



July 18, 2019

Docket Management Facility, M-30  
U.S. Department of Transportation  
1200 New Jersey Avenue S.E.  
West Building, Room W12-140  
Washington, D.C. 20590

Submitted via [www.regulations.gov](http://www.regulations.gov)

**Comments of Consumer Reports to the  
National Highway Traffic Safety Administration on  
General Motors' Consolidated Petitions for Decisions of Inconsequential Noncompliance  
Docket No. NHTSA-2016-0124-0246 (Notice 4)**

Consumer Reports, the independent, non-profit member organization,<sup>1</sup> welcomes the opportunity to submit comments to the National Highway Traffic Safety Administration (NHTSA) regarding the petitions for decisions of inconsequential noncompliance submitted by General Motors (GM) relating to recalled non-desiccated Takata airbag inflators with a phase-stabilized ammonium nitrate (PSAN)-based propellant. In response to this comment period, we urge NHTSA to focus on enforcing the current recalls, helping ensure automakers get these recalls completed more quickly, holding companies responsible for violations of the coordinated remedy orders and consent orders, and making a determination regarding the safety of Takata's desiccated inflators by the 2019 deadline the agency has set. GM's petitions should not be prioritized over these critical recall-related activities. Specifically, GM's first, second, third, and fourth petitions should not be granted at this time; GM should be required to move forward expeditiously with the recalls; and, at a minimum, the consolidated petitions should not be revisited until after the broader determination regarding desiccated inflators.

Our comments fall into three main categories, which we discuss below.

**GM should focus on fixing its vehicles, not on filing petitions to NHTSA, which use up limited agency resources as NHTSA processes and evaluates them**

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<sup>1</sup> Founded in 1936, Consumer Reports uses its dozens of labs, auto test center, and survey research center to rate thousands of products and services annually. CR works together with its more than 6 million members for a fairer, safer, and healthier world, and reaches nearly 20 million people each month across our print and digital media properties.

According to NHTSA, there are approximately 56 million airbags covered by the Takata recalls.<sup>2</sup> The most recent GM petition marks the fourth time in three years that GM has petitioned to avoid recalling certain vehicles equipped with defective Takata non-desiccated airbag inflators. To date, 16 people have died and more than 100 have been injured in the U.S. as a result of the defective airbag inflators.<sup>3</sup> At this point in time, and with a recall completion rate of 71%, GM should be focused on one objective related to Takata airbags: getting remaining vehicles with these airbags repaired.<sup>4</sup> Rather than repeatedly petitioning to reduce its recall responsibilities, GM should seek, first and foremost, to protect its customers.

### **NHTSA should not consider GM’s petitions until after it has made much more significant decisions related to the Takata airbag recalls**

NHTSA ensured consumers—pursuant to the Takata Consent Order, the Coordinated Remedy Order, and their amendments—that defect declarations for non-desiccated Takata airbag inflators with a PSAN-based propellant would be filed by December 31, 2018, except for those involving like-for-like replacement parts. Numerous automaker recalls for vehicles with those inflators were announced shortly thereafter. Additionally, NHTSA has set a deadline of December 31, 2019, by which desiccated airbag inflators must be proven safe, or else NHTSA may order a recall.<sup>5</sup>

NHTSA should not use its very limited staff time and taxpayer dollars to consider GM petitions focused on allowing GM to avoid the full recall. For the benefit of millions of affected consumers, NHTSA should focus on ensuring that vehicles with the non-desiccated airbag inflators are repaired, as well as determining whether to order recalls for vehicles with desiccated Takata airbag inflators by the deadline that the agency has set.

### **Recognizing the age of the vehicles identified in GM’s petitions, NHTSA and GM should work urgently to get them off the road**

The vehicles referred to in GM’s petitions are all roughly six years old or older. Some have been on the road for almost eleven years (model year 2009 vehicles), and those vehicles in Zone A have been identified as defective by Takata for more than three years. As NHTSA has recognized, “exposure to high heat and humidity over time can cause metal parts inside the air bag to explode and shoot out of the air bag at the driver or passengers.”<sup>6</sup> NHTSA and GM should take urgent action, in the name of protecting consumers from death and injury, and get these vehicles repaired as soon as possible.

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<sup>2</sup> NHTSA, “Takata Recall Spotlight” (online at: [www.nhtsa.gov/equipment/takata-recall-spotlight](http://www.nhtsa.gov/equipment/takata-recall-spotlight)) (accessed July 17, 2019).

<sup>3</sup> “Takata Airbag Recall: Everything You Need to Know,” Consumer Reports (last updated Mar. 29, 2019) (online at: [www.consumerreports.org/car-recalls-defects/takata-airbag-recall-everything-you-need-to-know](http://www.consumerreports.org/car-recalls-defects/takata-airbag-recall-everything-you-need-to-know)).

<sup>4</sup> *Supra* note 2.

<sup>5</sup> NHTSA, “Takata Recall Expansion: What Consumers Need to Know” (online at: [www.nhtsa.gov/takata-air-bags/takata-recall-expansion-what-consumers-need-know](http://www.nhtsa.gov/takata-air-bags/takata-recall-expansion-what-consumers-need-know)) (accessed July 17, 2019).

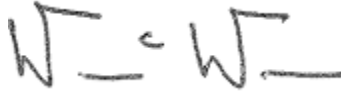
<sup>6</sup> NHTSA, “Takata ‘Alpha’ Air Bags Pose Increased Risk” (online at: [www.nhtsa.gov/recalls/takata-alpha-air-bags-pose-increased-risk](http://www.nhtsa.gov/recalls/takata-alpha-air-bags-pose-increased-risk)) (accessed July 17, 2019).

Thank you for considering our comments, and for your efforts regarding Takata airbag-related recalls. We look forward to continuing to work with NHTSA to reduce deaths and injuries on our roads, including those related to this large, complex, and ongoing vehicle safety crisis.

Respectfully submitted,



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