
CENTER FOR AUTO SAFETY

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December 5, 2011

David Strickland, Administrator
National Highway Traffic Safety Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Administrator Strickland:

The Center for Auto Safety ("CAS") requests the National Highway Traffic Safety Administration ("NHTSA") seek a civil penalty against American Honda Motor Co., Inc. for failing to initiate a timely recall of defective driver airbag inflators that rupture and send shrapnel into the driver. This is a particular lethal and gruesome defect. Honda admitted to the New York Times that:

the automaker was aware of 18 injuries and two deaths linked to the condition. One of those killed was a high school student, Ashley Parham, who died in 2009 when her Accord crashed in the high school parking lot in Midwest City, Okla., according to a report by KOCO-TV. In the report, the Midwest City police officers said the air bag sent metal fragments into her body. She died from her injuries.

<http://wheels.blogs.nytimes.com/2011/12/02/honda-adds-273000-vehicles-to-long-running-air-bag-recall/>

Honda's submissions to NHTSA fail to disclose what it knew and when in dragging out the recall of over three million vehicles through five recalls over three years. The first recall, 08V-593, occurred on November 4, 2008, and covered only 3,940 2001 Accords and Civics. Honda did not report any deaths or injuries to NHTSA and merely noted it had two reports of "unusual airbag deployments," the first of which occurred in June 2007 over a year before Honda initiated this limited recall.

On July 29, 2009, Honda initiated its second recall, 09V-259, of 440,000 2001 Civics, 2001-02 Accords and 2002 Acura TLs. Honda did not report any deaths or injuries to NHTSA and again merely noted it had two more reports of "unusual driver airbag deployments." One of those "unusual driver airbag deployments" which went undescribed in Honda's recall report to NHTSA was the death of an 18-year old high school student.

Ashley Parham, 18, was killed in May 2009 in what looked like a minor wreck in the parking lot of Carl Albert High School. Her Honda Accord's airbag exploded, sending metal fragments into her body. . . . Paramedics tried to save Parham, flying her to a local hospital just minutes after her crash. However, she bled to death. . . . "A piece of metal punctured this young lady in her chest and her neck, and the neck injury is what caused her death," said medical examiner spokeswoman Cherokee Ballard. Honda officials confirmed to Eyewitness News 5 that the Parham incident is what led to the national recall. . . . The Parham family did sue Honda. Court documents indicate that the family settled the case for \$5,000 with the money to go to Parham's younger brother. He was in the car and witnessed his sister's death.

(<http://www.koco.com/news/29905178/detail.html>)

On August 19, 2009, NHTSA sent Honda an information request under 49 U.S.C. § 30166 as to why the vehicles in recall 09V-259 were not included in recall 08V-593 and cautioned Honda: "Failure to respond promptly, truthfully and completely . . . could subject HMC [Honda] to significant civil penalties . . ." Honda's September 16 response again provided as little information as possible. On being asked to "describe the unusual driver airbag deployments referenced and why HMC considers them unusual," Honda failed to state they killed an 18-year old who bled to death despite the best efforts of paramedics to save her. If a driver bleeding to death from airbag inflator shrapnel is not unusual, what is? Note that the Parham family sued Honda. NHTSA asked about lawsuits over recall 09V-259 and Honda replied zero. When was the Parham lawsuit filed? Was it after September 16 when Honda responded to NHTSA?

Prophetically, NHTSA also asked Honda if it was "certain" that it had recalled all its vehicles with the inflator defect. Honda waffled around the question by responding: "Based on our current understanding of the casual factors and the characteristics of suspect inflators as determined by TK Holdings, Inc., [the inflator propellant manufacturer] we believe that we have included all vehicles that could be affected by this defect." Yet seven months later on February 9, 2010, Honda recalled 379,000 more vehicles including 2001-03 Civics, 2001-02 Accords, 2002 CR-Vs & Odysseys, 2003 Pilots, 2002-03 Acura TLs, and 2003 CLs. Two and one half months later, Kristy Williams of Atlanta barely escaped with her life when the airbag in her 2001 Civic exploded and severed her carotid artery.

(www.myfoxtlanta.com/dpp/news/woman-nearly-killed-when-airbag-deploys-042110)

Once again on April 27, 2011, Honda recalled 833,277 2001-02 Civics and Accords, 2002 Odysseys, 2002-03 CR-Vs, 2002-03 Acura TLs, and 2003 Cls to find the ones which had 2,430 defective driver airbag inflators installed in them as replacement parts (11V-260). Then on December 2, 2011, Honda announced the latest recall of 272,799 2001-2 Accords, the 2001-3 Civic and Odyssey, 2002-3 CR-V, 2003 Pilot, 2002-3 Acura 3.2 TL and 2003 Acura 3.2 CL for defective factory installed driver airbag inflators and an additional 603,241 vehicles which had 640 defective driver airbag inflators installed in them as replacement parts (11V-xxx). This time Honda came up with a new euphemism for an inflator explosion, referring to "an August 1, 2011 energetic deployment of a driver's airbag inflator." Did this "energetic deployment" kill or injure anyone?

NHTSA is to be commended for trying to get to the bottom of Honda's obfuscation on defective driver airbag inflators in August 2009 when there were only two recalls. Since then, there have been three more Honda recalls for defective driver airbag inflators. It's time to find out just exactly what Honda knew and when. This is a lethal defect that kills and severely injures unsuspecting drivers. Honda has known about this lethal defect since at least 2007 and perhaps as early as May 2004 as noted to NHTSA in September 2009 that it had "re-discovered" "an earlier unusual deployment." According to Honda's own admission to the New York Times, there have been at least two deaths and 18 injuries. As Kristy Williams' severed carotid artery shows, these injuries can be severe. How many casualties could have been prevented if Honda did a timely recall in June 2007, let alone May 2004? We call on NHTSA to investigate Honda's actions and impose the maximum possible civil penalty for any failure to do a complete and timely recall.

Sincerely,



Clarence M. Ditlow

Executive Director