



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

1200 New Jersey Avenue SE.
Washington, DC 20590

JUN 25 2010

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. James Vondale, Director
Automotive Safety Office, Environmental and Safety Compliance
Ford Motor Company
Fairlane Plaza South
330 Town Center Drive, Suite 400
Dearborn, MI 48126

NVS-214jry
PE10-019

Dear Mr. Vondale:

As you know, the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) has opened a Preliminary Evaluation (PE10-019) to investigate allegations of accelerator pedal entrapment by out-of-position "all-weather" floor mats sold by Ford for installation in certain Ford Fusion, Mercury Milan, and Lincoln MKZ model vehicles.

We have provided copies of the three VOQs originally prompting this inquiry, and another three VOQs identified since opening the PE, to Mr. Nevi by E-mail.

To help assess whether these reports indicate the existence of a safety defect trend, we request the following information where the following definitions apply:

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

- **Subject vehicles:** All MY 1996 through 2010 Ford Fusion, Mercury Milan and Lincoln MKZ vehicles produced by Ford for sale or lease in the United States.
- **Subject components:** All Ford accessory all-weather floor mats (AWM), including, but not limited to, p/n 6E5Z-5413300-A and p/n AE5Z-5413300-AD, manufactured for use on the subject vehicles.



- **Tibia Block:**



- **Ford:** Ford Motor Company, 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 Ford (including all business units and persons previously referred to), who are or, in or after 1991, 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:** In the subject vehicles, allegations of A) engine speed and/or power output failing to decrease when the accelerator pedal was no longer depressed regardless of whether there was a floor mat or not and/or, B) a subject component interfering with accelerator pedal operation.
- **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 Ford, 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.

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 Ford has previously provided a document to ODI, Ford 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 Ford's 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 number of subject vehicles Ford has manufactured for sale or lease in the United States. Separately, for each subject vehicle manufactured to date state the following:
 - a. Vehicle identification number (VIN);
 - b. Model;
 - c. Model Year;
 - d. Date of manufacture;
 - e. Date warranty coverage commenced;
 - f. Whether the vehicle was delivered by Ford with a subject component; and
 - g. Selling dealer name and location.

Provide this information in Microsoft Access 2000, or a compatible format, entitled "PRODUCTION DATA." We have sent to Ray Nevi, by E-mail, a pre-formatted template, titled "PE10-019 IR Attachments," illustrating the requested information format.

2. State the number of each of the following, received by Ford, or of which Ford is otherwise aware, where the subject vehicle was alleged to have experienced the alleged defect:
 - 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 Ford is or was a party to the arbitration; and
 - f. Lawsuits, both pending and closed, in which Ford 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 for each model and model year. 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 Ford'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. Ford'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 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;
- l. Number of alleged fatalities, if any; and
- m. A brief summary of the complaint.

Provide this information in Microsoft Access 2000, or a compatible format, entitled "COMPLAINT DATA." We have sent to Ray Nevi, by E-mail, a pre-formatted template, titled "PE10-019 IR Attachments," illustrating the requested information format.

4. Produce electronic 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 Ford 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 Ford to date where either the subject component was replaced in the subject vehicles or a subject vehicle was repaired for the alleged defect: 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. Ford'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. Causal part (if identified);
 - j. Replacement part number(s) and description(s);
 - k. Concern stated by customer; and
 - l. Comments, by dealer/technician relating to claim and/or repair;

Provide this information in Microsoft Access 2000, or a compatible format, entitled "WARRANTY DATA." We have sent to Ray Nevi, by E-mail, a pre-formatted template, titled "PE10-019 IR Attachments," illustrating the requested information format.

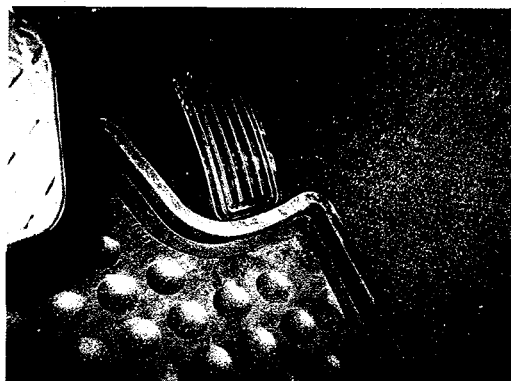
6. Describe in detail the search criteria used by Ford to identify the claims identified in response to Request No. 6, including the labor operations, problem codes, part numbers and any other pertinent parameters used. Provide a list of all labor operations, labor operation descriptions, problem codes, and problem code descriptions applicable to the alleged defect in the subject vehicles.
7. Produce electronic copies of all service, warranty, and other documents that relate to, or may relate to, the alleged defect in the subject components, that Ford 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 Ford is planning to issue within the next 120 days.
8. Provide a count, by manufacturer, part number, and year/month of sale, of the subject components sold by Ford for use in the subject vehicles.
9. 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 subject components that have been conducted, are being conducted, are planned, or are being planned by, or for, Ford. 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 electronic 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.

