



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

1200 New Jersey Avenue SE
Washington, DC 20590

APR 30 2008

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

William R. Willen
Product Legal Group
American Honda Motor Company, Inc.
1919 Torrance Boulevard
Torrance, CA 90501-2746

NVS-212mjl
PE08-026

Dear Mr. Willen:

This letter is to inform you that the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) has opened a Preliminary Evaluation (PE08-026) to investigate allegations of unexpected closing of the power liftgate on model year (MY) 2005 Honda Odyssey vehicles equipped with the optional power liftgate feature. As part of the investigation, this letter requests certain information from American Honda Motor Company, Inc. (Honda).

As you know, as a part of the investigation of unexpected closing of the power liftgates in certain Toyota Sienna vehicles (EA06-020), ODI collected data from peer minivan vehicle manufacturers. The data included the number of complaints, injuries, and warranty claims related to liftgate strut failures in several non-Toyota model minivans, including the Honda Odyssey. ODI's review of that data indicates that Honda has received complaints and reports of alleged injury which appear to be linked to failure of the Odyssey liftgate struts. Although this office has not received any Vehicle Owner's Questionnaire reports related to the alleged defect in the MY 2005 Honda Odyssey vehicles, ODI has decided to open an investigation based on the ODI review of the data provided by Honda.

Unless otherwise stated in the text, the following definitions apply to these information requests:

- **Subject vehicles:** All MY 2005 through 2007 Honda Odyssey vehicles equipped with power liftgates.
- **Subject component:** Liftgate struts.
- **Honda:** American Honda Motor Company, Inc., 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 their 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 Honda (including all business units and persons previously referred to), who are or, in or after 2003, were involved in any way with any of the following related to the alleged defect 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
 - 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.
- **Alleged defect:** Any one or more of the following: failure of the liftgate struts to hold the liftgate in the open position or other failure or malfunction of the liftgate strut(s) or parts therein; unexpected closing of the liftgate; and failure of the liftgate to remain open.
 - **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 Honda, 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 Honda 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.

In order for my staff to evaluate the alleged defect, certain information is required. Pursuant to 49 U.S.C. § 30166, please provide numbered responses to the following information requests. Insofar as Honda has previously provided a document to ODI, Honda 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 Honda’s response to each request, identify the source of the information and indicate the last date the information was gathered.

1. State, by model and model year, the number of the subject vehicles Honda has manufactured for sale or lease in the United States. Separately, for each subject vehicle manufactured to date by Honda, state the following:
 - a. Vehicle identification number (VIN);
 - b. Make;
 - c. Model;
 - d. Model Year;
 - e. Date of manufacture;
 - f. Date warranty coverage commenced; and
 - g. The State in the United States where the vehicle was originally sold or leased (or delivered for sale or lease).

Provide the table in Microsoft Access 2000, or a compatible format, entitled “PRODUCTION DATA.”

2. State the number of each of the following, received by Honda, or of which Honda is otherwise aware, which relate to, or may relate to, the alleged defect in the subject vehicles:
 - a. Consumer complaints, including those from fleet operators;

- b. Field reports, including dealer field reports;
- c. Reports involving a crash, injury, or fatality, based on claims against the manufacturer involving a death or injury, notices received by the manufacturer alleging or proving that a death or injury was caused by a possible defect in a subject vehicle, property damage claims, consumer complaints, or field reports;
- d. Property damage claims;
- e. Third-party arbitration proceedings where Honda is or was a party to the arbitration; and
- f. Lawsuits, both pending and closed, in which Honda is or was a defendant or codefendant.

For subparts "a" through "f," state the total number of each item (e.g., consumer complaints, field reports, etc.) separately. Multiple incidents involving the same vehicle are to be counted separately. Multiple reports of the same incident are also to be counted separately (i.e., a consumer complaint and a field report involving the same incident in which a crash occurred are to be counted as a crash report, a field report and a consumer complaint).

In addition, for items "c" through "f," provide a summary description of the alleged problem and causal and contributing factors and Honda's assessment of the problem, with a summary of the significant underlying facts and evidence. For items "e" and "f," identify the parties to the action, as well as the caption, court, docket number, and date on which the complaint or other document initiating the action was filed.

