

Attachment - Additional Questions for the Record

The Honorable Michael C. Burgess, M.D.

1. Congress included many reforms in the safety title of the FAST Act. Among those reforms included direction to NHTSA to implement 17 recommendations issued by the Department of Transportation Office of Inspector General following a comprehensive audit of the agency's internal processes. NHTSA has pledged to implement all 17 recommendations by June 30th of this year. Please provide a full breakdown of NHTSA's progress toward implementing all 17 recommendations.

RESPONSE: NHTSA delivered responses to nine of the 17 recommendations under the aggressive schedule the Agency established. The Office of Inspector General closed eight recommendations (Recommendation Nos. 2, 3, 5, 6, 10, 13, 15, and 17) and is reviewing Recommendation No. 11. NHTSA is on schedule to implement the remaining recommendations on or before June 30, 2016.

2. In March, NHTSA staff held a briefing with Energy and Commerce Committee staff about the implementation progress of the 17 recommendations from the IG's Audit Report. During the call, NHTSA staff indicated that to fulfill recommendation #15 - which calls for the development and implementation of guidance on the amount and type of information needed to determine whether a potential safety defect warrants an investigation proposal and investigation - the agency would be putting together "risk matrices" to help determine whether a potential safety defect warrants an investigation. At the time, NHTSA staff indicated that it had only developed one matrix on stalling, but had pledged to the Inspector General that it would develop 10 more. Have any additional risk matrices been developed? If so, what topics do they cover beyond stalling? If not, when can we expect those to be developed, what topics or risks will they cover, and will they be made available to view by the public?

RESPONSE: NHTSA has developed additional draft risk matrices in the following areas:

1. Loss of Motive Power (replaces Stalling)
2. Speed control
3. Service brakes
4. Autonomous braking
5. Steering
6. Suspension
7. Wheels
8. Tires
9. Non-crash fires
10. Vehicle rollaway
11. Frontal Air Bags
12. Side Air Bags
13. Seat Belts
14. Child Safety Seats
15. Headlights

16. Brake Lights
17. Turn Signal-Hazard Light
18. Other Lighting Systems
19. Door and Liftgate Latches
20. Hood Latch

NHTSA plans to continually evaluate and refine these initial matrices over the next twelve months to ensure they accurately reflect the potential safety risk posed by that component. The Agency has already begun² this process and anticipates completing evaluations of some of the matrices by the end of the year. However, full evaluation of some matrices will require testing under actual conditions (i.e., applying them to actual matters the Agency identifies through consumer or manufacturer submitted information), and as such the opportunity to test under actual conditions for some of the matrices will take some time. As each matrix is ready for full deployment, NHTSA will release it to the public.

3. The FAST Act directs the Secretary to improve public awareness of safety recall information. Has the agency issued any public service announcements to improve the public awareness of safety recall information? Have you been able to determine the effectiveness of those public service announcements in increasing recall completion rates? If NHTSA has not issued any PSAs, does the agency have any plans to do so?

RESPONSE: In January 2016, NHTSA launched a national online advertising campaign to increase awareness of recalls, but the agency has not launched a traditional television or radio public service announcement (PSA). Because the Agency's advertising has not been directed toward a particular recall, it is difficult to measure the effectiveness of the campaigns on completion rates for a specific recall.

4. What do you see as the agency's policy priorities for the rest of the year?

RESPONSE: The Agency's policy priorities include making progress to encourage safe behavior on the roads, improving the safety performance of vehicles through regulation and non-regulatory means, identifying and addressing unreasonable risks to safety through the defect recall process, accelerating the development of innovative safety technologies and continuing efforts to create a proactive safety culture within the auto industry.

In the vehicle safety area, NHTSA is focused on promoting change in the auto industry and dramatically improving the Agency's ability to detect potential defects, particularly those involving vehicle systems rather than individual parts. NHTSA is promoting a proactive safety approach by the motor vehicle industry. This includes advocating for and actively supporting cultural change that borrows heavily from the lessons learned by the health care and aviation industries. Our goal is to make NHTSA an agent for positive change, both internal and external, to ensure that vehicle safety issues are detected and corrected as quickly as possible.

In the behavioral safety area, NHTSA is focused on a topic that receives far less public and media attention than it is due: human behavior on the roads. NHTSA research shows that in 94 percent of crashes, a human error or decision is the critical reason for the crash. Earlier this year, NHTSA held a series of one-day traffic safety events throughout the country to engage our stakeholders and the public on how to meet the challenge of reducing motor vehicle crashes, injuries and fatalities over the next decade. The focus was on identifying new and innovative approaches, and on building and strengthening partnerships. The Agency will be putting together a near-term action plan to refine our range of behavioral countermeasures.

a. Are there any rulemakings that you project will be initiated this year beyond the requirements included in the FAST Act?

RESPONSE: Yes. NHTSA anticipates completing rulemakings started under previous authorizations, initiating rulemakings to address incoming petitions, and implementing necessary upgrades to existing standards.

b. Are there plans to develop any additional guidelines beyond the phase II guidelines that have already been submitted to OMB?

