

Ranking Member John Thune
Questions for the Record
Nomination of Dr. Mark Rosekind
to be Administrator, National Highway Traffic Safety Administration
Senate Committee on Commerce, Science and Transportation
Hearing on December 3, 2014

- 1) In response to my question to you at the hearing about what specific actions you would take to restore the public's trust in the National Highway Traffic Safety Administration (NHTSA), you responded that you would apply the three guiding principles of the National Transportation Safety Board (NTSB) – namely, “independence, transparency, and accuracy” – to your work at NHTSA. If confirmed, what are some of the specific steps will you take in the first 100 days to implement those three principles?

Response: Independence, transparency, and accuracy represent guiding principles that require parallel practices to ensure they translate into enhanced safety. Eventually, these principles and practices have the greatest effect when they become part of an organization's safety culture. If confirmed, I plan to apply these principles when looking at NHTSA's recall process, defect identification-recall system, core safety programs, and innovations in technology. The objective would be to identify specific actions that could enhance safety in each of these areas with a focus on reinforcing independence, increasing transparency, and ensuring accuracy. All of these would be approached and balanced in the context of timely and decisive actions.

- 2) The Department of Transportation (DOT) Office of Inspector General (OIG) is currently reviewing NHTSA's handling of the GM ignition switch recall. As set forth by the Inspector General Act, the OIG has autonomy to complete its work without interference. Will you commit to maintaining this autonomy and to providing complete and timely access to information or personnel for the OIG to complete its audits and investigations?

Response: Yes, you have my assurance that I will do so. The NTSB conducts independent investigations and so I appreciate that the independent role of the OIG is an important function of government.

Will you also commit to keeping this Committee updated on the steps NHTSA is taking to implement all OIG recommendations?

Response: Yes, I look forward to keeping the Committee updated and working with Congress on these and other efforts to improve the safety of the traveling public.

- 3) You have an impressive background as a specialist on human fatigue. Your doctorate is in psychology. As a Member of the NTSB, you have a staff of two, but if confirmed you will lead a staff of nearly 600 people.

How does your experience and expertise translate to leading NHTSA, an agency that, according to some critics, is slow to identify problems, and has failed to connect the dots on auto defects like the faulty ignition switches on certain GM vehicles?

Response: As a scientist, I will apply an analytical, data-driven approach to examining these issues. My NASA experience in a variety of human factors arenas, such as human-machine interaction and translating science into effective solutions to address operational problems in safety-critical environments, is directly relevant, in concert with my private sector experience developing innovative solutions for complex, challenging, real-world safety problems. All of my experience and expertise are applicable to the issues currently confronting NHTSA, and I will bring a fresh set of eyes to leading the agency, taking action, and connecting the dots.

Won't you have a steep learning curve with respect to the management of a large workforce at a time when NHTSA needs strong leadership at the helm immediately?

Response: I will bring strong leadership to the helm of NHTSA immediately and, where needed, leverage the agency's existing talent to address workforce management issues.

Over the course of my career, I have been in many leadership roles including: Chief of the Aviation Operations Branch in the Flight Management and Human Factors Division at NASA Ames Research Center and Team Leader of the Fatigue Countermeasures Program in the Aviation Safety Research Branch at NASA Ames Research Center. While at NASA, I created and led multiple international coalitions conducting research, addressing policies, and collaborating on projects. As an NTSB Board Member, my advocacy efforts have included leading the creation of a national stakeholder coalition to address substance-impaired driving.

- 4) Last month, I introduced a bill along with Senator Nelson, and cosponsored by Senators Heller, McCaskill, Ayotte, and Klobuchar, that would incentivize individuals who uncover serious allegations of vehicle defects or noncompliance with motor safety laws to blow the whistle and provide original information to government regulators. Under my bill, if such information leads to an enforcement action with more than \$1 million in monetary sanctions, the whistleblower may receive up to 30 percent of the total penalties collected.

Is this a concept you could support?

Response: Every voice counts when it comes to identifying defects that put the traveling public at risk. Where appropriate, individuals may need protection, incentives, or other accommodations to ensure they are willing to raise their voice on behalf of safety.

Will you commit to reviewing this bill and offering your input to me and my staff within 30 days of your confirmation?

Response: If confirmed, I will commit to an expeditious review of this bill and providing my recommendations to you and your staff as soon as possible.

- 5) The Obama Administration wants to increase fuel economy for cars and light-duty trucks to an average of 54.5 mpg by model year 2025. While automakers can focus on engine efficiency and electric vehicles, a new survey by WardsAuto reported that automakers have shifted their top focus to so-called “lightweighting” and the use of lightweight structural materials as new products are designed to meet the tougher fuel economy rules. If confirmed, how do you plan to work with the EPA going forward on CAFE issues? And how will you work with automakers to ensure that the passenger protection of vehicles is not compromised as manufacturers focus on lightweighting their vehicles going forward?

Response: I am aware that EPA and NHTSA have been working jointly on CAFE standards. Achieving increased fuel economy for cars and light-duty trucks is very important, and if confirmed, I plan to continue to work closely with the EPA. Manufacturers have a variety of tools to achieve higher standards, and as a safety agency, I believe it is important to ensure that whatever tools are used to meet CAFE standards do not compromise vehicle safety.

- 6) Ethanol continues to be an important fuel for the nation and for the state of South Dakota. If confirmed, will you commit to working with the Environmental Protection Agency and Congress to ensure that automakers continue to receive just credit for the production of ethanol flex fuel vehicles?

Response: I think it is important to explore all available avenues as we seek to increase fuel economy, and I will look at all possible ways to do that.

