



U.S. Department
of Transportation

**National Highway
Traffic Safety
Administration**

DEC 9 2010

1200 New Jersey Avenue SE.
Washington, DC 20590

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. David G. Robertson, Group Manager
Environmental, Safety & Powertrain Engineering
Mazda North American Operations
1500 Enterprise Drive
Allen Park, MI 48101-2053

NVS-213kmb
EA10-002

Dear Mr. Robertson:

As you are already aware, the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) has upgraded Recall Query RQ09-002 to Engineering Analysis EA10-002 to further assess the effectiveness of Safety Recall 07V-157 involving certain model year (MY) 2001-2004 Mazda Tribute vehicles manufactured by Mazda North American Operations (Mazda). The purpose of this letter is to request updated information.

To date, the agency has received reports of 89 non-crash fire incidents in both Ford Escape and Mazda Tribute vehicles alleged to have originated in the engine compartment at or near the ABS control module despite the subject recall remedy having been applied. Of the 89 total alleged fire incidents, complainants have submitted Vehicle Owner Questionnaires (VOQs) directly to ODI to report 3 such subject fire incidents involving Mazda Tribute subject vehicles. Copies of each of the reports are enclosed for your information. In addition, 4 reports that allege post-recall engine compartment fire of unknown or unspecified origin in Mazda Tribute subject vehicles, which may be related to the alleged defect, are also enclosed.

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

- **Subject vehicles:** all MY2001-2004 Mazda Tribute vehicles manufactured for sale or lease in the United States that are within the scope of the subject recall.
- **Subject components:** all ABS modules, electrical connectors and associated wiring inspected, repaired, and/or replaced pursuant to the subject recall campaign.
- **Subject recall:** safety recall identified by NHTSA Recall Number 07V-157 and Mazda Recall Number 4507C.
- **Mazda:** Mazda Motor Corporation, Mazda North American Operations, all of their past and present officers and employees, whether assigned to their principal offices or any of



their 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 Mazda (including all business units and persons previously referred to), who are or, in or after January 1, 2007, 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 symptoms or conditions: (1) all non-crash related fires alleged to have originated in the engine compartment at or near the ABS module after the subject recall remedy had been applied; (2) all non-crash related fires alleged to have occurred as a result of a malfunction of one or more subject components after the subject recall remedy had been applied; (3) all other allegations of subject component thermal failures (e.g., overheated wiring or connector, smoke) following application of a recall remedy procedure; and (4) any smoke, fire or ignition of engine compartment materials of unknown or unspecified origin after the subject recall remedy had been applied.
 - **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 Mazda, 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 Mazda 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 Mazda has previously provided a document to ODI, Mazda 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 Mazda'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 subject vehicles Mazda has manufactured for sale or lease in the United States. Separately, for each subject vehicle manufactured to date by Mazda, state the following:
 - a. Vehicle identification number (VIN);
 - b. Make;
 - c. Model;
 - d. Model Year;
 - e. Date of manufacture;
 - f. Date warranty coverage commenced;

- g. The State in the United States where the vehicle was originally sold or leased (or delivered for sale or lease);
- h. Date(s) subject recall repairs performed;
- i. Vehicle mileage at time of repair;
- j. Repairing dealer's or facility's name, telephone number, city and state or ZIP code; and
- k. Labor operation number(s) for subject recall repairs.

If more than one repair attempt was made or if more than one labor operation number is applicable to a subject vehicle, please include a unique record for each repair attempt or labor operation. Provide the table in Microsoft Access 2000, or a compatible format, entitled "PRODUCTION DATA." See Enclosure 1, Data Collection Disc, for a pre-formatted table that provides further details regarding this submission.

2. State the number of each of the following, received by Mazda, or of which Mazda 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 fire, 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 Mazda is or was a party to the arbitration; and
 - f. Lawsuits, both pending and closed, in which Mazda 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). 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. Mazda'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. Incident location;
 - i. Report or claim date;
 - j. Whether a vehicle fire is alleged;

- k. Whether a structure fire is alleged;
- l. Whether property damage is alleged. If yes, please provide the alleged damage amount in US dollars;
- m. Number of alleged injuries, if any;
- n. Number of alleged fatalities, if any;
- o. Whether the alleged fire resulted in the vehicle being declared a total loss or a partial loss;
- p. Whether Mazda received a subrogation claim regarding the incident (If so, please provide the name of the business and/or person who submitted the claim, their address, and telephone number, whether the claim has been paid, and the amount paid to settle the claim);
- q. Whether a fire investigation was performed by any party, that Mazda is aware of, to determine the origin and cause (If so, please provide a copy of the report);
- r. Alleged origin of the fire. If the exact origin is unknown or unspecified, please provide the alleged quadrant of the engine compartment where the fire started (front left, front right, rear left, rear right, unknown);
- s. Alleged cause of the fire;
- t. Whether the incident occurred with the engine "OFF" or the engine "ON";
- u. Ignition key position at time of incident;
- v. Complaint summary;
- w. Consumer comments; and
- x. Mazda's assessment of the allegation, including causal and contributing factors and a summary of the significant underlying facts and evidence.

Provide this information in Microsoft Access 2000, or a compatible format, entitled "REQUEST NUMBER TWO DATA." See Enclosure 1, Data Collection Disc, for a pre-formatted table which provides further details regarding this submission.

- 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 Mazda 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 Mazda to date that relate to, or may relate to, the subject recall: 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. Mazda's claim number;
- b. Vehicle owner or fleet name (and fleet contact person), address 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(s);
- h. Description of part(s) replaced; and
- i. 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." See Enclosure 1, Data Collection Disc, for a pre-formatted table which provides further details regarding this submission.

6. Describe in detail the search criteria used by Mazda 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 Mazda on the repairs associated with the subject recall (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 Mazda 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 Mazda 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 Mazda 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, Mazda. 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.

9. Furnish Mazda'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. The reports included with this inquiry.

This letter is being sent to Mazda 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. Mazda's failure to respond promptly and fully to this letter could subject Mazda 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.) 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 Mazda 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, Mazda does not submit one or more requested documents or items of information in response to this information request, Mazda 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.

Mazda's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by January 14, 2011. **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 EA10-002 in Mazda's response to this letter and in any confidentiality request submitted to the Office of Chief Counsel. If Mazda finds that it is unable to provide all of the information requested within the time allotted, Mazda must request an extension from me at (202) 366-4933 no later than five business days before the response due date. If Mazda 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 Mazda then has available, even if an extension has been granted.

If Mazda 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, Mazda 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. Mazda 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. Kyle Bowker (kyle.bowker@dot.gov) and to ODI_IRresponse@dot.gov when Mazda sends its response to this office and indicate whether there is confidential information as part of Mazda response.

If you have any technical questions concerning this matter, please call Mr. Kyle Bowker of my staff at (202) 366-9597.

Sincerely,



Richard Boyd, Acting Director
Office of Defects Investigation
Enforcement

Enclosure 1, one CD ROM titled Data Collection Disc containing three Microsoft Access database template files and electronic copies of 7 VOQs representing 7 complaints that either are or may possibly be related to the alleged defect, identified by the following ODI Reference Numbers: 10205219, 10229192, 10272775, 10303903, 10325170, 10347165, and 10357867.