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Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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WASHINGTON, DC 20515-6143

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LAWRENCE J. BRADY
STAFF DIRECTOR

December 8, 2011

Mr. Daniel F. Akerson
Chairman and CEO
General Motors
200 Renaissance Center
Detroit, MI 48243-1312

Dear Mr. Akerson:

The Committee on Oversight and Government Reform has been examining the implications of the Model Year (MY) 2017-2025 fuel economy/greenhouse gas emissions regulations. A paramount concern of the Committee has been the potential for adverse safety consequences of the increased mileage standards. As you are aware, the proposed regulations rely heavily on the commercial deployment of electric vehicle technology, and provide manufacturers significant incentives to produce electric vehicles.¹ The Administration has heavily touted the Chevrolet Volt as an alternative technology vehicle that could “meet or surpass” the fuel efficiency targets by 2025.² In light of recent reports about the lithium-ion battery system of the Chevrolet Volt,³ we write with serious questions about the safety of the Volt and the advanced technology developed by General Motors (GM).

Recent media reports have disclosed serious safety deficiencies with the lithium-ion battery system of the Chevrolet Volt.⁴ These reports indicate that a Chevrolet Volt battery caught fire in June 2011 while the vehicle was in storage three weeks after a side-impact crash test.⁵ Subsequent tests have documented at least two more fires occurring in Volt batteries damaged during crash simulations.⁶ The safety concerns have become so great that GM first announced that it would provide “loaner” vehicles to Volt owners, and then announced that it would buy back all Volts from worried owners.⁷

¹ 2017 and Later Model Year Light-Duty Vehicle Greenhouse Gas Emissions and Corporate Average Fuel Economy Standards, 76 Fed. Reg. 74,854, 75,010 (Dec. 1, 2011) (“EPA is providing temporary regulatory incentives for the commercialization of [electric vehicles], [plug-in hybrid electric vehicles], and [fuel cell vehicles]. EPA believes that these advanced technologies represent potential game-changers with respect to control of transportation [greenhouse gas] emissions . . .”).

² *Id.* at 75,086.

³ See, e.g., Sharon Terlep, *U.S. Will Test Chevy Volts Further*, Wall St. J., Nov. 14, 2011.

⁴ See *id.*

⁵ *Id.*

⁶ See Nick Bunkley, *Formal Defect Inquiry of Volt Battery Begins*, N.Y. Times, Nov. 25, 2011.

⁷ Bill Vlasic & Nick Bunkley, *G.M. Offers to Buy Back Hybrid Volts From Owners*, N.Y. Times, Dec. 1, 2011.

Even more alarming is news that GM was aware of the problems in June and failed to disclose these deficiencies until the story broke in November.⁸ A GM spokesman explained that GM did not timely disclose the problem because the company believed the fire was an isolated incident.⁹ Nonetheless, from June 2011 until late November 2011, GM continued to market and sell Chevrolet Volts to American consumers, fully aware of potentially serious safety deficiencies affecting the vehicle's battery system. GM took no steps to notify consumers or the public in general of this problem.

To assist the Committee in better understanding the safety deficiencies of the Chevrolet Volt, we request that GM provide a briefing for Committee staff on these matters as soon as practicable. In addition, we request that you answer the following questions and provide the requested documents for the period January 1, 2011, through the present:

1. Please provide a detailed narrative of GM's knowledge of the Chevrolet Volt battery system safety deficiencies. In addition, please answer the following questions:
 - a. When did GM first become aware of the potential for fire from the Volt battery system? Please explain fully the circumstances by which GM became aware of the safety deficiencies.
 - b. When did GM become aware of the subsequent fires involving the Chevrolet Volt battery system?¹⁰
 - c. Did GM notify NHTSA or any other federal entity of the safety deficiencies related to the Chevrolet Volt battery system? If yes, please provide documents and communications sufficient to support your response.
 - d. To your knowledge, when did the National Highway Traffic Safety Administration (NHTSA) first become aware of the potential for fire from the Volt battery system?
 - e. Did GM's development and planning for the Chevrolet Volt anticipate any safety issues with the battery system? If yes, please explain fully and provide documents and communications sufficient to support your response.
2. Please provide a detailed description of GM's response to the Chevrolet Volt battery system safety deficiencies.
3. How many Chevrolet Volts were sold by GM from June 1, 2011, to December 1, 2011? Did you alert the purchasers of these vehicles of the potential fire hazard posed by the Volt's battery system?
4. Do you still consider the fire stemming from the battery system of the Chevrolet Volt in June 2011 and the subsequent fires shortly thereafter to be an "isolated incident"?¹¹ Why did GM fail to disclose the safety deficiencies in the Chevrolet Volt battery system?

⁸ Huw Evans, *Chevrolet Volt Battery Issues Growing, Safety Findings May Have Been Suppressed*, AutoGuide.com, Dec. 5, 2011.

⁹ *Id.*

¹⁰ See Bunkley, *supra* note 6.

¹¹ Evans, *supra* note 8.

