

United States Senate

WASHINGTON, DC 20510

July 2, 2014

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

Dear Administrator Friedman:

We write to request information about the manner in which the National Highway Traffic Safety Administration (NHTSA) ensures compliance with its publicly available Early Warning Reporting (EWR) system and how it responds to defect petitions.

Early Warning Reporting Compliance

The EWR system¹ requires automobile and automobile equipment manufacturers to submit quarterly reports of incidents in which the manufacturer learns of potential defects that could have caused fatalities or serious injuries. A search of the EWR database indicates that Ferrari has never once filed a death or injury claim in EWR. Additionally, according to analysis provided to my office by the Center for Auto Safety, there appear to exist significant deviations between manufacturers' EWR reporting. Specifically, from 2004-2013, GM filed an EWR death and injury record for every **1524** vehicles sold, and Ford filed an EWR death and injury record for every **2257** vehicles sold. However, from 2004-2008, Chrysler filed an EWR death and injury record for every **4167** vehicles sold, but post-bankruptcy in 2009-2013, those numbers changed to one EWR death and injury record for every **8329** vehicles sold. While these reporting practices may be a reflection of differences in claims of safety-related defects received by the companies, they could also reflect differences in EWR compliance.

- 1) Please describe the manner in which NHTSA evaluates EWR reporting to ensure that manufacturers are complying with its requirements.
- 2) Has NHTSA ever undertaken any enforcement action related to a manufacturer's failure to fully or accurately report EWR claims? If so, please provide a description of the action(s) taken.

Defect Petitions

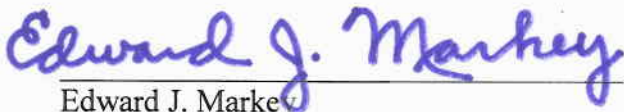
We are also interested in understanding the manner in which NHTSA responds to petitions for defect and recall to ensure that they are responded to in a timely and complete manner. NHTSA is statutorily required to grant or deny them within 120 days, and when they are denied, NHTSA is additionally required to publish the reasons for the denial in the Federal Register. Please provide a list of every petition for defect or recall submitted to NHTSA since

¹ <http://www-odi.nhtsa.dot.gov/ewr/>

1990, including a) the date the petition was submitted to NHTSA, b) a description of what the petition alleged, c) the date on which the petition was posted on NHTSA's investigation website, d) the date on which the petition was granted or denied, e) the Federal Register citation for each denial, and f) for petitions that were accepted, the identification and description of all steps taken by NHTSA to investigate or direct a remedy for the defect, including the resultant investigation number and any recall that resulted. If any petitions are pending before NHTSA, have never been acted on by NHTSA, or if there are petitions for which NHTSA failed to publish any action taken in the Federal Register, please also list these as well as the reasons why NHTSA failed to comply with its statutory requirements.

Thank you very much for your prompt attention to this matter. Please provide your response no later than close of business on July 25, 2014.

Sincerely,



Edward J. Markey
United States Senator



Richard Blumenthal
United States Senator