

## CLARENCE DITLOW

When regulators sleep and auto companies place profits over safety, safety defects pile up. The 60 million vehicles recalled in 2014 resulted from Congressional hearings and Justice Department criminal prosecutions exposing a deadly mass of concealed defects by the auto industry. From the Corvair in the 1960s through Ford Pinto and Firestone 500 tires in the 1970s, GM pickup sidesaddle gas tanks in the 1980s, Ford Explorer rollover in the 1990s, Toyota unintended acceleration and Jeep gas tanks in the 2000s and now GM ignition switches and Takata airbags, the auto companies concealed defects to avoid recalls and save money. Toyota bragged that it saved \$100 million by avoiding a sudden acceleration recall.

After each of the defects, Congress held hearings and gave the National Highway Traffic Safety Administration (NHTSA) new authority to regulate the auto industry which NHTSA failed to use. NHTSA Administrator David Friedman told Congress he was unaware the agency had subpoena authority it was used so infrequently.

But Congress has not given NHTSA the two things it needs most - adequate funding and criminal penalties against auto companies for failing to comply with the Safety Act. Unlike other federal regulatory agencies, NHTSA does not even have its own vehicle research and test facility. Its annual vehicle safety budget is a puny \$134 million - less than 50¢ per vehicle on the road. The budget for finding defects and ordering recalls is even smaller - less than 10¢ per vehicle.

Since passage of the National Traffic and Motor Vehicle Safety Act in 1966, industry lobbyists blocked the passage of criminal penalties for executives who knowingly violate the Safety Act. The prospect of going to jail will change corporate behavior far quicker than a large fine.

Over time NHTSA has become captured by the industry it regulates. The early NHTSA aggressively litigated defects cases to obtain recalls and caught most defects early in the life of a vehicle. Few employees went to work for or came from the regulated auto industry. The last tough NHTSA Administrator was Joan Claybrook who the auto industry called the Dragon Lady for her stringent enforcement of the Safety Act in the late 1970s.

Beginning in the 1980s, top NHTSA officials left to become consultants, lawyers, or expert witnesses for the auto industry. The list reads like a who's who of Administrators (Diane Steed, Jerry Curry, Sue Bailey and David Strickland), Chief Counsels (Erika Jones, Jacqueline Glassman and Paul Rice) as well as numerous Associate and Deputy Administrators (William Boehly, Kenneth Weinstein, Barry Felrice and Robert Shelton).

The revolving door swings both ways. Today's NHTSA is populated by employees from industry. Some like Ms. Glassman come from industry and go back to industry. Imbued by industry influence, the culture of NHTSA has become one where the agency views industry as its constituents, not the public it's supposed to protect. Only a complete change

of culture at NHTSA, closing of the revolving door, passage of criminal penalties, and adequate funding for the agency will prevent future record recalls as auto makers will always place profits over safety and innovation.

Until NHTSA changes its culture to protecting the public, the 2015 *Car Book* is the average consumer's answer to finding a new car that has the advanced safety features like lane departure, radar braking and adaptive cruise control, active pre-crash safety and automatic crash notification that will be options only on some models. Use *The Car Book* and its new comprehensive crash safety rating to buy a car that's going to protect you in a crash. Use *The Car Book's* Safety Chapter to find out all the optional safety features and which models have them when you buy a new vehicle. Your buying decision not only may save your life but also sends a message to automakers not to withhold vital safety features.

By using *The Car Book* to buy a safer car, you have taken an important first step toward your personal vehicle safety and helping the Center for Auto Safety reach our Vision of Zero Traffic Deaths by 2050. The next step is to support the Center for Auto Safety which works every day on your behalf to ensure that all Americans ride in safe and reliable vehicles. Go to our Website [www.autosafety.org](http://www.autosafety.org) and find out how you can support the Center and have CAS be your safety and lemon insurance.