3. Separately, for each item (complaint, report, claim, notice, or matter) within the scope of your response to Request No. 2, state the following information:
 - a. Honda's file number or other identifier used;
 - b. The category of the item, as identified in Request No. 2 (i.e., consumer complaint, field report, etc.);
 - c. Vehicle owner or fleet name (and fleet contact person), address, and telephone number;
 - d. Vehicle's VIN;
 - e. Vehicle's make, model and model year;
 - f. Vehicle's mileage at time of incident;
 - g. Incident date;
 - h. Report or claim date;
 - i. Whether a crash is alleged;
 - j. Whether property damage is alleged;
 - k. Number of alleged injuries, if any; and
 - l. Number of alleged fatalities, if any.

Provide this information in Microsoft Access 2000, or a compatible format, entitled "REQUEST NUMBER TWO DATA."

4. Produce copies of all documents related to each item within the scope of Request No. 2. Organize the documents separately by category (i.e., consumer complaints, field reports, etc.) and describe the method Honda used for organizing the documents.
5. State, by model and model year, a total count for all of the following categories of claims, collectively, that have been paid by Honda to date that relate to, or may relate to, the alleged

defect in the subject vehicles: warranty claims; extended warranty claims; claims for good will services that were provided; field, zone, or similar adjustments and reimbursements; and warranty claims or repairs made in accordance with a procedure specified in a technical service bulletin or customer satisfaction campaign.

Separately, for each such claim, state the following information:

- a. Honda's claim number;
- b. Vehicle owner or fleet name (and fleet contact person) and telephone number;
- c. VIN;
- d. Repair date;
- e. Vehicle mileage at time of repair;
- f. Repairing dealer's or facility's name, telephone number, city and state or ZIP code;
- g. Labor operation number;
- h. Problem code;
- i. Replacement part number(s) and description(s);
- j. Concern stated by customer; and
- k. Comment, if any, by dealer/technician relating to claim and/or repair.

Provide this information in Microsoft Access 2000, or a compatible format, entitled "WARRANTY DATA."

6. Describe in detail the search criteria used by Honda to identify the claims identified in response to Request No. 5, including the labor operations, problem codes, part numbers and any other pertinent parameters used. Provide a list of all labor operations, labor operation descriptions, problem codes, and problem code descriptions applicable to the alleged defect in the subject vehicles. State, by make and model year, the terms of the new vehicle warranty coverage offered by Honda on the subject vehicles (i.e., the number of months and mileage for which coverage is provided and the vehicle systems that are covered). Describe any extended warranty coverage option(s) that Honda offered for the subject vehicles and state by option, model, and model year, the number of vehicles that are covered under each such extended warranty.
7. Produce copies of all service, warranty, and other documents that relate to, or may relate to, the alleged defect in the subject vehicles, that Honda has issued to any dealers, regional or zone offices, field offices, fleet purchasers, or other entities. This includes, but is not limited to, bulletins, advisories, informational documents, training documents, or other documents or communications, with the exception of standard shop manuals. Also include the latest draft copy of any communication that Honda is planning to issue within the next 120 days.
8. Describe all assessments, analyses, tests, test results, studies, surveys, simulations, investigations, inquiries and/or evaluations (collectively, "actions") that relate to, or may relate to, the alleged defect in the subject vehicles that have been conducted, are being conducted, are planned, or are being planned by, or for, Honda. This includes but is not limited to any and all actions by the subject component manufacturer relating to the alleged defect. For each such action, provide the following information:
 - a. Action title or identifier;

- b. The actual or planned start date;
- c. The actual or expected end date;
- d. Brief summary of the subject and objective of the action;
- e. Engineering group(s)/supplier(s) responsible for designing and for conducting the action; and
- f. A brief summary of the findings and/or conclusions resulting from the action.

For each action identified, provide copies of all documents related to the action, regardless of whether the documents are in interim, draft, or final form. Organize the documents chronologically by action. If an action is not complete, provide a detailed schedule for the work to be done, tentative findings and/or conclusions, and provide an update within 10 days of completion of the action.

