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

In re:	)
	)
EA15-001	)
(Takata) Air Bag Inflator Rupture	)
	)
PE15-027	)
(ARC) Air Bag Inflator Rupture	)
	)

STANDING GENERAL ORDER 2015-01A
DIRECTED TO MOTOR VEHICLE MANUFACTURERS

To:

John Turley
Senior Manager, Product Regulatory Office
American Honda Motor Co.
1919 Torrance Blvd.
Torrance, CA 90501

Sam Campbell
Department Head-Safety Engineering
BMW of North America, LLC
P.O. Box 1227
Westwood, NJ 07677

Andy Jones
Manager, Compliance and Regulatory Affairs
Daimler Trucks North America
4747 N. Channel Avenue
Portland, OR 97217

Michael Scott
S&R Compliance Manager
Daimler Vans USA, LLC
8501 Palmetto Commerce Pkwy
Ladson, SC 29456

Stephen L. Williams
Head of Vehicle Safety Compliance and
Product Analysis
FCA US LLC
800 Chrysler Drive
Auburn Hills, MI 48326

Alex Greene
Director of Product Quality
Fisker Automotive, Inc.
5515 East La Palma Avenue
Anaheim, CA 92807

Todd Fronckowiak
Global Automotive Safety Compliance Office
Ford Motor Company
Fairlane Plaza South, Suite 500
330 Town Center Drive
Dearborn, MI 48126-2738

Brian Latouf
Director, Field Product Investigations and
Evaluations
General Motors LLC
30001 Van Dyke – Mail Code 480-210-2V
Warren, MI 48090-9055

(Service List Continues on Next Page)

Steve Johnson
Director, Engineering and Design Analysis
Hyundai Motor America
10550 Talbert Avenue
Fountain Valley, CA 92708

John Kobylarz
Safety Compliance Manager
Jaguar Land Rover North America, LLC
555 Macarthur Boulevard
Mahwah, NJ 07430

Arnold Johnson
Director of Operations
Lotus Cars USA, Inc.
2402 Tech Center Parkway, Suite 600
Lawrenceville, GA 30043

Julian Soell
General Manager, Engineering Services
Mercedes-Benz US, LLC
One Mercedes Drive, P.O. Box 350
Montvale, NJ 07645-0350

Donald Neff
Manager, Technical Compliance
Nissan North America, Inc.
One Nissan Way
Franklin, TN 37067

Wesley Chestnut
Group Lead, Product Compliance
Spartan Motors, Inc.
1541 Reynolds Road
Charlotte, MI 48813

Jeff Marsee
Chief Representative, Emission and Safety
Isuzu Manufacturing Services of America
46401 Commerce Center Drive
Plymouth, MI 48170-2473

J.S. (Jurassic) Park
Executive Director/Production Litigation &
Regulatory Compliance
Kia Motors America
111 Peters Canyon Road
Irvine, CA 92606

David Robertson
Group Manager, Environmental, Safety and
Powertrain Engineering
Mazda North American Operations
1025 Connecticut Avenue NW
Washington, DC 20036

Kurt Kurata
Senior Manager, Product Support and
Compliance
Mitsubishi Motors North America, Inc.
6400 Katella Avenue
Cypress, CA 90630

Nathan Knight
Porsche Cars North America, Inc.
980 Hammond Drive, Suite 1000
Atlanta, GA 30328

John Frooshani
Safety Activities Manager,
Government Relations
Subaru of America, Inc.
P.O. Box 6000
Cherry Hill, NJ 08034-6000

(Service List Continues on Next Page)

Kenneth Bush
Department Manager, Government Relations
Suzuki Motor of America, Inc.
3251 East Imperial Highway
Brea, CA 92821-6795

James Chen
Vice President of Regulatory Affairs
Tesla Motors, Inc.
1050 K Street, N.W., Suite 101
Washington, D.C. 20001

Matthew D. Collins
Manager
Toyota Motor Engineering & Manufacturing
Mail Code: S-104
19001 South Western Avenue
Torrance, CA 90501

Chris Sandvig
General Manager of Compliance/TREAD
Volkswagen Group of America, Inc.
3800 Hamlin Road
Auburn Hills, MI 48326

Jason Guidi
Manager, Warranty, Regulatory & Compliance
Volvo Cars of N.A., LLC
1 Volvo Drive, Building B
Rockleigh, NJ 07647

This Standing General Order 2015-01A (the "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). It amends and clarifies the instructions set forth in Standing General Order 2015-01, which was issued on July 27, 2015.

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 air bag inflator rupture incidents.

DEFINITIONS

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

1. The definitions of **"affiliate," "manufacturer," "motor vehicle," "original equipment,"** and **"replacement equipment"** can be found in 49 U.S.C. § 30102, 49 C.F.R. § 579.4, 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. The definition of inflator is **not** limited to inflators manufactured by TK Holdings, Inc. or ARC Automotive, Inc.

3. An **"inflator rupture"** means an incident (or alleged incident) occurring in the field, whether in the United States or abroad, 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. Notice shall not be construed to include rumors or allegations from third parties that are not widely disseminated.

5. **"You"** or **"your"** means each individual motor vehicle manufacturer to whom this General Order is directed.

INSTRUCTIONS

1. This General Order supersedes and replaces the reporting obligations set forth in Standing General Order 2015-01, which was issued on July 27, 2015.

2. The reports required under this General Order shall be provided to NHTSA within five (5) business days of receiving notice of any incident in which an air bag inflator rupture has occurred or is alleged to have occurred.

3. You are hereby obligated to inquire of your foreign office(s) and/or affiliate(s) (if any) on a regular basis as to whether your foreign office(s) or affiliate(s) has learned of any rupture incidents. Notice to NHTSA of any foreign inflator ruptures must occur within five (5) business days of when your United States office learns of the incident or alleged incident from the foreign office or affiliate. You are only required to submit one initial report per rupture incident regardless of whether it is filed by your United States or foreign office.

4. 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.**

5. 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.

6. 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. Examples include, but are not limited to, situations where you do not possess the information requested at the time the report is due or where you are required to redact the information because it is protected from disclosure under foreign privacy law. 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 the time the report is due.

7. 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.

8. To the extent you have not made a determination as to whether a rupture in fact occurred by the date of your initial report:

(a) You shall submit supplemental reports in the form attached as Appendix Aon the first business day of every month, either providing new or additional responsive information or indicating that no such information has been obtained since the prior report. Supplemental reports shall be submitted on a monthly basis until such time as you have concluded your investigation.

(b) Within five (5) business days of the conclusion of your investigation, you are required to submit a final report in the form attached as Appendix A, either confirming that a rupture occurred or stating that a rupture did not occur. If you are ultimately unable to determine whether a rupture occurred (e.g., because the parts are no longer in existence or there is no other basis on which you can conclude that a rupture occurred), then you may provide such an explanation in your final report.

9. If you are able to confirm that a rupture did, in fact, occur at the time you submit your initial report, then no further reports will be required for that incident. If you are able to ascertain that a rupture did not, in fact, occur prior to the expiration of the deadline to submit the initial report, no such initial report will be required.

10. NHTSA reserves the right to request additional information regarding any rupture or alleged rupture.

11. 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).

12. 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.

13. 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.

14. 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.

15. 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.

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

REQUEST

Within five (5) business days 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 or learned of the incident (i.e., the "Notification Date"); (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. 4, this General Order creates a standing reporting obligation, and shall continue until such time as NHTSA notifies you in writing that such reports are no longer required.

Dated: August 17, 2015

Paul A. Hemmersbaugh
Acting Chief Counsel