



# Public Employees for Environmental Responsibility

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October 10, 2018

NHTSA  
Executive Secretariat  
1200 New Jersey Avenue, SE  
West Building, 41-304  
Washington, D.C. 20590

**RE: FREEDOM OF INFORMATION ACT REQUEST  
VIA U.S. MAIL, EMAIL, & FAX**

To FOIA Officer:

More than 1,500 people die each year from carbon monoxide (CO) poisoning related to motor vehicles, including suicides. Tens of thousands are also injured, many permanently. Yet, the National Highway Traffic Safety Administration (NHTSA) has yet to take any protective actions to reduce this toll:

- Most recently, by letter dated January 28, 2018, NHTSA denied a September 28, 2017, petition from Public Employees for Environmental Responsibility (PEER) to initiate a rulemaking to require the installation of carbon monoxide detectors in all new motor vehicles and require the installation of built-in engine cut-off devices to prevent injuries and fatalities caused by carbon monoxide from motor vehicle exhaust.
- NHTSA announced a review of the issue of keyless ignitions in automobiles in its 2016 video but this review has apparently not been completed. In a March 2018 statement, the agency stated “Once N.H.T.S.A. has finished its review and determined the best path forward, N.H.T.S.A. will take appropriate action.”
- In January 2011, the Society of Automotive Engineers proposed that vehicles with keyless ignitions should be required to install alerts to warn drivers that cars were still running without the key fob in or near the car, and in some cases to shut the engine off automatically. NHTSA proposed a regulation along these lines, that would have required software changes. However, NHTSA has yet to act on that proposed regulation.

- In 2013-14, the NHTSA began an investigation of seven automakers concerning their safety features for keyless vehicles. However, the results of that investigation remain unclear.

Pursuant to the Freedom of Information Act, 5 U.S.C. 552, as amended, PEER requests information about detailing the rationale for NHTSA inaction to reduce automotive CO deaths and injuries. Specifically, we request the following:

1. Decision documents explaining the rationale behind NHTSA's denial of the above-referenced PEER rulemaking petition;
2. The final report of the above-referenced NHTSA 2016 review of keyless ignition systems;
3. Documents reflecting the latest status of the above-referenced proposed NHTSA regulation relating to keyless ignitions as well as explaining the reasons why this regulation has not been finalized;
4. The final report of investigation in the above-referenced 2013-14 review of seven automakers; and
5. A copy of the NHTSA response to the July 11, 2018 letter from four U.S. Senators concerning keyless ignitions.

For any documents or portions of documents that you block release due to specific exemption(s) from the requirements of the Freedom of Information Act, please provide an index itemizing and describing the documents or portions of documents withheld. The index should, pursuant to the holding of Vaughn v. Rosen (484 F.2d 820 [D.C. Cir. 1973] cert. denied, 415 U.S. 977 [1974]), provide a detailed justification for claiming a particular exemption that explains why each such exemption applies to the document or portion of a document withheld.

To the extent that EPA needs to perform a detailed review, PEER requests that all fees be waived because "disclosure of the information is in the public interest . . . and is not primarily in the commercial interest of the requestor" (5 U.S.C. 552 (a) (4)(A)):

*1. The subject matter of the requested records must specifically concern identifiable operations or activities of the government.*

The FOIA request is, by its terms, limited to identifiable activities of NHTSA and its employees.

*2. For the disclosure to be "likely to contribute" to the understanding of specific government operations or activities, the releasable material must be meaningfully informative in relation to the subject matter of the request.*

The requested material consists of the documents providing the rationale for NHTSA decisions concerning CO exposure by the motoring public. As the thrust of our FOIA request is to document the explanations for these decisions, the requested documents are precisely on point of the subject matter of the request.

*3. The disclosure must contribute to the understanding of the public at large, as opposed to the understanding of the requestor or a narrow segment of interested persons.*

Keyless ignitions are now standard in over half of the 17 million new vehicles sold annually in the U.S. Further, during the period between 2013 and 2015, NHTSA issued CO-related recalls for nearly 100,000 passenger vehicles.

Our request is designed to produce information shedding direct light on what influences are deterring NHTSA from aggressively addressing the CO issue despite a rising death toll.

In addition, national media coverage concerning the NHTSA's inaction on this issue denotes the broad public interest in this matter.

PEER intends to provide the requested information to the general public through —

- Release to the news media;
- Posting on PEER's website which draws between 1,000 and 10,000 viewers per day; and
- Publication in PEER's newsletter that has a circulation of approximately 20,000, including 1,500 environmental journalists.

Through these methods, PEER generates an average of 1.5 mainstream news articles per day.

*4. The extent to which disclosure will serve the requestor's commercial interest.*

Disclosure is in no way connected with any commercial interest of the requestors in that PEER is a nonprofit, nonpartisan public interest organization concerned with upholding the public trust through responsible management of our nation's resources and with supporting professional integrity within public land management and pollution control agencies. To that end, PEER is designated as a tax-exempt organization under section 501(c)(3) of the Internal Revenue Code.

If you have any questions about this FOIA request, please contact me at (202) 265-PEER. I look forward to receiving the agency's final response within 20 working days.

Cordially,



Jeff Ruch  
Executive Director