- 9. State all design and performance specifications, requirements, guidelines, and estimated performance characteristics developed and/or used by Honda or on its behalf (e.g., by a supplier) that were suggested, considered, and/or used in the design of the subject component as originally designed for MY 2005 subject vehicles, including:
 - a. The strut lifting capacity (in pounds force), including lifting capacity at different strut extension lengths and at different ambient temperatures, when the struts are new and as the strut lifting capacity degrades over time/usage;
 - b. The design usage cycles (one cycle comprising an extension and compression) from when the strut is installed on the subject vehicles until the strut can no longer maintain the liftgate in the full open position;
 - c. The expected usage cycles (one cycle comprising an extension and compression) from when the strut is installed on the subject vehicles until the strut can no longer maintain the liftgate in the full open position;
 - d. The design wear rate (stated as a percentage of initial lifting force diminished over time or other rate or number used by Honda or its supplier) of the subject component installed on a subject vehicle;
 - e. The expected wear rate (stated as a percentage of initial lifting force diminished over time) of the subject component installed on a subject vehicle; and
 - f. The estimated usage rate in the field and expected amount of time a strut will be in service on a subject vehicle before the strut is no longer capable of maintaining the liftgate in the full open position.
- 10. Produce copies of all documents relating to your response to Request No. 9.
- 11. Produce all documents reflecting communication(s) with the supplier of the subject component relating to your response to Request No. 9.
- 12. Produce copies of all engineering specifications and drawings for the subject component, including but not limited to each item relating to your response to Request No. 9.
- 13. Describe all modifications or changes made by or on behalf of Honda (e.g., by a supplier) in the design, material composition, manufacture, quality control, supply, or installation of the subject component, from the start of production of the subject component for the MY 2005

and/or later subject vehicles to the date of this letter. For each such modification or change, provide the following information:

- a. The date or approximate date on which the modification or change was incorporated into vehicle production;
- b. A detailed description of the modification or change;
- c. The reason(s) for the modification or change;
- d. The part number(s) (engineering and service) of the original component;
- e. The part number(s) (engineering and service) of the modified component;
- f. Whether the original unmodified component was withdrawn from production and/or sale, and if so, when;
- g. When the modified component was made available as a service component;
- h. Whether the modified component can be interchanged with earlier production components; and
- i. State all design and performance specifications, requirements, guidelines, and estimated performance characteristics developed and/or used by Honda or on its behalf that were suggested, considered, and/or used in the design of the modified component, including:
 - i) The modified strut lifting capacity (in pounds force), including lifting capacity at different strut extension lengths and at different ambient temperatures, when the struts are new and as the strut lifting capacity degrades over time/usage;
 - ii) The design usage cycles (one cycle comprising an extension and compression) from when the modified strut is installed on the subject vehicles until the strut can no longer maintain the liftgate in the full open position;
 - iii) The expected usage cycles (one cycle comprising an extension and compression) from when the modified strut is installed on the subject vehicles until the strut can no longer maintain the liftgate in the full open position;
 - iv) The design wear rate (stated as a percentage of initial lifting force diminished over time or other rate or number used by Honda or its supplier) of the modified component installed on a subject vehicle;
 - v) The expected wear rate (stated as a percentage of initial lifting force diminished over time or other rate or number used by Honda or its supplier) of the modified component installed on a subject vehicle; and
 - vi) The estimated usage rate in the field and expected amount of time a modified strut will be in service on a subject vehicle before the strut is no longer capable of maintaining the liftgate in the full open position.

Also, provide the above information for any modification or change that Honda is aware of which may be incorporated into vehicle production within the next 120 days.

14. Produce copies of all engineering specifications and drawings for the subject component, including but not limited to each item within the scope of your response to Request No. 13.
15. State the weight of the liftgate as installed on the subject vehicles. If this value varies for any reason (for example, if certain vehicle options add to or subtract from the weight of the liftgate), provide the reason(s) for the variation and the respective weight of the liftgate associated with each variation.

16. Produce copies of all documents related to all durability testing of the subject component conducted by Honda or by its supplier.
17. Produce copies of all documents related to all environmental testing of the subject component conducted by Honda or by its supplier.
18. Describe in detail all aspects of the operation of the power liftgate feature in the subject vehicles, including any built-in safety features and any features designed to mitigate potential injuries from a descending or otherwise falling liftgate. Describe in detail the safety-related features that operate or activate when the struts can no longer maintain the liftgate in the full open position. In your answer, include a discussion of how the safety features operate; including a description of the circumstances in which the safety features will activate and a description of how the safety features operate in each circumstance.
19. Describe in detail the operation of the power liftgate feature in the subject vehicles when equipped with struts that cannot support the liftgate in the open position. In your description, discuss how this feature operates and include nominal speed threshold (including tolerances) required to activate the power close feature.
20. Produce copies of all documents that relate to your response to Request Nos. 18 and/or 19.
21. State whether the controlled (automatic) closing design feature will activate when the struts cannot support the liftgate and the operator manually opens the liftgate to the fully-open position, as well as when the operator manually opens the liftgate to a position less than fully-open.
22. Produce copies of all documents relating to your response to Request No. 21.
23. Describe any variation in the power liftgate operation including, but not limited to, variations that can be programmed in the power liftgate control module.
24. Produce copies of all documents relating to your response to Request No. 23.
25. Produce two of each of the following:
 - a. Exemplar samples of each design version of the subject components;
 - b. Field-returned samples of the subject components exhibiting the subject failure mode;
 - c. Any kits and software changes (including patches, modifications, and reflashes) that have been released, or developed, by Honda for use in service repairs to the subject component/assembly which relate, or may relate, to the alleged defect in the subject vehicles; and
 - d. The owner's manuals for MY 2005 through 2007 Honda Odyssey vehicles.
26. State, by model year, all part numbers of the subject components that have been installed on subject vehicles as assembled by Honda. State, by model year, the service part numbers of the subject components Honda designates for installation on subject vehicles. State, by month, year, and part number, the total number of subject components sold as service parts

