



November 29, 2021

Office of the Administrator
c/o Steven Cliff, Deputy Administrator
National Highway Traffic Safety Administration (NHTSA)
Docket Management Facility
U.S. Department of Transportation
1200 New Jersey Avenue SE
West Building, Ground Floor, Room W12-140
Washington, DC 20590-0001

Submitted electronically via www.regulations.gov

Re: Agency Information Collection Activities; Notice and Request for Comment; Reporting of Information and Documents About Potential Defects, Docket No. NHTSA-2021-0101.

Thank you for the opportunity to provide comments on NHTSA's reinstatement with modification of a previously approved collection of information regarding the reporting of information and documents about potential safety defects.¹ The Center for Auto Safety (CAS), founded in 1970, is an independent, member supported, non-profit consumer advocacy organization dedicated to improving vehicle safety, quality, and fuel economy. In 2020, we celebrated 50 years of advocacy for automotive safety and consumer protection.

The collection of information under consideration has been in force since NHTSA's implementation of the TREAD Act two decades ago and consists of three critical information sources supporting the decisions of the agency's defect and compliance enforcement staff as they evaluate potential vehicle safety issues. The TREAD Act's provisions were implemented in 49 CFR Part 579, Reporting of Information and Communications about Potential Defects. These provisions were enacted in response to one of the largest and deadliest defect incidents in vehicle safety history² and were intended to provide NHTSA with the ability to respond more quickly to prevent crashes due to defective or noncompliant vehicles and vehicle equipment. Additionally, the information collected serves as a valuable public resource for consumers researching vehicle issues.

¹ Agency Information Collection Activities; Notice and Request for Comment; Reporting of Information and Documents About Potential Defects, 86 FR 60095, October 29, 2021.
<https://www.federalregister.gov/documents/2021/10/29/2021-23248/agency-information-collection-activities-notice-and-request-for-comment-reporting-of-information-and>

² See Advanced Notice of Proposed Rulemaking, January 22, 2001, 66 FR 6532.
<https://www.govinfo.gov/content/pkg/FR-2001-01-22/pdf/01-1502.pdf>

Over the two decades since it was conceived, the data available for collection by NHTSA in connection with defective or noncompliant vehicles has greatly expanded and the system is due for modification and upgrades. Accordingly, CAS supports NHTSA's reinstatement with modification for each of these Part 579 collections, which are discussed in more detail below.

49 CFR § 579.5 - Notices, bulletins, customer satisfaction campaigns, consumer advisories, and other communications

This part mandates the submission of various communications between manufacturers and their dealers' service departments, including technical service bulletins, service and extended warranty campaigns, and other maintenance information. This collection of information is important to NHTSA's defect enforcement division to support safety defect investigations, with the added benefit of disincentivizing manufacturers from disguising safety recalls as product improvement campaigns or the like. The public-facing side of this information collection, which makes up a significant portion of the incredibly useful NHTSA Recalls and Safety Issues database,³ provides consumers with valuable insight into potential vehicle safety and performance issues and notice of warranty updates and extensions.

Part 579 Subpart B - Reporting of Safety Recalls and Other Safety Campaigns in Foreign Countries

Subpart B provides NHTSA with notice of vehicle, vehicle equipment, or tire recalls or safety campaigns conducted internationally. This information allows the agency to evaluate the domestic fleet for safety issues in light of problems that arise in foreign countries. This provision is more important than ever, as the global automotive supply chain has increased the number vehicles and components with design and manufacturing characteristics shared across borders.

49 CFR Subpart C - Reporting of Early Warning Information

Early Warning Reporting (EWR) provides NHTSA with quarterly injury and fatality information, property damage, and warranty claims numbers from much of the domestic fleet. This information collection is intended to ensure that the agency can quickly and accurately identify safety related defects. Using the limited information available in EWR quarterly reports from manufacturers, NHTSA reviewers can request more detailed information from manufacturers when a potential safety issue is detected.

There is room to enhance the quality and utility of the quarterly EWR reports. Currently the system operates under the constraint of limited component categories which provide agency reviewers very little to go on when attempting to spot trends in the data. While the average vehicle has tens of thousands of parts that could be involved in a defect, EWR only allows for description of the broadest component categories, such as "electrical system," which would account for the entire vehicle electrical, computing, and software structure providing little specific insight upon which investigators can act. Additionally, the public facing EWR data is divided into quarterly silos based on reporting times, making it unusable to consumers and the general public as a research tool.

³ See <https://www.nhtsa.gov/recalls>

Conclusion

Thank you for the opportunity to provide comments on NHTSA's reinstatement with modification of a previously approved collection of information regarding the reporting of information and documents about potential safety defects. CAS fully supports the reinstatement of the information collection, while noting that there are opportunities for the agency to improve the quality and clarity of certain portions of this collection. The information submitted under Part 579 is critical to the agency's defect and compliance enforcement efforts and is necessary for the agency to fulfill its mission of saving lives, preventing injuries, and reducing economic costs due to road traffic crashes.