



SAFETY RESEARCH  
& STRATEGIES, INC.

340 Anawan Street / Suite 200  
Rehoboth, MA 02769  
Ph. 508-252-2333, Fax 508-252-3137  
[www.safetyresearch.net](http://www.safetyresearch.net)

August 30, 2016

TO: Laura Mayer

FR: Sean Kane

RE: Blame Game

Thank you for your prompt response. “Blame Game” is replete with factual errors large and small. Mr. Gladwell’s attempts to shove nearly all UA events – and particularly high-speed, long-duration events – into the straitjacket of pedal misapplication are so misleading, I will be posting a lengthy *Safety Record Blog* correcting the record. I’m happy to send you that link when we publish. In the meantime, given Slate’s policies and philosophy on maintaining journalistic standards of accuracy, I am requesting that these factual errors be rectified.

- Mr. Gladwell tried to make the August 2009 Santee crash involving Mark Saylor in to a case of pedal misapplication. The evidence the National Highway Traffic Safety Administration assembled indicated that it was more likely a case of floor mat entrapment – given that the floor mat was melted to the accelerator pedal, and that a floor mat entrapment UA event in that loaner vehicle happened “immediately prior” to the Saylor crash. Gladwell states that Mark Saylor never put his foot on the brake. **This is factually incorrect.** NHTSA’s September 30, 2009 report: Vehicle and Crash Site Inspection of 2009 Lexus ES-350, VIN JTHBJ46G792282025 clearly states on pg. 3 that the condition of the brakes showed “endured braking.” (Burnt-out brake pads, calipers and rotors are in evidence in many high-speed, long-duration UA events, such as the Saylor incident. I can provide more citations.)
- Mr. Gladwell states that brakes always beat engines. **This is factually incorrect.** In braking systems with a vacuum-assist – such as a Camry – one can easily lose sufficient braking power to stop a wide-open throttle, if you depress the brakes more than once. A 2007 NHTSA report on the Camry braking system noted: “With the engine throttle plate open, the vacuum power assist of the braking system cannot be replenished and the effectiveness of the brakes is reduced

significantly.” In 2011, NHTSA published the Vehicle Characterization and Performance Study of Camrys, which tested Camry vehicles braking at 65 mph under different conditions – loss of vacuum, full engine power, and differing levels of brake force. It found: *“There were test situations when the accelerator was being fully depressed during braking and the applied brake force was insufficient to stop the vehicle and the test was suspended. This was also the case when the vehicle reached a slow enough speed to downshift to first gear, where the engine torque was sufficient to overcome the prescribed brake force.”* Brakes do not always beat engines.

- Mr. Gladwell advises listeners in a UA event to lift their foot off of whatever they are on, and then place it on the brake. **This advice is factually incorrect, and actually dangerous – were any listener to follow it.** If the driver is already braking, and takes his foot off the brake pedal – even once – and replaces it, he will seriously diminish the vacuum-assist, and – depending on the strength and stature of the driver – may not be able to physically exert enough force to stop the vehicle, leading to a crash, an injury or a death. In allowing Mr. Gladwell to offer uninformed, yet unequivocal advice to drivers in emergency situations, Slate exposes itself to liability.
- Mr. Gladwell states that cars just do what the driver tells them to do. **That is factually incorrect.** Obviously, there are many instances in which vehicles do not do what drivers tell them to do. For one example, in 2013, Honda recalled 250,000 Pilot, Acura RL and MDX vehicles due to an electronic malfunction that caused vehicles to unexpectedly brake hard. This is equally true when vehicles are functioning as designed. For example, Electronic Stability Control uses automatic braking of individual wheels to prevent loss-of-control crashes. Volkswagen’s Lane Assist counter-steers when it perceives that a drive is wandering unintentionally from the path of travel. Today’s cars will not obey a driver’s command to keep the throttle at wide open for very long. Try depressing your accelerator pedal to the floor with the car in Park in a modern vehicle and watch what happens – the engine may race for a few minutes, but even with the pedal held down the software interprets the driver’s actions as unwarranted and reduces the engine RPMs. As automakers add more autonomous features, in which the vehicle makes decisions and takes actions regardless of driver input, this will only be more the case.
- Mr. Gladwell attempts to educate the non-“car guys” in his audience about ROUSH Stage 3 Mustang. Unfortunately, **Mr. Gladwell repeatedly mispronounces ROUSH.** It is pronounced “rowl-sh” not “roo-sh.”
- Mr. Gladwell stated that the criticized ABC Brian Ross story involving a simulated UA event with Dr. David Gilbert aired in March 2010. **This is factually incorrect.** It aired in February 2010.

- Mr. Gladwell stated that the test involved a Prius. **This is factually incorrect.** The test vehicle was a Camry. They did not and would not use a Prius for a test of Toyota's ETCS-i, because it has a different engine and electrical architecture. Mr. Gladwell is conflating the test story with another story.
- Mr. Gladwell claims that I have "made arguments in lawsuits" that electronics are cause of UA in lawsuits. **That is factually incorrect.** My colleagues and I provide consulting services for clients who are interested in understanding the facts associated with product defect issues. We never testify in litigation or offer expert witness services in litigation. Thus our clients are free to do whatever they decide with the underlying research we provide. I have been requested and personally have testified before the U.S. Congress, the National Academy of Science, state legislatures, and been asked to present before other government safety agencies.

In general, "Blame Game" suffers from poor reporting, poor sourcing, poor fact-checking – indeed, if any – and poor logic. If UA is just pedal misapplication, why go out to the Chrysler Proving Grounds to test braking against the throttle? Just move your foot to the brake, and you're braking without any engine counterforce. Mr. Gladwell chides the average driver to failing to sufficiently respect a vehicle's complexities, yet boils UA down to a simple, involuntary motor skill error, for which one (certainly not Mark Saylor, whose reputation Mr. Gladwell freely impugns) should not be blamed. He tells us that a car is a complicated mechanical object that requires skill and care to operate, yet one that just does what the driver tells it to do.

Malcolm Gladwell is certainly entitled to make the argument that some UA events are caused by pedal misapplication; he is not entitled to make up facts.

I am happy to discuss this further with you. If you have any questions, please do not hesitate to call me. I look forward to your response.

Sincerely



Sean E. Kane