UNITED STATES DEPARTMENT OF TRANSPORTATION
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
1200 New Jersey Avenue, SE
West Building, W41-326
Washington, DC 20590

In re:	)
	)
EA15-005	)
(Takata) Air Bag Inflator Rupture	)
	)
PE15-027	)
(ARC) Air Bag Inflator Rupture	)
	)

STANDING GENERAL ORDER 2015-01
DIRECTED TO MOTOR VEHICLE MANUFACTURERS

To:

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This General Order is issued by the Secretary of Transportation pursuant to 49 U.S.C. § 30166(g)(1)(A) and 49 C.F.R. § 510.7, and pursuant to a delegation of authority to the Chief Counsel of the National Highway Traffic Safety Administration ("NHTSA"), an Operating Administration of the United States Department of Transportation, 49 C.F.R. §§ 1.95, 501.8(d)(3).

As part of NHTSA's ongoing investigation and oversight of rupturing air bag inflators - in both NHTSA Investigation EA15-001 (pertaining to inflators manufactured by TK Holdings, Inc.) and NHTSA Investigation PE15-027 (pertaining to inflators manufactured by ARC Automotive, Inc.), NHTSA, by this General Order, hereby demands that the aforementioned motor vehicle manufacturers file certain reports concerning inflator rupture incidents.

DEFINITIONS

To the extent used in this General Order, the following definitions apply:

1. The definitions of **"manufacturer,"** and **"motor vehicle," "original equipment,"** and **"replacement equipment"** can be found in 49 U.S.C. § 30102 and 49 C.F.R.

§ 573.4.

2. **"Inflator"** means any gas generator (pyrotechnic, stored gas, or hybrid) used to inflate an air bag in a supplemental restraint system in a motor vehicle manufactured by you, regardless of inflator manufacturer (i.e., the supplier); regardless of the air bag's position in the vehicle (i.e., whether driver, passenger, center, or rear seat and whether frontal, side, knee, curtain, or other); regardless of whether it was installed in the motor vehicle as original equipment or replacement equipment; and regardless of whether it is a single stage or dual stage.

3. An **"Inflator Rupture"** means an incident by which some mechanism (e.g., excessive internal pressure inside the inflator) causes the inflator body to burst or break apart at any time during the air bag deployment sequence, resulting in injury, death, and/or property damage not typically associated with a normal air bag deployment. Signs of an Inflator Rupture include, but are not limited to, unusual tears in air bag cushion fabric and/or metal shards detected or found in the vehicle passenger compartment.

4. As used herein, the term **"notice"** is broader than as defined in 49 C.F.R. § 579.4. It consists of information that you have received from any source (whether foreign or domestic), and in any form (whether written or oral), about an incident in which an inflator ruptured or is alleged to have ruptured; including, but not limited to, lawsuits, claims, complaints, demand letters, and media reports.

5. **"You"** or **"Your"** means each individual party to whom this General Order is directed. This definition includes all of your past and present officers and employees, whether assigned to your principal office(s) or any of your field or other locations, including all of your 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 your control (including all business units and persons previously referred to).

INSTRUCTIONS

1. The reports required under this General Order shall be provided to NHTSA within twenty-four (24) hours of receiving notice of any incident in which an air bag inflator rupture has occurred or is alleged to have occurred. This General Order requires reports on a prospective basis; meaning, that it requires reports for incidents (or alleged incidents) of which you receive notice on or after the date of this General Order. **This is a standing reporting obligation, and shall continue until such time as NHTSA notifies you in writing that such reports are no longer required.**

2. The reports required under this General Order shall be provided by electronic mail to NHTSA's Office of Defects Investigation, Chief of the Vehicle Integrity Division (currently Scott Yon, Scott.Yon@dot.gov), with a copy to Peter Ong (Peter.Ong@dot.gov), and NHTSA's Assistant Chief Counsel for Litigation and Enforcement (currently Timothy H. Goodman, Tim.Goodman@dot.gov), with a copy to Beth Mykytiuk (Elizabeth.Mykytiuk@dot.gov). NHTSA will provide notice if the individuals holding these positions or their e-mail addresses change.

3. You are required to respond to every request listed in this General Order, including subparts. If you cannot respond to any specific request or subpart(s) thereof, please state the reason why you are unable to do so.

4. If you do not possess the information necessary to fully complete a report required by this General Order on or before its due date, you must provide as much information as you have available at that time.

