

RALPH NADER RADIO HOUR EP 360 TRANSCRIPT

Steve Skrovan: Welcome to the *Ralph Nader Rader Hour*. My name is Steve Skrovan along with my co-host, David Feldman. Hello, David.

David Feldman: Hello there.

Steve Skrovan: And the man of the hour, Ralph Nader. Hello, Ralph.

Ralph Nader: Hi, everybody.

Steve Skrovan: You know this isn't a true crime podcast, but we sure do spend a lot of time on this program talking about true crimes—corporate crimes. And I'm not just talking about abstract white-collar crime, but negligence and conspiracy that literally injure and kill innocent people. This is no less violent in many cases than the headline-grabbing crime committed by gangsters on the street. That's why in the first half of our show today, we're going to do a deep dive into a decades long corporate crime spree that would fit right into any popular true crime series. We'll be speaking with Jerry Cox, author of the incendiary book, *Killer Airbags: The Deadly Secret Automakers Don't Want You to Know*. This book chronicles the shocking—but for anyone who follows the corporate crime beat, not terribly surprising story of how the Takata Corporation equipped tens of millions of airbags with what were essentially pipe bombs.

That's the first half of the show. The second half of the show, the stay-at-home order has made—this is a personal note - has made my wife and me acutely aware of the precise days and times our neighbors have scheduled their yard work. We can tell what date is by the volume of the leaf blower. Three houses down, must be Wednesday. Across the street, Tuesday. The leaf blower has become the suburban equivalent of the country rooster sounding a “Get the hell out of bed, Revelry” at 7:00 every morning. You could say it's become a true kitchen table issue for many of us, especially those who live in the leafy suburbs. So in the second half of our show, we'll be joined by Peter Bahouth, former head of Greenpeace who has written an op-ed for *the Dallas Morning News*, outlining a sweeping solution to this environmental issue.

After that, we promised to carve out some time for Ralph to answer your listener questions. You've sent a lot of fascinating questions that run the gamut from sanctuaries for retired despots to Medicare. And as usual, somewhere in between, we'll take a break to check in with our corporate crime reporter, Russell Mokhiber. But first, we're going to find out what the Oklahoma City bombing and the 2002 Honda Civic have in common. David?

David Feldman: Jerry Cox is an attorney, and a longtime champion of airbag mandates, a transportation safety consultant and the author of *Killer Airbags: The Deadly Secret Automakers Don't Want You to Know*. Welcome to the *Ralph Nader Radio Hour*, Jerry Cox.

Jerry Cox: Thank you. I consider it a privilege.

Ralph Nader: Welcome, Jerry. This book that you published was [about] the biggest recall in automotive history by far. Tens of millions of cars had these Takata airbags. And the book was not accepted by any publisher. You had to publish it essentially yourself, which reflects on the publisher's unwillingness to put out a book that affects tens of millions of motorists. As we speak, listeners, your cars may have this airbag. It may not have been recalled, or if it was recalled, it was not recalled properly. So in order for people to know that you know what you're talking about, you actually were a consultant to Takata company. Tell us about that and what happened before we get into the details of the defect in this airbag technology.

Jerry Cox: Yeah. This is an insider tell-all and what it shows, and I think one of the reasons there's been a lot of resistance to the book, is it shows that our entire system of consumer protection, especially in the automotive area, is corrupt in spite of everything you did, Ralph, in getting the 1966 [National Traffic and] Motor Vehicle Safety Act passed. My understanding is that when you were there in the White House, Lyndon Johnson handed you a copy of one of the pens he used to sign the statute, your first thought was now the work really starts, you know, will the regulators be captured? Will money always trump—pardon me for using that word, will money trumps safety? And what this book shows is that's exactly what's happened here.

Ralph Nader: But you advised Takata when this thing was all over the news to tell the truth, didn't you, when you were a consultant? You were a paid consultant to Takata.

Jerry Cox: That's exactly right. I mean, the American executives realized that the company was not going to be able to continue ignoring this, even though they'd had a lot of help from inside NHTSA [National Highway Traffic Safety Administration]. The government itself was really helping them hide what was going on. And what I told them, at the very beginning of my engagement with them at the beginning of 2014, was that this whole issue about whether ammonium nitrate, the explosive that they were using to inflate the airbag, whether that was a good design choice or not was something they had to address. And if it wasn't, they needed to say something; they needed to be truthful about it.

Ralph Nader: Okay. Before we get into that, there's an item in your book that really caught my attention. Takata is a Japanese company, and the middle-aged executive running it got a call from his 73-year-old mother one day. What happened?

Jerry Cox: Well, he was actually taken to the woodshed and this has been reported in Reuters and other places. He was taken to the woodshed about the way things were going with this particular issue. So his mom who had played a major role in the expansion of the company under Shigehisa Takata's dad, she had a very close relationship with a former US Secretary of Transportation, and he had a different approach that he thought they should follow different from what I was suggesting, which was to tell the truth and deal with the problems and work with the car manufacturers and so forth, to transition away from dangerous inflators to inflators that might cost more—it certainly would have cost more, but would have been safer. And the difference in the approach was my approach, which was be honest, deal with it. And the approach that the former US Secretary of Transportation suggested to Shigehisa Takata was send me money and I will go out and hire every breathing former administrator of NHTSA I can find and have them

put together a report that will make it look like you're being honest about the problems and the mistakes that have occurred in the past.

Ralph Nader: Well, when she called him into the woodshed, as you said, what did she do?

Jerry Cox: Well, nobody knows exactly. The only thing is he disappeared from the top of the skyscraper in downtown Tokyo for several hours. And when he came back, he was reported to be more rattled than anybody had ever seen him. And that was sometime after I worked for them. I worked for the company from the beginning of 2014 to the end. Because by the end of the year, there had been revelations about the fact that the company had faked test results. When they had chosen an explosive, they were basically choosing ingredients that were a fraction of the cost, which was 10% of the cost of ingredients everybody else was using.