RESPONSE: In the area of distraction, the Agency is focused on completing our work with respect to Phase II. NHTSA is evaluating whether there is a need for additional guidelines but it has not made any final decisions.

c. Any plans to restructure the Administration, including working groups and advisory committees that we should be aware of?

RESPONSE: At this time there are no actions in place to restructure the Agency or establish working groups or advisory committees. If that changes, NHTSA will inform the Committee.

5. Do you believe the insurance industry could play a role in maximizing recall completion rates? If so, please explain. If not, please explain why not. Has NHTSA had any conversations to date with representatives from the insurance industry about the industry's involvement in maximizing recall completion rates?

RESPONSE: Yes, the insurance industry could play a pivotal role in maximizing recall completion rates. NHTSA has had conversations with several insurers about ways they could contribute to recall completion. For example, a reduction in premium may incentivize policy holders to complete safety recall repairs. Insurers, who hold the VINs for all vehicles they insure, could also coordinate with automakers or subscribe to commercial vehicle history data services that provide recall data to automakers) to identify vehicles with open recalls and notify owners of those recalls.

6. In late 2014, Toyota issued a NHTSA-approved notice authorizing Toyota dealers to disconnect recalled passenger-side Takata airbags. On the Takata page of the Safercar.gov website, NHTSA states that it does not recommend the disablement of recalled airbags

(<http://www.safercar.gov/rs/takata/takata-faq.html>). Has any other OEM issued a NHTSA-approved notice to its dealers authorizing the disablement of recalled Takata airbags?

RESPONSE: NHTSA did not approve the Toyota notice. Because of concerns about passenger safety and lack of replacement parts, Toyota asked if NHTSA would enforce provisions prohibiting disconnection of a required safety device. NHTSA responded that it would employ its enforcement discretion and not take action against Toyota dealers disconnecting these passenger air bags. Toyota has since discontinued this practice as replacement passenger inflators for the vehicles involved are now available, and has reconnected over ninety percent of the disconnected passenger inflators. NHTSA believes that Toyota is the only manufacturer involved in the Takata recall that temporarily disconnected passenger air bags.

NHTSA does not recommend disconnecting passenger air bags. The failure rate for the defective air bag modules in the affected vehicles is minimal. In the vast majority of crashes the defective air bags will not rupture upon deployment and will provide much more protection than a vehicle having no air bags. NHTSA estimates that frontal air bags saved 2,400 lives in 2014 alone. It is far more likely that, if you are involved in a crash, your air bag will perform properly and protect you than that it will rupture and cause harm.

7. Cybersecurity is a growing concern as more incidents of vehicle hacking are reported in the media. Should cyber vulnerabilities in vehicles be approached differently, in terms of the recall response from the agency and reporting requirements from automakers, than traditional safety defects found in motor vehicles? Please explain.

RESPONSE: Yes. While traditional motor vehicle safety defects are generally evaluated based on severity and frequency of the defect conditions, cyber vulnerabilities should be approached differently. For cyber vulnerabilities, the safety risks should be evaluated by assessing the probability of an attack and the severity, should the attack occur. The probability of an attack is based on the difficulty of exploiting the vulnerability. The severity for cyber vulnerabilities is based on whether safety-related vehicle functions are impacted and whether this can occur while the vehicle is in motion.

a. Do you think there is any harm in publicizing the vehicle cybersecurity vulnerability, as done with traditional safety defects in Part 573 reports, before consumers have had an opportunity to get their vehicles repaired?

RESPONSE: A vulnerability should not be publicized until effective countermeasures are developed and deployed, in cases where the vulnerability poses an imminent risk.

8. NHTSA recently issued a request for public comment on a proposed Enforcement Guidance Bulletin. What is the goal of that proposal and how do you see it relating to efforts to address cybersecurity within the auto industry? Does NHTSA intend to create cybersecurity standards for auto manufacturers?

RESPONSE: The proposed Enforcement Guidance Bulletin sets forth NHTSA's current views on emerging automotive technologies and related cybersecurity issues, and suggests guiding principles and best practices for motor vehicle and equipment manufacturers in this context. The agency is considering all options for improving the cybersecurity posture of motor vehicles.

9. The recently enacted FAST Act contains three tire-related provisions for which rulemakings are required: tire performance standards for rolling resistance and wet traction; mandatory tire registration by tire sellers at point of sale; and a tire recall lookup tool on NHTSA's web site. What is the agency's timetable for implementing each of those rulemakings?

RESPONSE: The FAST Act requires NHTSA to promulgate regulations for tire rolling resistance and wet traction minimum performance standards by December 4, 2017. NHTSA has already begun the required testing to guide the wet traction regulation.

The FAST Act requires NHTSA to initiate a rulemaking for mandatory tire registration by independent sellers. There is no statutory deadline for completing this rulemaking and the agency has not yet developed a time table for completing this rulemaking. The agency is gathering information and meeting with stakeholders to discuss this requirement.

