



June 21, 2022

The Honorable Lina M. Khan
Chair
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

Dear Chair Khan:

On behalf of the Chamber of Progress, I write to express our concern regarding Tesla's misleading advertising of its "Full Self-Driving" features. Newly released data last week shows that Teslas comprised the bulk of collisions involving driver-assistance technology.

"Full Self Driving" is a marketing term used by Tesla to describe its advanced driver assistance system (ADAS), which is designed to augment but not replace human drivers. Unfortunately, Tesla's use of the term "Full Self Driving" may be lulling drivers to wrongly believe that Tesla's cars are autonomous vehicles and that drivers may divert their attention, potentially threatening the lives of vehicle occupants and others who share the road.

The National Highway Traffic Safety Association (NHTSA) released crash data¹ that reported more than 400 traffic incidents over the past year involving vehicles with automated components. Vehicles equipped with advanced driver assistance systems had a total of 392 crashes, 273 of which involved Teslas. NHTSA also reported 130 automated driving systems (ADS) related crashes, using stricter reporting guidelines than for ADAS vehicles.

Most strikingly, other companies whose automated driver assistance programs carry more accurate names – including Waymo and Cruise – had far fewer collisions (62 and 23, respectively).

The figures included in NHTSA's report highlight the safety gap between Tesla's "Full Self Driving" and truly autonomous vehicles, as well as outstanding concerns that Tesla drivers are taking their eyes off the road while engaging in "Full Self Driving".

In light of this new data, we urge the Commission to investigate whether Tesla's marketing of "Full Self Driving" is misleading drivers and contributing to these collisions.

Autonomous Spectrum

NHTSA places vehicles on a six-level spectrum of autonomous capabilities. When consumers think about fully self-driving cars, they imagine vehicles where they can take their eyes off the road, talk with loved ones, or even meditate. By NHTSA's standards, those are Level 4 or Level 5 vehicles.

¹Standing General Order on Crash Reporting for Incidents Involving ADS and Level 2 ADAS, U.S. Department of Transportation, National Highway Traffic Safety Administration, (June 2022), <https://www.nhtsa.gov/press-releases/initial-data-release-advanced-vehicle-technologies>

Reports have focused on accidents involving Tesla vehicles where drivers took their eyes off the road because they may have believed they were in a self-driving car. The fact is, Tesla's vehicles require constant driver engagement and therefore cannot be considered self-driving under NHTSA's Level 4 and 5 standards.² By NHTSA's own standards, Tesla's "Full Self Driving" mode is likely Level 2, requiring fully attentive drivers at all times.

There are companies that are serious about developing fully autonomous, self-driving cars, and have deliberately taken a different approach. There are a few important differentiators that distinguish them from Tesla.

First, **companies developing truly autonomous vehicles provide greater transparency.** Major developers of autonomous vehicles from Cruise to Kodiak have, for years, submitted Voluntary Safety-Self Assessments (VSSAs) to NHTSA reporting on the safety of their automated driving systems. Some, like Waymo, have even released detailed safety whitepapers. To date, more than two dozen companies have published VSSAs on their self-driving cars.³ Tesla has never completed the voluntary report.

To support reports like the one released this week, NHTSA also requires developers and operators of autonomous driving systems to submit more detailed crash statistics than developers of ADAS vehicles like Teslas.

Second, **companies developing full self-driving vehicles rely on a full suite of sensors,** not just a few cameras to keep their cars safely on track. Zoox vehicles use an array of sensors, including cameras, lidar (light detection and ranging) sensors, and radar. Waymo uses a similar set of sensors to provide its vehicles with a 360 view with redundancies. Nuro's self-driving bots use cameras, lidar, radar, and ultrasonic sensors. Since May of last year, Tesla has been selling cars with driver assistance features based solely on eight cameras.⁴

Third, **the biggest developers of AV technology have taken a methodical, predictive approach to the development of their products.** Leading AV companies pursuing Level 4+ autonomy recognized early on that drivers trusted the technology beyond its capabilities if they were asked to monitor an automated system. As a result, these companies abandoned the semi-autonomous approach pursued by Tesla today.⁵

Since Tesla vehicles are linked to many alarming stories⁶, we believe more must be done to address irresponsible and misleading marketing practices that are liable to contribute to future tragedies.

²Tesla's Cars Arent Actually Self Driving, Chamber of Progress, (August 2021), <https://medium.com/chamber-of-progress/teslas-cars-are-beautiful-but-they-arent-actually-self-driving-8170124417ab>

³Voluntary Safety Self-Assessment, Department of Transportation, National Highway Traffic Safety Administration, (June 2022) <https://www.nhtsa.gov/automated-driving-systems/voluntary-safety-self-assessment>

⁴ Hyunjoo Jin, Explainer: Tesla drops radar; is Autopilot system safe?, *Reuters*, (June 2021), <https://www.reuters.com/business/autos-transportation/tesla-drops-radar-is-autopilot-system-safe-2021-06-02/>

⁵Nilay Patel, Interview: Waymo Co-CEO on How to Get Self Driving Cars to the Mall, *The Verge*, (October 2021), <https://www.theverge.com/22708676/waymo-tekedra-mawakana-self-driving-interview>

⁶Tesla Fatal Crash, *New York Times*, (November 2021), <https://www.nytimes.com/2021/04/18/business/tesla-fatal-crash-texas.html>

To ensure the safety of all drivers, I urge you to enforce the FTC's consumer protection mandate which holds companies like Tesla accountable for misleading marketing and repeated false advertisement of vehicle capabilities.

Sincerely,



Adam Kovacevich
CEO
Chamber of Progress