Ralph Nader: You're jumping ahead of the story. I want to make a point here. He was called in by his mother. She admonished him. That's the tradition of shame in Japan that escapes executives in the US. Can you imagine a [The] Boeing [Company] executive being called in by his mother for what he was doing? And yet none of this tradition kept the Takata company from being a serial criminal, which you're going to go on and describe, and diving into bankruptcy and escaping criminal punishment for any of its executives, whether in the US or Japan. Correct?

Jerry Cox: Well, I've not seen any report of any physical violence between her and him. But the point is that corporate governance was non-existent there. But that's not the only element of our system that failed. Because the agency was complicit in allowing this to go on much longer than it should have before they started doing any major recalls. The criminal justice system failed consumers totally. The bankruptcy courts have done everything they can to protect the guilty and just about nothing to protect the victims, many of whom are yet to be victimized. And our tort system also has failed, partly because the bankruptcy court took away the money that would pay contingent fees. I mean, we still have this system where people get redress by going to a plaintiff's lawyer who's going to work, not because the plaintiff has a whole bunch of money to pay them, but because they anticipate an award. And so the system took that out and the plaintiff's part has also kind of stepped aside in these cases.

Ralph Nader: All right. Now, before we get into the economic decision that Takata made to put a cheaper inflator in compared to its other competitor, tell our listeners what companies had this airbag installed and how many of these airbags have been recalled; just go through what has been done so far and the role of Honda [Motor Company].

Jerry Cox: Well, first of all, just about every manufacturer eventually went for these cheap inflators, but it was Honda that cooked up the idea of working alongside Takata back around 2000, because they wanted to keep the prices down, to keep profit margins higher on cars they were going to sell in the United States. So they are the ones who went to Takata, which had no experience in making—well, had very little experience in making airbags at that point, and certainly no experience in dealing with explosives. And Honda said, “This is what we want,” and Takata, as Chairman Shigehisa Takata often said, “What Honda wants Honda gets.” And that's how the whole thing started was back in 2000, or 2001, 2002 model year, [Honda] Accords and some other cars that were put out by Honda.

Ralph Nader: Now, we're going to tell you, listeners, about Jerry Cox's website right now to keep you gripping with what's going to be revealed. Jerry, tell them how they can find out whether their car has been recalled and recalled effectively. Because we're talking about tens of millions of cars here with a defect that apparently started around 2003, year after year, by the Takata company.

Jerry Cox: Well, killerairbags.com is the only place I know of that people can go to and find two different ways to check the current recall status of their car. One of those ways is to go to a government website and try typing in 17 digits of your VIN [Vehicle Identification Number] if you can figure out where to find it and people can. But it's not that easy for your average guy to figure out all those 17 digits and to type it all incorrectly.

Ralph Nader: It's the vehicle identification number, VIN.

Jerry Cox: Right. Which you and Joan Claybrook played such an incredibly important role in and getting those established so that each car has like a birth certificate, a unique identifier. And if you can type those 17 digits in correctly, you might get a hit that tells you that your car is under recall, and you need to schedule it with a dealer of that brand of car and to get it repaired. And you might not get a hit today, but you might get a hit tomorrow, because there is a rolling recall that has this now been going on for six years. And they're going to see millions more additional cars that are going to get into that database. You're going to have to check on a really regular basis. The other way to check that I think you can only learn about from killerairbags.com is an app that you can get at the Apple store and it will allow you to take a photograph of your license plate or somebody else's license plate, and it will correlate that with the VIN and tell you whether there's a hit at this moment or not.

Ralph Nader: Enlighten our listeners about the exact defect and why.

Jerry Cox: Well, as I said before, Takata figured out that they could spend 10% if they went to something called ammonium nitrate, and we hear about it because it's what blew up over in Lebanon. It's what took the [Alfred P.] Murrah Federal Building off the map in Oklahoma City. It's really a volatile and very powerful explosive, and it's cheap. And Takata figured out that, like I said, it was only 10% of the cost of other explosives that people were using, other fuels people were using to make inflators inflate airbags. And when they did that, they started out doing validation tests and so forth to see what, how well it would work. And those tests showed that it would explode. And instead of telling Honda in the reports that were done in the United States, instead of telling Honda, this stuff shows a propensity to explode, they told them that it was all fine and dandy and they faked the test reports. And they just kept right on faking the test reports for years every time there were issues and every time people were getting killed. And initially, it was only a few people. I mean, that's easy for me to say [since] it's not me or my family that got blown up, that had their faces rearranged or their heads blown off or whatever. It's easy to say that was very few people. And it got to the point finally by 2009 that NHTSA, people at NHTSA were noticing it. And they started an investigation, and then mysteriously, the investigation got closed down and nobody has ever explained why that happened.

Ralph Nader: Is that because the fatality rate was so small compared to the tens of millions of cars with these airbags?

Jerry Cox: You know, you'd have to ask the person who made that decision at NHTSA. The administrator at that time was a guy named David Strickland. And I hope somebody will ask him why that investigation got closed down in 2009.

Ralph Nader: David Strickland is now the chief of staff for the [US] Senate Transportation Committee. So if you want to ask him any questions, that's how you can reach him.

Jerry Cox: Well, I know where to find him. And it's going to be interesting to see what the Biden Administration does about appointing a new NHTSA administrator. Because all of this mess, and we could go on for another two hours talking about what a mess this is, could be solved pretty effectively if President [Joe] Biden were to pick somebody who is not expecting to leave NHTSA. If he's going to put somebody in to run NHTSA, he needs to pick somebody who is not going to be immediately looking for a job from the car companies. Because that's what we've had for years is people who go through this revolving door and they're in government one day, and then they're working for the car companies the next day, then they're back in the government, and back and forth and back and forth. And that's exactly what my book exposes. That's the fundamental problem with that agency, and also, I think to some extent with the criminal justice system, is that the people who are supposed to be protecting consumers have the number one objective to make money from the people who have money in all this, which is the Takata's and Honda's and all of the other vehicle manufacturers and the other parts of that industry. You know, if that's on their minds, then you're never going to get this problem solved.

