

Car Talk

The Revolving Door: From Auto Safety Regulator to the Big Three

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In 2008 and 2009, Honda recalled more than 500,000 cars because their airbags, made by a Japanese supplier named Takata, could in some cases rupture after an impact and send shrapnel and chemicals flying at the driver and passenger.



Acting NHTSA head David Friedman: Not a product of the revolving door. (Jim Motavalli photo)

The National Highway Traffic Safety Administration (NHTSA) began an investigation, asking why Honda had initially recalled only 4,205 cars, but then closed that probe after only six months. According to the New York Times, [in a major investigation](#), it was “a timetable so swift that appears to have taken even Takata by surprise.”

Handling the airbag case for Takata was [attorney Ken Weinstein of Washington firm Mayer Brown](#), who wrote NHTSA asking what the company should do with all the documents it had collected. The Times piece didn't mention it, but it's likely Weinstein knew where to send his letter—as Clarence Ditlow of [the watchdog Center for Auto Safety](#) points out, he is a former NHTSA employee, spending close to 20 years as Assistant Chief Counsel for Litigation (1988-1997) and Associate Administrator for Enforcement (1997-2005).

“It's the classic revolving door,” Ditlow said. “He was a high-ranking person at NHTSA, and this is a big problem at the agency.” When David Strickland, NHTSA's last full-time administrator, left the agency his next port of call was [another Washington law firm, Venable LLP](#), which according to Streetsblog counts the Alliance of Automobile Manufacturers as a client and has billed Chrysler \$1.1 million over the last five years. According to the law firm's website, “Venable's automotive industry attorneys represent auto industry players in litigation and transactions work across the country.”

During Strickland's last week at NHTSA, in January of 2014, NHTSA [closed its investigation into Jeeps](#) (a Chrysler brand) with gas tanks that could catch fire. NHTSA had sought the recall of 2.7 million cars, but instead it got a partial recall of 1.56 million and an agreement to install trailer hitches rather than make more major changes. Strickland told the Associated Press “that Chrysler had convinced NHTSA that the Jeeps were no more dangerous than similar vehicles sold at that time.”



David Strickland: From NHTSA to Chrysler's law firm. (National Academy of Sciences photo/Flickr)

It's unclear how much Chrysler saved with this agreement, but it's likely not exactly small change. Strickland didn't necessarily do anything wrong—maybe those Jeeps are safe, and the revolving door is perfectly legal—but it certainly starts to look like an old boys' network. NHTSA officials, if they were talking to me, would probably make this point, "Where else are we going to find experienced people except at the automakers?" Ditlow has an answer for that: "They could recruit from new engineering graduates." And that's exactly [what the auto companies are doing through the EcoCar program](#). GM has hired more than 100 graduates of that government-industry collaborative already.

It's also worth pointing out that NHTSA's fuel economy chief, Jim Tamm, [spent 31 years at Chrysler](#), which is the most recalcitrant of the Big Three automakers when it comes to getting up to speed on fuel economy.

Ditlow says that in three big defect cases since 2000—the Ford Explorer/Firestone imbroglio, Toyota sudden acceleration and Jeep ignition switches—there was no NHTSA investigation

pending when the problems gained wide public attention. “It takes public and Congressional pressure to make the agency do what its mandate says, protect the public,” Ditlow said.



Wait, who do we work for now? (GIF via cheezburger.com)

The Times piece raises questions about NHTSA being lax in enforcing recalls, and too close to the auto industry generally. That’s not surprising if the agency’s top brass is expecting to eventually leave for a job in the industry it’s regulating. As with the military-industrial complex, the relationship can get too cozy. At [a Congressional hearing this week](#), NHTSA took a pounding. Senator Claire McCaskill (D-MO) said that the agency was “more interested in singing ‘Kumbaya’ with the manufacturers than being a cop on the beat.”

Former NHTSA Administrator Diane Steed, who opposed tougher federal fuel economy regulations while heading the agency under Ronald Reagan, left to found the industry-supported Coalition for Vehicle Choice, which pushed the same line in the private sector. [According to Joan Claybrook](#), herself a former NHTSA administrator, “Diane Steed was paid \$150,000 a year to attack the fuel economy standards” she herself had overseen.

Dan Becker, whose Safe Climate Campaign is affiliated with the Center for Auto Safety, said he and Ditlow were working on a comprehensive guide to the revolving door at NHTSA. “It’s going

to be a fairly stunning list,” Becker said. “You have dump truck loads of former NHTSA administrators going to the auto industry, and vice versa.”

Compounding the problems at NHTSA is the agency’s continued stonewalling of the press, which appears to fit a pattern in the Obama administration. NHTSA declined to make the acting head of the agency, David Friedman, available for the New York Times investigation, and they also declined to let me talk to him. “Agency cannot accommodate your request as our Deputy Administrator Friedman is quite booked for the next few days,” a spokesman said.

Friedman, by the way, does *not* fit the revolving door pattern--he came to the agency from work as a clean car expert at the Union of Concerned Scientists. But he's in an acting capacity and may not get the job permanently.

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