United States Senate

June 16, 2026

The Honorable Jonathan Morrison
Administrator
National Highway Traffic Safety Administration
1200 New Jersey Avenue, SE
Washington, D.C. 20590

Dear Administrator Morrison,

Tesla, Inc. appears to have used misleading and incomplete safety statistics to promote its Full Self-Driving (FSD) technology, exposing dangerous gaps in the National Highway Traffic Safety Administration's (NHTSA) collection of autonomous vehicle safety data, according to a new Reuters investigation. Tesla has repeatedly told investors, consumers, and the public that FSD is far safer than human driving, but the data analysis justifying those claims is weak and misleading. These representations are not merely marketing claims; they may shape how drivers use Tesla's FSD, how the public understands the risks of the technology, and how regulators evaluate potential safety defects. We therefore urge NHTSA to examine Tesla's FSD safety claims as part of its ongoing oversight and investigations into the company and to strengthen its autonomous vehicle data reporting requirements.

Tesla and its chief executive officer, Elon Musk, have a long history of overstating the safety and readiness of FSD. For years, Musk has promised that Tesla vehicles would soon become fully autonomous, even though Tesla continues to warn that currently enabled FSD features — despite the misleading name[1] — require active driver supervision and do not make the vehicle autonomous.[2] Tesla leaders have more recently used safety statistics to reinforce those promises. After Tesla's Austin robotaxi launch, its Chief Financial Officer reportedly claimed that a car using FSD was "10x safer" than a human-driven car, Tesla's Board Chair repeated that claim at a shareholder meeting, and Musk displayed a chart claiming "85% less crashes" based on a revised Tesla methodology.[3] The broad nature of these statements suggests that Tesla has rigorous data to justify these claims.

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[1] Lora Kolodny, *California judge rules that Tesla engaged in deceptive marketing around Autopilot,* CNBC (Dec. 16, 2025), https://www.cnbc.com/2025/12/16/california-judge-says-tesla-engaged-in-deceptive-autopilot-marketing-.html.

[2] Tesla, Full Self-Driving (Supervised) Vehicle Safety Report, https://www.tesla.com/fsd/safety.

[3] Chris Kirkham and Rachael Levy, *Why Tesla's AI trainers don't trust its self-driving tech - or its safety stats,* Reuters (May 28, 2026), https://www.reuters.com/investigations/why-teslas-ai-trainers-dont-trust-its-self-driving-tech-or-its-safety-stats-2026-05-28/.

In fact, Tesla's safety claims appear to rest on methodological choices that systematically inflate FSD's apparent safety advantage. In particular, Tesla makes the following misleading choices with its safety data:

- **Comparing unlike crash outcomes**. Tesla counted crashes in its own fleet involving airbag deployments, then compared that figure to federal crash data tracking crashes in which a vehicle was towed from the scene, a broader category that captures many less severe crashes. In fact, Tesla could have used federal data from a separate airbag-deployment category for a more direct comparison, suggesting that the company may have intentionally chosen to use the misleading figure.[4]

- **Comparing newer Tesla vehicles to the entire U.S. vehicle fleet**. Tesla compares FSD-equipped vehicles to the average vehicle on U.S. roads, which is much older than the average Tesla. That comparison can overstate FSD's safety advantage because newer vehicles from many manufacturers include modern safety features that reduce the number and severity of crashes.[5]

- **Using a five-second disengagement window**. Tesla counts a crash as involving FSD only if FSD was active at the time of the crash or within five seconds before the crash.[6] By contrast, NHTSA's Standing General Order (SGO) — which requires vehicle manufacturers to report crashes in which a Level 2 advanced driver assistance system or autonomous driving system was engaged at the time of or immediately before the crash — uses a time threshold of within 30 seconds before the crash.[7] That difference matters because dangerous automated driving behavior can force a driver to disengage moments before a collision or other safety incident.