Ralph Nader: Well, let's get to the technical issue here. The other auto companies signed contracts with Takata to put the airbag with ammonia nitrate.

Jerry Cox: 19 of those car manufacturers, yes.

Ralph Nader: Okay. Why didn't they make their own determination? Or did they say to themselves, well, Honda has bought it [and] Honda has a great reputation. We don't have to really test this type of inflator. So let's buy it.

Jerry Cox: That's one of the issues in the pending civil cases that are pending. There's a multi-district litigation going on in Miami. And the plaintiffs have argued that the car manufacturers either did that and knew the answer, but liked the numbers, or that they didn't do it and should have checked before making their decision to incorporate that into their cars. But the car manufacturers' position is that they're victims of Takata. And which is easy to say since Takata is bankrupt and out of the picture. So I think that litigation is going to be really crucial. There's also some consumer litigation going on in Australia under a statute there—unlike what we have here—that allows people to recover against the car sellers, not the car manufacturers; [it] allows people to recover from them just for being lied to about how safe their cars were. And that discovery I think also might show what the other car manufacturers, Honda and the others, what they actually knew when they decided to buy these cheap inflators.

Ralph Nader: Well, what's the latest estimate of the fatality toll and the injury toll?

Jerry Cox: There are at least 30 people; by my count, 32. But the official NHTSA announcement as of Monday, when they turned down, a so-called petition for inconsequential reality, that Ford [Motor Company] filed is that there've been at least 30 people killed. We're getting on to the number of kind of close to three dozen at this point. There were 30 people killed and hundreds of people injured. And nobody knows how many people were injured, except perhaps the Harvard Law [School] professor who is in the process of divvying up the crumbs that were left to victims in the bankruptcy proceedings.

Ralph Nader: Well, listeners might be saying right now, Jerry Cox, we're talking to Jerry Cox, author of the book *Killer Airbags: The Deadly Secret Automakers Don't Want You to Know*. This is a particular painful subject because airbags [are] supposed to be identified with saving lives. And here's a corporation that turned it into a sporadic, deadly mechanism that threw shrapnel inside the motor vehicle when it exploded. Now, obviously this is an airbag design that worked millions of times over the entire planet. What made it not work in the fraction of times that it was inflated?

Jerry Cox: The problem with ammonium nitrate is that over time, it deteriorates. In other words, the car lasts a lot longer than the airbag does and a lot longer than that chemical does. And when that happens, you get—not to get too much into the science of this, but you know, we're supposed to follow the science nowadays. The science is that the propellant that's put inside the airbag inflator canister crumbles, and that creates a greater surface area. And that's true with just about any explosive, I think, that if you have a greater surface area and it ignites, it's going to give you a bigger boom. And it doesn't just inflate the airbag; it blows up the metal and that's how you get shrapnel flying at people.

Ralph Nader: And what difference do temperatures in the tropics or in the Northern Hemisphere, Canada [make]? Does that affect the deterioration process?

Jerry Cox: That has been shown by a number of different studies, but it really is, again, getting into the science here, it's temperature cycling. In a humid environment; that's like the worst-case scenario. And those are where most of the fatalities have occurred. Not all of them, but most of the fatalities have occurred when the cars have been driven in environments where you start out early in the day, maybe with a lower temperature. Like in California, you start out chilly and then it gets hot and humid if you're up in the valley or something. And that makes it deteriorate faster than if it's in Minnesota, and the highest temperature it ever sees is, you know, 72 degrees in somebody's garage.

Ralph Nader: What's the nature of the fix when they are recalled by the dealers? You get a recall notice and you take your car and down to the dealer. What's the nature of the fix?

Jerry Cox: The fix that NHTSA agreed to back in 2015 was to allow Takata Corporation to replace old defective inflators with new defective inflators; in other words, just restart the clock. That's not a good solution, but the only solution that anybody has ever been able to come up with is to replace the ammonium nitrate inflators with inflators that do not have ammonium nitrate in

them. And NHTSA did not insist on that at the beginning of this process. And that's about the only thing that can be done is to take them out and start over again. And the problem economically is that the auto manufacturers do not want to do that. And the General Motors [Company] and Ford petitions that NHTSA finally denied, that were taken out to the trash, you know, once the [Donald] Trump people weren't there to watch them anymore. They took the trash out and denied those petitions in which those two car companies were saying, well, just because our supplier says these things are going to blow up and kill people doesn't mean we really have to replace them, does it? And the answer from NHTSA four years later was yeah, you do. And that's the only real solution, from a physical standpoint, is to get them the hell out of these cars.

Ralph Nader: Are you saying that some of the replacement airbags contained ammonium nitrate?

Jerry Cox: Oh, absolutely. That was part of what NHTSA agreed to back in 2015. And what that means of course is that people would have to replace their airbags, not once, but twice. So most people think if I had a defective airbag and I had it replaced, I'm good. I don't have to worry about it again. Don't need to be typing 17 digits into the government website. They think they're good to go, and they're not, because all they got was an airbag inflator with a longer fuse on it, a pipe bomb with a longer fuse.

Ralph Nader: Well, let's look at the competitor. The major competitor has a different type of inflator. Describe the name of the competitor and their design which hasn't had this problem.

Jerry Cox: Well, there are several other competitors and they obviously have been very busy making replacement inflators. One of them and a company that I worked with quite a bit when I was on Capitol Hill and trying to mandate airbags in cars, trying to sort of realize the dream that you laid out in 1966, and that's a German based company called [ZF] TRW. And they've had their own issues because one of their inflators apparently, just based on a defect information report that got filed with NHTSA, one of those exploded and killed somebody in a Volvo [Car]. And I have to wonder the way they're keeping so quiet; try to find any information on what's happening with that one.

Ralph Nader: What kind of inflator do they use?