The FAST Act requires NHTSA to establish a publicly available and searchable electronic tire recall database. The statute does not require this provision to be implemented through a rulemaking and there is no statutory deadline. NHTSA has not yet developed a time table for completing this provision. The agency is gathering information and discussing the requirement with stakeholders.

10. Administrator Rosekind, the agency has indicated that it is looking at additional authorities it might need to sufficiently regulate and oversee the development and deployment of autonomous vehicles. What additional authorities do you believe the agency needs from Congress to adequately regulate and oversee the safe development and deployment of autonomous cars?

RESPONSE: On January 15, Secretary Foxx directed NHTSA to take several actions to facilitate and accelerate the safe implementation of automated and other advanced safety technologies. One of these actions was to identify new tools and authorities that might be needed to support the deployment of automotive safety technologies including those necessary to ensure that fully autonomous vehicles are deployable in large numbers when they are demonstrated to provide an equivalent or higher level of safety than is now available. These actions are ongoing and will be completed this summer.

11. As part of the FAST Act, NHTSA is required to study the feasibility of searching multiple VINs, also referred to as "batching," which would allow the industry to monitor the recall status of used vehicle inventory more effectively. What is the status of this study? Is NHTSA coordinating with the industry (including manufacturers, dealers, and auctions)? When will the study be completed?

RESPONSE: NHTSA has not yet developed a time table for completing this study. The agency is gathering information and discussing the requirement with stakeholders. NHTSA is closely studying options that exist in the commercial arena and that do not involve the Agency's data systems or resources for collecting and managing this data. The Agency's VIN lookup tool is intended to assist the individual consumer, and attempting to accommodate demands in that system may compromise its effectiveness for consumers. The information the Agency has gathered to date suggests that tools exist in the private sector that may support a private sector's provision of services.

12. NHTSA has not completed a rulemaking required under the 2007 Energy Independence and Security Act (EISA) that mandated consumer information about tire fuel efficiency, wet traction and tread wear. The White House announced in December 2014 that NHTSA would finalize that rule by 2017. According to NHTSA's most recent schedule, a proposed rule is now expected to be sent to the Office of Management and Budget by April 21 after it had been expected to be sent in February. What is the agency's revised timetable for completing this rulemaking within the White House imposed deadline?

RESPONSE: NHTSA published a final rule in 2010 establishing test methods that would be used for the new consumer information program. However, the 2010 final rule did not specify the content or requirements of the consumer information and education portions because NHTSA needed to conduct additional consumer testing and resolve important issues raised by public comments on the proposal. The agency is drafting a supplemental notice (SNPRM) and expects to issue a final rule in 2017.

13. In February, the GAO completed a report on NHTSA's oversight of safety defects and new automotive technology. The GAO refrained from recommending that the agency put together a strategic plan because the Transportation Research Board had already made that recommendation, and the GAO said NHTSA would be releasing a strategic plan this Spring. Is that still the case? When can we expect that strategic plan to be completed? Who at NHTSA is working on putting it together?

RESPONSE: The NHTSA Strategic Plan is scheduled to be made public in June 2016. The Office of Governmental Affairs, Policy and Strategic Planning is leading the effort with input from program offices across the agency.

14. Is the Security Credential Management System for V2V fully operational? And if so, how many vehicles equipped with V2V communications capability will be supported by the SCMS? If the SCMS is not fully operational, when do you expect it to be up and running?

RESPONSE: NHTSA expects that a National SCMS for V2V will be operational in time to support the phased-in implementation of a vehicle-to-vehicle Federal Motor Vehicle Safety Standard. At full deployment, a National SCMS will need to support 350 million vehicles.

15. The FAST Act directs the Secretary of Transportation to establish and administer a high-visibility enforcement program to reduce alcohol-impaired or drug-impaired operation of motor

vehicles, and increase the use of seatbelts by occupants of motor vehicles. The FAST Act also includes requirements related to the administration of National Priority Safety Programs to help reduce highway deaths and injuries, and directs the Secretary to conduct a study on marijuana-impaired driving in consultation with heads of other Federal agencies. What is NHTSA's role in the implementation and administration of the high-visibility enforcement program, the National Priority Safety Program, and the study on marijuana-impaired driving? When do you expect each of those FAST Act requirements to be implemented? When will the marijuana-impairment study be completed?

RESPONSE: NHTSA provides comprehensive support to States for implementing High Visibility Enforcement (HVE) programs. The Agency administers and oversees grants to States for HVE operations, including law enforcement activities; provides guidance and evaluates program implementation; and coordinates national media campaigns associated with safety priorities.

In accordance with the FAST Act, NHTSA provides grants to States under the National Priority Safety Program. The Agency issued a rulemaking implementing the FAST Act provisions related to these grants on May 16, 2016. The Agency will provide technical assistance to States in preparation for the statutory grant application due date of July 1, 2016.

As directed in the FAST Act, NHTSA is conducting a study on marijuana-impaired driving in consultation with the heads of other Federal agencies and other research partners. The Agency is developing and conducting this study using findings from the National Roadside Survey, a similar roadside survey conducted by Washington State, and other previously conducted research projects. NHTSA intends to complete this study by December 2016.

