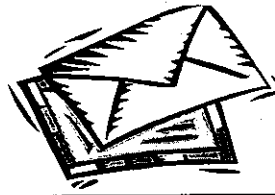


# NHTSA ccmMercury Routing Slip



Printed: 4/5/2011

|   |                                |                             |
|---|--------------------------------|-----------------------------|
| <b>NHTSA #:</b> ES11-002486   | <b>Rec'd Date:</b> 4/5/2011    | <b>Referred By:</b> NPO-011 |
| <b>XREF #:</b>  | <b>Doc Type:</b> CNG           | <b>Doc Date:</b> 4/1/2011   |
| <b>Delivery:</b> MESSENGER ENV.   | <b>Address To:</b> DOT/I       | <b>Due Date:</b> 4/22/2011  |
| <b>S10 #:</b>   | <b>DOT/I #:</b> 2011-2183      | <b>RMP #:</b>               |
| <b>Subject:</b> LETTER FROM CONGRESSMAN BROWN ON BEHALF OF CONSTITUENT [REDACTED] REGARDING THE SAFETY OF HIS VEHICLE; HE BELIEVES THAT A RECALL AFFECTING IT IS NOT ENTIRELY ENCOMPASSING OF THE ACTUAL PROBLEMS AND THAT IT REMAINS POTENTIALLY DANGEROUS |                                |                             |
| <b>Ack Date:</b>  | <b>Ack By:</b>                 | <b>Signed For:</b>          |
| <b>Sign Office:</b> DIR. GOVT. AFFAIRS  | <b>Signature:</b> CHAN LIEU    | <b>Cleared For:</b>         |
| <b>Cleared Date:</b>  | <b>Cleared By:</b>             | <b>Closed Date:</b>         |
| <b>File Loc:</b>  | <b>XREF File:</b>              |                             |
| <b>Added By:</b> TMAPP x62870   | <b>Modified By:</b> TAMMY.MAPP |                             |
| <b>Most Recent Comment:</b>   |                                |                             |

RECEIVED NHTSA  
 2011 APR -5  
 APR 18  
 ENGINEERING & OPERATIONS

**Author:**

THE HONORABLE SHERROD BROWN  
UNITED STATES SENATE

WASHINGTON, DC 20510

Tel: Fax: E-mail:

| Assigned To | Task        | Asgn Date | Deadline  | Returned Date |
|-------------|-------------|-----------|-----------|---------------|
| NVS-200     | REPLY       | 4/5/2011  | 4/22/2011 |               |
| NVS-010     | INFORMATION | 4/5/2011  |           | 4/5/2011      |
| NIA-110     | INFORMATION | 4/5/2011  |           | 4/5/2011      |

APR 6 2011

**SHERROD BROWN**  
OHIO

COMMITTEES:  
AGRICULTURE, NUTRITION,  
AND FORESTRY

BANKING, HOUSING,  
AND URBAN AFFAIRS

HEALTH, EDUCATION,  
LABOR, AND PENSIONS

VETERANS' AFFAIRS

SELECT COMMITTEE ON ETHICS

# United States Senate

WASHINGTON, DC 20510

April 1, 2011

Mr. Robert Letteney  
Deputy Assistant Secretary for Governmental Affairs  
Department Of Transportation  
1200 New Jersey Ave., S.E.  
Washington, District of Columbia 20590

Dear Mr. Letteney:

Enclosed please find a Request for Assistance from [REDACTED]

[REDACTED] has concerns about the safety of his vehicle, believes that a recall affecting it is not entirely encompassing of the actual problems, and it remains potentially dangerous.

Please review this matter and provide me with your comments and recommendations for any actions that can be taken to resolve this situation. Your response should be directed to my Cleveland office at 1301 East 9th Street, Suite 1710, Cleveland, Ohio 44114 (Phone: 216-522-7272; Fax: 216-522-2239).

Thank you for your attention to this request.