5. The requests in this General Order are deemed to be continuing in nature so as to require additional and/or amended reports from you should you obtain or become aware of any new, additional, or differing responsive information about any previously-reported inflator rupture incident. To the extent you have not made a determination as to whether a rupture in fact occurred by the date of your initial report, you shall submit supplemental reports every thirty (30) days until such time as you have concluded your investigation. At the conclusion of your investigation, you are required to submit a final report, either confirming that a rupture occurred or stating that a rupture did not occur.

6. Failure to respond fully or truthfully to this General Order may result in a referral to the United States Department of Justice for a civil action to compel responses, and may subject a manufacturer to civil penalties of up to $7,000 per day, up to a maximum penalty of $35,000,000 for a related series of daily violations. 49 U.S.C. §§ 30163(a)(1), 30165(a)(3); 49 C.F.R. § 578.6(a)(3).

7. You are cautioned not to assert privilege in connection with any information you submit to NHTSA. Should you anticipate doing so for any reason (and the agency can contemplate none), you are instructed to contact Beth Mykytiuk at (202) 366-9991 to discuss why any information you submit would constitute privileged information.

8. If you claim that any of the information or documents provided in response to this General Order constitutes confidential commercial material within the meaning of 5 U.S.C. § 552(b)(4), or is protected from disclosure pursuant to 18 U.S.C. § 1905, then you must submit

supporting information together with the materials that are the subject of the confidentiality request, in accordance with 49 C.F.R. Part 512, to the Office of Chief Counsel (NCC-111), National Highway Traffic Safety Administration, West Building, W41-326, 1200 New Jersey Avenue, SE, Washington, DC 20590. A copy of your request for confidential treatment and accompanying materials shall be sent by electronic mail to Beth Mykytiuk at Elizabeth.Mykytiuk@dot.gov.

9. As used herein, the singular includes the plural; the plural includes the singular. The masculine gender includes the feminine and neuter genders; and the neuter gender includes the masculine and feminine genders. "And" as well as "or" shall be construed either disjunctively or conjunctively, to bring within the scope of this General Order all responses that might otherwise be construed to be outside its scope. "Each" shall be construed to include "every" and "every" shall be construed to include "each." "Any" shall be construed to include "all" and "all" shall be construed to include "any." The use of a verb in any tense shall be construed as the use of the verb in a past or present tense, whenever necessary to bring within the scope of the requests all responses which might otherwise be construed to be outside its scope.

10. The reporting obligations established by this General Order, issued pursuant to 49 U.S.C. § 30166(g), are in addition to your current reporting obligations under the National Traffic and Motor Vehicle Safety Act of 1966 as amended and recodified (the "Safety Act"), 49 U.S.C. § 30101, *et seq.*, including, but not limited to, early warning reporting requirements established by the Transportation, Recall Enhancement, Accountability and Documentation Act (the "TREAD Act"), Pub. Law 106-414, codified at 49 U.S.C. § 30166(m), and its implementing regulations, 49 C.F.R. Part 579.

11. You are **not** required to submit the requested reports under oath.

REQUEST

Within twenty-four (24) hours of receiving notice of an incident in which an air bag inflator ruptured or is alleged to have ruptured:

1. File a report that provides the following information: (i) the date on which you were first notified of the incident; (ii) the name of the individual involved in the incident; (iii) the contact information for counsel representing the individual (if applicable); (iv) the make, model, and model year of the vehicle; (v) the vehicle identification number (VIN), vehicle build date, and state in which the vehicle is registered; (vi) the inflator manufacturer, serial number, build date, and other identifying information; (vii) the date, location, and description of the incident; (viii) the number and description of any injuries or fatalities; (ix) a summary of your current understanding as to the nature of the incident and/or the root cause of the inflator rupture and (x) a summary of any other information relevant to your investigation of the incident. Please also state whether you have confirmed that a rupture occurred and whether a vehicle inspection has been scheduled. Reports shall be submitted in the form attached as Appendix A.

2. In connection with each report submitted in accordance with Request No. 1, provide copies of any documents that you have received that relate to the vehicle or the incident, including, but not limited to: lawsuits, written complaints, demand letters, photographs, police accident reports, EDR downloads, Carfax reports, and medical records.

In accordance with Instruction No. 1, this is a standing reporting obligation, and shall continue until such time as NHTSA notifies you in writing that such reports are no longer required.

Dated: July 27 2015

Paul A. Hemmersbaugh
Acting Chief Counsel