16. How is NHTSA engaged in the TTIP negotiations between the US and the EU on auto sector regulatory convergence? What actions is NHTSA taking to make sure the final TTIP agreement includes meaningful regulatory convergence of existing US and EU auto standards? What is NHTSA doing to drive the development and adoption of common US-EU auto safety standards for future safety rules and what principles guide such activity?

RESPONSE: NHTSA is actively participating in the TTIP negotiations and providing comparison data, research and information on U.S. vehicle safety standards, legal requirements on regulatory procedure, certification procedures and enforcement processes. NHTSA is exploring a number of avenues to promote safety and reduce unnecessary regulatory differences in existing standards without reducing safety in the U.S. For future standards, NHTSA is working to develop a bilateral program to minimize unnecessary divergence. The principles that guide this work are improved transparency, closer coordination in the pre-rulemaking phase, and streamlining the development of each candidate standard. This work includes cooperation on crash data collection and analysis, safety problem identification and prioritization, research and rulemaking.

The Honorable Gregg Harper

1. Administrator Rosekind, the FAST Act includes a requirement for vehicle manufacturers to include component or part information in their Part 573 report to the agency when a safety recall involves a specific component or part. Is that information now being provided by vehicle manufacturers' in their recall reports to the agency?

RESPONSE: Some specific component or part information is being provided by manufacturers. Amending Part 573 reporting requirements requires a rulemaking. The Agency is reviewing its current Part 573 requirements and is evaluating how best to implement this provision.

a. Follow Up: Are there additional steps NHTSA can take to make sure the component part information provided by manufacturers in their Part 573 reports is readily available to aftermarket suppliers and recyclers?

RESPONSE: NHTSA makes the Part 573 reports publicly available, with limited exceptions (e.g., recalls taken over by later recall campaigns, recalls held in abeyance for consideration of petitions filed under 49 CFR 556). The information is posted online shortly after it is accepted into the Agency's reporting system and a preliminary review is completed by staff, making it readily available to anyone, including suppliers and recyclers.

2. In addition to reaching 100% recall completion, what do you see as the agency's policy priorities for the rest of the year?

RESPONSE: The Agency's policy priorities include making progress to encourage safe behavior on the roads, improving the safety performance of vehicles through regulation and non-regulatory means, identifying and addressing unreasonable risks to safety through the defect recall process, accelerating the development of innovative safety technologies and continuing efforts to create a proactive safety culture within the auto industry.

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country to engage our stakeholders and the public on how to meet the challenge of reducing motor vehicle crashes, injuries and fatalities over the next decade. The focus was on identifying new and innovative approaches, and on building and strengthening partnerships. The Agency will be putting together a near-term action plan to refine our range of behavioral countermeasures.

The Honorable Brett Guthrie

1. You have the ability to issue a "do not drive" order for recalled vehicles, which emphatically tells consumers to park the car and have it towed to a dealership for repairs. What is the standard for issuing a "do not drive" order and how often does this occur?

RESPONSE: NHTSA does not have the authority to order consumers not to drive their vehicles. In appropriate circumstances, NHTSA may require a manufacturer to advise consumers not to drive their vehicles until a safety-related defect or noncompliance is remedied. NHTSA believes that "do not drive" or "stop drive" warnings and notices should be issued in instances where the safety risk posed by a defect is severe or catastrophic, and there is a high probability that the defect will manifest itself when the vehicle or equipment item is in use. Within the last five years, manufacturers have issued a small number of "do not drive" instructions in recall notices, and no manufacturer has refused to issue a "do not drive" or "stop drive" after NHTSA recommended that they do so.

2. Regarding the Administration's implementation of what is referred to as the "One National Program"-regulating fuel economy for light duty vehicle fleets-my understanding is that despite this noble goal there still actually exist three separate sets of regulations: EPA, NHTSA, and California. Is it correct that differences between the EPA and NHTSA programs still exist because they were created under two different statutes?

RESPONSE: Yes, NHTSA, EPA, and California Air Resources Board (CARB) each have their own regulations due to their separate statutory authorities. NHTSA is directed to regulate fuel economy, while EPA and CARB regulate greenhouse gas (GHG) emissions. Fuel economy and GHG emissions are directly linked, as the CO₂ exhaust emissions per gallon of fuel consumed are essentially constant. Because of the different statutory authorities, the programs differ in some ways, but are structured to be harmonized such that manufacturers may build a single fleet of vehicles to meet all requirements.

3. Could you explain why it's the case that there are differences between the usable life of credits under the two federal programs, five years under NHTSA and up to ten years under the EPA program?

RESPONSE: NHTSA's usable life of credits, five consecutive model years, is dictated by statute. EPA set its useable life of credits by regulation, and established a program under which usable life varies based on the year in which the credit was earned.

Specifically, the usable life of EPA credits phased down from eleven years to five years over the course of model years 2010 through 2016.

