

# United States Senate

WASHINGTON, DC 20510

January 31, 2019

Heidi King  
Acting Administrator  
National Highway Traffic Safety Administration  
1200 New Jersey Avenue, SE  
Washington, DC 20590

Dear Acting Administrator King,

We write to inquire about the steps the National Highway Traffic Safety Administration (NHTSA) is taking to swiftly resume its life-saving work now that the government shutdown has ended.

Although NHTSA is responsible for keeping people safe on American roadways, the lapse in federal funding forced it to suspend nearly all its critical vehicle safety functions. All “Life and Safety” staff responsible for maintaining services that support public safety were furloughed,” and only nine excepted NHTSA employees were providing support for those services.<sup>1</sup>

According to the Department of Transportation, NHTSA’s other suspended activities included:<sup>2</sup>

- NHTSA’s annually appropriated Vehicle Safety activities, including rulemaking, enforcement, research, data analysis, and consumer testing programs.
- Important rulemakings, including those with congressional deadlines.
- New car assessment testing and related safety ratings to consumers.
- Defect investigations.
- Review of incoming information on possible defects from manufacturers and consumers.
- Compliance testing of vehicles and equipment.
- Vehicle safety research on important subjects (e.g., crash avoidance technologies, vehicle-to-vehicle communications, occupant protection, alcohol detection).
- The review of routine defects and recall information from manufacturers and consumers.

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<sup>1</sup> <https://www.transportation.gov/sites/dot.gov/files/docs/mission/budget/328471/dot-shut-down-plan-updated-01-14-2019.pdf>, at 11.

<sup>2</sup> *Id.*

There is already evidence that the government shutdown detrimentally impacted the safety of drivers and pedestrians on our roadways. For example, during the shutdown, NHTSA was forced to suspend work examining whether the Hyundai and Kia voluntary recalls due to spontaneous engine fires included all impacted vehicles, potentially leaving dangerous, defective cars on our nation's roads.<sup>3</sup> Additionally, NHTSA was neither able to oversee the effectiveness of the recalls nor ensure that affected consumers had sufficient information about the recall. When regulators cannot execute their critical safety functions, travelers on our roadways are put at risk.

It is essential that Congress and the public understand the full effect of the lapse in federal funding on NHTSA operations and roadway safety. Therefore, we respectfully request answers to the following questions by February 14, 2019.

1. Please explain how NHTSA will cope with an anticipated backlog in defect and recall information. Please provide a list and summary of all defect investigations that were halted due to the lapse in federal funding.
2. How many complaints or tips about possible automobile defects did NHTSA receive between December 22, 2018 and January 28, 2019?
3. Defective Takata air bags have caused 15 deaths in the United States and 23 deaths worldwide.<sup>4</sup> Yet, as of October of 2018, approximately 16.7 million defective Takata airbag inflators remain unrepaired, while another 10 million airbags are being added to the recalls this month.<sup>5</sup> How has the government shutdown impacted NHTSA's ability to ensure that we eliminate these deadly defects as quickly as possible and hold accountable any entities responsible for the delay or who fail to provide adequate protections for their customers as they wait for replacement parts?
4. In April 2018, we wrote you inquiring about the status of several overdue safety rulemakings that NHTSA had not initiated or completed by their statutory deadline. Since many congressionally mandated safety rulemakings are already significantly delayed, how did this shutdown impact the issuance of these final safety rulemakings? Please provide an update on the current stage of the rulemaking process, when NHTSA expects to progress to the next stage, and when NHTSA expects to issue a final rule?
5. Please provide information on how the lapse in federal funding affected NHTSA's research capabilities. What research was delayed, when was that research scheduled to be

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<sup>3</sup> Tom Krisher, *Hyundai, Kia recall 168,000 vehicles due to increased fire risk*, USA Today (Jan. 16, 2019), <https://www.usatoday.com/story/money/cars/2019/01/16/hyundai-kia-recall-168-000-vehicles-due-increased-fire-risk/2598469002/>.

<sup>4</sup> Brittany Shoot, *Toyota Recalls Another 1.7 Million Vehicles for Takata Airbag Inflator Problem*, Fortune (Jan. 9, 2019), <http://fortune.com/2019/01/09/takata-airbag-recall-toyota-2019/>

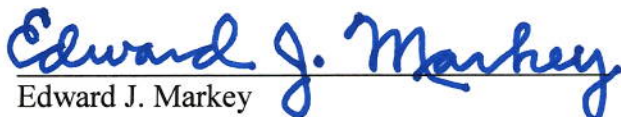
<sup>5</sup> The Independent Monitor of Takata and the Coordinated Remedy Program, *Update on the State of the Takata Airbag Recalls*, (Dec. 21, 2018), [https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/update\\_on\\_the\\_state\\_of\\_the\\_takata\\_airbag\\_recalls.v2.pdf](https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/update_on_the_state_of_the_takata_airbag_recalls.v2.pdf)


completed before the lapse in funding, and what is the current date that the research will completed?

6. Please provide information on how the lapse in federal funding affected NHTSA's ability to gather and disseminate data on fatalities and injuries on our nation's roads.

Thank you in advance for your attention to this matter. The American people deserve to know that their roadways remain safe. If you have any questions, please contact Daniel Greene of Senator Markey's staff at (202) 224-2742.

Sincerely,

  
Edward J. Markey  
United States Senator

  
Richard Blumenthal  
United States Senator