Sincerely,



Sherrod Brown  
United States Senator

SB:jp

Enclosure

cc: [REDACTED]

EXECUTIVE SECRETARIAT  
201 APR -5 A 9:58  
RECEIVED

ES11-002486



# Request for Assistance

SENATOR SHERROD BROWN

NAME [REDACTED] HOME PHONE [REDACTED]  
 ADDRESS [REDACTED] CELL PHONE ( ) \_\_\_\_\_  
 CITY New Albany, OH WORK PHONE ( ) \_\_\_\_\_  
 STATE OH ZIP [REDACTED] COUNTY FRANKLIN EMAIL [REDACTED]  
 SS# [REDACTED] Medicare# \_\_\_\_\_ CLAIM#/CASE# \_\_\_\_\_  
 (Provide these numbers only if necessary to investigate your case.)

Dear Senator Brown:

I am seeking your assistance in a personal matter involving the federal government. I hereby authorize your office to request, on my behalf, that the appropriate federal agency or agencies investigate the following:  
(Use reverse side or additional paper, as needed.)

PLEASE SEE ATTACHED

THANK YOU.

I further authorize, under the provisions of the Privacy Act of 1974, that the agency or agencies involved have my permission to disclose information from their records about my case or claim to the office of Senator Sherrod Brown.

SIGNATURE [REDACTED] DATE 3/30/2011

Please return this completed form and any other relevant information to:  
**Senator Sherrod Brown, 1301 East 9<sup>th</sup> Street, Suite 1710, Cleveland, OH 44114**  
**Phone: 216-522-7272 Fax: 216-522-2239**

03/30/2011 13:59 FAX 7403644200

.CTLSU

002

My 2001 Honda Passport VIN# 4S6DM58W914 [REDACTED] with 91000 miles was taken to Roush Honda in Westerville OH on 02.21.2011 due to Safety Recall "Corrosion on Lower Trailing Link Rear Brackets" Honda Service Bulletin 10-079, my individual Honda case #N012011032301392. I was advised after inspection that my vehicle was not safe to drive and it had tested at a stage 4 due to excessive corrosion to the frame. I work for State Farm Insurance handling total loss claims from Ohio, Kentucky, and Tennessee. Per conversations with Roush Honda along with professionals in my industry, this vehicle would ultimately be taken off the road. The morning of Wednesday March 23<sup>rd</sup>, I received a status of my vehicle being near completed and that the shop was awaiting a bolt. Since this time I've also been advised the bolt is on backorder until May and the shop is also awaiting paperwork from Honda with reference to my repairs. Roush was not aware, however through other complaints it has been mentioned Honda's paperwork includes a liability waiver for these repairs. While speaking directly to Roush Honda, I asked very clearly if this vehicle was safe for the road and was informed that Roush did everything Honda has asked. The awareness of liability is evident with the sidestepping of the question. I have a 2 year old son and will not put him in a vehicle when the shop completing the recall repairs cannot tell me the vehicle is road worthy. Upon this I have filed a complaint with the US Department of Transportation, reference #110329-000075 as well as the National Highway Traffic Safety Administration reference #10393605. While reviewing similar complaints I've learned Pennsylvania Senator Robert P. Casey Jr. was also notified of similar occurrences under NHTSA# ES11-001270. It's noted several cases where the vehicles being repaired cannot pass state safety inspections. Additionally, the vehicle referenced on the noted case was a stage 3, whereas mine is a stage 4. I also have since been notified through Roush Honda that at least one other vehicle is in their possession that is "worse" than mine. In Senator Casey's case, detailed documentation has been provided noting the head safety engineer through NHTSA Derek Rhinehart acknowledged the problem being the frames and not the brackets. It's also referenced that expanding the recall is being looked into. It is also noted that multiple media outlets are beginning to pick up on this injustice along with 2 examples. Lastly, the recent Toyota recall for faulty frames ties into these same issues. The frame supplier, Dana Manufacturing of Ohio (whom just reached settlement with Toyota) is also the same supplier for these vehicles, using the same assembly lines at the same times. Both Honda Passports and Isuzu Rodeos have been impacted with this recall as they were made in the same plant. Combining the incidents, complaints, and possible fatalities needs to be considered for each of the vehicles, not independently. I'm rapidly approaching being faced with a decision to protect my child and pawn this unsafe vehicle off on an innocent bystander. I morally cannot sell this vehicle to another party knowing the safety issues it presents. I cannot fathom how Honda is putting these vehicles back on the road purposely overlooking safety issues to improve or maintain the bottom line. I'm asking for assistance in having Honda, the benchmark for vehicle safety development, to recognize and address this issue in its entirety. I'm also asking for assistance in making this a priority for the NHTSA. Lastly, I'm asking for personal assistance with my individual case with Honda, and to have them buyback this vehicle using established valuation methods such as KBB or NADA retail so I'm able to replace it with a vehicle safe for the road, safe for my family.