Jerry Cox: That's a secret. They keep that a secret, but they will tell you, and I'm sure it's true [that] it's not ammonium nitrate.

Ralph Nader: Well, you know, in your book you have something pretty unique for an exposé book; it's in part seven and it says, do it yourself auto safety. This is right for you, listeners. And you have basically four action items. One of them is really the reverse, but do you want to go through those?

Jerry Cox: Yes. And first of all, I'd like to say, it's just an absolute shame. I mean, what you confronted, Ralph, back in the early sixties, was a situation where people had to protect themselves and they had almost nothing to cling to. And so, because of your work, the [National

Traffic and Motor Vehicle] Safety Act was passed in 1966 [and] NHTSA was established supposedly to enforce those laws. So the government is supposed to do something to help you, but they're not. Nobody is doing anything to help you. So what you need to do as a consumer is number one, don't wait for a paper recall notice to come to you. Recognize when you hear this; check your own; then do it on a regular basis. Convince people you love to do the same thing. If you know people who care about this system, about the corruption of this system, share the book with them, or at least let them know what's in the book so that they know how bad things have gotten. But [again] number one is don't wait for a piece of paper to come in the mail. Number two is if you find out that a car has an outstanding safety recall, then take it in and get it repaired. For God's sake, don't be driving it. That would be true, whether it's your car or whether it's a rental or whatever. If it's got something in there that can kill you, then you sure as heck ought not to be driving it. The other thing is, if you think that you have some kind of recourse, if you have your face rearranged or, you know, a member of your family gets killed or something like that, you can forget about suing Takata. It really can't be done and suing the car manufacturers isn't a whole lot easier. And then the fourth thing, which everybody has ignored, I mean, as far as I can tell is nobody has picked up on this, except you, Ralph. And that is to demand government actions--to let people in the government know--let your congressman know, let your governor know. Now I can explain later what the governors could do about this but let people in [US] Congress know that this is an outrage, that this situation shouldn't exist. And one way you can do that is I've got things set up, so that under an agreement with Amazon [.com, Inc.], if you have a legislator that you want to hear about this, and you want them to have a copy of the book, you can buy a discounted copy off of the website. You go to the Amazon Point-of-Sale and buy the one of the \$14 copies. And that gives me an opportunity to inscribe it any way that you want. And I can be reached at the email address on the website of killerbags.com or through my Twitter handle, which is @JerryWCox1.

Ralph Nader: Now you're saying you can't sue Takata because Takata is bankrupt and the pieces were picked up by some other company in Asia. But what about the manufacturers whose engineers missed the cues; they should have, in effect discovered the problems of ammonium nitrate early in the 21st century. What about their vulnerability and are the tort lawyers suing them?

Jerry Cox: The bankruptcy judge issued an injunction against any lawsuits against Takata, but he also issued channeling injunctions that affect your ability to recover from a car manufacturer as well. Basically, it depends on which manufacturer it is. It shouldn't depend on that, but it does. And if you sue a company that has entered into some kind of settlement agreement, you have to go through an administrative process, which can take years, and see what kind of a result you get from that out of GM or whomever. You have to go through that process. And only then can you go to court. Other cases, you can go directly to court, but if you try, you know, I mean, I'm from Kansas City; if you go to Jackson County Circuit Court, you're going to end up in the multi-district litigation in Miami where the people making decisions about what you're going to get out of the case are going to be the people on the steering committee, not your own lawyer. So it made it extremely complicated to go after them, but it can be done. And also, I honestly believe that used car dealers who sell 40 million cars a year... I mean, these are where these killer airbags are, is in these used cars that have been around for awhile. The used car dealers figured that they're okay as long as they put something down and all that boiler plate in the contract of

sale. If they say, hey, you're taking on the responsibility for this; this isn't our problem just because we're selling you a car that can kill you. Sooner or later, some enterprising plaintiff's lawyer is going to find a way to go against them directly, and it's not going to be affected by anything that happened in the bankruptcy court. People will be able, I think, to figure that out and go after the used car dealers who more and more are not your mom and pop on the corner kind of outfits. They're more and more a larger corporate organizations that have somewhat deeper pockets.

Ralph Nader: Yeah. This whole corporate crime affected—according to your book—70 million vehicles. 70 million vehicles. What kind of letter are you writing to the new transportation secretary, Pete Buttigieg?

Jerry Cox: Ha! Well, I think that it's going to be crucial that he understand—because he's got no background in transportation that I know of. He needs to understand that, you know, he needs to have people working with him in the general counsel's office, at NHTSA, as administrator and deputy administrator and so forth. He has to free up. And I would tell him that he needs to make sure those are people who are going to put consumers first and not be thinking about their own future as consultants or lawyers or whatever for car companies because that's not happened in recent years. It would be a huge improvement if Secretary Buttigieg were to do that [and] if President Biden were to appoint somebody to run NHTSA, who really is there for consumers; it's not just lip service, but that's really what they're there for.

Ralph Nader: Well, it'd be good for you to write him a letter explaining all this and what you want him to do, so that listeners who contact him or the press who contact him knows that he can't say he didn't know about the details. They can say, well, you received this letter from Jerry Cox. He was an advisor to Takata. He told them to tell the truth. They didn't tell the truth. He exposed them in this book. What's taking you so long to start a new era in NHTSA, the auto safety agency under your jurisdiction, Secretary Buttigieg?

Jerry Cox: Well, I'm happy, I'm happy to do that. I'm hoping that, and I have no relationship with the new secretary in any way, shape or form. I've never worked with anybody involved with this campaign or anything like that. As you know, my background is with Jack [John] Danforth. You were at Princeton [University] with him back in the fifties. And I don't know that he's plugged in particularly with Pete Buttigieg, or even with President Biden in any way. But what I'm hoping is that one of your listeners does have some relationship with the secretary or somebody close to him and that they will get a copy of the book, have it sent; just indicate the address of the person to whom it's sent and I can inscribe it and write a note exactly like that to the secretary or anybody else, if any of the listeners want to contact [me].