- 7) On December 2, 2014, Takata sent a letter to NHTSA stating that NHTSA’s demand for a nationwide recall isn’t supported by the evidence, and that NHTSA does not have the authority to order a parts maker to do a recall. How do you respond to Takata’s claim that NHTSA does not have the authority to order a parts maker to conduct a recall? Does NHTSA need additional authority in your view, or does NHTSA have the requisite authority it needs for such a recall?

Response: If confirmed I will take a close look at NHTSA’s current authorities, but I can assure you that I will use all the tools and authorities at NHTSA’s disposal to aggressively protect the public from safety defects.

- 8) In 2011, the NTSB recommended a nationwide ban on driver use of portable electronic devices, whether used hands-free or handheld. Do you still agree with this recommendation? Why or why not? If so, do you think this ban should extend to in-dash systems that are designed for drivers?

Response: In 2002, five lives were lost and one person injured in a crash due to a driver’s distraction “...caused by the use of a handheld wireless telephone.” That NTSB

investigation included recommendations related to education, research, and novice drivers. Over the past 12 years, the NTSB has identified distraction as causal or contributory to accidents in which lives were lost and people injured in all modes of transportation. In 2010, two individuals lost their lives, including a student in a school bus, and 37 others were injured in a crash in which the NTSB determined: "...that the probable cause of the initial *Gray Summit* collision was distraction, likely due to a text messaging conversation being conducted by the GMC pickup driver, . . ." The NTSB recommendations included: "Ban the nonemergency use of portable electronic devices, other than those designed to support the driving task, for all drivers." The Board voted unanimously in support of the recommendations and that included my vote. Distraction is a known and established safety risk that has cost lives and caused injuries in all modes of transportation.

At the NTSB, safety recommendations can be based on individual crash investigations. At NHTSA, the decision-making process about what safety actions to pursue involves consideration of a much broader array of factors including safety concerns, diverse research findings, crash investigations, practical implementation, public acceptance, enforcement issues, cost/benefit analysis, educational strategies, and others. If confirmed as NHTSA Administrator, I would be approaching all safety issues, including distraction, from this broader context than individual crash investigations.

In-dash systems have the potential to provide safety benefits by using human-machine interaction design principles that support the driving task and acknowledge potential distraction risks. NHTSA has specifically supported the safety potential and innovation of these systems by creating Phase I guidelines to address this opportunity.

- 9) Do you interpret NHTSA's jurisdiction as including general use mobile devices like smartphones? If so, on what legal basis? Do you think NHTSA should exercise that regulatory authority?

Response: If confirmed, I am committed to focusing on all of the safety issues NHTSA is working on to reduce death and injury on our nation's roads. Distracted driving is a huge safety concern and a challenging issue because of the many human behavior factors involved. It will require multiple approaches to address it, similar to efforts with seat belts and alcohol-impaired driving. With the increased presence of technologies in our lives and in our vehicles, it makes sense to look at ways to reduce their contribution to driver distraction while ensuring industry can continue to provide innovations to consumers. This includes educating drivers about the risks, working with states to enact distracted driving laws, and looking to technical innovations for solutions. My understanding is that NHTSA does not intend to regulate in this area, but rather intends to provide guidelines with regard to the human-machine interfaces for products that link to motor vehicles in order to reduce distraction. If confirmed, I will give serious consideration to the issues you raise.

- 10) Do you agree that speech-based interfaces designed for drivers have significant potential to allow drivers to interact with mobile devices more safely?

Response: Technology offers tremendous safety benefits. To be most effective, technology design and use should involve understanding the known safety risks and exploring innovative enhancements that drive safety forward. Speech-based interfaces are one example of how technology has the potential to improve safety. I am excited about technological solutions that have the potential to reduce distraction and improve safety for the motoring public. I understand that NHTSA is investigating this technology and if confirmed, I will work to ensure that NHTSA stays current on these technological developments and their safety potential.

- 11) What are your thoughts about some of the ways that Congress, NHTSA and auto manufacturers can help facilitate safer automobiles via active safety systems (e.g. using radar and camera systems) that can save lives and reduce costs for drivers by lower insurance rates?

Response: Coming from Silicon Valley and having worked at NASA, I am a strong believer in leveraging technology to improve safety. I absolutely agree that it is important to stay ahead of the curve of evolving technology, and if confirmed, I will actively pursue this. I am excited about the possibilities that are on the horizon as technologies are evolving to make vehicles safer.

- 12) The Commerce Committee recently heard testimony from Air Force Lieutenant Stephanie Erdman, one of the victims who was injured by shrapnel from a defective Takata airbag. Lt. Erdman testified that she took her vehicle, a 2002 Honda Civic, to a dealership three times after Honda had received the recall notice for her car, and that neither the company nor its dealer informed her of the pending recall. Moreover, the Honda dealership never performed a recall repair on Lt. Erdman's vehicle, nor did it warn her about the danger she faced if the airbag deployed. Is there more that Congress or NHTSA can do to ensure that certified repair facilities or dealerships provide notice and perform repairs for active recalls when vehicles are brought in for service?

Response: It is unacceptable to me that neither Honda, nor the dealer, informed Lt. Erdman of her vehicle defect, which resulted in this tragedy that could have, and should have, been avoided. People need to be informed so that they can take actions to stay safe. Every recalled vehicle should be remedied quickly by manufacturers. If confirmed, you can count on my commitment to use every possible legal mechanism available to hold manufacturers accountable for the safety of their vehicles. I would be pleased to work with the Committee on the resources NHTSA needs to accomplish its safety mission.