

NHTSA Complete Record Information



Printed: 9/7/2005

NHTSA #: ES05-007361	Rec'd Date: 9/6/2005	Referred By: NEC-110
XREF #:	Doc Type: CNG	Doc Date: 7/27/2005
Delivery: MESSENGER ENV.	Address To: DOT/I	Due Date: 9/16/2005
S10 #:	DOT/I #: 2005-5041	RMP #:
Subject: EMAIL FM [REDACTED] REQUEST NHTSA TO INVESTIGATE THE SOFT TOP LATCH FAILURES ON THE 2001 MAZDA MX-3/MIATA, REPLY DIRECTLY TO THE CONSTITUENT, DOT/I# 2005-5041		
Ack Date:	Ack By:	Signed For:
Sign Office: SENIOR AA	Signature: RONALD MEDFORD	
VEHICLE SAFETY		
Cleared Date:	Cleared By:	Cleared For:
File Loc:	XREF File:	Closed Date:
Added By: SHARRIS x62534	Modified By: LOGLESBY	

COMPLETE CONTACT INFO:

MEL MARTINEZ
UNITED STATES SENATE

WASHINGTON, DC 20510
Tel: 202-224-3041 Fax: E-mail:

10135661

2005 SEP -7 PM 3:03

COMPLETE COMMENT INFO:

Comment Details	Comment
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COMPLETE ROUTING INFO:

Assigned To	Task	Asgn Date	Deadline	Returned Date
NVS-200	REPLY	9/7/2005	9/16/2005	
	Return Process	9/7/2005		9/7/2005
ODI	REPLY	9/7/2005	9/13/2005	
NVS-010	INFORMATION	9/7/2005		9/7/2005
NOA02	INFORMATION	9/7/2005		9/7/2005
NIA-110	INFORMATION	9/7/2005		9/7/2005
I10	INFORMATION	9/7/2005		9/7/2005
I20	INFORMATION	9/7/2005		9/7/2005

COMPLETE ATTACHMENT INFO:

Description	Added By	Date & Time
7361.tif	SHARRIS	9/7/2005 09:57:50 AM

*Main's copy
9/7/05*

MEL MARTINEZ
FLORIDA
(202) 224-7841

COMMITTEES:
AGING
BANKING
ENERGY AND NATURAL RESOURCES
FOREIGN RELATIONS

United States Senate

WASHINGTON, DC 20510-0808

July 27, 2005

Ms. Nicole Nason
Assistant Secretary for Governmental Affairs
U.S. Department of Transportation
400 Seventh Street SW, Room 1B408
Washington, District of Columbia 20590

Dear Ms. Nason:

I am contacting you on behalf of my constituent [REDACTED]

Mr. Piad is concerned about security concerns on soft top latches for Mazda MX-5 and Miata. I am enclosing his correspondence for your review. Please address your response to him directly.

Thank you for your attention to this matter. Please do not hesitate to contact me with any questions or comments.

Sincerely,



Mel Martinez
United States Senator

MM/gcp
Enclosure

2005-5041

ES05-007361



InterTrac[®]
for Government

Correspondence Tracking Sheet

Tracking # 3257-DC

██████████
Venice, FL
Sarasota ██████████

Phone: ██████████
Email: ██████████

██████████
Category: Transportation
Campaign / Group: Buck
Assigned To: Gina Plek
Status: Open
Received Via: Web
Date Received: 03/05/2005

Dear Mel:

As a fellow Cuban American and Republican, let me offer my heartfelt congratulations. We worked for you here in south Sarasota County and we were elated when you were elected. I was proud to cast my vote for you.

I would like to enlist your help in getting the attention of the Department of Transportation's National Highway Traffic Safety Administration to identify and take on a safety issue with a popular automobile.

The problem surrounds soft top latch failures on 2001 Mazda MX-5/Miata. Mazda underdesigned the convertible top latching mechanism for the 2001 Mazda Miata and it can unexpectedly unlatch the convertible top at highway speeds. The tops can tear off, causing havoc for the Miata driver and pieces of the top can tear off and strike other vehicles.

I do not know how accidents have been caused by this soft top latch failure. I have been doing as much research as possible to determine whether there have been any significant accidents due to 2001 Miata convertible tops being torn off. I do know that Mazda has known about the design and safety issue but they have never notified owners or filed a safety concern with the Department of Transportation. Mazda's corporate position is that they would fix the latches under warranty if an owner brings up the problem, however they will not do anything after the warranty expires. In many cases the latches do not start to wear until they are out of warranty. The design is very poor and flimsy. Mazda has redesigned the latches so they are more sturdy and make a positive latching that will not unexpectedly open.

I would appreciate any help that you could give me to forward my concern to the National Highway Traffic Safety Administration. I have tried to contact them on many occasions but the Dept of Transportation website is down and I cannot communicate with them. Below my name, address and phone number is a statement from a Mazda USA corporate representative admitting that they know about the latch safety problem, but that they made no attempt to warn owners nor will they do anything from a corporate standpoint to correct this potential safety

problem.

