

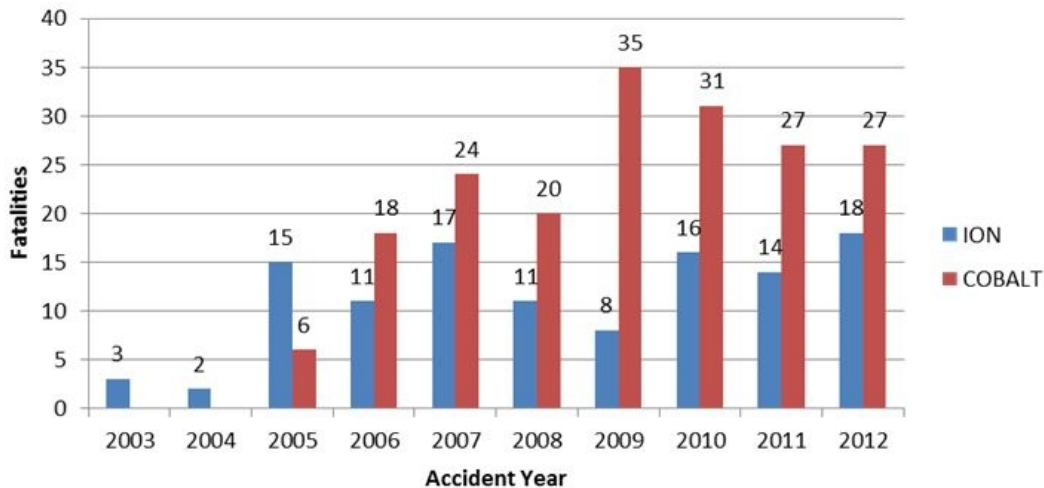
March 13, 2014

The Honorable David J. Friedman
 Acting Administrator
 National Highway Traffic Safety Administration (NHTSA)
 1200 New Jersey Avenue SE, West Building
 Washington, D.C. 20590

Dear Administrator Friedman:

On March 7, the Center for Auto Safety (CAS) wrote you about NHTSA’s failure to utilize its Special Crash Investigations (SCI) of 2005 Cobalts and 2004 Ions and Early Warning Reports (EWR) of death claims filed by GM to open a defect investigation and order a recall. (Attachment A.) Examination of NHTSA’s Fatal Analysis Reporting System (FARS) reveals 303 deaths of front seat occupants in the recalled 2005-07 Cobalts and 2003-07 Ions where the airbag failed to deploy in non-rear impact crashes. (See figure below.) The search did not include the other five models recalled or the number of deaths without airbag deployment would have been higher.

**DEATHS IN 2003-2007 SATURN IONS AND
 2005-2007 CHEVROLET COBALTS
 WITH AIRBAG NON-DEPLOYMENT
 BY CALENDAR YEAR**



2002-2012 Fatal Accident Reporting System for front seat occupants;
 Excludes: cases coded with rear damage area and cases with unknown or not-reported airbag deployment
 Total=303, 115 Ion and 188 Cobalt.

The FARS data clearly show front seat occupants were being killed in crashes where the airbags did not deploy as soon as the recalled vehicles hit the road, with three deaths in Saturn Ions during 2003 and 6 deaths in Chevrolet Cobalts in 2005. The number of front seat occupant deaths steadily climbed as more Cobalts and Ions were sold with 43 in 2009 and 47 in 2010 where the airbags did not deploy.

NHTSA could and should have initiated a defect investigation to determine why airbags were not deploying in Cobalts and Ions in increasing numbers. As the agency has done in past investigations, special investigation teams should have been sent out to acquire more information on the crashes found in FARS and determine in which ones the airbag did not deploy due to the ignition key defect.

CAS cross-referenced the FARS cases with the EWR death claims reported by GM to see which EWR case had a airbag non-deployment. (See following figure) CAS looked at the crucial time period of 2004 up to 2007 when NHTSA conducted three SCIs into two 2005 Cobalts and a 2004 Saturn Ion, and met with GM staff to discuss the Maryland SCI. In that time frame, CAS found 4 Ion EWR death claim reports from GM and 5 Cobalt reports where the airbag did not deploy. In addition, there were 2 Cobalt cases where airbag deployment was unknown.