- **Relying on incomplete automated telemetry**. Tesla's own safety report states that variables including cellular connectivity and damage to vehicle communication systems may affect its ability to capture certain events.[8] Notably, when a crash is severe enough to destroy or disable the vehicle's telematics system, Tesla's automated reporting pipeline simply receives no data — as has reportedly happened in multiple fatal crashes.[9] The result is a self-selected dataset that may undercount some of the most serious incidents and leave the public with a distorted picture of FSD safety.

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[4] Kirkham and Levy, *supra* note 3.

[5] *Id.*

[6] *Id.*

[7] National Highway Traffic Safety Administration, Standing General Order on Crash Reporting, https://www.nhtsa.gov/laws-regulations/standing-general-order-crash-reporting; Agency Information Collection Activities; Incident Reporting for ADS and Level 2 ADAS, 91 Fed. Reg. 30,790 (May 26, 2026), https://www.federalregister.gov/documents/2026/05/26/2026-10363/agency-information-collection-activities-submission-to-the-office-of-management-and-budget-for.

[8] Tesla, Full Self-Driving (Supervised) Vehicle Safety Report, *supra* note 2.

[9] Phillip Koopman, *New Tesla FSD Safety Report* (Nov. 17, 2025), https://philkoopman.substack.com/p/new-tesla-fsd-safety-data.

Given these serious statistical problems, it is unsurprising that former Tesla data labelers — the workers responsible for labeling road markings and other information in videos from FSD-enabled vehicles — were sharply critical of the technology. These employees described viewing repeated incidents in which a Tesla vehicle crashed into a concrete wall, failed to avoid a construction zone, would not pull over for emergency vehicles, and even nearly struck children. One former Tesla data labeler said they would not ride in a Tesla Robotaxi "if you f---ing paid me."[10] As another former employee said: "Definitely don't trust Elon on this."

These methodological flaws create an urgent safety problem. Misleading safety statistics can encourage drivers to over-rely on FSD, obscure whether the technology is creating safety defects, and undermine NHTSA's ability to evaluate risks associated with vehicles already operating on public roads. The push to allow more autonomous vehicles on public roads depends heavily on the claim that these driving systems are safer than human drivers. To the extent that Tesla or other vehicle manufacturers are misleading the public about their safety data, however, consumers may choose to purchase or ride in an AV based on the unproven expectation that they are safer than non-autonomous vehicles. This type of information asymmetry is a classic market failure, which will likely result in more AVs on the road — and potentially more traffic injuries and fatalities if those systems are not in fact as safe as they claimed. For that reason, regulators have an obligation to ensure that AV companies are not misleading the public about their safety data and that consumers have adequate information to make an informed decision.

Unfortunately, NHTSA's primary effort to collect AV safety data — through the SGO — has significant limitations. Notably, NHTSA does not require vehicle manufacturers to submit the number of vehicles they operate, the distances traveled by those vehicles, or other exposure data necessary to contextualize crash rates — the type of data that would help prove or disprove Tesla's safety claims. As NHTSA states, the crash data reported under the SGO "have not, therefore, been normalized or adjusted by any measure of exposure, including operational design domains or vehicle miles traveled."[11] Additionally, other safety-related incidents are also excluded from the crash data, such as the incidents that Tesla data labelers described as involving near-misses between Tesla vehicles and children or Tesla vehicles passing a school bus with its stop arm extended.[12] Frozen vehicles blocking emergency response, automated traffic violations, sudden unplanned stops, and dangerous interactions with vulnerable road users are plainly relevant to public safety. As a result of these limitations, NHTSA's current reporting framework does not allow the agency — or the public — to conduct continuous, comparative safety oversight. This is a dangerous safety gap in our vehicle regulatory framework.

NHTSA is also failing to ensure that Tesla's SGO data is transparent and complete. Tesla is the only company complying with NHTSA's data reporting requirements that makes regular practice of redacting details associated with FSD-involved crashes claiming confidential business

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[10] Kirkham and Levy, *supra* note 3.

[11] National Highway Traffic Safety Administration, Standing General Order on Crash Reporting, *supra* note 7.

