



U.S. Department
of Transportation
**National Highway
Traffic Safety
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20690

JUL 21 2005

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Brad Pearson, Automotive Fluid Manager
Dow Automotive
1250 Harmon Road
Auburn Hills, MI 48326

NVS-214bby
EA05-005

Dear Mr. Pearson:

The Office of Defects Investigation (ODI) is conducting an investigation (EA05-005) of under hood fires resulting from a short circuit in the Speed Control Deactivation Switch (SCDS) in model year (MY) 1995 through 2002 Ford 150, Ford Expedition, and Lincoln Navigator vehicles manufactured by Ford Motor Company. These fires can occur while the vehicle is parked with the key out of the ignition. As part of our investigation, we are analyzing the brake fluid that is used in the subject vehicles and how this brake fluid might be affecting the seals in the SCDS. Therefore, we are requesting information concerning the brake fluid manufactured for use in the subject vehicles identified below.

- **Subject Vehicles:** All MY 1995 through 2002 Ford F150, Ford Expedition, and Lincoln Navigator vehicles.
- **Dow Automotive:** Dow Automotive Corporation, and all of its past and present officers and employees, whether assigned to its principal offices or any of its field or other locations, including all of its divisions, subsidiaries (whether or not incorporated) and affiliated enterprises and all of their headquarters, regional, zone and other offices and their employees, and all agents, contractors, consultants, attorneys and law firms and other persons engaged directly or indirectly (e.g., employee of a consultant) by or under the control of Dow Automotive (including all business units and persons previously referred to), who are or, in or after 1995, were involved in any way with any of the following related to the brake fluid used in the subject vehicles:
 - a. Design, engineering, analysis, modification or production (e.g. quality control);
 - b. Testing, assessment or evaluation;
 - c. Consideration, or recognition of potential or actual defects, reporting, record-keeping and information management, (e.g., complaints, field reports, warranty information, part sales), analysis, claims, or lawsuits; or



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888-327-4238

d. Communication to, from or intended for zone representatives, fleets, dealers, or other field locations, including but not limited to people who have the capacity to obtain information from dealers.

- **Subject Condition:** Non-Crash related engine compartment fire.
- **Subject Brake Fluid:** Any brake fluid sold to Ford for installation as original equipment on the subject vehicles.
- **Document:** "Document(s)" is used in the broadest sense of the word and shall mean all original written, printed, typed, recorded, or graphic matter whatsoever, however produced or reproduced, of every kind, nature, and description, and all non-identical copies of both sides thereof, including, but not limited to, papers, letters, memoranda, correspondence, communications, electronic mail (e-mail) messages (existing in hard copy and/or in electronic storage), faxes, mailgrams, telegrams, cables, telex messages, notes, annotations, working papers, drafts, minutes, records, audio and video recordings, data, databases, other information bases, summaries, charts, tables, graphics, other visual displays, photographs, statements, interviews, opinions, reports, newspaper articles, studies, analyses, evaluations, interpretations, contracts, agreements, jottings, agendas, bulletins, notices, announcements, instructions, blueprints, drawings, as-builts, changes, manuals, publications, work schedules, journals, statistical data, desk, portable and computer calendars, appointment books, diaries, travel reports, lists, tabulations, computer printouts, data processing program libraries, data processing inputs and outputs, microfilms, microfiches, statements for services, resolutions, financial statements, governmental records, business records, personnel records, work orders, pleadings, discovery in any form, affidavits, motions, responses to discovery, all transcripts, administrative filings and all mechanical, magnetic, photographic and electronic records or recordings of any kind, including any storage media associated with computers, including, but not limited to, information on hard drives, floppy disks, backup tapes, and zip drives, electronic communications, including but not limited to, the Internet and shall include any drafts or revisions pertaining to any of the foregoing, all other things similar to any of the foregoing, however denominated by Dow Automotive, any other data compilations from which information can be obtained, translated if necessary, into a usable form and any other documents. For purposes of this request, any document, which contains any note, comment, addition, deletion, insertion, annotation, or otherwise comprises a non-identical copy of another document shall be treated as a separate document subject to production. In all cases where original and any non-identical copies are not available, "document(s)" also means any identical copies of the original and all non-identical copies thereof. Any document, record, graph, chart, film or photograph originally produced in color must be provided in color. Furnish all documents whether verified by the manufacturer or not. If a document is not in the English language, provide both the original document and an English translation of the document.
- **Other Terms:** To the extent that they are used in these information requests, the terms "claim," "consumer complaint," "dealer field report," "field report," "fire," "fleet," "good will," "make," "model," "model year," "notice," "property damage," "property damage

claim," "rollover," "type," "warranty," "warranty adjustment," and "warranty claim," whether used in singular or in plural form, have the same meaning as found in 49 CFR 579.4.

