

Safety sacrificed in NHTSA revolving door: Column

Dan Becker and James Gerstenzang 8:02 a.m. EST February 25, 2015

Highway agency sacrifices safety and the environment for cronyism.



(Photo: Justin Sullivan, Getty Images)

The wheels have come off the National Highway Traffic Safety Administration. To fix the agency responsible for making sure cars and trucks are safe and operate cleanly, its new administrator (<http://www.nhtsa.gov/Administrator>), Mark Rosekind, must begin by closing its revolving door.

From 1984 to 2010, by the Department of Transportation inspector general's count

(<https://www.oig.dot.gov/sites/default/files/Letter%20to%20Rockefeller%20and%20Pryor%20on%20ODI%20Ethics.pdf>), 40 officials left the safety agency for jobs with automakers, their law firms or auto industry consultants. The group included four administrators, two deputy administrators, seven associate administrators and two chief counsels. In addition, 23 auto industry executives moved into top agency jobs from 1999 to 2010.

Just last year, the head of NHTSA, David Strickland, a key author of strong auto-mileage and emission standards, left the agency to join a law firm representing the auto makers' trade group (<http://www.venable.com/nonprofits/clients/>) as NHTSA completed a settlement with one of its members (<http://articles.latimes.com/2014/jan/26/business/la-fi-hiltzik-20140126>). Rosekind, an expert on human fatigue, replaced him in December.

Faux vigilance

NHTSA's revolving door creates an unholy alliance between a shut-eyed sentry and the industry from which it is supposed to protect us that raises crucial questions: Are officials less than vigilant so they can land lucrative private positions? Are these ties compromising safety and the fight against global warming?

The results over the past decade make answers to those questions more urgent: at least 265 deaths from General Motors' defective (http://www.gmignitioncompensation.com/docs/program_Statistics.pdf) ignitions, faulty air bags (http://www.autosafety.org/sites/default/files/imce_staff_uploads/Takata%20Victims%202-4-15.pdf) in multiple companies' models, sudden acceleration (<http://democrats.energycommerce.house.gov/sites/default/files/documents/Memo-OI-Sudden-Unintended-Acceleration-2010-5-18.pdf>) in Toyotas, and Jeep's (http://www.autosafety.org/sites/default/files/imce_staff_uploads/JeepFARSLog_4.pdf) fuel-system (http://www.autosafety.org/sites/default/files/imce_staff_uploads/JeepCherokeeFARSLog_0.pdf) defects (http://www.autosafety.org/sites/default/files/imce_staff_uploads/JeepLibertyFARSLog_0.pdf). And for nearly 18 years, NHTSA failed to significantly strengthen gas mileage standards (file:///C:/Users/mvandervaa/Downloads/2011_Summary_Report.pdf) and thus lower tailpipe emissions. Its dereliction of duty spewed carbon into the atmosphere and fed our oil addiction.

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Current rules prohibit ex-federal officials from seeking to influence their former agency for two years (<http://www.oge.gov/OGE-Advisories/Legal-Advisories/Attachment-to-DO-06-023--Ethics-and-Working-with-Contractors-%E2%80%94-Questions-and-Answers/>). But NHTSA's history is so egregious that the federal government should impose a longer cooling-off period to allow connections and competitive information — built on friendships or privileged knowledge — to grow stale. To chill any corporate bias, we propose a prohibition of at least five years.

For at least 30 years beginning in 1979, the auto industry monitor ordered no recalls (<http://www.nytimes.com/2014/09/15/business/regulator-slow-to-respond-to-deadly-vehicle-defects.html>), says Clarence Ditlow, executive director of the Center for Auto Safety (<http://www.autosafety.org/>), with which our Safe Climate Campaign (<http://www.safeclimatecampaign.org/>) is affiliated. Until 2004, NHTSA's fines never reached \$1 million — paltry for a multibillion dollar industry.

The sudden spate of 50 million recalls (<http://www.latimes.com/business/autos/la-fi-hy-toyota-recalls-lexus-models-20141015-story.html>) last year and tougher fines, including a record \$70 million penalty against Honda (<http://www.npr.org/blogs/thetwo-way/2015/01/08/375914334/honda-fined-70-million-for-underreporting-deaths-and-injuries>) for failing to report fatal accidents, only spotlights the long-term failure.

Reluctant regulator

The agency improved gas mileage standards only when forced to by [Congress in 2007](http://www.edmunds.com/fuel-economy/faq-new-corporate-average-fuel-economy-standards.html) and President Obama in 2009. (<http://www.edmunds.com/fuel-economy/faq-new-corporate-average-fuel-economy-standards.html>) Now, rules it administers with the Environmental Protection Agency will dramatically cut carbon dioxide emissions, the chief climate change pollutant. The administration's auto emissions program, which will deliver a new-car fleet in 2025 that averages 54.5 miles per g (http://www.washingtonpost.com/national/health-science/autos-must-average-545-mpg-by-2025-new-epa-standards-are-expected-to-say/2012/08/28/2c47924a-f117-11e1-892d-bc92fee603a7_story.html) allon, is the biggest single step any nation has taken to fight global warming.

But NHTSA staff could have a hard time fighting efforts to weaken those rules when the only machinery that has been well-greased is its revolving door:

- Diane Steed left in 1989 to establish an industry front group, Coalition for Vehicle Choice, to combat tougher mileage standards. As NHTSA administrator, she overrode her staff's recommendation that the agency order automakers to redesign SUVs (<http://www.pbs.org/wgbh/pages/frontline/shows/rollover/unsafe/cron.html>) to improve safety, and fought proposals to boost fuel efficiency (<http://www.nytimes.com/1991/05/11/business/detroit-s-assault-on-mileage-bill.html>).
- Jacqueline Glassman was Chrysler's general counsel (https://www.opensecrets.org/revolving/rev_summary.php?id=73950) when she became NHTSA's top lawyer, and later rotated out to the Washington law firm representing the industry lobbying group (<http://www.hoganlovells.com/automotive/>) and no fewer than 11 automakers.
- Former associate administrator Kenneth Weinstein (<http://www.cartalk.com/blogs/jim-motavalli/revolving-door-auto-safety-regulator-big-three>) represents Takata Corp., which supplied 10 carmakers (<http://www.bbc.com/news/business-29797955>) with defective air bags. At the agency, he successfully proposed limiting recalls to specific geographic areas, which reduces company costs.

It will take a major effort to reform the safety agency, given its industry ties. The new administrator took over with a warning to automakers (<http://www.politico.com/morningtransportation/0115/morningtransportation16636.html>) to do their job on safety and a renewed commitment to improve gas mileage. But he has an equally difficult challenge to ensure that his agency does its job, too.

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