Ralph Nader: We'll do that. We'll put it up on our website, nader.org. So listeners can follow up. I've heard recently that the new general counsel for NHTSA is a very good lawyer from California who has worked in consumer protection and she comes very well-regarded. So that's a good first step. They haven't yet nominated the head of NHTSA; that's coming probably in the next couple of weeks or so. Thank you very much, Jerry. So we're looking forward to those two letters. We'll put them up on nader.org and we'll try rallying around the new administration.

Jerry Cox: Thank you for the opportunity to get the word out to people. It's so important to me.

Ralph Nader: Very welcome. Keep it up.

Jerry Cox: Thank you.

Steve Skrovan: We've been speaking with Jerry Cox. We will link to his work at ralphnaderradiohour.com. Let's take a short break. When we return, we'll be discussing the environmental impact of a common neighborhood nuisance. But first let's check in with our corporate crime reporter, Russell Mokhiber.

Russell Mokhiber: From the National Press Building in Washington, DC, this is your *Corporate Crime Reporter*, "Morning Minute" for Friday, January 29, 2021. I'm Russell Mokhiber. China has sentenced the former chairman of one of the country's biggest state-owned asset-management companies to death on bribery and corruption charges. That's according to a report in *The Wall Street Journal*. Lai Xiaomin, Chairman of China Huarong Asset Management from 2012 to 2018, when he was fired for graft, was accused by a local Chinese court in the northern city of Tianjin of taking bribes totaling a record high of more than 1.79 billion yuan, equivalent to \$277 million. Lai's crimes were particularly serious, the court said, given the scale of his bribery, which included several transactions in the hundreds of millions of yuan each as well as the act of proactively soliciting bribes. The court characterized him as being "lawless and extremely greedy." For the *Corporate Crime Reporter*, I'm Russell Mokhiber.

Steve Skrovan: Thank you, Russell. Welcome back to the *Ralph Nader Radio Hour*. I'm Steve Skrovan along with David Feldman and Ralph. In these dark days with unemployment numbers higher than we've seen since the Great Depression, I'm glad that the man brandishing the leaf blower in my neighborhood has a job, but I'm also a little miffed that apparently his job is to blow a single leaf five feet away from where nature dropped it, pursuing it with the relentless intensity of Liam Neeson, cornering a Russian mobster who has once again against all odds kidnapped his daughter. Am I only person with strong feelings on this topic, David?

David Feldman: This is what our next guest recently wrote in *the Dallas Morning News*. "Operating a gas-powered leaf blower for one hour emits smog-forming pollution comparable to driving a 2017 Toyota Camry about 1,100 miles, or approximately the distance from Chicago to Houston. Particulate matter linked to cancers, heart disease, asthma and other serious ailments, lingers in the air for days in droplets so small that the body has no way to filter them from entering the lungs. Most affected are children, the elderly and, of course, the operators of these machines." That was written by Peter Bahouth. He is a former executive director of Greenpeace USA and the US Climate Action Network. Welcome to the *Ralph Nader Radio Hour*, Peter Bahouth.

Peter Bahouth: Thank you. Good to be here.

Ralph Nader: Welcome, Peter. What listeners should know that Peter was one of the great environmental leaders in the world. He led many a demonstration, and when he headed Greenpeace, he was in many countries. He was a real dynamo and he knows what he's talking

about when it comes to leaf blowers. Let me ask you this question. Leaf blowers have many consequences. One is they feed the excess weight epidemic in this country. It's really amazing to watch people who are quite able-bodied, many of them in their twenties and thirties, instead of picking up a rake and raking like in the old days, they use this gas-powered leaf blower with all the bad effects. Question number one. Is there such a thing as a battery operated leaf blower to avoid the air pollution problems in the immediate vicinity?

Peter Bahouth: There is, Ralph, but they have their own problems. Okay. They don't emit the particulate matter and the unburned gas and oil from the gas-powered, but they do have other problems. But let's go back to something you said, which is about the obesity. My first job as a kid was raking leaves. It was a good way to raise a little money, stay in the neighborhood. The temperature was good. The leaves, you know, pretty colors. You got to talk to your neighbors. It was my first job. And, you know, there still are rakers out there. And because people think that I'm kind of like the neighborhood crank complaining about the leaf blowers, I started giving away what I call the "Golden Rake Award". I made a little miniature golden rake and whenever I see somebody raking, I pull over, I give them a little golden rake and I give them like a box of cookies or some other kind of thing, or a gift card to a coffee shop or something, just to reward them for raking. And that's one thing that actually people paid a little attention to because, you know, people don't like controversy in the neighborhoods. So the "Golden Rake Award" is kind of a positive way to let people know that it's appreciated. You know, they're keeping the neighborhood a little quieter and a little less polluted.

Ralph Nader: What's astonishing is that the leaf blowers are oblivious. I mean, they're hearing the noise; they're breathing the fumes; they're pushing other pollution on the streets when they upend the leaves that they're gathering together in some manner. I could never figure out what...they're being discomforted too.

Peter Bahouth: The people operating them, they're going to be losing their hearing and they're going to have respiratory problems, but it takes some time. I mean, particulate matter is—the reason it's called particulate is because it's so fine, as you said, it can't be filtered before it gets into the lungs [because] it's so tiny. Gas-powered leaf blowers only burn about 60-70% of the fuel. The rest of it is atomized out into the air. So you've got an engine on people's back that would be illegal on the lake, by the way, illegal on the street, by the way; but you can use it in your backyard, right?

