

ConsumersUnion®

THE ADVOCACY DIVISION OF CONSUMER REPORTS

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Office of Management and Budget
Attention: Desk Officer for the Office of the Secretary of Transportation
725 17th Street NW
Washington, D.C. 20503

Submitted via www.regulations.gov

**Comments of Consumers Union to the
Office of Management and Budget on the
Information Collection Request Regarding the National Highway Traffic Safety
Administration Consumer Complaint Database
Docket No. NHTSA-2013-0009**

Consumers Union, the advocacy division of Consumer Reports,¹ welcomes the opportunity to comment on the collection of vehicle safety complaint information by the Department of Transportation's National Highway Traffic Safety Administration (NHTSA) in its consumer complaint database, for which the agency is forwarding a renewal request to the Office of Management at Budget (OMB).² We write to strongly support the renewal of the relevant information collection, as we previously indicated in our comments to NHTSA on the subject.³ The consumer complaint database, available at *SaferCar.gov*, plays an essential role in helping identify defects and ensure the safety of vehicles on U.S. roads. It is essential that consumers be able to file complaints unhindered to NHTSA, the federal watchdog charged with carrying out the public interest on auto-related defects.

Consumer complaints are one of the most important data sources for NHTSA when considering or conducting defect investigations.⁴ Often, consumer complaints prompt the

¹ Consumer Reports is an independent, nonprofit member organization that works side by side with consumers for truth, transparency, and fairness in the marketplace. We use our rigorous research, consumer insights, journalism, and policy expertise to inform purchase decisions, improve the products and services that businesses deliver, and drive regulatory and fair competitive practices.

² NHTSA, "Agency Information Collection Activities; Proposals, Submissions, and Approvals" (Apr. 30, 2018) (notice and request for comments) (online at: www.regulations.gov/document?D=NHTSA-2013-0009-0151).

³ Comments of Consumers Union to the to the National Highway Traffic Safety Administration on the Notice and Request for Comments on the Renewal of a Current Information Collection: Consumer Complaint Database, Docket No. NHTSA-2018-0002 (Mar. 19, 2018) (online at www.regulations.gov/document?D=NHTSA-2018-0002-0003).

⁴ GAO, "Enhanced Project Management of New Information Technology Could Help Improve NHTSA's Oversight of Safety Defects" (Feb. 2016) (online at: www.gao.gov/assets/680/675551.pdf); NHTSA, "NHTSA Consumer Complaint Database" (Jan. 27, 2011) (presentation) (online at: www.nhtsa.gov/sites/nhtsa.dot.gov/files/2011-sae-govt_mtg-nhtsa_complaint_database.pdf).

initiation of new investigations. For example, NHTSA's investigation into unintended acceleration in Toyota vehicles began as a response to five consumer complaints regarding the 2007 Lexus ES 350.⁵ Additionally, NHTSA's 2014 investigation into faulty Takata airbags was spurred by three consumer complaints, which led to three more reports from industry.⁶ Other times, when it is determined that a defect investigation is warranted, NHTSA examines consumer complaints data and conducts detailed interviews with the consumers who submitted a report in order to more specifically identify a potential defect.⁷ Car owners and lessees are the first people who experience many safety issues, and their information can often provide an earlier signal to the agency than automaker claims data can.⁸ Accordingly, NHTSA must have access to these complaints so that it can save lives and prevent injuries by swiftly taking necessary actions in response to potential safety-related defects.

The complaint database also helps NHTSA to monitor safety-related business practices in the marketplace and to support its research and rulemaking activities. For example, in 2012, when NHTSA became aware of a problem involving the sale of counterfeit airbags as replacement parts for vehicles that had been in a crash, it issued a consumer advisory and continued to protect consumers from harm by monitoring the consumer complaint database.⁹ Also in 2012, NHTSA proposed a revision to the safety standard for accelerator control systems to address electronic throttle control failure and to require brake-throttle override systems. In preparing the rulemaking, NHTSA determined, "based on review of [unintended acceleration] complaints in the agency's [Vehicle Owner's Questionnaire] data," that it could "reconstruct how a pedal entrapment event might lead to a crash."¹⁰

In the past few years, the agency has sought to improve its use of the complaint database, and should continue this effort. Further recognizing the importance of the database to the agency, NHTSA proposed a rule in 2016 to require automakers to place a label inside new cars clearly describing how consumers can submit complaints to NHTSA, in order to increase and improve consumer use of the database.¹¹ NHTSA also has been using a package of analytics software to

⁵ NHTSA, "U.S. Department of Transportation Releases Results from NHTSA-NASA Study of Unintended Acceleration in Toyota Vehicles" (Feb. 8, 2011) (online at: www.nhtsa.gov/press-releases/us-department-transportation-releases-results-nhtsa-nasa-study-unintended).

⁶ NHTSA, "Failure Report Summary" (June 11, 2014) (online at: static.nhtsa.gov/odi/inv/2014/INOA-PE14016-9724.PDF).

⁷ Statement of David Friedman, Acting Administrator of NHTSA, before the U.S. House Committee on Energy and Commerce Subcommittee on Oversight and Investigations (Apr. 1, 2014) (online at: www.nhtsa.gov/sites/nhtsa.dot.gov/files/df_house_testimony_04012014.pdf).