As a result, NHTSA and EPA's usable life of credits is presently in alignment. Beginning with model year 2016 vehicles and continuing into the future, both agencies allow for five years of usable credit life. Any changes to the usable life of present or future credits earned under NHTSA's program would create a misalignment with EPA's program. Further, any retroactive changes to the usable life of previously earned credits under NHTSA's program would give some manufacturers a windfall, whereas manufacturers who did not earn credits as part of their long-term compliance plan would suffer a comparable competitive loss.

a. Why should an automaker who earns credits under the very stringent EPA program be penalized in its ability to use credits from that product under the NHTSA program simply because NHTSA has a shorter expiration period?

RESPONSE: NHTSA has structured the way in which credits can be used in accordance with the relevant fuel economy statutes. Credits generated by vehicles produced starting in model year 2016 have the same usable life under both the NHTSA and EPA program.

4. My understanding is that there are differences between the EPA and NHTSA fleet transfer programs that affect how credits earned by exceeding the requirements for one fleet (such as a light truck fleet) can be used to cover deficiencies in another fleet (such as a car fleet). First, is my understanding correct, and second, could you explain what those differences are?

RESPONSE: Yes, your understanding is correct. The differences between the EPA and NHTSA programs are a result of different statutory authorities for the regulation of fuel economy and greenhouse gases. However, the programs were structured to account for these differences.

As part of the Energy Independence and Security Act of 2007 (EISA) amendments to EPCA, NHTSA was required to establish a CAFE credit transferring program to allow a manufacturer to transfer credits between its car and light truck fleets to achieve compliance with the standards. However, EISA imposed a cap on the amount by which a manufacturer could raise its CAFE standards through transferred credits. The caps ensure that fuel economy improvements are attained in both the passenger car and light truck fleets. Manufacturers transferring or trading credits to another compliance category are also subject to an adjustment factor to ensure total fuel savings are preserved.

Under section 202(a) of the Clean Air Act (CAA) there is no statutory limitation on car/light truck credit transfers, and EPA's GHG program allows unlimited credit transfers across a manufacturer's car/light truck fleet to meet the GHG standard. EPA also requires manufacturers to use an adjustment factor in transferring credits across cars/trucks, in a similar way as the CAFE program, to preserve total GHG emissions reductions.

5. Beyond credit transfers and usable life, could you summarize other major differences between the NHTSA and EPA programs that may make compliance more difficult in one program than the other?

RESPONSE: NHTSA does not believe there are any major differences between the NHTSA and EPA programs that make compliance significantly more difficult in one program than the other. NHTSA and EPA have worked closely to ensure that their respective programs, taking all relevant statutory considerations into account, will work in a coordinated fashion, and will provide regulatory compatibility that allows auto manufacturers to build a single national light-duty fleet that would comply with both the GHG and the CAFE standards. In harmonizing the programs, the agencies took great care to account for the different authorities and flexibilities available under the agencies' respective enabling statutes. While manufacturers bear the responsibility to develop compliance strategies that account for the differences between the programs, they may also avail themselves of various flexibilities under each program to assist them with obtaining compliance.

a. Is it possible that an automaker could be fully in compliance with one of the federal programs and yet find itself to be out of compliance in the other, and therefore possibly subject to fines?

RESPONSE: Yes. However, the agencies have sought to craft harmonized standards such that manufacturers may build a single fleet of vehicles to meet both agencies' requirements. Manufacturers will have to plan their compliance strategies to meet both the NHTSA standards and the EPA standards, but they can still build a single fleet of vehicles to accomplish that goal.

b. How much does the auto industry pay in CAFE-related fines today?

RESPONSE: For calendar year 2015, the last full year that NHTSA has data for, the auto industry paid civil penalties that totaled \$2,588,360.50. Information regarding the civil penalties collected by the CAFE program since its inception can be found in NHTSA's Public Information Center at http://www.nhtsa.gov/CAFE_PIC/CAFE_PIC_Home.htm.

c. It has been reported that the disparity between credits that are expired under the NHTSA program but are still available under the EPA program could trigger fines totaling hundreds of millions of dollars in the near future. Does this seem plausible to you?

RESPONSE: NHTSA does not anticipate manufacturers paying such civil penalties in the near future. While NHTSA is statutorily precluded from considering credit balances in setting fuel economy standards, manufacturers may make full use of flexibilities in complying with the standards. These flexibilities include credit carry-back, credit carry-forward, credit transfers, and credit trading.

For model year 2016 and later motor vehicles (which are currently being produced), CO2 credits earned under EPA's program have a 5 year carry-forward life, which aligns with the CAFE program. Given these flexibilities, NHTSA does not anticipate significant shortfalls in compliance.

- d. Are there instances where you would find it appropriate for a manufacturer to face NHTSA fines even though they have taken steps to meet all the requirements under the EPA program?

