

CL-10195 7/16  
June 16, 2007

To: U. S. Department of Transportation  
National Highway Traffic Safety Administration  
Office of Defects Investigation (NVS-210)  
400 7<sup>th</sup> Street, SW  
Washington, DC 20590

2007 JUN 27 AM 9: 29

From: [REDACTED]  
[REDACTED]  
Stanton, CA [REDACTED]  
[REDACTED]  
E-mail: [REDACTED]

RE: Defective General Motors batteries leaking acid-should be recall issue

Dear Safety Investigator:

There has been an ongoing problem for well over 10 years now with General Motors vehicle batteries manufactured by ACDelco experiencing repetitive defects. The defects range from cracked connection terminals to terminals that have completely corroded and/or broken off the battery cell connections. When the terminal is significantly cracked or broken, it allows battery acid to spill out where vehicles are parked and in some cases the acid comes into contact with brake lines under the battery pan (as on my wife's 2001 Pontiac Grand Am SE-VIN 1G2NF52T01M [REDACTED]). These complaints are well documented on Ripoff Report.com. The complaints show a dangerous pattern that could result in serious vehicle failure (should the leaking acid come into contact with vehicle control systems), not to mention environmental contamination/damage from acid spilling onto roadways or running off into greenery areas near a parked vehicle.

My wife's car was purchased from Simpson Buick-GMC in Buena Park, CA on 12/31/01. On 3/10/03 the car wouldn't start. I gave it a jump and then, since the vehicle was still under the factory 36/36 warranty at the time, the car was driven to the dealer and the battery replaced (see copy of service order). The battery label states that it has a 75 month limited warranty. About a year and a half later, the car was intermittently leaking something (seemed to be water as it left rust stains on the garage floor). This was reported to different servicers when we took the car in for maintenance (including Simpson), but no cause was found.

Then on 7/18/06, my wife ran an errand to a local store. The car showed no signs of any problem when parked and turned off. When she came out, the car wouldn't start. No lights or anything, no click when turning the key. I gave the battery a jump and the car started. When I removed the jumper cable from the Pontiac's positive battery terminal, it seemed loose. When we arrived home, I wiggled the positive battery cable and the battery terminal had cracked all the way around, just barely making contact with the internal cell frame. The crack on the side terminal on the battery allowed battery acid to leak all over the battery pan, and also underneath it where all 4 of the brake lines were anchored in parallel arrangement. (See photos of battery and damage attached.) I called the dealer and said I had a defective battery that should be replaced because it had been replaced in early 2003 and was a 6 year warranty ACDelco "Professional" battery (what a joke). The service manager stated that the battery warranty ended when the original GM 36/36 warranty ended. I stated that it doesn't say that on the battery, and that the battery had only a little over 3 years use. (No telling when the actual problem started; it was only when I removed the battery to replace it did I figure out what happened.)

(Continued on next page)

aa  
6/27/07  
CC

Here is the e-mail I sent to ACDelco:

-----Original message follows-----

Name : [REDACTED]

Address : [REDACTED] Stanton, CA [REDACTED]

Country : United States

Primary Language : English

Daytime Phone Number : [REDACTED]

Evening Phone Number : [REDACTED]

Comments : Wife purchased 2001 Grand Am in late 2001. Within 2 years battery dead. New 6 year battery installed by Simpson Buick/GMC under warranty. Within 2 years noticed on & off leaking on garage floor that looked like rusty water residue. Finally one day about a year ago car wouldn't start. Checked battery--positive side terminal had broken off battery and was making intermittent contact; acid from battery had leaked on battery pan (also some corrosion on brake lines underneath). Contacted dealer, stated battery was barely 2 years old and that it stated ON THE BATTERY it had 6 year warranty. Dealer said because it was replaced at no charge before and that OEM car warranty had expired since, printed warranty on battery not relevant. Replaced battery myself with a DieHard for \$86.00. Cleaned up positive battery cable terminal w/wire brush and coated exposed metal with axle grease. Tightened new post bolt w/about 50-100 in.-lbs torque. Seemed OK until about a month ago when the temperature got unusually warm. Car wouldn't start; but when wiggled the positive battery cable heard "Click" then car started. Yesterday local mechanic replaced post bolt with something other than the original to get by for now. I am now forced to replace the positive battery cable too. I came across numerous reports of EXACTLY THE SAME THING online. THIS IS A RECALL ISSUE IN MY JUDGEMENT. GM, stop the denial and fix this. People are spending big bucks for your cars and your dealers are stonewalling about these defective batteries. I still have the old battery and pictures showing the side terminal completely broken off from the cell grid connection. I should be reimbursed for the battery since the OEM part was defective from DAY ONE; if it wasn't it would still be working today. -----

Email Address : [REDACTED]

Their response:

Fri, 27 Apr 2007 10:03:08 -0400

Thank you for writing ACDelco, [REDACTED]

We appreciate your e-mail regarding the battery in your vehicle. We are sorry to learn of your experience with this product.