Now, if people did go to electric leaf blowers, that would be a step in the right direction. But here's the problem. First of all, there are noisy. I mean, if you hear leaf blowers three to five hours a day, you can't close your ears to that noise. That's just going to disrupt whatever you're doing. If you're a musician, if you're a writer, if you're trying to concentrate, have a conversation, talk to your baby, if it's the first thing you hear in the morning, it'll drive you crazy. The other thing is there's no waste in nature. Leaves aren't litter. Leaves are very important. So that's why, you know, the autumn season is very important. It's a resting time before hibernation, but it's where the fireflies put their larvae. Luna moths, right? All sorts of pollinators. So what you're doing is you're wiping out all sorts of wildlife, even if you're using an electrical leaf blower, because you're just sterilizing nature and nature is all around us. That's somewhere you go. We have made sure in our backyard.

Ralph Nader: Okay, you got terrible noise; you got terrible pollution. Why aren't they being regulated?

Peter Bahouth: I'll tell you why they aren't being regulated. These fights, unfortunately, it pits neighbor versus neighbor. And neighbors don't like to do that, right? There's no national organization, Ralph. Well, there's a couple; there's Quiet Communities[Inc.]. I think 350.org takes a look at it, but there's no organization that's really say going after the manufacturers, right? Or providing any cover for the neighbors or the community groups that are trying to do something about it. So there's no resources. There's no media, there's no research. Nobody's going after the manufacturer. There's 325 communities around the country trying to ban or regulate leaf blowers. And they start from scratch every single time. Because I think—

Ralph Nader: What do you mean they start from scratch?

Peter Bahouth: In other words, if your neighborhood wants to do something about leaf blowers, where do you go for information? You have to start from scratch. You have to organize from scratch. You have no air support. You know what I mean by that? No air cover. There's nobody at the national level that's saying here's the latest information; here's the latest science; here's up-to-date science. Here's the group that's going after the manufacturers and trying to get them to, you know, pushing them. There's no cover. So it's basically a ground game, neighbor versus neighbor, with no national air support.

Ralph Nader: But why isn't Greenpeace...? [interrupted]

Peter Bahouth: Let me give you an example. With what we know about these engines and because they would be illegal anywhere except in your backyard, why isn't there a study on the particulate matter in our neighborhoods after these things come through every day? There's not even a college or a university or an organization that's doing those studies so that we have that information. Why not? There's no resources. There's no grants that have gone to this fight. Ralph, I asked you a few weeks ago, what's the most dangerous product you can buy? What's the most dangerous consumer product right now? You said food, right? And that may be true generally, but as an individual product, leaf blowers. They destroy hearing. They're terrible for respiratory. They're not regulated in any way. The air that comes out of the end of these leaf blowers, Ralph, 200 miles an hour. It's like a hurricane in your backyard, spewing gas, making noise.

Ralph Nader: Okay, given what you say, why aren't major environmental groups working on this? What about Greenpeace? You used to head Greenpeace. We're talking with Peter Bahouth. Why aren't local or national environmental groups getting on this?

Peter Bahouth: I don't know, Ralph. It's a mystery to me. I think there really needs to be a national effort on leaf blowers. Now, you know, there used to be an office of noise pollution [Office of Noise Abatement and Control]. Ronald Reagan did away with it.

Ralph Nader: That's correct.

Peter Bahouth: You know that?

Ralph Nader: That's correct.

Peter Bahouth: Noise pollution is a big issue. It can really harm people's hearing. And of course it's very disruptive. They had an office that looked into noise pollution; it doesn't exist anymore, right? So that's one thing. But in terms of the particulate matter, it's really shocking to me that you can use these machines in your backyard when you wouldn't be allowed to use them up on the street or on a lake in your marine engine. But that's how little attention has been paid to this, that that's still allowed. And I can't for the life of me figure out why an organization like [National] Audubon [Society] [that] is concerned about birds and pollinators or Greenpeace wouldn't be doing an effort on this. I mean, I know they all have their hands full, but I can't stand it when I see all of these communities around the country just struggling on their own, trying to get ahold of how to deal with it. What happens at the local level, Ralph, by the way, if you do get your city council, you know, through enormous Herculean effort to do something about this, how do they enforce it? What do you do--call the police and say, there's a leaf blower next door? And they'll be gone by the time they come. And on what basis are you regulating? Is it the noise levels? You know, it's like telling the police to come to a party. They'll ask you to turn it down and go home. It's not important.

Ralph Nader: Cite the home that's using the...

Peter Bahouth: No, no, no, no, Ralph. No, Ralph, Ralph.

Ralph Nader: No, because they do that all the time for noisy parties - nuisance doctrine - you know that.

Peter Bahouth: Yeah, yeah. But Ralph, Ralph, see you got to understand [that] by the time they come, they're gone. What's happening is there's these landscaping companies; it's like an invasion. It's like an invasion in the morning. You get these landscaping companies; they do 10 properties and they leave. Most of the times, the owners aren't even home. They don't hear it. They might be at work. It's a little different now because people are home [and] their kids are home because of COVID. It's a little different. People are noticing it much, much more. I will say that. So there is an awareness that's gaining on this, but we've got a long way to go. The fact that there is no air support for this is a little tough.

Ralph Nader: Well, you're pretty rationally passionate about this. Why don't you send the same letter to 10 environmental groups and ask them to do something?

Peter Bahouth: I do. I do send it to them. I do write about it. You know, there's a couple of Facebook pages. And if you go on Facebook...

Ralph Nader: What's the response?

Peter Bahouth: I don't get one.

Ralph Nader: What's the response?

Peter Bahouth: I don't get one. Now maybe I'm writing to the wrong people. You know how it is. But it's just, I've told people, you know; I tried to promote the op-ed that I wrote in Dallas. I put it on my Facebook page. I sent it to people. I've got it on Greenpeace alumni, but, you know, it's...

Ralph Nader: The best approach, Peter, is prevention. That is you regulate the manufacturing, design, and construction of these leaf blowers.

Peter Bahouth: That's right. Nobody's working on the manufacturers. That's what I mean by no air support, no national effort. Nobody's working on the manufacturer. You can't expect these neighborhood groups to be going after the manufacturer. They don't have the skills. They don't have the tools for that. They don't have the resources.

