

D.J. Dalmotas Consulting, Inc.

Submission to the House of Commons Standing Committee
on Transport, Infrastructure and Communities
regarding Bus Passenger Safety

Dainius Dalmotas
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May 7, 2019

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- I welcome the opportunity to submit comments to the House of Commons Standing Committee on Transport, Infrastructure and Communities.
- By way of introduction, I joined the Road Safety and Motor Vehicle Regulation Directorate of Transport Canada in 1972, where I occupied a variety of positions, including Chief of Crashworthiness Research from 1998 to 2005. I remain actively engaged in vehicle research and crash testing initiatives as a consultant. Moreover, several individuals associated with the firm are former employees of Transport Canada's Motor Vehicle Safety Directorate. As such, we are in a position to knowledgeably comment on differences between Canada and the US in their respective approaches to addressing road safety research and testing.
- While most of the submissions to the committee are expected to focus on the technical issues associated with achieving improved bus safety in Canada, my submission will address the role of government transparency and timely disclosure of information in achieving this objective. The shortcomings of the current government policies and practices in this area were highlighted in a recent CBC *The Fifth Estate* exposé addressing school bus safety initiatives at the federal level. Much of the programme focussed on lack of public access to information; in particular, they noted the absence of information on Transport Canada's website.
- The importance of transparency in the sharing and dissemination of crash testing and safety research findings cannot be overstated. My firm stands by the need for a shift to a system where the government would proactively publish information that is clearly in the public interest, as called for by the former Information Commissioner of Canada, Suzanne Legault. Clearly, a lack of transparency has the effect of stifling public debate and the ability to lobby for safety-related changes. By contrast, proactive disclosure policies allow for more effective and meaningful evaluations of the government's response to issues of public interest, and they provide a mechanism to pressure the government to take remedial action to prevent harm and to promote safety. My firm has reiterated these arguments in letters to the Minister and Deputy Minister of Transport Canada (copies enclosed). Moreover, The Auditor General, in *Report 4, Oversight of Passenger Vehicle Safety*, of the Fall 2016 Reports, called for Transport Canada to initiate broad consultations with a wide range of stakeholders.
- While both Canadian and US governments express strong commitments to the principles of accountability and transparency, there is great discrepancy in how these commitments are manifested. Nowhere is this more evident than in regard to the dissemination of vehicle crash test data in the two respective jurisdictions. The US government adheres to a strict "full-disclosure" policy with respect to its regulatory developments. This is achieved by means of a "docket" which is opened for each significant regulatory initiative and this docket acts as a central and permanent depository to store any research carried out in support of the initiative as well as for any comments or data provided by stakeholders. In addition, the US government adheres to a "full-disclosure" policy regarding any laboratory or vehicle safety testing it carries out. Both the docket system and the safety testing are accessible to the public via the internet.

- Not only does the US approach recognize the need for full-disclosure of the activities it carries out, but equally importantly, it recognizes that the regulatory development process is inherently an evolutionary process. Orderly progress on any safety issue requires complete and timely access to the available research material by all involved parties so that research priorities and research programmes can be continuously adjusted and updated based on currently available evidence. While Transport Canada's record in recent years has been weak, within the past year, we have seen some positive movement towards greater transparency. For instance, in response to *The Fifth Estate* exposé, they now dedicate a portion of their website to the results of school bus safety initiatives. Also, upon request, compliance test reports can now be obtained. Access to the underlying electronic data, test photographs and videos remains problematic.
- Transport Canada has taken initial steps to address the need for transparency but it needs to go a lot further. By adopting an approach similar to the US government, which pro-actively provides full disclosure of results from its vehicle crash test program, Transport Canada would achieve two key results: a clear public demonstration of the scope and value of its critical work in this area; and, provision of a platform allowing external stakeholders to build on the findings of its work.
- To this end, we encourage the committee to strongly recommend that Transport Canada adopt the “full-disclosure” principles adhered to by its US counterparts with respect to the dissemination and full public access to safety research and testing carried out by the department.

Enclosures:

Enclosure 1: Letter to Minister Garneau from D. J. Dalmotas Consulting Inc.,
2018-03-12,
- with Comments on *Report 4, Oversight of Passenger Vehicle Safety*, of the Fall 2016
Reports of the Auditor General of Canada, sent to the OAG on February 19, 2017

Enclosure 2: Letter to Deputy Minister Keenan from D. J. Dalmotas Consulting Inc.,
2017-04-10

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Mr. Michael Keenan
Deputy Minister
Transport Canada

April 10, 2017

Dear Mr. Keenan,

I attended the April 3, 2017 meeting of the Standing Committee on Public Accounts, convened to deal with Report 4, Oversight of Passenger Vehicle Safety, of the Fall 2016 Reports of the Auditor General of Canada. The subject matter of this report is of particular interest to my firm as I and my associates have an extensive corporate history in Transport Canada's Motor Vehicle Safety Directorate and continue to be actively engaged in automotive safety research initiatives in both Canada and the United States.

