



December 18, 2017

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

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

**Comments of the Center for Auto Safety on Ford Motor Company
and Mazda Motor Company, Receipt of Petition for Inconsequentiality,
Docket No. NHTSA-2017-0092 and NHTSA-2017-0093**

The Center for Auto Safety (“Center”) appreciates the opportunity to comment on the National Highway Traffic Safety Administration’s (“NHTSA”) notices of receipt of petition for inconsequentiality filed pursuant to 49 CFR Part 556.4 by Ford Motor Company (“Ford”) and Mazda Motor of America (“Mazda”).¹ The Ford and Mazda joint petition seeks a determination that first-generation PSDI-5 PSAN airbag inflators manufactured by the Takata Corporation (“Takata”) and installed in Ford and Mazda vehicles are exempt from the recall notification and remedy requirements of the Safety Act.

Over three million Ford and Mazda vehicles included PSDI-5 inflators at the time of manufacture.² These inflators were supplied by Takata, for installation in Ford, Mazda, and Nissan vehicles, using ammonium nitrate as a propellant. Ford chose ammonium nitrate, a less expensive, more volatile inflator propellant, over safer alternatives.³

It is hard to imagine a more consequential safety defect than Takata airbag inflators. As noted by the Takata independent monitor, John Buretta: “The words ‘grenade’ and ‘ticking time bomb’ accurately convey the lethal potential of these defective inflators. To date, at least 13 people in the U.S. have died from injuries inflicted by defective Takata airbag inflators.”⁴

¹ The Mazda letter and joint petition are found in docket NHTSA-2017-0092, Ford in NHTSA-2017-0093.

² 488,827 2007-10 Ford Edge, 489,326 2007-11 Ford Ranger, 1,555,038 Ford Fusion, 170,270 Mercury Milan, 219,905 Lincoln MKZ, 118,376 Lincoln MKX, and 5,848 2007-09 Mazda B-Series vehicles.

³ See: <https://www.cbsnews.com/news/did-5-carmakers-knowingly-use-unsafe-takata-air-bags/>

⁴ See: “[The State of the Takata Air Bag Recalls](#),” November 15, 2017.

In fact, after determining that the first-generation PSDI-5 PSAN inflators posed an unreasonable risk to safety, the original manufacturer of these inflators, Takata, filed a Part 573 defect information report on July 10, 2017. These inflators used calcium sulfate as a desiccant, which was discontinued by Takata in the succeeding generations of PSAN inflators. The new-generation PSAN inflators remain subject to safety testing, and will be recalled after December 31, 2019 should they also prove unsafe.

On July 17, 2017, soon after Takata's Part 573 filing, Nissan Group of North America ("Nissan") filed a Part 573 defect information report and agreed to commence a recall to replace the defective PSDI-5 inflators on 515,394 2007-12 Nissan Versa vehicles. Although Ford filed a defect information report on July 18, 2017, at that time the automaker also announced its intention to apply for a decision by NHTSA that the defect determined by Takata is inconsequential to motor vehicle safety, due to differences in design of the Nissan and Ford/Mazda inflators.

Petitions for inconsequentiality are only very rarely submitted in reference to vehicle components that have the capacity for harm that we have seen from the Takata inflators. The majority of inconsequentiality petitions are filed for labeling and other minor compliance issues that can truly be deemed "inconsequential" under the Federal Motor Vehicle Safety Act. Inconsequentiality petitions should be reserved for situations where the defect and/or noncompliance is significantly less likely to take human life than an exploding airbag.

Additionally, PSAN inflators remain under scrutiny until at least December 31, 2019 pursuant to the November 2015 Consent Order.⁵ A grant of the joint Ford and Mazda petition would effectively serve as a decision that these inflators are exempt from future recall should additional PSAN testing prove a danger in these desiccated inflators.

The evidence of the dangers presented by the Takata airbags is significant: The manufacturer, Takata, has acknowledged the need for a recall. Nissan, produced over 500,000 vehicles with similar Takata inflators, and has undertaken a major recall. The Takata independent monitor has stated in the simplest terms possible how dangerous these devices are. In other words, only an overwhelming body of evidence, laid bare for public inspection and presenting an incontrovertible scientific basis for a different result which doesn't put millions of lives at risk should be sufficient for anything other than a wholesale rejection of the joint petition.

Yet, the only relevant information submitted by Ford and Mazda and made available for public inspection pursuant to 49 CFR Part 556.9 is the joint petition, which contains unsupported assertions as fact, and includes no corresponding data or scientific studies confirming the future safety of the PSDI-5 airbag inflators and the drivers and passengers who would be subject to the risks from an exploding airbag. Where the petition does reference the testing conducted by Takata on Ford inflators, there is little evidence provided to suggest that these inflators will continue to perform after years of exposure. At best, the testing performed by Takata suggests that propellant degradation and inflator

⁵ See: [Consent Order](#), November 3, 2015.

chamber pressure have not *yet* developed the potential to harm occupants after ten years in service. Unfortunately, tests demonstrating that inflators are “OK for now” in no way ensures safety throughout the maximum useful life of these vehicles.

Recently, NHTSA denied Ford and Mazda’s request for a deferral of determination, based on the lack of test data and other information produced in support of the joint petition. The Center supports this denial. For the reasons explained in that denial, and until there is overwhelming evidence that the specific PSDI-5 inflator design will prevent inflator ruptures over the anticipated life of these vehicles, the Ford and Mazda joint petition should be denied. So far, the submissions by Ford fall far short of meeting this standard. Where there is any doubt, safety must take priority.