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Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

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June 22, 2015

The Honorable Mark Rosekind
Administrator
National Highway Traffic Safety Administration
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

Dear Administrator Rosekind,

Thank you for appearing before the Subcommittee on Commerce, Manufacturing, and Trade on Tuesday, June 2, 2015, to testify at the hearing entitled "An Update on the Takata Airbag Ruptures and Recalls."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. The format of your responses to these questions should be as follows: (1) the name of the Member whose question you are addressing, (2) the complete text of the question you are addressing in bold, and (3) your answer to that question in plain text.

To facilitate the printing of the hearing record, please respond to these questions by the close of business on Monday, July 6, 2015. Your responses should be e-mailed to the Legislative Clerk in Word format at Kirby.Howard@mail.house.gov and mailed to Kirby Howard, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, D.C. 20515.

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,



Michael C. Burgess
Chairman
Subcommittee on Commerce,
Manufacturing, and Trade

cc: Jan Schakowsky, Ranking Member, Subcommittee on Commerce, Manufacturing, and Trade

Attachment

Additional Questions for the Record

The Honorable Michael C. Burgess

1. Are all the VIN numbers of affected vehicles subjected to the Takata airbag inflator defects announced May 19th now publically accessible on NHTSA's safecar.gov website? If not, when can we expect all the information to be posted? What vehicle manufacturers have not yet provided this information to NHTSA? What is NHTSA doing to expedite the collection of this information?
2. Dr. Rosekind, you testified that "clarity for consumers is critical." Why did NHTSA publically announce the recall before it collected the VIN numbers from automakers of the affected vehicle population? What could NHTSA do differently so consumers could have more information when such a big headline is created?
 - a. Is there anything that prevents NHTSA from making its announcement at a time when consumers can know if they are impacted?
3. Please explain in detail the type of oversight NHTSA is or will be conducting over Takata's testing. Please also provide the names of the individuals at NHTSA (or those who have been independently contracted) who will be conducting this oversight. When will the oversight begin?
4. Has NHTSA begun coordinating the prioritization of replacement parts? If not, when will it begin?
 - a. In the interim, what is happening with the replacement parts produced by Takata as NHTSA prepares to serve as coordinator? Are they being distributed to automakers?
 - b. When will NHTSA be able to produce a timeline that shows public outreach campaigns and replacement part availability for the nation?
5. Dr. Rosekind, you testified that some of the replacement parts are only an interim remedy. Is NHTSA encouraging automakers to tell dealers to warn customers that some of the replacement parts are only an interim remedy?
6. What conversations is NHTSA having with automakers about the continued use of these types of ammonium nitrate inflators?
7. Are vehicle manufacturers providing completion rate data to NHTSA on recalls related to Takata airbag inflator defects? If not, has NHTSA requested that information from vehicle manufacturers?
8. Dr. Rosekind, you testified that at least 29 different things, including process improvements and other changes, have been made since December 2014 to improve the internal processes at NHTSA. Please list the changes you have made and what measurable difference has been observed from those adjustments or what you expect to see.

9. Prior to the Consent Order, did NHTSA conduct any direct oversight of Takata's testing and/or examine the adequacy of the remedy Takata and affected vehicle manufacturers were proposing? If so, what were NHTSA's observations of the testing and adequacy of the remedy? If not, why did it not conduct oversight of the testing or evaluate the adequacy of the remedy?
10. Dr. Rosekind, you testified that NHTSA had identified "meaningful pieces" of information in an ongoing review of the 2.4 million documents Takata submitted to the agency. What are those "meaningful pieces" of information?
11. Dr. Rosekind, you testified that due to the Consent Order, NHTSA will be in the "driver's seat" to direct testing. What deficiencies or gaps have you identified in testing to date?
 - a. What new or different tests will NHTSA be performing?
 - b. How many inflators will be tested?
 - c. When will the testing be completed?
 - d. Who will be conducting the tests?
12. Does NHTSA have any reports on record of airbags inflators rupturing in the field in the 1990s that contained ammonium nitrate?
13. Is NHTSA aware of any other Takata inflator type, beyond those listed in the Consent Order, that have been the basis for a safety recall in the last 5 years due to the inflator's susceptibility to moisture intrusion, which could lead to an abnormal airbag deployment? If so, please provide the inflator type and the recall ID number.
14. Dr. Rosekind, you testified that the recalls affecting two passenger inflators (PSPI and PSPI-L) are expected to be national. When will that nationwide recall expansion occur?
 - a. In Takata's DIRs, it indicated that the expansion will be based on further testing and analysis. Has that further testing and analysis already been conducted to support the expectation that a national recall will happen? If so, what did the testing and analysis show? When was it conducted?
15. When can consumers expect to get a replacement inflator on the passenger side that is not subject to deterioration over time?
16. Please provide an outline of the coordinated remedy program plan detailing when NHTSA plans to meet with suppliers, what suppliers NHTSA will be meeting with, when the joint meetings with suppliers and automakers will take place, and when the public meeting will happen in the fall.
17. Please provide the names of all the individuals in the group overseeing the logistics of the coordinated remedy program.