**MY 2005-07 Chevrolet Cobalt Deaths in EWR Without Airbag Deployment
 Coded Airbag, Steering, Electrical or Unknown, Calendar Years 2004-2007**

QUARTER	SEQ_ID	DI ID #	MODEL	MY	VIN	INCIDENT	DEATHS	INJURIES	STATE	FARS
2005 Q3	137	DI05-142	COBALT	2005	1G1AL12F857...	7/29/2005	1	0	MD	FARS ID 240274 Coded Airbag Deployed*
2006 Q4	88	DI07-044	COBALT	2005	1G1AK52F657...	10/24/2006	2	1	WI	FARS ID 550534 Coded Airbag Available: NO DEPLOYMENT
2007 Q2	87	DI07-087	COBALT	2006	1G1AK55F467...	4/7/2007	1	1	MD	FARS ID 240099 Coded Airbag Available: UNKNOWN IF DEPLOYED
2007 Q2	80	DI07-087	COBALT	2005	1G1AK12F457...	4/30/2007	1	1	PA	FARS ID 420297 Coded Airbag Available: NO DEPLOYMENT
2007 Q2	79	DI07-087	COBALT	2005	1G1AK52F857...	1/6/2007	1	0	WI	FARS ID 550011 Coded Airbag Available: UNKNOWN IF DEPLOYED
2007 Q4	111	No DI Sent	COBALT	2005	1G1AK52F157...	10/16/2007	1	0	OH	FARS ID 390970 Coded Airbag Available: NO DEPLOYMENT
2009 Q2	95	DI09-096	COBALT	2007	1G1AK55F577...	12/4/2007	1	0	PA	FARS ID 421320 Coded Airbag Available: NO DEPLOYMENT
Total							8	3		

**MY 2003-2007 Saturn Ion Deaths in EWR Without Airbag Deployment,
 Coded Airbag, Steering, Electrical, or Unknown, Calendar Years 2004-07**

QUARTER	SEQ_ID	DI ID #	MODEL	MY	VIN	INCIDENT	DEATHS	INJURIES	STATE	FARS
2004 Q4	655	DI05-063	ION	2004	1G8AJ52F14Z...	11/15/2004	1	1	TX	FARS ID 482738 Coded Airbag Available:NO DEPLOYMENT
2005 Q2	640	DI05-082	ION	2004	1G8AG52F24Z...	3/24/2005	2	2	TX	FARS ID 480534 Coded Airbag Available:NO DEPLOYMENT
2006 Q2	522	DI06-038	ION	2004	1G8AF52F94Z...	7/4/2004	1	2	CA	FARS ID 62306 Coded Airbag Available:NO DEPLOYMENT
2006 Q3	518	DI07-015	ION	2007	1G8AJ55F07Z...	9/9/2006	1	0	WV	FARS ID 540299 Coded Airbag Available:NO DEPLOYMENT
Total							5	5		

* Airbag did not deploy as confirmed by NHTSA SCI Case CA05-049

Combining EWR and FARS data as CAS did above should have raised a red flag to NHTSA. There were 11 deaths in 2004-07 in Cobalts and Ions reported in EWR and in which FARS reported the airbag did not deploy. Three of the Saturn Ion EWR death reports without airbag deployment occurred before the July 29, 2005 crash in Maryland in which Amber Marie Rose was killed, on which NHTSA did an SCI investigation, finding the ignition in accessory mode disabling the airbag.

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NHTSA claims it did not do an investigation because it did not see a defect trend. Based on the FARS, EWR and SCI information, the only way NHTSA could not see a defect trend is if it closed its eyes. In some instances, single complaints can trigger a recall. NHTSA obtained the recall of 250,000 Ford vans for defective dashes that shattered and caused severe facial injuries after receiving a single complaint from a Rockville, Maryland consumer (NHTSA Recall 77V-102). A single complaint from North Carolina consumer that the steering wheel on her VW Fox came off in her hands led to the recall of 104,000 1987-89 Volkswagens. (NHTSA recall 88V-187.)

The question today for NHTSA is how so many EWR death reports without an airbag deployment and so many FARS deaths without an airbag deployment failed to trigger an investigation when NHTSA's Special Crash Investigation team had pinpointed the defect for which the vehicles were recalled? For the people who died or were seriously injured in crashes, the answer comes too late.

Sincerely,

A handwritten signature in black ink, appearing to read "Clarence Ditlow". The signature is written in a cursive, flowing style.

Clarence Ditlow
Executive Director