⁸ Consumer Reports, "How to write a car safety complaint to NHTSA" (Mar. 2014) (online at: www.consumerreports.org/cro/2012/12/how-to-write-a-car-safety-complaint-to-nhtsa/index.htm).

⁹ NHTSA, "Safety Advisory: NHTSA Alerting Consumers to Dangers of Counterfeit Air Bags" (Oct. 10, 2012) (online at: www.nhtsa.gov/press-releases/safety-advisory-nhtsa-alerting-consumers-dangers-counterfeit-air-bags).

¹⁰ NHTSA, "Federal Motor Vehicle Safety Standards; Accelerator Control Systems" (Apr. 16, 2012) (proposed rule) (online at: www.federalregister.gov/documents/2012/04/16/2012-9065/federal-motor-vehicle-safety-standards-accelerator-control-systems).

¹¹ NHTSA, "Vehicle Defect Reporting Requirements" (Nov. 28, 2017) (proposed rule) (online at: www.federalregister.gov/documents/2016/11/28/2016-28125/vehicle-defect-reporting-requirements).

help mine the text of consumer complaints for emerging hazards.¹² The continued development of this capability should help the agency assess more complaints and get defective vehicles off the road faster.

Looking toward the future and building on the current approach for electronic stability control, NHTSA should expand the complaint report tool to include a way for consumers to report issues related to advanced driver assist systems. This would include features like forward collision warning and automatic emergency braking, lane-keeping assist, lane-departure warning, and adaptive cruise control. To get ahead of forthcoming technologies, the agency also should consider including ways to report issues with Level 3, 4, and 5 automated driving systems, as classified by SAE International.

Consumer complaints are also essential for auto safety advocates and other groups that seek to complement NHTSA's efforts by monitoring vehicle safety in the marketplace. Consumer Reports recently drew from the consumer complaint database in conducting our research into the issue of panoramic sunroofs spontaneously shattering. We highlighted our findings in a major story,¹³ which helped inform consumers about this potential safety hazard, as well as in follow-up pieces,¹⁴ and in letters urging automakers and the government to take action.¹⁵ Having access to the consumer complaint database can help Consumer Reports spot emerging hazards early, hopefully leading to timely corrective actions that prevent injuries or deaths. Similarly, other advocates, industry observers, and journalists rely on consumer complaints in researching safety issues in motor vehicles and equipment and relaying important information to consumers.¹⁶ For example, the Center for Auto Safety reviewed the consumer complaint database when petitioning NHTSA to conduct a defect investigation into an engine stalling issue with the 2017 Chrysler Pacifica, which appears to have led ultimately to a recall of more than 150,000 potentially dangerous vehicles.¹⁷

¹² NHTSA, "Workforce Assessment" (June 2015) (online at: www.nhtsa.gov/staticfiles/communications/pdf/nhtsa-path-forward.pdf).

¹³ Consumer Reports, "Exploding Sunroofs: Danger Overhead" (Oct. 12, 2017) (online at: www.consumerreports.org/car-safety/exploding-sunroofs-danger-overhead/).

¹⁴ Consumer Reports, "Senators Press Auto Industry on Exploding Sunroofs" (Nov. 15, 2017) (online at: www.consumerreports.org/car-safety/senators-press-auto-industry-on-exploding-sunroofs/); Consumer Reports, "Exploding Sunroof Cases Head to Court" (Jan. 17, 2018) (online at: www.consumerreports.org/car-safety/exploding-sunroof-cases-head-to-court/).

¹⁵ Consumers Union, "Letters on Shattering Sunroofs" (Oct. 12, 2017) (online at: consumersunion.org/wp-content/uploads/2017/10/All-CU-letters-on-shattering-sunroofs-to-automakers-Congress-NHTSA-10-12-2017.pdf).

¹⁶ See, e.g., Edmunds, "NHTSA Complaints Activity Report" (Mar. 20, 2013) (online at: www.edmunds.com/car-news/nhtsa-complaints-report.html); Center for Auto Safety, "Center for Auto Safety Calls on Ford CEO Hackett to Recall 1.3 Million Ford Explorers for Carbon Monoxide Leaks" (Jan. 23, 2018) (online at: www.autosafety.org/center-calls-ford-explorer-co-recall/); The Safety Institute, "Vehicle Safety Watch List" (Sept. 20, 2017) (online at: www.thesafetyinstitute.org/vehicle-safety-watch-list-12/).

¹⁷ Center for Auto Safety, "Petition for Defect Investigation" (Nov. 20, 2017) (online at: www.autosafety.org/wp-content/uploads/2017/11/Pacifica-Defect-Petition.pdf).

Finally, the consumer complaint database allows consumers not only to report safety issues they encounter, but also to independently examine complaints when purchasing a car—promoting more informed decisions.

Thank you for your consideration of our comments. Consumers Union looks forward to continuing to work with the federal government to address emerging auto safety hazards and to keep all consumers safe on our roads, and we urge OMB to approve NHTSA's information collection request.

Respectfully submitted,

A handwritten signature in cursive script that reads "Jack Barnett".

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