

July 9, 2014

The Honorable Lee Terry, Chairman
U.S. House of Representatives
Energy and Commerce Subcommittee on
Commerce, Manufacturing, and Trade
Washington, D.C. 20510

The Honorable Jan Schakowsky, Ranking Member
U.S. House of Representatives
Energy and Commerce Subcommittee on
Commerce, Manufacturing, and Trade
Washington, D.C. 20510

Dear Chairman Terry and Ranking Member Schakowsky:

We are writing to express our opposition to the “Low Volume Motor Vehicle Manufacturers Act of 2014,” H.R. 4013. The Subcommittee on Commerce, Manufacturing, and Trade is planning to hold a markup session for this bill today, July 9, 2014, and tomorrow, July 10, 2014. We urge you to reconsider the rapidity of acting on special interest legislation that potentially jeopardizes safety and has not been subjected to any committee hearings, public scrutiny, adequate safety review, or thorough analysis of the winners and losers in granting such a broad exemption to federal vehicle safety regulations.

We commend the House Energy and Commerce Subcommittee on Oversight and Investigations for holding two thorough and extensive hearings to examine the safety concerns of the lack of timely recalls by General Motors, which have led to at least 13 deaths and numerous injuries (“The GM Ignition Switch Recall: Why Did It Take So Long?”, April 1, 2014, and “The GM Ignition Switch Recall: Investigation Update”, June 18, 2014). Many members of this Subcommittee participated in those hearings. In the first 7 months of this year, General Motors has already recalled 29 million vehicles. The House Subcommittee hearings have revealed numerous failings by the National Highway Traffic Safety Administration (NHTSA) and General Motors in identifying and publicly disclosing a deadly defect. Bills to correct these serious problems and protect public safety have been introduced, but there have not been any markups or other actions on these bills scheduled to date. We urge you to move legislation that will advance safety, rather than legislation that potentially can cause harm to motorists by allowing vehicles on our streets and highways without proven and lifesaving safety protections.

This bill directs NHTSA to establish a program allowing any number of low volume motor vehicle manufacturers to *each* produce 1,000 “replica” motor vehicles (replicas of cars produced not less than 25 years ago) annually without complying with all the vehicle safety standards. Examples of lifesaving vehicle safety standards from which these vehicles would be exempt are frontal and side occupant protection, including effective seat belts, airbags and others. For example, if 200 companies produced 1,000 “replica” motor vehicles under this legislation, the result would be 200,000 new vehicles without safety protections on our roads every year. There are numerous safety implications for vehicle owners, their passengers and other motorists on the road who are traveling at high speeds of 65 mph or more and involved in a crash.

A NHTSA regulatory process already exists by which manufacturers who produce as many as 10,000 vehicles a year can seek exemption for up to 2,500 vehicles a year on the basis of substantial economic hardship, development or field evaluation of a new safety feature, or development or field evaluation of a low-emission vehicle (49 U.S.C. 30113(b)(3)(B)). NHTSA should retain this oversight responsibility to ensure exemptions from Federal Motor Vehicle Safety Standards (FMVSS) do not unreasonably place the public and safety at risk.

The legislation, if enacted, would force NHTSA to grant a near-blanket exemption from all safety standards without any process for ensuring that a manufacturer will provide or even attempt to provide the

bare minimum level of safety which all consumers, even those driving and/or riding in specialty vehicles, should be afforded. This jeopardizes the safety of everyone on our roads. We urge you to put the brakes on this bill and take the time for a thorough and comprehensive evaluation.

Sincerely,

Jacqueline Gillan, President
Advocates for Highway and Auto Safety

Joan Claybrook, Former Administrator
National Highway Traffic Safety Administration

Clarence Ditlow, Executive Director
Center for Auto Safety

Jack Gillis, Director of Public Affairs
Consumer Federation of America

Andrew McGuire, Executive Director
Trauma Foundation

Janette Fennell, Founder & President
KidsAndCars.org

cc: Members of the Energy and Commerce Subcommittee on Commerce, Manufacturing, and Trade