



ZERO EMISSION
TRANSPORTATION
ASSOCIATION

ZETA Surface Reauthorization Priorities - Motor Vehicle Safety Title

Introduction

The Zero Emission Transportation Association (ZETA) is an industry coalition representing approximately 50 companies spanning the electric vehicle (EV) supply chain end-to-end, including critical mineral and material producers, cell and battery manufacturers, vehicle manufacturers, charging companies, electric vehicle supply equipment (EVSE) providers, utility companies, and battery recyclers.

Federal surface transportation policy, and motor vehicle safety in particular, is an integral aspect of the ongoing expansion of the American EV sector. ZETA recognizes that the safe design, deployment, and operation of vehicles and related infrastructure is foundational to public trust in new transportation technologies and to ensuring that EV adoption contributes to a safer, more efficient transportation system overall. ZETA greatly appreciates the opportunity to discuss issue areas in this space to ensure even greater motor vehicle safety in the context of EVs and associated infrastructure. We look forward to working with the Committee to advance these priorities.

Fire Safety

While EV fires are uncommon,¹ it's essential to recognize that they can still happen. The presence of lithium-ion batteries in a fire event necessitates a distinct fire mitigation and suppression strategy. As a result, ZETA is working to ensure that first responders are equipped with the knowledge, tools, and protocols to handle EV fire situations when they arise, including understanding the distinctions between batteries in EVs as compared to micromobility.

As industry and first responder organizations continue advancements and innovations in fire response, an increasing number of product solutions have appeared on the market as potential tools for combating EV fire events. Many of these products are not Underwriters Laboratories (UL)-listed², and are being promoted to first responders without sufficient testing to determine their effectiveness under different fire management scenarios. As a result, there has been confusion among fire service and first responder organizations about which products are most effective in different circumstances.

During consideration of the upcoming surface transportation reauthorization legislation, ZETA would welcome a Department of Transportation-led study, ideally in cooperation with the Department of Energy's National Laboratories, to evaluate the effectiveness of commercially available products marketed for electric vehicle fire response, such as battery piercing devices,

¹ Observational data examined by the National Transportation Safety Board found that EVs are less likely to catch fire than ICE vehicles. As a result, the National Highway Traffic Safety Administration has stated that it "does not believe that electric vehicles present a greater risk of post-crash fire than gasoline-powered vehicles."

² UL Solutions standards are voluntary, but widely-used to indicate safety in electronics and other products.
<https://www.ul.com/about>

fire blankets, and specialty foams. A study to examine the effectiveness of these products could ultimately form the basis for a uniform set of recommendations for adequate personal protective equipment and firefighting equipment in the event of EV fires. Such a study would be an important tool to further advance the ongoing goal of safe and effective fire response for all vehicles, regardless of drivetrain.

Supporting the Use of Electronic Recall Notifications

As technology used in all drivetrains continues to advance, critical safety communications must be provided to drivers through the most direct, efficient means possible. Increasingly, this means electronic communication methods, including over-the-air updates, which can provide continuous improvements to vehicle functionalities like automatic emergency braking, lane keeping assistance, forward collision warning, adaptive cruise control, and automated driving systems. This capability to update new driver assistance technologies quickly makes electronic communication methods like over-the-air updates an important and beneficial experience of modern vehicle ownership.

The National Highway Traffic Safety Administration (NHTSA) currently requires all vehicle manufacturers to notify owners of a vehicle recall via a paper letter notification, which in many cases is expensive, inefficient, and can lead to consumer confusion when a recall remedy has already been deployed over-the-air. The Moving Ahead for Progress in the 21st Century Act (MAP-21) and the Fixing America's Surface Transportation (FAST) Act took meaningful steps to allow electronic means of communication for recall notices. These efforts were continued this year, when NHTSA released a proposed rule on "Updated Means of Providing Recall Notification" on January 10, 2025.³ This proposed rule explicitly allows for the use of electronic notification, in addition to maintaining certified mail notification, for recall notices.

ZETA believes that further clarity in statute would strengthen the efficacy and speed of manufacturers' abilities to supply recall notices to consumers. ZETA urges the Committee to allow manufacturers to use all modern forms of technology to notify consumers in the event of a recall, including but not limited to email, text message, in-vehicle and in-app notifications, and/or software release notes, instead of requiring all owners to be notified via first class mail.

First, adding "either" to 49 USC Section 30118(c) ("(c)Notification by Manufacturer.—A manufacturer of a motor vehicle or replacement equipment shall notify the Secretary by **either** certified mail or electronic mail...") would make explicit the intention in existing law to provide a choice to the manufacturer to provide notice to the Department via electronic or traditional messaging means. This amendment would further clarify that while the option exists for either, there is no requirement to provide notice via both certified mail and electronic communication, which could result in a more cumbersome and slower notification process overall. Second, we recommend amending 49 USC 30119(d) to allow manufacturers to make the determination about the best means of communications to consumers ("~~(1) Notification required under section 30118 of this title about a motor vehicle shall be sent in the manner prescribed by the Secretary, by regulation by certified mail or electronic mail or in-vehicle notification, at the discretion of the manufacturer of a motor vehicle or replacement equipment...~~"). Given their intimate

³ 90 FR 1909.

familiarity with the designs of their vehicles, manufacturers are best equipped to understand which method of outreach is most likely to reach their consumers in any given circumstance, and are best able to respond on a case-by-case basis. As technology continues to improve, this flexibility will become increasingly important.

These recommended changes would not affect the content, timing, or scope of any recall notifications required by NHTSA, or any other existing safeguards. In fact, these amendments could help improve safety by providing recall notices in the manner most likely to be seen by vehicle owners. As many drivers rely on digital outreach as their primary means of communication, allowing manufacturers' flexibility to reduce the use of costly paper mail, as applicable, would maximize the time and resources spent on providing responsive notification of and remedies to any defects.