RESPONSE: There are instances where it is possible for a manufacturer to face civil penalties from NHTSA and not EPA. NHTSA discussed this possibility in the preamble to the final rule setting CAFE standards for MYs 2017 and beyond. As one example, EPA's rule takes into account reductions of direct air conditioning (A/C) emissions (i.e., refrigerant leakage), and establishes standards for methane and N2O, but NHTSA's rule does not because these emissions generally do not relate to fuel economy. If a manufacturer implements a higher level of direct A/C improvement technology (and correspondingly less fuel economy technology) to meet EPA's standards, NHTSA's standards would effectively be more stringent than EPA's, and manufacturers could face civil penalties if they take no other measures to meet NHTSA's standards. Conversely, if a manufacturer implements a lower level of direct A/C improvement technology (and more fuel economy technology), EPA's standards would effectively be more stringent than NHTSA's. However, this does not mean that the agencies' standards are not aligned. The agencies have sought to craft harmonized standards such that manufacturers may build a single fleet of vehicles to meet both agencies' requirements, and each manufacturer is free to choose its own compliance pathway, which could include one in which they pay civil penalties rather than meeting NHTSA's standards.

6. Would the Administration support amending the CAFE program to make it more flexible and address some of these differences between the two programs?

RESPONSE: NHTSA is currently in the process of conducting a Mid-term Evaluation of the model year 2022-2025 CAFE standards. Following the Mid-term Evaluation, NHTSA will conduct a rulemaking on the model year 2022-2025 CAFE standards. This opportunity will allow the agency to review stringency levels and existing flexibilities, pursuant to existing statutory authority. NHTSA is available to provide technical assistance on any amendments to the CAFE program statutes that Congress wishes to consider.

The Honorable Pete Olson

1. Today, auto manufacturers and suppliers based in in my district and throughout the United States are delivering new vehicles that meet consumer demand for fuel efficiency and comply with federal fuel economy standards. One of the critical roles that NHTSA plays is validating

vehicle safety as new and innovative materials are being utilized to make vehicles become lighter weight. In Section 31401 of MAP-21, this Committee directed the NHTSA Council for Emerging Technology to focus on innovative vehicle design by implementing the NHTSA Plastic and Composite Intensive Vehicle Safety Roadmap (Report No. DOT HS 810 863). The Appropriations Committee also directed NHTSA to continue its implementation of the Safety Roadmap in its Fiscal Year 2016 bill.

2. Can you update this Committee on the activities NHTSA is undertaking this year on lightweight vehicles to meet the MAP-21 mandate and the FY 16 appropriations report?

MAP-21 Language (PUBLIC LAW 112-141-JULY 6, 2012):

SEC. 31401. NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
ELECTRONICS, SOFTWARE, AND ENGINEERING EXPERTISE.

(a) COUNCIL FOR VEHICLE ELECTRONICS, VEHICLE SOFTWARE, AND EMERGING TECHNOLOGIES.-

(1) IN GENERAL.-The Secretary shall establish, within the National Highway Traffic Safety Administration, a Council for Vehicle Electronics, Vehicle Software, and Emerging Technologies (referred to in this section as the "Council") to build, integrate, and aggregate the Administration's expertise in passenger motor vehicle electronics and other new and emerging technologies.

(2) IMPLEMENTATION OF ROADMAP.-The Council shall research the inclusion of emerging lightweight plastic and composite technologies in motor vehicles to increase fuel efficiency, lower emissions, meet fuel economy standards, and enhance passenger motor vehicle safety through continued utilization of the Administration's Plastic and Composite Intensive Vehicle Safety Roadmap (Report No. DOT HS 810 863).

(3) INTRA-AGENCY COORDINATION.-The Council shall coordinate with all components of the Administration responsible for vehicle safety, including research and development, rulemaking, and defects investigation.

RESPONSE: The Plastics and Composites Intensive Vehicle Safety Roadmap called for mid-term research to demonstrate prototype vehicle components or sub systems and static and dynamic lab scale testing to optimize crash performance. In 2014, NHTSA awarded a contract to design, develop, and test a carbon fiber B Pillar for a passenger vehicle. The contractor partnered with one auto manufacturer and the University of Delaware Center for Composite Materials for this project. The auto manufacturer has provided performance requirements for existing steel B Pillars. The University of Delaware provided material testing and prototype manufacturing expertise. This project has completed extensive material characterization, crash simulation, and design optimization, and is now conducting part fabrication. Impact testing will be conducted this summer and a report should be provided to NHTSA in August.

The Honorable Jan Schakowsky

1. NHTSA gave Takata until 2018 to prove that ammonium nitrate inflators that do not contain desiccant are safe and until 2019 to prove that ammonium nitrate inflators that do contain

desiccant are safe. Takata has agreed to phase out ammonium nitrate from its manufacturing process by the end of 2018.

- a. Can a consumer still purchase a brand new car with a non-desiccated ammonium nitrate Takata airbag in it?

RESPONSE: There are a small number of new vehicles in the marketplace with non-desiccated frontal Takata air bag inflators. Although these frontal inflators will be recalled under the most recent expansion of the Takata recall, they are not currently recalled because it will take years of continuous exposure to hot and humid environmental conditions before these inflators present a risk of rupture. The Agency believes that prematurely recalling these new vehicles and prohibiting their sale would divert replacement parts that are critically needed to replace older inflators that have been exposed to hot and humid conditions and now pose an unreasonable risk to safety. NHTSA is also continuing to monitor the performance of other ammonium nitrate Takata inflators used in side air bags and other applications, but the Agency does not have any evidence that propellant degradation poses a risk in these other air bags.