[12] Kirkham and Levy, *supra* note 3; s*ee also* Spectrum News, *Officials: 5 Waymos blocked first responders during shooting* (Apr. 30, 2026), https://spectrumlocalnews.com/tx/south-texas-el-paso/news/2026/04/30/officials--5-waymos-blocked-first-responders-during-shooting; National Transportation Safety Board, Investigation HWY26FH007, https://www.ntsb.gov/investigations/Pages/HWY26FH007.aspx.

information.[13] This prevents the public from accessing key details about crashes that would shed light on Tesla's safety record. According to NHTSA's website, the agency's reviews redacted information and the "chief counsel makes a determination regarding its confidentiality."[14] This appears to suggest NHTSA has the authority to review and reject claims of confidential business information but doesn't exercise this authority towards Tesla.

Without stronger reporting and validation requirements, NHTSA cannot determine whether an AV company's public safety claims bear any relationship to reality. It is deeply concerning that Tesla — or any company — can be in compliance with the SGO and, at the same time, so blatantly misrepresent the safety of its technology to the public. Notably, NHTSA does not require manufacturers to validate, peer-review, or submit for independent verification their public safety statistics.[15] NHTSA recently described the SGO as an early-warning mechanism for identifying defects, not a program designed to support normalized, apples-to-apples comparison scorecards.[16] That may describe the current limits of the SGO, but it also confirms the problem. Companies are using safety statistics to promote technologies operating on public roads, while the federal safety regulator lacks the data and verification framework necessary to evaluate those claims. NHTSA should close that gap, not accept it.

Therefore, we urge NHTSA to significantly expand autonomous vehicle data reporting requirements under the SGO. At a minimum, and in addition to existing reporting requirements, NHTSA should require companies to disclose vehicle miles traveled, number of deployed vehicles, crash severity, road type, operating conditions, and the data and methodology underlying any public safety claims. NHTSA should also require reporting of non-crash safety incidents, including interference with emergency response vehicles, sudden or unplanned stoppages, traffic violations, and incidents involving school buses, pedestrians, cyclists, and other vulnerable road users. NHTSA should use this information to monitor safety claims on a continuous basis and to determine when manufacturer data or public representations warrant further investigation.

On the Tesla matter specifically, we request that NHTSA respond in writing to the following questions by July 6, 2026:

1. Has NHTSA independently evaluated Tesla's public FSD safety claims, including claims that FSD is seven or ten times safer than human driving, for statistical validity or methodological soundness?

2. Has NHTSA requested, as part of any ongoing investigation, that Tesla provide the underlying data, assumptions, crash definitions, exposure metrics, and methodology used

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[13] Koopman, *supra* note 9.

[14] National Highway Traffic Safety Administration, *supra* note 7.

[15] David Zipper, *We Still Don't Know if Robotaxis Are Safer Than Human Drivers,* Bloomberg (Jan 6, 2026), https://www.bloomberg.com/news/features/2026-01-06/are-autonomous-vehicles-safer-than-human-drivers-we-don-t-know-yet?srnd=undefined&embedded-checkout=true.

[16] Agency Information Collection Activities; Incident Reporting for ADS and Level 2 ADAS, *supra* note 7.

to generate its public FSD safety statistics? If so, please provide the date of each request and Tesla's response.

3. Has NHTSA evaluated Tesla's use of a five-second disengagement window in its FSD safety calculations, despite the SGO's 30-second reporting window? If so, what conclusions has NHTSA reached?

4. Has NHTSA evaluated whether Tesla's reliance on automated telemetry may omit crashes or safety incidents when connectivity is unavailable or vehicle communication systems are damaged? If so, what conclusions has NHTSA reached?

5. Why does NHTSA allow Tesla to redact all details related to crashes reported in the SGO?

American families deserve to know whether the technology operating their neighbor's vehicle is safe, not whether a company's hand-picked metrics, compared against a mismatched baseline, produce a favorable marketing statistic.

We look forward to continuing to work with you on improving road safety.

Sincerely,

Edward J. Markey
United States Senator

Richard Blumenthal
United States Senator