

United States Senate
WASHINGTON, DC 20510

May 5, 2016

The Honorable Mark Rosekind
Administrator
National Highway Traffic Safety Administration
1200 New Jersey Avenue, SE, West Building
Washington, DC 20590

Dear Administrator Rosekind:

The National Highway Traffic Safety Administration (NHTSA) has now confirmed that ammonium nitrate, an explosive known to be unstable when exposed to moisture, is the root cause of the Takata airbag defect that has resulted in 11 deaths and over 100 injuries to date. This suggests that any Takata airbag containing ammonium nitrate, regardless of design, may pose a lethal threat to drivers and passengers. Thus, we reiterate our call urging NHTSA to recall all airbags containing this volatile compound; only a complete recall will ensure all consumers driving a vehicle with an airbag propelled by ammonium nitrate are made aware of this fact and that appropriate remedies are made available to them. We also write today to request NHTSA ensure the public identification of all vehicles on U.S. roads with Takata airbags containing ammonium nitrate.

While NHTSA's announcement yesterday recalling 35-40 million more Takata airbags is a welcome development, we believe such repeated stopgap partial measures put safety in the back seat, confuse the public, and prevent all vehicle owners from having complete and accurate information they deserve about the safety of their vehicles. Furthermore, NHTSA's current plans to expand this recall in phases over the course of three years is unreasonably long for drivers that may be in danger now. This plan will delay and withhold from consumers the truth about the safety of their vehicle.

Accordingly, we request that NHTSA ensure the public identification, *within the next week*, of all makes, models, and years of vehicles that contain Takata airbags that use an ammonium nitrate propellant, along with information about which have been recalled, which have not, or when the recall may be expected to take place. In reports¹, NHTSA has already admitted that more than 100 million airbags may eventually need to be recalled in the United States. That means nearly one in two vehicles on the road right now may have a Takata airbag susceptible to the lethal defect that has already killed too many people.

All consumers have a right to know today, and not a few years down the line after additional injuries or deaths occur, whether they are driving a vehicle with a Takata airbag containing ammonium nitrate. This right to know should not be limited to the owners of the seemingly randomly identified fraction of vehicles containing Takata airbags that have been slowly recalled to date. As you know, it is nearly impossible for even the most resourceful

¹ <http://www.nytimes.com/2016/05/05/business/international/takata-airbag-recall.html?ribbon-ad-idx=3&rref=business>

consumers to identify the supplier of various components of a car, including the airbag. Thus, even with yesterday's recall, there may still be 50 million airbags installed in vehicles whose owners not only have no idea, but also no way to find out, that they are driving a car containing potentially lethal airbags.

In addition, to help consumers understand the risks these defective airbags pose to them, we ask NHTSA to publicly release all airbag testing data, including the rupture rate of Takata airbags and inflators. As Takata, NHTSA, manufacturers, and designated independent third parties continue to conduct testing on current and replacement airbags, we ask that you ensure that the public receives regular updates on the status and results of these tests. Consumers deserve access to the latest information so they can take appropriate action to protect themselves and their families.

Finally, with the current Takata airbag recall affecting one in four vehicles on America's roads, it is imperative that NHTSA redouble its oversight of the recall process to ensure that manufacturers are using best practices and all tools possible to ensure that the current owners of recalled vehicles receive recall notices—even if the current owner purchased the vehicle used. We urge NHTSA to take additional steps to ensure recall notices properly communicate the serious risks of injury and to life associated with faulty Takata airbags, and ensure that loaner cars are available to those who are unable to get their vehicle repaired promptly.

Thank you in advance for your immediate attention to this letter.

Sincerely,



RICHARD BLUMENTHAL
United States Senate



EDWARD J. MARKEY
United States Senate