Ralph Nader: Well, you got a new administration. You got a new administration. You got a new EPA [Environmental Protection Agency] head and other regulators. So it seems to me is that if you had a poll that there'd be a lot of people against these leaf blowers. Has there been a poll?

Peter Bahouth: But there's something else about this, Ralph. There's something else about this. When I go up and down my street, there's not a leaf on a lawn. We've given up the idea of sanctuary in our home where we're not being disturbed by noise and pollution for the sanctity of the lawn. Okay? Do you know what the number one crop in the United States is? Lawn--40 million acres. The number one crop in the United States is our lawns. So, everybody says, "Well, the guy next door to me, doesn't have any leaves on his lawn, so I can't have any leaves on this lawn." That's how we show that we're nice and neat and tidy, right? So, you know, there's not even—we've lost connection to this whole season is the problem. We've lost this connection to think that leaves aren't dangerous; they don't cause any harm; they don't have to be removed. I'm telling you, I can hear an hour of these leaf blowers, Ralph, simply because the owner next door doesn't want to see a leaf when he goes from his car to his door at night. That's how bad it's gotten. And you know, it's gone way beyond aren't these things an annoyance. It's like, when are we going to stop being so rude? When are we going to start understanding that nature has cycles, that there's no waste in nature, that leaves aren't litter? If you need to rake up leaves, or if you need to remove them once or twice a year, fine, but every week so there's not a leaf around? When did leaves ever hurt us?

Ralph Nader: How do people reach you with some feedback or requests?

Peter Bahouth: Well, I have an email. It's P as in Peter, B as in boy, A-H-O-U-T-H@gmail.com.

Ralph Nader: David, Steve, you want to jump in here?

David Feldman: Yeah, yeah. This is—

Peter Bahouth: There's some Facebook pages too, Ralph. Tell people that their Facebook pages -- ban leaf blowers. If they just looked up leaf blowers, you'll see some Facebook pages and that's kind of helpful.

David Feldman: They can't even get snowmobiles banned from like places like Yosemite and jet-skis on lakes. What about getting an army of activists? You rent 50 leaf blowers and stand outside Black+Decker [Inc.] headquarters and just keep the leaf blowers going for all day?

Peter Bahouth: You know, I don't want to...

David Feldman: I would join you if you did that.

Peter Bahouth: You know, there've been times that where I'm just pulling out my hair during the day listening to things. There's something very wrong about the first sound you hear in the morning is this whining.

David Feldman: Why not find out where this GM of Black+Decker lives and just stand outside his home all day?

Jerry Cox: As I said, that's not the kind of thing that the people that are affected by this want to do. It's neighbors. It's neighbors. They don't want to be in conflict with their neighbors. They want to share cookies with their neighbors. Whenever—you know, I've lived in my neighborhood for 22 years. Every time I've had a discussion or a disagreement with a neighbor, everybody brings the cookies out. They don't, you know, it's like, okay, settle down, settle down. People want to calm neighborhood. This is disruptive to the neighborhood, but they don't really know how to—they don't want to confront their neighbors. They need more help than that. Now the idea that you have, sure, I think that there could be organized [action] where we go out there, but what's that going to do? I mean, is that going to really...they're going to know you're going to go away. We need consistent national attention on this with some national resources. There's not even a grant to any organization on this issue. There's not one single grant to do anything [like] put out good material, to get some good studies done, to do some scientific surveys, to do some media about it. There's not one foundation that supports action on this.

Ralph Nader: Peter, while we're talking, I've been interrupted by four robocalls. So you get the robocalls inundating people inside their homes and these leaf blowers and other similar equipment outside their homes. There's got to be a dramatic way to raise visibility. And what David is saying is what you used to do up there in Alaska. You get in front of Black+Decker with all these leaf blowers and you'll get national news and that's the first step. Well, we're out of time, but this is something which definitely will be continued. We'll follow your challenges as they occur to you. And we'll see what else around the country can be mobilized on this.

Peter Bahouth: Hey, thanks for giving me the opportunity to be on.

Ralph Nader: You're welcome

Steve Skrovan: We've been speaking with Peter Bahouth. We will link to his op-ed at ralphnaderradiohour.com. Let's do some listener questions. David, start us off.

David Feldman: This first question comes to us from Ali Muhareb. "Dear Ralph Nader and the *Ralph Nader Radio Hour* crew, I'm a longtime listener to the show and longtime fan of your

work. My parents held a fundraiser for your 2000 presidential campaign, which familiarized me with you at an early age. I've been a staunch supporter since, even having the opportunity to see you speak in Portland a couple times. I studied philosophy at the University of Oregon, and as you might suspect, there's little demand for the philosopher these days, either in or out of the workplace. And although I take pride in my various creative pursuits or helping with a family business, I can't help but want more out of life. And your path is nothing short of inspirational to me. My question for you, Ralph, is simple. Should I go back to school for law and how can I help change the world for the better if I do? Thank you for being such a cogent and powerful voice in the age of disinformation.”

Ralph Nader: Well, thank you, Ali. I would always urge people to go to law school because they can become more powerful citizens even if they don't practice law. It's a tremendous tool. And if you're still in Portland, contact a public interest lawyer, whose name is Greg Kafoury. He's well-known in the Portland area. K-A-F-O-U-R-Y. He's a tort lawyer. He also goes up against a lot of official brutal behavior in Portland, and he was named “Trial lawyer of the year.” And I think he would resonate with what you want to do in the future and give you some good advice.

Steve Skrovan: Okay. Very good, Ali. Hope you can connect with Greg. Our next question comes from Cynthia Dean and she writes, “Ralph, wasn't it your father who posited the need for a safe haven for despots and dictators—a sanctuary where they could go without fear, thus enabling them to depart without waiting to be deposed? Thought of this re:[garding] the Trump and family.”

