

Complaints to NHTSA Matter

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On August 12, 2006, Rafael B. Melo, Claudeir Jose Figueiredo and Carlos Souza were ejected from a 2000 Chevrolet Express 2500 Cargo Van, when its 2004 Compass Telluride steel belted radial tire failed, causing the van to rollover. Melo and Figueiredo died in the crash. Souza suffered a permanent brain injury. In May 2007, the families of the victims filed a civil lawsuit against the Chinese manufacturer, Hangzhou Zhongce Rubber Company, and the American importer, Foreign Tire Sales of Union, New Jersey. A year would elapse between the crash and a recall of the defective tires. But it only took two months from the time that FTS -- spurred by litigation -- reported the deaths to the National Highway Traffic Safety Administration to the launch of a campaign to remove the defective tires from the road.

On November 11, Robert Monk of Orlando, Florida died when the right rear tire of his 1998 Ford Explorer failed, triggering a rollover crash. The tire was linked to a cracked Dill TR413 valve stem manufactured by Topseal, a subsidiary of Shanghai Baolong Industries Co., Ltd, for Dill Air Control Products. In March, the Monk family filed suit against Dill. As a result of the lawsuit, company officials met with NHTSA in April to discuss the problem. By the end of May, Dill had sent a Technical Bulletin to retailers advising that the company had received complaints of surface cracks appearing on the outside of the rubber near the rim hole in several models, and the Office of Defects Investigation opened a defect investigation.

Three deaths; two different components; one thing in common: lawsuits were the motivating factors in moving toward solutions to safety defects.

“Even a single case can make a significant impact on public safety,” says Richard Newsome, of the Newsome Law Firm in Orlando, Florida, who represents the Monk family. “The death of Mr. Monk is a case in point – one case prompted NHTSA to open a defect investigation that is ongoing and continues to widen. Cracked tire valve stems can cause catastrophic crashes, but before the lawsuit forced Dill to report it to the agency, this was a problem that remained under the radar.”

Since the passage of the Transportation Recall Enhancement, Accountability and Documentation (TREAD) Act in 2000, manufacturers are required to report deaths and injuries on a quarterly basis as part of their Early Warning Reporting responsibilities. While manufacturers’ data are evaluated for potential defect trends, NHTSA relies heavily on consumer complaints it receives through its hotline or website. Called Vehicle Owner Questionnaires or VOQs, these reports can often make or break an issue – and are used to do both.

The VOQs continue to be the nation’s only publicly available, central clearinghouse for vehicle-related complaints. They range from minor annoyances to major defects, and they are used by the agency, consumers, safety groups and the legal community to learn about known vehicle problems and to identify potential trends.

The agency has been collecting VOQs since the 1970s. In 2000, media coverage of the Firestone/Ford Explorer rollover problems drove complaint traffic to a peak of 50,000. But the annual complaint rate has since dropped. In 2002, NHTSA logged 42,000 VOQs, later rebounding in 2004 to nearly 50,000. Complaints began to decrease from 40,000 in 2005, to 30,000 complaints in 2006. In 2007, the agency fielded 33,129 VOQs.

Despite the importance of the VOQs, the public is largely unaware of the existence of the database, its reporting mechanisms and how NHTSA uses them to detect larger problems.

Some of the most important complaints don’t get reported to the agency by consumers. Complaints involving crashes and death and injury receive greater scrutiny by NHTSA but only represent a small percentage of the total complaints. Less than 10 percent of the complaints are crash-related and less than 6 percent relate to death and injury.

“We’re encouraging the public, particularly attorneys who are screening crash incidents on a daily basis, to take the time to report safety-related issues to the agency. The complaints data are an important public resource – and public contributions are the only way to enhance their value” says SRS president Sean Kane. “And reporting legitimate defects that involve lesser damages – even if they are no longer economical to litigate – can be as important as giving the agency timely information on cases that are litigated. Minor incidents often go unreported, but they can be just as relevant to understanding potential defects.”

Jim Gilbert, a leading plaintiff’s attorney, whose practice focuses on motor vehicle safety, agrees. “We are instituting a firm-wide policy to report incidents with our clients to the NHTSA complaints database. Reporting these defects goes

beyond our potential cases and serves a common good – understanding how people are injured and killed in and around motor vehicles. This is a public health issue.”

Report Complaints to NHTSA at: <http://www-odi.nhtsa.dot.gov/ivoq/> or **888-327-4236**