A battery that comes with a new vehicle purchase is covered under the terms of the GM Bumper-to-Bumper warranty provided through General Motors. If a battery fails during this warranty term it is replaced. Once the Bumper-to-Bumper warranty has expired neither the original nor a replacement battery is warranted. General Motors assumes the warranty for all original equipment, not ACDelco. If you are concerned about the conditions of the Bumper-to-Bumper warranty coverage for your battery, please contact Pontiac Customer Assistance at 1-800-762-2737 or [www.pontiac.com](http://www.pontiac.com).

The ACDelco battery warranty, which is stated on the sticker, only applies to batteries purchased in the aftermarket (the warranty sticker does not state this), outside the boundaries of the Bumper-to-Bumper warranty. If your battery was purchased in the aftermarket, please call 1-800-ACDelco. We are sorry we cannot assist you further with this concern. If we can assist you in the future, please visit our website again. Thank you for your interest in ACDelco.

ACDelco Customer Assistance

By the way, nothing on the battery states that a 6 year warranty stops because it was replaced under warranty. (I am sending a scan copy of both sides of the warranty information pulloff from the side of the battery.)  
(cont.)

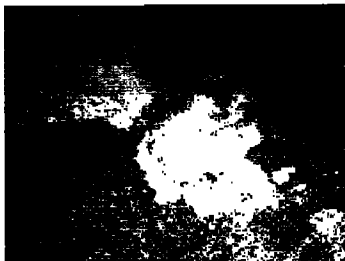
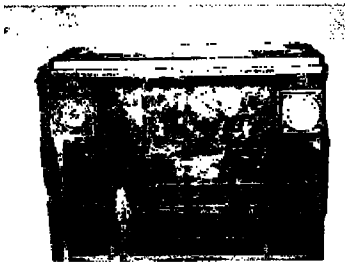
(I was in error about the brand of replacement battery I bought; it was an Energizer purchased through Pep Boys. I re-checked the receipt today.)

Figuring something was wrong considering I had never had to replace a battery more than once every five years or so, I checked out the Web site Ripoff Report.com

(<http://www.ripoffreport.com/searchresults.asp?q5=AC%20Delco%20-%20GM&q1=ALL&q4=&q6=&q3=&q2=&q7=&searchtype=0&submit2=Search%21&Search=Search>). As I suspected, this was not a unique case.

If this was a rare case or a failure to perform routine maintenance and not a possible safety and/or environmental hazard, I would chalk it up to experience and let it go. But considering the dangerous nature of this problem, I would urge that all GM vehicles that have had more than one OEM battery replaced in 4 years undergo inspection. The battery cables, battery pan and nearby wires/hoses/brake lines should be checked for possible damage due to acid leakage from a defective battery.

The following are pictures of the battery (showing the acid stain and the missing positive side terminal), the various areas where acid leakage was evident in the engine compartment, the stains left on our garage floor and the warranty tear-off sticker from the battery:



duration of this written warranty. The remedy provided above is the exclusive remedy under this written warranty or any implied warranty. Some jurisdictions do not allow limitations on how long an implied warranty will last or the exclusion or limitation of incidental or consequential damages, so the above limitations or exclusions may not apply to you. This warranty gives you specific legal rights, and you have other rights which vary from state to state (province to province in Canada). Direct inquiries to/Adres

I apologize for the length of this correspondence but felt it necessary to include as much background on this issue as possible. I would appreciate any information you have on any investigation into instances of battery failure such as this and what the course of action may be. I will also be sending a copy of this correspondence to the EPA (for environmental impact), the FTC and the California Department of Consumer Affairs (for failure to correct a known problem with these batteries and the unnecessary costs to the consumer). Please contact me if you require any additional information.

Most Sincerely,

[Redacted signature]