Ralph Nader: Well, he was talking at dinner one day and we were talking about why dictators after years in office still stay in office because they're always surrounded by people who hate them, want them out of office, trying to overthrow them, and they're full of fear themselves; brutal as they are, they're full of fear. So he thought an incentive to get them to retire would be some island in the Southern Hemisphere for despots and dictators to quit early and give them a safe sanctuary. Part of it was in jest, but there is this important point that a lot of the reason why these dictators never give it up is because they feel that's the most secure place for their future existence year after year.

David Feldman: I think that island exists. It's called Manhattan. And most of them own all the real estate here. [Nader laughs]

Steve Skrovan: My idea for Trump is that there's a big patch of plastic, the size of Texas, three times the size of France, that maybe the Trump family could go and they could build plastic golf courses on it and we can get some use out of that.

Ralph Nader: Well, I think Trump may be now looking for a country that doesn't have an extradition treaty to the US if the New York state law enforces prevail in their cases against him.

David Feldman: This next one is from Caroline Adessa. She writes, “Why does the federal government allow private insurers to use the word “Medicare” in private insurance plans? Most seniors don't understand that when they sign up for an advantage plan, they're effectively signing

out of the federal Medicare insurance program. Although I still work as an 1199 SEIU retiree, every few years, 1199 SEIU attempts to hardball their retirees into switching to an advantage plan. As of January 1st, 2021, all the retirees were automatically switched to an Aetna Advantage Plan unless they fought as I did to prevent that from happening.”

Ralph Nader: Well, Caroline, this is quite a story. If the facts bear you out across the board, SEIU is contracting with a private insurance company and trying to push its retirees into the so-called Medicare Advantage, which I call “Medicare Disadvantage Plan.” And who knows what commissions are changing hands here. AARP is doing the same thing. They're advertising in their AARP bulletin to elderly people to switch to Medicare Disadvantage. They call it Medicare Advantage because they have a contract with a giant UnitedHealthcare Insurance Company, and already over 40% of people over 65 on Medicare have been lured into these Medicare Disadvantage Plans, which were described by Dr. John Geyman. We've had him on the show. He's coming out with another book called the *Medical Industrial Complex*, and here's his take. “The claims of private Medicare HMOs that they will deliver better care at a lower price are not substantiated by experience. Instead, they need big government subsidies to make a profit. They often withdraw [from] markets and are not profitable enough as happened between 1998 and 2000 when they were paid 13% by the US government, more than traditional Medicare. And they left 2.4 million seniors without coverage when they exited the market.” It's a bad deal in many ways. We'll talk about it more when we have Dr. John Geyman on the program, after he publishes his forthcoming book, *America's Mighty Medical Industrial Complex: Negative Impacts and Positive Solutions*.

Steve Skrovan: Thanks for that question. This next one comes from David Sandbeck, and he's interested in, Ralph, your take on Biden's picks and would like to know in particular about what you expect from Gary Gensler who has been nominated to be the chairman of the Securities and Exchange Commission.

Ralph Nader: Well, Gary Gensler has had government experience in other regulatory agencies, and he has also had Wall Street experience. And he'll be a better SEC [Securities and Exchange Commission] chair than anyone that preceded him in the past few decades. He knows what the score is. Maybe he wants to provide a different type of regulation. The first thing I'm going to ask him is for him to restore the 1982 SEC rule that essentially prohibited almost all stock buybacks, classifying them as deceptive insider trading. Reagan got rid of it, and trillions of dollars have gone down the drain buying stock at the order of the CEOs to increase the yardsticks for their executive compensation. So contact Chairman Gensler [and] tell him what you think needs to be done to protect you as an investor from brokers, banks, and other financial institutions.

David Feldman: This next question comes to us from Evan Weissman. “I'd like to connect with Ralph or Steve or David. I run Warm Cookies of the Revolution, a civic health club in Denver. We've been making civic life necessary and fun and weird for almost a decade now. We engage folks who normally aren't involved in civic life—younger people, women, folks of color, and working-class people. We do it with comedy and music and culture. We've been making videos during COVID, and also a few different board books will be coming out soon--the ones you read to children, but these are for adults about being civic. It would be good to connect with you. You

can see our website, warmcookiesoftherevolution.org, and a project we did on participatory budgeting here at thismachinehasasoul.com.” Thanks. Keep up the good work, Evan.

Ralph Nader: That's a wonderful thing about the questions from our listening audience. Who would have ever known this outside of Denver? It's the kind of creativity that arises around the country that needs greater exposure by the media. So thank you for that idea. And I hope people will connect with the website so they can cook up something similar in their neighborhood.

Steve Skrovan: Thank you for those questions. I want to thank our guests again, Jerry Cox and Peter Bahouth. For those of you listening on the radio, that's our show. For you, podcasts listeners, stay tuned for some bonus material we call “The Wrap Up”. A transcript of this show will appear on the *Ralph Nader Rader Hour* website soon after the episode is posted.

David Feldman: Subscribe to us on our *Ralph Nader Rader Hour* YouTube channel. And for Ralph's weekly column, it's free, go to nader.org. For more from Russell Mokhiber, go to corporatecrimereporter.com.

Steve Skrovan: And Ralph has two books. *Wrecking America: How Trump's [Lawbreaking and] Lies Betray All*. He wrote that with Mark Green. And also, *The Ralph Nader and Family Cookbook: Classic Recipes from Lebanon and Beyond*. We will link to both of those.

David Feldman: The producers of the *Ralph Nader Rader Hour* are Jimmy Lee Wirt and Matthew Marran. Our executive producer is Alan Minsky.

Steve Skrovan: Our theme music “Stand Up, Rise Up” was written and performed by Kemp Harris. Our proofreader is Elisabeth Solomon. Our associate producer is Hannah Feldman.

David Feldman: Join us next week on the *Ralph Nader Rader Hour* when we'll be welcoming John Dacey to discuss private prisons and why they should be abolished. Thank you, Ralph.

Ralph Nader: Thank you everybody. If you don't want to use Amazon for progressive books and I urge you not to, there's an online bookstore on the West Coast, counterpunch.org. Go there. You'll see our books and other progressive books available.