by Honda. Identify any kits that Honda has released or developed for use in service repairs to the subject components or assembly.

For each subject component part number, provide the supplier's name, address, and point of contact used by Honda (name, title, and telephone number). Also, identify by make, model and model year, any other vehicles of which Honda is aware that contain the identical component, whether installed in production or in service, and state the applicable dates of production or service usage.

27. Does Honda sell the subject component individually or in pairs?

28. Furnish Honda's assessment of the alleged defect in the subject vehicles, including:

- a. The causal or contributory factor(s);
- b. The failure mechanism(s);
- c. The failure mode(s);
- d. The risk to motor vehicle safety that it poses; and
- e. What warnings, if any, the operator and the other persons both inside and outside the vehicle would have that the alleged defect was occurring or subject component was malfunctioning.

29. Furnish copies of all communications sent from and received by Honda that relate to or may relate to the alleged defect (including the performance and durability of the subject component), including but not limited to such communications between Honda and the subject component manufacturer and between employees and/or entities within Honda (e.g., any such communication between American Honda Motor Company, Inc. and a subsidiary).

This letter is being sent to Honda 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. Honda's failure to respond promptly and fully to this letter could subject Honda 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 \$6,000 per day, with a maximum of \$16,375,000 for a related series of violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. See 49 CFR 578.6 (as amended by 71 Fed. Reg. 28279 (May 16, 2006)). This includes failing to respond to ODI information requests.

If Honda 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, Honda does not submit one or more requested documents or items of information in response to this information request, Honda 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.

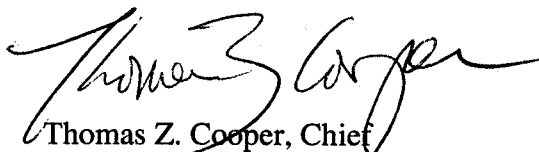
Honda's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by June 20, 2008. **All business confidential information must be submitted directly to the Office of Chief Counsel as described in the following paragraph and should not be sent to this office.** In addition do not submit any business confidential information in the body of the letter submitted to this office. Please refer to PE08-026 in Honda's response to this letter. If Honda finds that it is unable to provide all of the information requested within the time allotted, Honda must request an extension from me at (202) 366-5218 no later than five business days before the response due date. If Honda 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 Honda then has available, even if an extension has been granted.

If Honda 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, Honda must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with 49 CFR Part 512, as amended, to the Office of Chief Counsel (NCC-111), National Highway Traffic Safety Administration, Room W41-227, 1200 New Jersey Avenue, S.E., Washington, D.C. 20590. Honda 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.** Please remember that the word "CONFIDENTIAL BUSINESS INFORMATION" must appear at the top of each page containing information claimed to be confidential, and the information must be clearly identified in accordance with 5 U.S.C. § 512.6. If you submit a request for confidentiality for all or part of your response to this IR, that is in an electronic format (e.g., CD-ROM), your request and associated submission must conform to the new requirements in NHTSA's Confidential Business Information Rule regarding submissions in electronic formats (49 CFR 512.6(c)). See Federal Register, volume 72, page 59434 (October 19, 2007).

Please send email notification to Mr. Michael Lee (Michael.Lee@dot.gov) and to ODI_IRresponse@dot.gov when Honda sends it response to this office and indicate whether there is confidential information as part of Honda's response.

If you have any technical questions concerning this matter, please call Mr. Lee of my staff, at (202) 366-5236.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas Z. Cooper". The signature is fluid and cursive, with a large, stylized "Z" and a long, sweeping tail.

Thomas Z. Cooper, Chief
Vehicle Integrity Division
Office of Defects Investigation