Thank you in advance for your attention on this matter.

**NHTSA ccmMercury Routing Slip**



Printed: 2/24/2011

|  |                         |                      |
|--|-------------------------|----------------------|
| NHTSA #: ES11-001270   | Rec'd Date: 2/24/2011   | Referred By: NPO-011 |
| XREF #:  | Doc Type: CNG           | Doc Date: 2/17/2011  |
| Delivery: MESSENGER ENV.   | Address To: DOT/I       | Duo Date: 3/11/2011  |
| S10 #:   | DOT/I #: 2011-2146      | RMP #:               |
| <b>Subject: LETTER FROM CONGRESSMAN CASEY ON BEHALF OF CONSTITUENT [REDACTED] REGARDING SAFETY RECALL: "CORROSION ON LOWER TRAILING LINK FRONT BRACKETS" HONDA SERVICE BULLETIN 10-079 FOR HIS 2001 HONDA PASSPORT VIN #486DM58W014 [REDACTED]</b> |                         |                      |
| Ack Date:  | Ack By:                 | Signed For:          |
| Sign Office: DIR. GOVT. AFFAIRS  | Signature: CHAN LIEU    | Cleared For:         |
| Cleared Date:  | Cleared By:             | Closed Date:         |
| File Loc:  | XREF File:              |                      |
| Added By: TMAIPP x02870  | Modified By: TAMMY.MAPP |                      |
| Most Recent Comment:   |                         |                      |

**Author:**

THE HONORABLE ROBERT P CASEY, JR.  
UNITED STATES SENATE

WASHINGTON, DC 20510  
Tel: Fax: E-mail:

*CL-10385348-8491*

| Assigned To | Task        | Asgn Date | Deadline  | Returned Date |
|-------------|-------------|-----------|-----------|---------------|
| NVS-200     | REPLY       | 2/24/2011 | 3/11/2011 |               |
| NVS-010     | INFORMATION | 2/24/2011 |           | 2/24/2011     |
| NIA-110     | INFORMATION | 2/24/2011 |           | 2/24/2011     |

FEB 2 2011

**INFORMATION Redacted PURSUANT TO THE FREEDOM OF INFORMATION ACT (FOIA), 5 U.S.C. 552(B)(6)**

*MAC  
02/25/2011  
KB*

ROBERT P. CASEY, JR.  
PENNSYLVANIA

HARRISBURG OFFICE:  
22 S. THIRD STREET, SUITE 6A  
HARRISBURG, PA 17101  
(717) 231-7540  
<http://casey.senate.gov>

COMMITTEES:  
AGRICULTURE, NUTRITION,  
AND FORESTRY  
FOREIGN RELATIONS  
HEALTH, EDUCATION,  
LABOR, AND PENSIONS  
SPECIAL COMMITTEE ON AGING  
JOINT ECONOMIC

United States Senate  
WASHINGTON, DC 20510

February 17, 2011

Mr. Robert Letteney  
Deputy Assistant Secretary for Governmental Affairs  
U.S. Department of Transportation  
1200 New Jersey Avenue, SE  
Washington, DC 20590

Dear Mr. Letteney:

My office has been contacted by [REDACTED] regarding concerns about his 2001 Honda Passport. I am enclosing a copy of the correspondence I have received.