- b. Can a consumer still purchase a brand new car with a desiccated ammonium nitrate Takata airbag in it?

RESPONSE: Yes. The majority of inflators now produced by Takata employ a desiccated ammonium nitrate propellant. The performance of these inflators after exposure to hot and humid conditions is now being evaluated, but current evidence does not indicate that they pose the same rupture risk as non-desiccated Takata air bag inflators. There are no reported field ruptures of desiccated Takata frontal inflators.

- c. Are all non-desiccated ammonium nitrate Takata airbags under recall or just the subset that is seven years old or older?

RESPONSE: The recently announced expansion of the Takata recall requires Takata to file defect reports with NHTSA for all non-desiccated frontal ammonium nitrate Takata air bag inflators under a schedule that is structured according to risk as determined by the best data available at this time. Under this schedule, which calls for the first defect report to be filed on May 16, 2016, the oldest and highest risk frontal inflators located in the highest risk climates will be addressed. Under the recently announced recall expansion, all non-desiccated ammonium nitrate frontal air bags will be recalled by the end of 2019.

- d. Might these airbags being sold in new cars be subject to a future recall for the same defect that is the subject of the current recalls?

RESPONSE: Yes. Frontal air bags in new cars using Takata non-desiccated ammonium nitrate inflators will be subject to recalls in the future according to the

schedules incorporated in the Takata Consent Order. As noted above, long term exposure to heat and humidity causes degradation in non-desiccated Takata ammonium nitrate frontal air bag propellant. New cars with non-desiccated frontal air bags that are not already subject to a recall will be recalled at an appropriate date in the future (no later than December 31, 2019) to prevent the risk of harm presented by propellant degradation.

- e. How easily can a consumer buying a new car right now find out what airbag is in the car and ensure he or she does not buy a car with a Takata airbag?

RESPONSE: Concerned consumers should contact the vehicle manufacturer to determine if a particular vehicle is equipped with a Takata air bag.

2. We are still hearing reports that drivers of vehicles under recall for a Takata airbag are bringing their cars in to be repaired and being told that the parts are not ready. While these customers wait, they are being given mixed messages. Some have been told to keep driving, others told to switch off the airbags, and still others told to have passengers sit in the backseat rather than the front. One news report showed NHTSA saying both that you should never turn off the airbag and that you can turn it off in certain situations.

- a. Does NHTSA have a sense of when the parts will be ready?

RESPONSE: Parts are available for every vehicle that is part of the highest risk and highest priority group (priority group 1), with the exception of a small number of large delivery vans (Dodge Sprinter). NHTSA is working closely with the involved manufacturers, and understands the parts for the Dodge Sprinter will be available in the immediate future. Parts are also available in many of the other, lower risk and lower priority groups.

Where parts are not currently available, but a manufacturer has identified an estimated time when parts may be available, NHTSA provides that information on its website.

Through the Coordinated Remedy Program, NHTSA will continue to take those measures necessary to influence the supply of parts to address those vehicles that present the highest risk.

- b. What should consumers do while they wait for parts to replace the potentially deadly inflators?

RESPONSE: Air bags, including air bags that are under recall, save lives and reduce injuries. The vast majority of Takata air bags will perform as expected, particularly those in newer vehicles and those located in geographic areas not subject to high heat and humidity. Dealers and manufacturers are not required to provide a loaner car and NHTSA does not have the authority to require this. However, if consumers feel uncomfortable driving their vehicles before the recall

repair has been performed, they can contact their dealer and ask for a loaner until an interim or a final repair is completed. Some manufacturers have accommodated this request.

3. As I mentioned during the hearing, Jeff Carlson, the recently elected Chairman of the National Automobile Dealers Association (NADA), said several weeks ago that we should not have legislation requiring dealers to fix all recalls on used cars before they are sold because only six percent of recalls are "hazardous." Mr. Carlson's statement was apparently based on a finding by the Alliance of Automobile Manufacturers that auto manufacturers chose to issue a "do not drive" warning in only six percent of safety recalls.

a. Does NHTSA require manufacturers to recall vehicles if a defect is not safety-related?

RESPONSE: Vehicles must be recalled if the vehicle contains a safety defect or the vehicle does not comply with a Federal Motor Vehicle Safety Standard (FMVSS). In either case, the defect or non-compliance presents a safety risk that must be addressed.

b. Does NHTSA categorize defects that lead to recalls by level of severity or does NHTSA believe all recalls should be taken care of as soon as possible?

RESPONSE: The Agency does not categorize recalls by level of severity. All safety defects and non-compliances should be remedied as soon as possible.

c. Do you agree with Mr. Carlson's statement that only six percent of recalls are hazardous?

RESPONSE: No. Vehicles containing safety defects pose an unreasonable risk to safety. All recalls should be addressed promptly.

d. Does NHTSA issue "do not drive" warnings? Is NHTSA involved in any way in an auto manufacturer's decision to issue a "do not drive" warning?