10. Identify and describe all modifications or changes made by, or on behalf of Ford in the design, material composition, manufacture, quality control, supply, or installation of the subject component from the start of production to date. For each such modification or change, provide the following information:
 - a. The model and model year vehicles that the design applies to;
 - b. The date or approximate date on which the modification or change was incorporated into production;
 - c. A detailed description of the modification or change;
 - d. The reason(s) for the modification or change;
 - e. The part numbers (service and engineering) of the original component;

- f. The part number (service and engineering) of the modified component;
 - g. Whether the original unmodified component was withdrawn from production and/or sale, and if so, when;
 - h. When the modified component was made available as a service component; and
 - i. Whether the modified component can be interchanged with earlier production components.
11. If not addressed in responding to item 10, please describe the apparent change in mat retention method in the later MY 2010 subject vehicles and explain its rationale.
12. Produce a copy of the installation instruction and any other documentation (including packing materials if pertinent) provided when the subject component is purchased as a service part. Also produce copies of any documents discussing the proper installation of floor mats in general (of any type, for subject and non-subject vehicles) especially any which include precautions or warnings regarding improper installation, and/or any hazards or detrimental results that may occur if the mat(s) are improperly installed. State the intended recipient of each document and how it is made available.
13. Provide Ford's rationale for the size and location of any warning permanently embossed on a driver's side subject floor mat and, if not addressed in responding to item 9, please identify any actions undertaken by Ford to assess the warnings' effectiveness and their finding(s) .
14. The following relate to the "Tibia Block" in the subject vehicles:
- a. What is its purpose?
 - b. What prompted Ford to install it in the subject vehicles?
 - c. Provide a sample "block" for both the 2006 MY Milan and MY 2010 Fusion.
15. The following relate to the subject component(s):
- a. What is the rationale for increasing the subject component footprint vs. the OE carpeted mat?
-
- b. If not included in responding to item 9, please describe any and all actions related to evaluating subject mat/accelerator pedal clearance including those where the driver's side AWM is double-stacked (i.e, installed on top of an existing OE floor mat) and/or *not* "pinned."

- c. Please explain the rationale for the AWM driver's side prominent leading edge "rib" in the accelerator pedal area (note, this photo shows an out-of-position, un-pinned, double stacked mat that has been moved forward 58.2mm in a MY 2010 Fusion).



16. State the number of subject components sold by Ford, either through service parts or as a new-car accessory when the new vehicle is sold to the final customer. Please include the following information for each AWM identified:
- Service part no.;
 - Vehicle model and model year;
 - Selling dealer name/address; and
 - Year/month of sale.
17. Provide Ford's engineering standards, criteria, and/or directives related to accelerator pedal clearance(s) and state whether any of these consider the existence of a tibia block.
18. Please provide a listing, by model/model year, of those Ford-produced vehicles having Event Data Recorders (EDR's) that record pre-crash data. For each vehicle identified, please state the quantity (in seconds) of pre-crash data recorded.
19. Furnish Ford's assessment of the alleged defect in the subject vehicles, including:
- All causal or contributory factors;
 - The adequacy of the warnings provided to the subject component installer regarding the installation of the subject component and the potential resulting hazards;
 - The risk to motor vehicle safety if the mats are improperly installed;
 - The potential for future occurrences of the alleged defect;
 - The likelihood of improper mat installation by Ford dealers vs. retail customers; and,
 - The VOQs included with this inquiry, including for each whether Ford has determined whether the vehicle had improperly installed AWMs and, if so, whether Ford has determined who installed the mats incorrectly (where it may have been a dealer, dealer name and address will suffice).

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

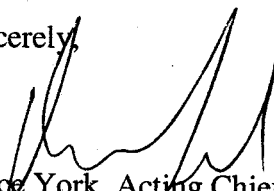
Ford's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by **August 2, 2010**. Please refer to **PE10--019** in Ford's response to this letter. If Ford finds that it is unable to provide all of the information requested within the time allotted, Ford must request an extension from Mr. Richard Boyd at (202) 366-4933 no later than five business days before the response due date. If Ford 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 Ford then has available, even if an extension has been granted.

If Ford 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, Ford 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 W41-227, 1200 New Jersey Ave., S.E., Washington, D.C. 20590. Ford 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 send email notification to Bob Young (Robert.young@dot.gov) and to ODI_IRresponse@dot.gov when Ford sends its response to this office and indicate whether there is confidential information as part of its response.

If you have any technical questions concerning this matter, please call Bob Young of my staff at (202) 366-4806.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bruce York', written over the word 'Sincerely,'.

Bruce York, Acting Chief
Medium and Heavy Duty Vehicle Division
Office of Defects Investigation