Please review [REDACTED] correspondence and provide a status regarding his concerns that I may share with him.

If you have any questions or need additional assistance, please contact Michael Deery in my Office of Constituent Services at (717) 231-7552.

Thank you for attention to this request.

Sincerely,

*Robert P. Casey, Jr.*

Robert P. Casey, Jr.  
United States Senator

ES11-001270

**Senator Robert P. Casey, Jr.**  
**Case Information and Privacy Act Release Form**  
 Please return to our office either by email, fax, or U.S. mail.  
 Office of Senator Robert P. Casey, Jr.  
 22 South Third Street, Suite 6-A  
 Harrisburg, PA 17101  
 (717) 231-7542 (fax)

Submitting this form to other offices will result in unnecessary delays.

The Privacy Act of 1974 is a federal law designed to protect you from any unauthorized use and exchange of personal information by federal agencies. Any information that a federal agency has on file regarding your dealings with the United States government may not, with a few exceptions, be given to another agency or Member of Congress without your written permission. Family members, friends, or other interested parties generally may not authorize on your behalf the release of information covered by the Privacy Act.

I hereby request the assistance of the office of Senator Robert P. Casey, Jr., to resolve the matter described on page 2 of this document. I authorize Senator Casey and his staff to receive any information they might need to provide this assistance.

I certify that the information I have provided to Senator Casey and his staff is true and accurate to the best of my knowledge and belief. The assistance I have requested from Senator Casey's office is in no way an attempt to evade or violate any federal, state, or local law.

SIGNED: \_\_\_\_\_ DATE: 2/17/11

Name: (please print) \_\_\_\_\_ Data of Birth: \_\_\_\_\_

Address: \_\_\_\_\_

City: WARRIORS MARK State: PA Zip Code: \_\_\_\_\_

Day Telephone: \_\_\_\_\_ Evening Telephone: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Federal Agency Involved: NHSA Case Number (if applicable): 10377069

Social Security Number (if applicable): \_\_\_\_\_ Passport Number (if applicable): \_\_\_\_\_

Do you currently have a case pending before a local, state or federal court pertaining to this matter?

YES: \_\_\_\_\_ NO:  If yes, please explain

**Senator Robert P. Casey, Jr.**  
**Case Information and Privacy Act Release Form**  
**Page 2**

Please describe the problem for which you are requesting assistance. You may attach additional sheets if necessary. Any documents sent to this office will be electronically archived and the documents will be destroyed. Do not send originals.

My 2001 Honda Passport Vin # 486DM58W014 [REDACTED] was taken in to Dix Honda in State College, PA on January 10, 2011 for Safety Recall: "Corrosion on Lower Trailing Link Front Brackets" (Honda Service Bulletin 10-079). The testing procedure involved pounding a 9" flat punch through the frame of the rear of the vehicle to test for structural defects. This procedure opened a hole approximately 3-inches wide x 12-inches long in the frame of the passenger side of the vehicle, rendering it unsafe. Despite my request to not attempt an illegal repair: a "loophole" in the NHTSA approved recall was taken advantage of by Honda via the Service Manager, Tom Latosky to rivet on a "Stage 3" 8-inch long repair bracket to partially cover the hole in the perforated rusted out frame and declare the vehicle "repaired"! However, the vehicle will now not pass PA safety inspection due to a 3" remaining hole in the frame and other frame perforations and the vehicle is unsafe for me or my family to use and is thus useless. Pictures taken before inspection, after the inspection procedure, and after repair procedure pictures are included. Both the local dealership and Honda of America are saying that it is "not their problem" despite meetings, numerous emails, and phone calls to resolve the issue. Similar vehicles are being bought back by Isuzu Motors—who originally manufactured the vehicles. The frame supplier, Dana Manufacturing of Ohio recently paid a \$25Million settlement to Toyota for faulty frames made on the same assembly line at the same time and used on recalled Tacoma trucks.