RESPONSE: NHTSA does not have the authority to order consumers not to drive their vehicles. In appropriate circumstances, NHTSA may require a manufacturer to advise consumers not to drive their vehicles until a safety-related defect or noncompliance is remedied.

e. Do you support requiring dealers to repair all recalls on used cars before they can be sold?

RESPONSE: Yes.

The Honorable Joseph P. Kennedy, III

1. I was pleased that the Raechel and Jacqueline Houck Safe Rental Car Act became law as part of the Fixing America's Surface Transportation (FAST) Act on December 4, 2015. However, the bill was weakened before its passage. Under the law, some dealerships will continue to be able to provide consumers with loaner cars that are as unsafe as the cars consumers are bringing in to the shop for repair.

a. Is it also your understanding of the FAST Act provision that some dealers will be able to provide consumers with loaner vehicles that are subject to an open recall? For example, can a consumer bringing her car in to a repair shop to have her faulty Takata airbag replaced be given a loaner car equipped with a faulty Takata airbag?

RESPONSE: Yes.

b. Do you support prohibiting dealers from being able to provide consumers with loaner cars that are subject to an open recall?

RESPONSE: Yes.

2. There have been reports of carbon monoxide poisoning in cases where drivers left their vehicles running in their garages by accident, after getting out of the car without pushing the ignition button to turn off the vehicle. While the car runs in the garage, the home fills with potentially deadly carbon monoxide. What is NHTSA doing to address this problem?

RESPONSE: NHTSA is evaluating regulatory options to mitigate the risk of carbon monoxide poisoning in vehicles with keyless ignition systems. In the meantime, NHTSA produced and released an informational video on safecar.gov and YouTube on February 1, 2016, to educate drivers about safe keyless ignition use and to draw attention to potential safety issues, including carbon monoxide poisoning.

3. Keyless ignition vehicles also have been linked to a roll-away hazard. In 2011, there were reports that keyless BMWs could roll away because the electronic ignition system did not shift the car into "park" when the driver left the vehicle with the keyless fob. What steps has NHTSA taken to address that risk?

RESPONSE: NHTSA initiated a formal investigation in August 2011 regarding these BMW models. In August 2012, BMW issued a recall of 45,500 BMW 7 series sedans in the 2005-2008 model years. Owners of the affected vehicles were notified by BMW. BMW remedied the issue with a software update which became available to the public in March 2013.

The Honorable G.K. Butterfield

1. My district suffered a terrible loss years ago when there was a horrible school bus crash in which all of the students on board were killed. Seat belts might have saved some of those lives. In 2012, during a Commerce, Manufacturing, and Trade Subcommittee hearing, I asked former NHTSA Administrator Strickland for the agency's position on seat belts on school buses. At that time, he told the Subcommittee that NHTSA did not support requiring school buses to be equipped with seat belts.

I was very glad to see that in November, you announced that NHTSA had changed its position.

a. Please explain what caused NHTSA to change its policy on this issue.

RESPONSE: Last year, NHTSA began working on a comprehensive approach to school transportation safety. School buses are by far the safest way for children to get to and from school. Each year, approximately 485,500 school buses transport 23 million children safely to and from school and related activities. The technology to add three-point seat belts to school buses has also advanced over the years. As a result, the timing was right to revisit the issue.

NHTSA convened an all-day meeting in 2015 with our school transportation partners to look at all the issues, such as whether three-point belts would reduce school bus seating capacity, training and policies needed to ensure that students use the belts, and additional costs required to purchase the belt systems. Schools that already use three-point belts provided input on costs and benefits based on their experience. The Agency spent several months reviewing and analyzing the options before making the November announcement. This is the first significant change in NHTSA's position on seat belts in large school buses in 40 years.

b. What will be the agency's next steps on this issue? Are you considering a rulemaking?

RESPONSE: NHTSA will use all the tools at our disposal to help achieve the goal of three-point seat belts in school buses. If the Agency determines that a rulemaking is the best path to enhance school transportation safety, we will take that path.

However, NHTSA is also looking at other approaches. NHTSA is working with representatives from six States that require seat belts on school buses to understand how best to start a nationwide movement. In March, the Agency hosted a meeting with the six States to discuss the barriers to implementing three-point belts on school buses and how to overcome these challenges. Finding the funds to pay for the belts will be a key hurdle. It will require innovative approaches and continued engagement with State and local school transportation officials, parents, safety advocates, and industry representatives to ensure that

school bus safety is enhanced without reducing school bus availability or ridership levels.

c. How long do you expect it to take to have a seat belt available for every child on every school bus?

RESPONSE: State and local jurisdictions make the decisions regarding the purchase of new school buses based on State and local funding considerations and regulations. Given that the cost of a new school bus can start at \$75,000, school districts often aim for a 10 to 12 year replacement cycle. NHTSA plans to continue our efforts to encourage States and local school districts to install three-point seat belts on new school buses as well as identifying ways to reduce pedestrian fatalities related to school buses.