5. As you may remember, there was considerable public outrage when Toyota Motor Corp. delayed disclosing faulty accelerator pedal concerns in an attempt to further study the problem.¹² At a Committee hearing on the topic in February 2010, Transportation Secretary LaHood pledged “when it comes to safety, there will be no compromises. There will be no cozy relationships. There will be no sweetheart deals. You have my commitment on that. Not under my watch.”¹³
 - a. In light of the public outrage over Toyota’s delayed disclosure, why did GM fail to disclose safety deficiencies with the Chevrolet Volt for five months?
 - b. Can you assure American consumers that GM’s alternative vehicle technologies, including the Chevrolet Volt, are safe?
6. President Obama’s campaign strategist, David Axelrod, has suggested that the President’s re-election campaign could benefit from the Administration’s efforts to stabilize GM.¹⁴ Former NHTSA Administrator Joan Claybrook opined that the reason for the delay in disclosing the safety problems of the Chevrolet Volt was the “fragility of the Volt sales.”¹⁵
 - a. Did GM fail to disclose the safety deficiencies so as not to harm sales of the Chevrolet Volt?
 - b. Did GM fail to disclose the safety deficiencies so as to benefit its public perception?
 - c. Did GM fail to disclose the safety deficiencies so as not to impede negotiations on the MY 2017-2025 fuel economy/greenhouse gas emissions regulations?
 - d. Did any representative of NHTSA, the Executive Office of the President, or any other federal entity pressure, persuade, or influence GM not to disclose the safety deficiencies with the Chevrolet Volt? If yes, please explain fully.
 - e. Please fully explain what factors influenced GM’s decision to delay disclosure of the safety deficiencies of the Chevrolet Volt. Provide documents and communications sufficient to support your response.
7. If safety deficiencies surrounding the Chevrolet Volt negatively affect Volt sales, how will reduced Volt sales affect GM’s ability to meet fleet-wide fuel economy and emissions standards proposed by the MY 2017-2025 regulations? Please explain fully and provide documents sufficient to support your response.
8. Please provide all documents and communications referring or relating to safety concerns for lithium-ion batteries in general and the Chevrolet Volt in particular. This request includes, but is not limited to, all documents and communications between and among any representative of GM, NHTSA, Environmental Protection Agency (EPA), California Air Resources Board (CARB), the

¹² See, e.g., Ralph Vartabedian & Ken Bensinger, *Toyota Execs Debated When to Disclose Accelerator-Pedal Problem*, L.A. Times, Apr. 8, 2010.

¹³ “Toyota Gas Pedals: Is the Public at Risk?”: *Hearing before the H. Comm. on Oversight and Gov’t Reform*, 111th Cong. (2011) (question and answer with Secretary Ray LaHood).

¹⁴ See Axelrod: *Obama’s Slogan Could be “GM Is Alive, Bin Laden Is Dead,”* Real Clear Politics, Nov. 1, 2011.

¹⁵ Huw Evans, *Chevrolet Volt Battery Issues Growing, Safety Findings May Have Been Suppressed*, AutoGuide.com, Dec. 5, 2011.

Mr. Daniel F. Akerson
December 8, 2011
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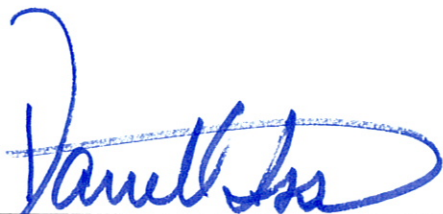
Executive Office of the President, and any other federal entity referring or relating to the safety of the Chevrolet Volt, lithium-ion battery systems, and other advanced technologies.

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and may at "any time" investigate "any matter" as set forth in House Rule X. An attachment to this letter provides additional information about responding to the Committee's request.

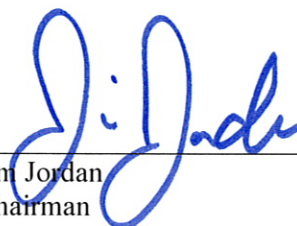
We request that you provide the requested documents and information as soon as possible, but no later than 5:00 p.m. on December 21, 2011. Please directly respond to each question and request as numbered herein. When producing documents to the Committee, please deliver production sets to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building. The Committee prefers, if possible, to receive all documents in electronic format.

If you have any questions about this request, please contact Kristina Moore or David Brewer of the Committee Staff at 202-225-5074. Thank you for your attention to this matter.

Sincerely,



Darrell Issa
Chairman



Jim Jordan
Chairman
Subcommittee on Regulatory Affairs,
Stimulus Oversight, and Government
Spending



Mike Kelly
Member of Congress

Enclosure

cc: The Honorable Elijah E. Cummings, Ranking Minority Member
Committee on Oversight and Government Reform

The Honorable Dennis Kucinich, Ranking Member, Subcommittee on Regulatory Affairs,
Stimulus Oversight, and Government Spending

ONE HUNDRED TWELFTH CONGRESS
Congress of the United States
House of Representatives

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2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6143

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Minority (202) 225-5051

Responding to Committee Document Requests

1. In complying with this request, you should produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data or information should not be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.
4. Documents produced in electronic format should also be organized, identified, and indexed electronically.
5. Electronic document productions should be prepared according to the following standards:
 - (a) The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - (b) Document numbers in the load file should match document Bates numbers and TIF file names.
 - (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.
7. Documents produced in response to this request shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when they were requested.
8. When you produce documents, you should identify the paragraph in the Committee's request to which the documents respond.
9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.
10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.
11. If compliance with the request cannot be made in full, compliance shall be made to the extent possible and shall include an explanation of why full compliance is not possible.
12. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
13. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.
14. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you should produce all documents which would be responsive as if the date or other descriptive detail were correct.
15. The time period covered by this request is included in the attached request. To the extent a time period is not specified, produce relevant documents from January 1, 2009 to the present.
16. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date, shall be produced immediately upon subsequent location or discovery.

17. All documents shall be Bates-stamped sequentially and produced sequentially.
18. Two sets of documents shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building.
19. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term "communication" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, email, regular mail, telexes, releases, or otherwise.
3. The terms "and" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might

otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.

4. The terms "person" or "persons" mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.
5. The term "identify," when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
6. The term "referring or relating," with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.