

CL-10560909-1219

[REDACTED]
West Milford, NJ [REDACTED]
May 31, 2014

David J. Friedman, Acting Director
NHTSA
1200 New Jersey Avenue, SE
West Building
Washington, DC 20590

JUN 10 2014

Dear Mr. Friedman,

Since January of this year, I have sent four letters to NHTSA. Three of the letters requested a response. These, with copies of related correspondences, described a failure of the hydraulic brake system in my 2002 VW Passat. The letters also disclosed other owner's vehicles with similar failures for that given model and year. Because these safety issues have not been acknowledged, I am compelled to seek redress elsewhere.

I am enclosing a copy of my recent letter to Senator Cory A. Booker (NJ). The letter describes what I believe was a lapse of sound judgment on the part of NHTSA to adequately investigate brake failures with Volkswagen of America's 2002 Passats. These cars were known, since 2007, to have brake failures due to water incursion to their hydraulic braking systems. NHTSA apparently gave Volkswagen a "pass" and did not require a safety recall. Instead, NHTSA allowed VW to issue a "Service Action" letter (P9). Since the time of that service action campaign, at least 13 complaints (3 this year, including my own) have been filed with NHTSA by owners of 2002 Passats. These 13 complaints described hydraulic brake failures very similar to the brake failures purportedly investigated by NHTSA in 2007. These brake failures, after the "fix," would further suggest that Volkswagen designed and implemented an ineffective and substandard remediation for their service action (P9).

I would appreciate hearing from you regarding this very serious safety matter.

Sincerely,

[REDACTED]
NHTSA ID Number: 10560909

NM
6/18/14
SMP

West Milford, NJ
May 27, 2014

The Honorable Senator Cory A. Booker
Member, Committee Commerce, Science & Transportation
Subcommittee on Consumer Protection, Product Safety, and Insurance
United States Senate
Washington, DC 20510

Dear Senator Booker,

I would like to bring to the attention of your subcommittee a safety issue that the National Highway Traffic Safety Administration has not addressed with Volkswagen of America.

During the past four months I have written to NHTSA highlighting a serious safety concern with Volkswagen's Passats manufactured on or around 2002. The issue involves Volkswagen being allowed by NHTSA to issue only a service campaign, allowing them to avoid the far more serious safety recall campaign. Beginning in 2007, Volkswagen sent out a "Service Action" letter (P9) to modify a plenum, or tub, which holds the car's brake vacuum booster. (Please see the attached letter from VW.) This plenum was well known by Volkswagen to collect debris and prevent water from properly draining out of it. The clogging from the debris caused the plenum, with its brake booster, to fill with rainwater. Once the plenum was flooded, the vacuum booster would draw water in and cause the brakes to work poorly or fail completely. The obvious consequences from this failure could be fatal accidents.

Volkswagen knew of this flooding for some time yet failed to adequately notify customers of its lethality. Nor did they adequately explain to their customers that the brakes could completely fail if the plenum was to fill with water. When one reviews the attached service action letter, it becomes readily apparent that Volkswagen did not disclose the seriousness of the problem. Furthermore, Volkswagen did not properly remediate the recurring flooding of the brake booster as supported by at least 13 known complaints of brake booster failures reported to NHTSA after Volkswagen's service action (P9) in 2007/ 2008.

It appears to me that NHTSA was negligent in allowing VW of America to avoid a safety recall campaign on this serious and potentially lethal defect. Instead, they allowed VW to classify the safety defect as a "Service Campaign." Because of NHTSA's apparent laxity, Volkswagen was not required to inform customers of the seriousness of this problem.

Volkswagen of America also appears to be negligent as they failed to properly remediate the flooding of the plenum and brake booster as detailed by the above 13 complainants.

To support my claims, I am enclosing copies of my letters to Volkswagen of Germany, Volkswagen of America, and NHTSA. These copies are also available under "Documents" in my formal complaint to NHTSA. (NHTSA ID Number 10560909) I am also including the 13 related complaint letters sent to NHTSA as well as Volkswagen's Service Action letter from 2007.

I urge you and members of your subcommittee to investigate what I believe is a failure of NHTSA to effectively protect the American consumer from negligence of auto manufacturers, in this case, Volkswagen of America.

I am looking forward to hearing from you.

Sincerely,



cc:

Hon. Senator John D. Rockefeller, Chairman of the Committee on Commerce,
Science & Transportation

Hon. Claire McCaskill, Chairman of the Subcommittee on Consumer Protection,
Product Safety, and Insurance

David J. Friedman, Acting Director of NHTSA

Michael Horn, President and CEO of Volkswagen Group of America, Inc.

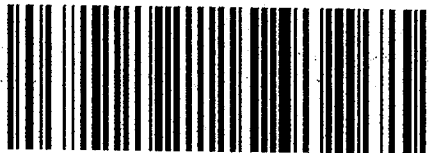
Volkswagen of America, Customer Care

Volkswagen of America, Product Compliance

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE
CERTIFIED MAIL™

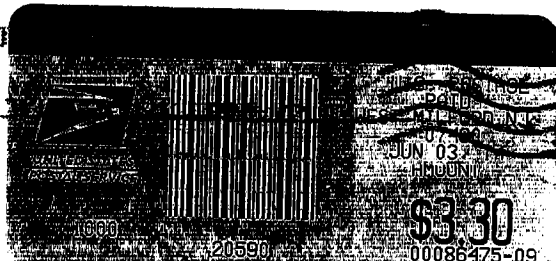
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West Milford, NJ [Redacted]



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David J. Friedman, Acting Director
NHTSA
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West Building
Washington, DC 20590