Many of the Committee's questions dealt with the Auditor General's recommendation that Transport Canada conduct broad consultation with a wide range of stakeholders, not just automobile manufacturers, and that it commit to greater transparency both in the release of its data from its crashworthiness research program, and with regard to the development of regulations and standards. The Chair of the Committee closed the meeting by asking how Transport Canada enables sharing of research findings with the United States and other international colleagues, in order to facilitate harmonization and to further mutual opportunities for advances in automotive safety.

It has long been my contention that Transport Canada does valuable research work in the area of motor vehicle crash testing and that it has a considerable body of crash test data that potentially could contribute greatly to advances in the safety of vehicles and protection of occupants both here in Canada and worldwide. However, unlike its US counterpart, it does not enable wide, public dissemination of its research data to

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interested stakeholders. This not only limits recognition of its accomplishments; more importantly, it diminishes opportunities for identifying potential gains in the area of passenger vehicle safety.

I would welcome the opportunity to meet with you prior to your next appearance before the Standing Committee on Public Accounts. In particular, such a meeting would allow me to illustrate how, by adopting an approach closer to that of the US, Transport Canada could easily facilitate a more transparent and open sharing of data from crash tests and other initiatives with all interested parties.

This stance, including the implementation of a public docket system similar to that used in the US, would contribute in large measure to addressing the Auditor General's recommendations and the concerns of the Committee members. Wide and quick dissemination of data and reports from Transport Canada's crash test program would demonstrate both the scope and value of this critical work. Furthermore, such an approach would allow others to build on it, thereby leveraging its cost-benefit potential in the field of automotive road safety and testing at home and abroad.

Sincerely,

Dainius Dalmotas
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c.c. Laureen Kinney, ADM, Safety and Security
Kim Benjamin, DG, Road Safety and Motor Vehicle Regulation

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The Honourable Marc Garneau, P.C., M.P.
Minister
Transport Canada
330 Sparks Street
Ottawa, Ontario
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March 12, 2018

Dear Minister,

I am seeking a meeting with members of your staff to discuss how increased transparency in information-sharing from Transport Canada's vehicle crash test program could lead to greater accountability and, more particularly, promote enhanced safety for occupants of motor vehicles.

By way of background, I worked in the Motor Vehicle Safety Directorate for 33 years, retiring as Chief of Crashworthiness Research and, as such, was intimately involved in the development of the crash testing protocols and associated documentation, and subsequent reporting of the results. My firm continues to be actively engaged in automotive safety research initiatives in both Canada and the United States.

It is my firm belief that, by adopting an approach similar to the US government, which pro-actively provides full disclosure of results from its vehicle crash test program, Transport Canada would achieve two key results: a clear public demonstration of the scope and value of its critical work in this area; and, provision of a platform allowing external stakeholders to build on the findings of its work.

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I attended the March and April 2017 meetings of the Standing Committee on Public Accounts, convened to deal with *Report 4, Oversight of Passenger Vehicle Safety*, of the Fall 2016 Reports of the Auditor General of Canada. Many of the Committee's questions dealt with the Auditor General's recommendation that Transport Canada conduct broad consultations with a wide range of stakeholders, not just automobile manufacturers, and that it commit to greater transparency both in the release of its data from its crashworthiness research program, and with regard to the development of regulations and standards.

It has long been my contention that Transport Canada does extremely valuable research work in the area of motor vehicle crash testing and that it has a considerable body of crash test data that potentially could contribute greatly to advances in the safety of vehicles and protection of occupants both here in Canada and worldwide. However, unlike its US counterpart, it does not enable wide, public dissemination of its research data to interested stakeholders. In fact, the contrast between responses to requests to the American and Canadian governments for information on the results of vehicle crash tests is striking. The US posts on its web site the complete results of its crash tests, including comprehensive reports, photographs, videos and data. Transport Canada maintained similar practices prior to 2006. However, since that time, transparency has been replaced by a culture of secrecy with respect to dissemination of crash test results. Any meaningful request is referred to Access to Information and then is denied on the basis that it is too difficult to provide the information. This not only limits recognition of Transport Canada's accomplishments; more importantly, it diminishes opportunities for identifying potential gains in the area of passenger vehicle safety.