Thanks for any help you can give me,

[REDACTED]
Venice, FL [REDACTED]
[REDACTED]

(below is copy of email from Mazda)
[REDACTED]

Thanks for contacting Mazda.

In regards to your inquiry, please remember that a Service Bulletin is NOT a recall and is NOT a customer notification. Customers are never sent notifications about a Service Bulletin and they are not intended for customers.

Rather, they are designed for Dealership use to assist them with repairs. Service Bulletins do not necessarily indicate a model concern and do not indicate that a part should be replaced on any SPECIFIC VEHICLE. Rather, such bulletins are in place as a supplement for Dealerships in the event that a concern has actually been diagnosed. They assist with repairs not otherwise listed in their Workshop Manuals and do not represent a mandatory repair to a vehicle nor a recall of any parts.

I have confirmed that there are no recalls on your vehicle per the concern that you mentioned. However, there is one recall on your vehicle that you may have completed for free at any Mazda dealership. It is for the FOG LIGHT SOCKET HOLDER, recall 1103F. The necessary repairs for this campaign can be completed free of charge to you by an authorized Mazda dealer. A campaign letter is not necessary to have this campaign completed at a dealership. Once the repair/inspection is completed, the Mazda dealer will update our records to indicate that it has been completed.

While you're at the dealership for that recall, since you are experiencing a vehicle concern with the latch on your vehicle, simply have your vehicle inspected for it. If any technical service bulletins are relevant to any concerns that you have and can help the technicians finalize the repairs, they will be implemented as needed. Contact your Mazda dealership for an inspection of any concerns. We do not review for repair coverage through this office. Your warranty is expired, so any possible consideration to help you cover repair costs for the latch would only be done as a goodwill gesture. Such reviews are done with the Service Manager of your Mazda dealership and their area Mazda Representative, who is in place specifically for that purpose.

I will not have any involvement with any such reviews, nor will anyone at this office. However, if you'd like to speak to the Service Manager of your Mazda dealership while you're having the recall repaired, you can request that he initiate such a review with the representative that is responsible for doing so. I hope that this information helps!

You may also locate the authorized Mazda dealership that is closest to you by visiting our website at www.mazdausa.com/dealers/default.asp.

Again, thank you for contacting Mazda. It has been my pleasure to assist you.
Please take a moment to give us your opinion about our e-mail service.
Click or paste the link below to complete a brief, online survey.

<http://www.zoomerang.com/survey.zgi?p=WEB2F995V8E8>

Regards,

William Zdan
Specialist, Customer Assistance E-Business

Original Message Follows:

Form Message

Email Address: [REDACTED]
First Name: [REDACTED]
Last Name: [REDACTED]
Title: Mr.
Message Address: [REDACTED]
Message City: Venice
Message State: FL
Message Zip: [REDACTED]
Home Phone: [REDACTED]
Subject1: Ownership & Maintenance
Subject2: Recalls & Special Service Programs
Current Mazda Owner: true
Model: MX-5 Miata
Year: 2001
VIN: JM1NB3532 [REDACTED]

Message Body: Revid [REDACTED] - The right hand side soft top latch on my car is defective and comes loose. There is a technical bulletin on this defect, but I was never made aware of it by Mazda. The defective latch can come loose at speed and wind can tear the top off causing a very dangerous situation. Is there a special repair agreement for which I can take advantage to defray the total costs to repair this design defect?

Notes/Comments:

Route History:
07/27/2005 04:07 PM - Gina Plek - Printed Tracksheet
07/28/2005 10:43:11 AM - Coy Neal - Assigned to Gina Plek
3/18/2005 11:00:23 AM - Gina Plek - Updated via Modify Fields
3/18/2005 11:00:23 AM - Gina Plek - Assigned to Coy Neal
03/08/2005 03:43:33 PM - Created automatically by martinez-hd1 via InterTrac WebMail.

25-Aug-05

2005 Senate Report - Governmental Affairs Correspondence
Control Sheet (I-10), Room 10408

Control Number: 2005 -- 5041
Date DOT Received: 8/12/2005
Date DOT Entered: 8/12/2005
Member's Date: 8/12/2005
Member Last Name: Marlines
Member First Name: Mel
Member Organization: United States Senate
Address 1:
Address 2:
City: Washington
State: DC
Zip: 20510

Constituent File Number: [REDACTED]

Constituent Data:

Action Office: National Highway Traffic Safety Administration

Subject: soft top latches for Mazda MX-5 and Miata

Action Office Code: NHTSA

Due Date: 9/16/2005

Member Contact: SCP

Pending: Yes

Member Contact Phone: [REDACTED]

Closed Date:

Remarks:

Direct Reply/Comback Copy: Yes

Congressional Affairs Contact: Maria Harrison at (202) 366-4573

EXECUTIVE SECRETARIAT
2005 SEP -6 1 P 2 47
NATIONAL HIGHWAY
TRAFFIC SAFETY ADMIN