Specifically state the assistance you request from our office and the outcome you desire. Please include copies of any documents or materials you think we should have to assist with your case. Please limit your attachments to no more than 5 pages.

Please contact Dix Honda so that they are aware that their actions are illegal in the State of PA and that these actions are not acceptable and will not be tolerated.

Tom Latosky/Service Mgr: 814-238-6711  
 David Dix/Owner: 814-238-6711

Contact Honda of America to request that they fully comply with the intent of the NHTSA recall rather than trying to use loop-holes to avoid the proper avenue. Specifically, they should repair both my (and other vehicles) frames or buy back the vehicles if they will not pass PA inspection procedures after their "repair".

Bruce Wilson/Regional Manager: Pittsburgh  
 Matt Caldarella/ Customer Service Director: 1-800-899-1009 x117735  
 American Honda Motor Company Management  
 1919 Torrance Blvd, Torrance CA 90501

NHTSA should be contacted and forced to open an investigation/recall on the perforated frames since the issue is the frames rusting out and separating causing the vehicle to go out of control rather than the "lower trailing Link" as the recall states and Mr. Rhinehardt indicated this was simply "easier to implement." This was after acknowledging that the real problem is that the fully-boxed frames are rusting completely through from the inside-out!

NHTSA safety Engineer Derek Rhinehardt  
 NHTSSA Recall Management

03/30/2011 14:00 FAX 7403644200

CTLSU

007

Feb-17-2011 05:24 PM Senator Robert P. Casey, Jr. 7172317542

3/9

02/17/2011 16:03

PAGE 04/08

From: [REDACTED]  
 Sent: Wednesday, January 26, 2011 12:24 PM  
 To: 'Dave Dix'  
 Subject: RE: 01 Honda Passport Pics

Thanks for the quick reply Dave.

I most appreciate your help and agree that American Honda is indeed the primary responsible party--although I also believe a "Standard of Ethics" applies to a service department to conduct only road-safe and legal repairs. This is why many Honda and former Isuzu dealerships are refusing to conduct these unsafe repairs. In terms of my schedule, I am generally available tomorrow after 2 and could meet then or anytime after that. In addition, if you are able to pass along any some of the background below to Bruce, this may facilitate our discussion.

I very much hope that Honda recognizes the huge Public Relations hit that this represents. Both National and Local News Agencies are very interested in the results of these recalls and Honda's response to the safety concerns. Watching some of the news stories at [www.wtae.com/fr/26380582/detail.html](http://www.wtae.com/fr/26380582/detail.html) (Pittsburgh) or [www.thebostonherald.com/news/25244858/detail.html](http://www.thebostonherald.com/news/25244858/detail.html) (Boston) should give you some idea of what Honda stands to lose in reputation.

In my contact (Case # 1037069) with NHTSA's lead investigation engineer of the trailing arm recall, Derek Rihnhardt, he examined the pictures taken by Tom and agreed that the Stage 3 repair is unsafe they are now looking into expanding the recall since it is really the rusting frames that are the issue-- as anyone with common sense can clearly see. PENNDOT's inspection office in Harrisburg office examined the pictures and also verified that the repair will not meet PA safety standards and is thus considered illegal in the State of PA. As required, my next step will be to file with the PA Attorney Generals office and begin litigation per my attorney's advice.

I understand that Isuzu is buying back similar vehicles that do not meet safety standards after the "recall". I sincerely hope Honda will step up and do the same. Amazingly, I went through a frame-rust recall on my Toyota Tacoma which was bought back by Toyota; as a result I promptly spent \$43K on a new Tundra. The frame of my Tacoma and my wife's Passport were both manufactured by Dana Corporation on the same facility in Ohio. Two weeks ago, Dana agreed to a \$25M settlement payment to Toyota: [www.reuters.com/article/idUSTRE70B7KZ20110112](http://www.reuters.com/article/idUSTRE70B7KZ20110112).