18. When was the contract signed with Batel to conduct testing? What is the testing plan that was agreed to? When will the testing be completed? How many test will be conducted?
19. When a potential defect in a vehicle has been called to the attention of either the Office of Defect or the Office of Special Crash Investigations, what steps are made by NHTSA to seek out the root cause of the potential defect if one has not been identified?
 - a. Does NHTSA rely solely on information and data received by the maker of the potentially defective part or does NHTSA conduct its own separate analysis to confirm or disprove the existence of a defect?
 - b. Please explain the process by which NHTSA determines the existence of a motor vehicle safety defect and requires the affected original equipment manufacturers to conduct a safety recall. Please explain how NHTSA used this process with respect to the defective Takata airbag inflators.

The Honorable Mike Pompeo

1. Given recent interest in flame retardants in juvenile products and studies showing they have no utility, have you given any thoughts to exempting car seats from having to meet FVMSS 213 since the car is already treated with extensive FR? Does this need to be done legislatively or can it be done through regulation?

The Honorable Jan Schakowsky

1. In November 2014, Honda released the results of an independent audit showing that the company failed to report more than 1,700 claims or notices concerning injuries or deaths, including eight claims involving Takata airbag ruptures. Honda attributed the underreporting to coding errors and an overly narrow interpretation of the Early Warning Reporting (EWR) requirements. In 2004-2005, GM received—but shelved—consumer complaints and field reports about keys being turned during operation and vehicles losing power.

The Vehicle Safety Improvement Act (VSIA) would strengthen early warning reporting by requiring manufacturers to submit all consumer complaints that might result from defects. The bill would also require manufacturers to include information about fatalities possibly caused by defects, including an assessment of why each incident may have occurred.

- a. In its report, reviewing its actions regarding GM's ignition switch failure, NHTSA discussed improving EWR reporting, is that correct?
 - b. In what specific ways can the current EWR requirements be strengthened? Under the VSIA, NHTSA would get more information and more information would be made public. Is that what you mean?
 - c. What specific steps is NHTSA taking, independent of Congressional action, to improve Early Warning Reporting?
2. You have spoken before about NHTSA's need for additional resources to fulfill its auto safety mission. If NHTSA had additional resources, exactly how those resources would be used? In

which divisions would you increase staff and budget allocation? How would additional resources affect consumer safety?

3. You testified that consumers can use their VIN numbers to determine if their cars are subject to a recall at safercar.gov. If a person looks up their VIN number, it will show that their car is subject to the recall. But if a person who has already had their Takata inflator replaced, but needed to have it replaced again under recalls announced in May 2015, the website would not show that that person's car is subject to an open recall. If a customer needs to have their cars repaired again under this recall, how can customers find that out? Can safercars.gov be enhanced to show recalls that are completed, as well as those that need to be completed?
4. The massive scale of the Takata recall has left consumers confused—and manufacturers unsure as to whether Takata can produce replacement parts quickly and safely enough to satisfy demand. In addition, given NHTSA's plan to prioritize repairs in certain parts of the country where the risk of injury or death from the defects is higher, some consumers likely will be unable to have inflators remedied right away.
 - a. Do you agree that auto dealers should not be able to loan out cars that are under an existing safety recall without first remedying the defect or non-compliance?
 - b. Do you agree that it is not the consumer's responsibility to ensure that a loaner vehicle is safe and not subject to a recall?
 - c. Would you support legislation prohibiting auto dealers from providing loaner vehicles with an open safety recall until the defect or non-compliance is remedied?
 - d. Has NHTSA done an analysis and determined that it is safer to drive a car with an airbag subject to a recall than to have the airbag turned off until a replacement airbag is available and if so, is the determination the same for all recalled cars whether the recall is for a driver, passenger, or both airbags?