

ONE HUNDRED FIFTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

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July 26, 2018

The Honorable Heidi King
Deputy Administrator
National Highway Traffic Safety Administration
1200 New Jersey Ave. SE
Washington, DC 20590

Dear Deputy Administrator King:

We are writing to voice concern over a new Inspector General (IG) report that is critical of the National Highway Traffic Safety Administration's (NHTSA) capacity to thoroughly use its enforcement authorities and your apparent hands-off approach to regulations.¹ Both enforcement and rulemaking play important roles in keeping people safe on our roadways, and we are concerned that this IG report and your own comments could hinder the Agency's ability to protect the American people from dangerous vehicles.

We are particularly troubled that breakdowns in NHTSA's enforcement, highlighted in the report, may also be preventing NHTSA from taking any action to address more than 420 reports of certain Kia and Hyundai vehicles catching fire. The IG report noted that NHTSA's Office of Defect Investigation (ODI) delayed investigation of consumer complaints about Takata airbags may have delayed the expansion of the Takata recalls, meaning that people were still driving cars in which an airbag could potentially explode.² Similarly, despite repeated calls now for NHTSA to open an investigation into the Kia and Hyundai fires, NHTSA has still failed to take meaningful action to keep drivers and passengers safe.³ We would like to know if similar

¹ Department of Transportation Office of Inspector General, *NHTSA's Management of Light Passenger Vehicle Recalls Lacks Adequate Processes and Oversight* (July 18, 2018) (Report No. ST2018062); *Self-driving Cars Don't Need Oversight Yet, U.S. Regulator Says*, *Automotive News* (July 12, 2018).

² Department of Transportation Office of Inspector General, *NHTSA's Management of Light Passenger Vehicle Recalls Lacks Adequate Processes and Oversight* (July 18, 2018) (Report No. ST2018062).

³ The Center for Auto Safety, *Petition for Defect Investigation* (June 11, 2018) (www.autosafety.org/wp-content/uploads/2018/06/Center-for-Auto-Safety-Kia-Hyundai-Fire-

errors are now preventing NHTSA from recalling Kia and Hyundai vehicles that should not be on the road.

Enforcement also should include ensuring recalled vehicles get repaired as quickly as possible, but the IG found that NHTSA fails to use the tools and authorities available to help increase recall completion rates.⁴ Low completion rates mean that drivers continue to drive and ride in cars with unrepaired safety defects, which is simply unacceptable. As we have clarified many times with previous NHTSA leaders—and it is apparently worth stating again—the Agency only requires manufacturers to recall vehicles for safety-related defects.

Despite the IG's report and the obvious shortcomings in ODI, in a recent interview in Automotive News, you said that NHTSA should not write rules of the road for new autonomous vehicle technology, suggesting that the Agency will rely on its defect investigation, recall, and enforcement authority instead. This statement is concerning considering the IG investigation found that NHTSA is currently failing to properly do its job in these areas.

Contrary to your view of regulation, NHTSA's rulemakings are important and significantly behind schedule, including many required by statutes such as the Moving Ahead for Progress in the 21st Century Act (MAP-21) and the Fixing America's Surface Transportation (FAST) Act. Finishing these regulations should be a priority but beginning the rulemaking for new technologies is also imperative.

Given these latest vehicle incidents, we ask you that you respond to the following questions by August 10, 2018:

1. Please list each active recall and the completion rate of each recall listed.
2. How many formal investigations has NHTSA opened in the last two years? How many has it closed?
3. Has NHTSA opened a formal investigation of the non-collision Kia and Hyundai vehicle fires? If so, how long is this investigation expected to take? If not, how many fires would need to occur before you do so? How many fires would be required to show there is a pattern?

Defect-Petition.pdf); Letter from Sen. Bill Nelson, Ranking Member, Senate Committee on Commerce, Science, and Transportation, to Heidi King, Deputy Administrator, National Highway Traffic Safety Administration (June 13, 2018); Letter from Heidi King, Deputy Administrator, National Highway Traffic Safety Administration, to Sen. Bill Nelson, Ranking Member, Senate Committee on Commerce, Science, and Transportation (June 26, 2018); *NBC Nightly News with Lester Holt*, NBC (July 18, 2018).

⁴ See note 2.

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4. What steps have been taken to implement the IG's recommendations? When will NHTSA complete each recommendation?

Thank you in advance for your answers. We hope that we can work together to put the safety of Americans first.

Sincerely,



Frank Pallone, Jr.
Ranking Member



Jan Schakowsky
Ranking Member
Subcommittee on Digital Commerce
and Consumer Protection