Honda/Isuzu should be aware of the above settlement and step up and do the right thing and either replace the frames or conduct vehicle buy-backs. However, I am amazed that Honda--with so much more to lose in both reputation and lost revenue, would be so far behind Isuzu--who is not even selling passenger vehicles in the U.S. Unfortunately it could be Hondas past relationship with Isuzu that may very well result in former following the latter's path..

I look forward to the opportunity to further discuss the matter. Please let me know what time works best for Bruce and you.

Best Regards,

[REDACTED]  
State College, PA [REDACTED]

Cell: [REDACTED] Office: [REDACTED]

From: Dave Dix [mailto:ddix@dixhonda.com]  
Sent: Wednesday, January 26, 2011 11:09 AM  
To: [REDACTED]  
Subject: Re: 01 Honda Passport Pics

[REDACTED]  
I am sincerely sorry that you have experienced the rust problems with the Passport. When American Honda entered their agreement with Isuzu to produce the Passport, I am sure they had no idea what the future would hold. But that is neither here nor there. The point, I guess, is who should assume responsibility for the rusting of the frame on the Passport.

Tom Latosky, my service manager just informed me that Bruce Wilson, our American Honda service representative will be at our facility tomorrow. I know that it is short notice, but would you like me to set up a meeting with him sometime tomorrow? He is normally here most of the morning, and leaves early afternoon. Let me know if you could find some time to meet with him.

Thanks,  
Dave

On Jan 26, 2011, at 10:50 AM, [REDACTED] wrote:

David,

As promised attached are the pictures taken of the perforated frame taken as during Tom's inspection on my wife's 2001 Honda passport showing the 3" x 10" hole in the frame. I also have pictures taken prior to the test procedure and the vehicle is still at your dealership and the "repair" can be viewed there.

My initial Honda Case # is N032011-01-1901200 for your records, although I understand I must open a separate case # via Dix Honda. I most appreciate your prompt attention to the matter.  
Best Regards,

[REDACTED]  
[REDACTED] State College, PA [REDACTED]

Cell: [REDACTED] Office: [REDACTED]

From: Tom Latosky [mailto:latosky@dixhonda.com]  
Sent: Wednesday, January 26, 2011 12:15 PM  
To: [REDACTED]  
Subject: Re: 01 Honda Passport Pics

Per tech line and the Service Bulletin the findings in step 5 has you go to stage 3 repair, stage 4 testing procedure is not required.  
Attached are the photos that you requested.

Tom



*Office of US Senator Sherrod Brown*

**FAX TRANSMISSION**

**TO** Robert Lettner **DATE** 4/1/11

**FAX NUMBER** (202)366-3675

**NUMBER OF PAGES, INCLUDING THIS COVER SHEET** 10

**FROM: John Patterson**  
**U.S. Senator Sherrod Brown**  
**1301 East Ninth St., Suite 1710**  
**Cleveland, OH 44114**

**John\_Patterson@brown.senate.gov**

**Phone: 216-522-7272**

**Fax: 216-522-2239**

**Subject** [REDACTED]

01-Apr-11

2011 Senate Report - Governmental Affairs Correspondence  
Control Sheet (I-10), W85-328

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**Control Number:** 2011 – 2183  
**Date DOT Received:** 4/1/2011  
**Date DOT Entered:** 4/1/2011  
**Member's Date:** 4/1/2011  
**Member Last Name:** Brown  
**Member First Name:** Sherrod  
**Member Organization:** United States Senator  
**Address1** 1301 East Ninth Street, Suite 1710  
**Address2**  
**City:** Cleveland  
**State:** OH  
**Zip** 44114  
**Constituent File Name:** [REDACTED]  
**Constituent Date**  
**Action Office:** National Highway Traffic Safety Administration  
**Subject:** 2001 Honda Passport  
**Action Office Code:** NHTSA  
**Due Date:** 4 /22/2011  
**Member Contact:** John Patterson  
**Pending** Yes  
**Member Contact Phone:** (216) 522-7272  
**Closed Date:**  
**Remarks:**  
**Direct Reply/Comeback Copy** Yes  
**Congressional Affairs Contact**