To assist my staff in its ongoing investigation discussed on page 1, we are requesting information pertaining to certain Dow Automotive products pursuant to 49 U.S.C. § 30166. To this end, please provide numbered responses to the following information requests. Insofar as Dow Automotive has previously provided a document to ODI, Dow Automotive may produce it again or identify the document, the document submission to ODI in which it was included and the precise location in that submission where the document is located. When documents are produced, the documents shall be produced in an identified, organized manner that corresponds with the organization of this information request letter (including all individual requests and subparts). When documents are produced and the documents would not, standing alone, be self-explanatory, the production of documents shall be supplemented and accompanied by explanation.

Please repeat the applicable request verbatim above each response. After Dow Automotives' response to each request, identify the source of the information and indicate the last date the information was gathered. If requested information is unavailable, so state and provide a brief explanation. Along with your written response, please provide this information in Microsoft Word 2000, or a compatible format, entitled "IR Response".

1. State by model and model year the part number for the subject brake fluid sold to Ford for installation as original equipment on the subject vehicles.

Provide the information for this request in a Microsoft Excel 2000 format (or a compatible format). Entitle the table "Peer Request Number 1 Data". See Enclosure 1, Data Collection Disk, for a pre-formatted table that provides further details regarding this submission.

2. Provide the Material Safety Data Sheets (MSDS) for each of the brake fluid identified in response to question number 1.
3. For each part number of brake fluid(s) identified in the response to question number 1, provide the original chemical composition of the brake fluid. This composition description should include any intentionally added compounds and the approximate percent composition of all compounds identified. Along with the original chemical composition, provide by model and model year all significant modifications or changes made by or on behalf of Dow Automotive in the manufacture, design, or material composition of the subject brake fluid used in the subject vehicles. The following information must be included for each such modification or change:
 - a. The make and model year of the vehicle that the design applies to;
 - b. The date, or approximate date on which the modification or change was incorporated into production;
 - c. A description of the modification or change;
 - d. The reason for the modification or change;

- e. The part number of the modified part;
- f. Whether the original unmodified brake fluid design was withdrawn from sale, and if so, when.

This letter is being sent to Dow Automotive pursuant to 49 U.S.C. § 30166, which authorizes NHTSA to conduct any investigation that may be necessary to enforce Chapter 301 of Title 49 and to request reports and the production of things. It constitutes a new request for information. Dow Automotives' failure to respond promptly and fully to this letter could subject Dow Automotive to civil penalties pursuant to 49 U.S.C. § 30165 or lead to an action for injunctive relief pursuant to 49 U.S.C. § 30163. (Other remedies and sanctions are available as well.) Please note that maximum civil penalties under 49 U.S.C. § 30165 have increased as a result of the recent enactment of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act, Public Law No. 106-414 (signed November 1, 2000). Section 5(a) of the TREAD Act, codified at 49 U.S.C. § 30165(b), provides for civil penalties of up to \$5,000 per day, with a maximum of \$15 million for a related series of violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. This includes failing to respond to ODI information requests.

If Dow Automotive cannot respond to any specific request or subpart(s) thereof, please state the reason why it is unable to do so. If on the basis of attorney-client, attorney work product, or other privilege, Dow Automotive does not submit one or more requested documents or items of information in response to this information request, Dow Automotive must provide a privilege log identifying each document or item withheld, and stating the date, subject or title, the name and position of the person(s) from, and the person(s) to whom it was sent, and the name and position of any other recipient (to include all carbon copies or blind carbon copies), the nature of that information or material, and the basis for the claim of privilege and why that privilege applies.

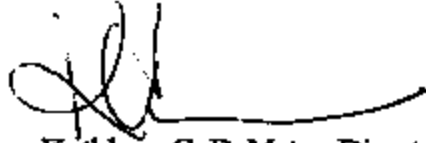
Dow Automotives' response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by **August 8, 2005**. Please refer to **EA05-005** in Dow Automotives' response to this letter. If Dow Automotive finds that it is unable to provide all of the information requested within the time allotted, Dow Automotive must request an extension from me at (202) 366-5207 no later than five business days before the response due date. If Dow Automotive is unable to provide all of the information requested by the original deadline, it must submit a partial response by the original deadline with whatever information Dow Automotive then has available, even if an extension has been granted.

If Dow Automotive claims that any of the information or documents provided in response to this information request constitute confidential commercial material within the meaning of 5 U.S.C. § 552(b)(4), or are protected from disclosure pursuant to 18 U.S.C. § 1905, Dow Automotive must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with 49 CFR Part 512, to the Office of Chief Counsel (NCC-113), National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street, S.W., Washington, D.C. 20590. Dow Automotive is required to submit two copies of the documents containing allegedly confidential information (except only one copy of blueprints)

and one copy of the documents from which information claimed to be confidential has been deleted.

If you have any technical questions concerning this matter, please call Bruce York of my staff at (202) 366-6938.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. DeMeter', with a long horizontal flourish extending to the right.

**Kathleen C. DeMeter, Director
Office of Defects Investigation
Enforcement**

Enclosures: One CD ROM titled Data Collection Disc containing one files.