehicle owners reported to have experienced specific malfunctions.

d. Establishes and maintains extensive contacts with industry representatives, safety groups, Government organizations, consumers, manufacturers, and other sources to gather all appropriate data required to make timely safety defect determinations and to exchange views and mutually benefit from the latest technology.

e. Operates programs to establish or identify inherent weaknesses in the design or construction of motor vehicles and related equipment.

f. Provides the engineering and technical expertise for ODI and the Office of Chief Counsel in the event of litigation relating to the safety of medium and heavy-duty vehicles.

g. Reviews contract work statements and evaluates technical contract proposals relating to testing and other technical service contract work in support of defects investigations.

Recall Management Division – NVS215

MISSION. Administers NHTSA's safety recall program, provides for the monitoring and verification of manufacturer notification and remedy campaigns, and ensures that the recalls are effective and are conducted in accordance with Federal law and implementing regulations. Provides surveillance of manufacturers' defect/noncompliance notification and remedy campaigns involving vehicles, equipment, and tires.

FUNCTIONS

a. Receives, processes, reviews, analyzes, and codes all manufacturers' safety-related campaign notices and quarterly reports. Reviews and evaluates manufacturers' recall program to ensure timely and comprehensive notification to the agency and technically sound corrective action; reviews manufacturers' submission of data for technical compliance with Part 573; reviews owner notification letters for technical compliance with Part 577 to ensure that owners receive adequate notification; and provides technical assistance to the Office of Chief Counsel in establishing and amending regulations to require manufacturers to provide information necessary to monitor recall campaigns.

b. Analyzes recall performance information concerning the application, recall service problems, and the adequacy of the notification process of safety recalls ensuring the statutory requirements are met and that the recalls are effective. This can include field reviews, surveys, data analyses, and the collection of evidentiary material for investigation and possible litigation. Furnishes the manufacturer with information regarding problems the manufacturer can correct, such as parts supply, dealer apathy, vehicles not corrected properly, etc.

c. Conducts recall petition analyses pertaining to the adequacy and appropriateness of a manufacturer's safety recall performance in accordance with Federal law and supporting regulations.

d. Develops, maintains, and administers such systems and programs as appropriate for the analysis, effectiveness, or improvement of safety recall in motor vehicles and motor vehicle equipment. Identifies and recommends changes in methods and priorities to improve the effectiveness of the safety recall campaign.

e. Conducts audits of manufacturer compliance with applicable requirements of the statute and Federal regulations pertaining to the reporting of safety defect information and conducting safety recalls.

Correspondence Research Division – NVS216

MISSION. To collect information and data from consumers concerning potential safety-related defects, to develop technical summaries, reports, statistical data, presentations and analyses, and to prepare replies to correspondence relating to the ODI mission.

FUNCTIONS

a. Produces reports which can be used to analyze vehicle system failures and failure trends and special studies of possible safety-related problems in vehicles, components, or systems.

b. Operates and maintains documentation systems, procedures, and files for all ODI investigative actions, audits, petitions, and service manuals. Manages requests for information from within NHTSA and other responsible agencies.

c. Develops the functional requirements and assists in the development of plans, programs, and systems to improve the capability to collect, store, retrieve, and analyze data and information to identify patterns or trends of a potential safety-related defect.

d. Prepares replies to correspondence, e.g., Congressional inquiries and requests for recall campaign information. Develops systems to assure availability of public information.

e. Processes responses to Freedom of Information and Privacy Act requests.

Early Warning Division – NVS217

MISSION. Develops plans, programs, goals, accomplishments, and objectives for the daily management of the Early Warning Reporting (EWR) data. This includes the EWR manufacturer account management, submission control, reporting compliance, outreach to non-reporting manufacturers, data quality concerns, and preliminary analysis of the data.

FUNCTIONS

a. Manages the submission of all EWR data, conducting reviews and assessments as necessary to ensure that the manufacturers are complying with the spirit and intent of the regulation and that the data is of the highest quality.

b. Conducts analyses of the EWR aggregate data that may indicate an underlying safety concern. Based on the additional clarifying information received from the

manufacturer, new safety issues or supporting information relevant to ongoing ODI investigations may be identified.

c. Manages the submission, review, summarization, and analyses of EWR field report submissions, ensuring that the submissions are made as appropriate, and that the data is summarized into the ARTEMIS system in a timely, useful manner.

d. Manages the foreign campaign reporting required under 49 CFR Part 579 Subpart B, ensures that the reports are submitted in accordance with the regulation. Ensures that the campaigns are accurately reviewed and summarized into ARTEMIS. Supervises and/or conducts analyses of these foreign campaigns to determine whether such campaigns should be extended to the United States.