This closed approach is also completely inconsistent with the 2015 Liberal platform on *Real Change, A Fair and Open Government*, which committed to create a new level of accountability for government spending aimed at spurring innovation and economic growth, and emphasized the need for all federal departments and agencies to adopt a principle of open government when it comes to sharing information.

My concerns are outlined in the attached letter sent to the Office of the Auditor General (OAG) of Canada on February 19, 2017 in relation to the findings and recommendations outlined in *Report 4*. The OAG subsequently informed me that its recommendations are developed strictly from the findings of its audits and that it does not take into consideration proposals developed by external parties. The OAG suggested that I raise any concerns directly with Transport Canada and Members of Parliament.

I would therefore welcome the opportunity to meet with your staff to illustrate how a more open approach to sharing the research results of Transport Canada's vehicle crash test program would help promote enhanced safety for vehicle occupants both at home and abroad.

Yours truly,

Dainius Dalmotas
President and CEO
D. J. Dalmotas Consulting

Attachment: Comments on *Report 4, Oversight of Passenger Vehicle Safety*, of the Fall 2016 Reports of the Auditor General of Canada, sent to the OAG on February 19, 2017

Attachment

Comments: *Report 4, Oversight of Passenger Vehicle Safety*, of the Fall 2016 Reports of the Auditor General of Canada

February 19, 2017

The firm of D. J. Dalmotas Consulting, Inc. is pleased to provide the following comments on some of the concerns raised and recommendations made in the Auditor General's fall report on passenger vehicle safety in Canada. While we are a small automotive safety research firm, we are actively engaged in vehicle research and crash testing initiatives in both Canada and the US. Moreover, almost all the individuals associated with the firm are former employees of Transport Canada's Motor Vehicle Safety Directorate. As such, we are in a rather unique position to comment on differences between Canada and the US in their respective approaches to addressing road safety research and testing.

While both Canadian and US governments express strong commitments to the principles of accountability and transparency, how these commitments manifest themselves in terms of dissemination of government sponsored safety research varies greatly. Nowhere is this more evident than with respect to the dissemination of vehicle crash test data in the two respective jurisdictions. In the US, every crash test carried out or sponsored by the National Highway Traffic Safety Administration (NHTSA) is meticulously documented and every data element (test report, video, photograph, etc.) and all the electronic data captured in the test are organized and made available to the automotive safety community and to the general public on an equal basis by means of the Internet. Historically, public access to crash test data was also provided in Canada. However, this ceased to be the case in 2006. Even the well-established and universally followed practice of documenting individual tests by a stand-alone test report has been discontinued. This action can be expected to greatly diminish the long term value of the Canadian database.

In the US, NHTSA is constantly attempting to improve the utility of their crash test databases through improved interfaces to render data inquiries more user-friendly. The firm is unaware of any interest on the part of the Motor Vehicle Safety Directorate to undertake similar action in response to the Auditor General's fall report. We recently made an inquiry to the Motor Vehicle Safety Directorate which included a request for a list of vehicles by make, model, model year, etc. subjected to frontal compliance testing over essentially the past decade. Even this simple inventory request was rejected. When we commented to the Directorate that this position appeared to be at odds with government policy we were advised to seek access through an ATIP request. This suggestion was advanced when the Directorate would have had full knowledge of the recommendations of the Auditor General's report concerning the need for an improvement in transparency. This suggests very little desire on the part of the Directorate to reverse the culture of secrecy which has been fostered over the past decade.

Even by international standards, the volume of crash testing sponsored by Transport Canada is significant and represents an extremely valuable asset to further advance global vehicle safety. To this end, Transport Canada should follow the US example and ensure the data are made freely available and widely disseminated.

Ensuring greater transparency of the Canadian crash data is particularly important in the context of advancing the technical basis of US New Car Assessment Programmes (NCAP). The provisions and safety ratings of the US NCAP programmes, rather than the limiting values imposed in Canadian regulations, drive the safety performance of vehicles sold in Canada. Consequently, ensuring complete transparency of the Canadian crash data is essential to the process of ensuring that Canadian data are considered when scrutinizing the technical merits of procedures and hardware advanced in US testing protocols.

In summary, we believe the recommendation for greater transparency made in the fall report should be expanded to explicitly include a requirement that Transport Canada provide public access to all crash test data the department has conducted, and that approval of any future testing programs be subject to an obligation that it include a requirement for proper dissemination to the public of the results of the testing program. Consistent with best practices, this requirement should include the provision for a stand-alone report for each full-scale vehicle test or a combined report for any series of similar tests (i.e. a sled test series).

Thank you in advance for your consideration of this submission. We would be pleased to meet with your staff to review in more detail any of the comments or recommendations made above.