

United States Senate

WASHINGTON, DC 20510

May 14, 2018

Ms. Heidi King
Deputy Administrator
National Highway Traffic Safety Administration
1200 New Jersey Avenue, SE, West Building
Washington, D.C. 20590

Dear Deputy Administrator King:

With keyless ignitions now standard in over half of the 17 million new vehicles sold annually in the United States, we write urging you to protect consumers and their communities from the threat of carbon monoxide poisoning such systems pose. Since keyless ignition systems do not require users to shut off the engine to remove a key, drivers can return home—key fob in hand—not realizing their vehicle is still running. A vehicle left running in an attached garage can quickly fill living spaces with lethal levels of carbon monoxide. Your agency has investigated only four such incidents—despite *at least* 28 deaths and 45 injuries, including significant brain damage, attributed to these systems, according to the *New York Times*. The lack of vigorous investigative efforts is deeply troubling, because there is no mistaking that these products have caused a number of preventable deaths and injuries.

As important as stronger investigative oversight and scrutiny, the National Highway Traffic Safety Administration (NHTSA) must promptly finalize a rule first proposed in December 2011 addressing these safety issues. Safety has been at risk since keyless ignitions were first introduced in the United States in 2002. Since the rule will take time, we urge that you immediately sound the alarm, and work to persuade automakers of the urgent need for corrective action.

The December 2011 NPRM (Docket ID: NHTSA-2011-0174) specifically addresses the increased risk of drivers inadvertently leaving the vehicle when the engine is still running. It also aims to mitigate other new dangers linked to keyless ignitions, including the increased risk of crashes, injuries, and deaths resulting from a driver's inability to shut down a moving vehicle with a power button in panic situations, and the increased risk of rollaways caused by drivers leaving a vehicle in "park" before powering down the vehicle. Since the proposal requires a straightforward software change, the proposal anticipates that this rule would pose minimal costs to industry.

At the time of the proposal, NHTSA said, "We believe that taking precautionary action now, before these non-standardized systems become more widely available, will be beneficial to highway safety."¹ Seven years later, following many more deaths and injuries, NHTSA's inaction clearly has produced fatal consequences. This problem has not been resolved by

¹ <https://www.federalregister.gov/d/2011-31441/p-60>

voluntary industry measures and automakers have failed to explain why they have failed to address this issue. An auto shut-off device apparently could easily be installed in all keyless entry vehicles at minimal cost—perhaps just \$5 per vehicle.

We call on NHTSA to finalize and implement its proposal within the next year. Since NHTSA has already allowed for an extended comment period, which concluded on March 22, 2012, we believe this is a reasonable timeframe.

Considering the rapidly changing landscape of vehicle technology, it is more critical than ever that you, as NHTSA's Deputy Administrator and nominee to be the next Administrator, exercise strong leadership and resolve when it comes to finalizing new FMVSS regulations and addressing critical safety issues. We respectfully request a response by May 28, 2018.

Sincerely,



Senator Richard Blumenthal
United States Senator



Senator Edward J. Markey
United States Senator