



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



1200 New Jersey Avenue SE.
Washington, DC 20590

EMAIL AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED

OCT 26 2017

Mr. Andy Jones
Daimler Trucks North America LLC
4747 N. Channel Ave.
Portland, Oregon 97217-3849

NEF-107
RQ17-008xt

Dear Mr. Jones:

This letter is to inform you that the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) has opened a Recall Query (RQ17-008) to investigate a potential scoping concern in Daimler Trucks North America's (DTNA) recall 16V-143. The defect concerns the ParkSmart system that Bergstrom, Inc. (Bergstrom) supplied exclusively to DTNA that could potentially cause a vehicle fire. Your company reported that 8,865 vehicles it manufactured were potentially affected, but Bergstrom identified 10,819 ParkSmart units as impacted in its defect report, compare recall 16V-143 and recall 16E-017.

Beyond the discrepancy over the number of units and vehicles impacted, the Agency is concerned that trucks outside the scope of recall 16V-143 may be subject to the same or similar defect. In reviewing DTNA's third quarter Early Warning Reporting (EWR) field reports for calendar year 2016, ODI identified three reports involving model year (MY) 2014 Cascadia trucks not included in the recall population. A copy of these reports is included with this letter.

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

- **Subject equipment:** All ParkSmart Heating, Ventilation, and Air Conditioning (HVAC) units of the same or similar design as those described in Bergstrom recall 16E-017, regardless of the cap design for the ParkSmart terminals, or whether those vehicles were included in your recall 16V-143.
- **Subject vehicles:** All vehicles DTNA manufactured equipped with the subject equipment.
- **Subject recalls:** NHTSA recall 16V-143 and NHTSA recall 16E-017.
- **Alleged defect:** Fire at, or electrical short across the harness terminals of, the subject equipment in the subject vehicles.
"Fire" means combustion or burning of material in or from a vehicle as evidenced by flame. The term also includes, but is not limited to, fires and fire-related phenomena such as smoke, sparks or smoldering, but does not include events and phenomena associated with a normally functioning vehicle, such as combustion of fuel within an engine or exhaust from an engine.

- **First purchaser**: Means the first purchaser of a motor vehicle or motor vehicle equipment other than for resale;
- **DTNA**: Daimler Trucks North America, 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 DTNA (including all business units and persons previously referred to), who are or, on or after May 27, 2014, were involved in any way with any of the following related to the alleged defect in the subject equipment:
 - 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, recordkeeping and information management, (e.g., complaints, 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.
- **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-builds, 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 DTNA 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 DTNA 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," "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 DTNA has previously provided a document to ODI, DTNA 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 DTNA'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 DTNA has manufactured for sale in the United States. Separately, for each subject vehicle manufactured to date by DTNA, state the following:
 - a. Make;
 - b. Model;
 - c. Model Year;
 - d. Date of manufacture;
 - e. Date warranty coverage commenced;
 - f. Country where the vehicle was sold;
 - g. Model number of the ParkSmart HVAC unit;
 - h. Serial number of the ParkSmart HVAC unit and
 - i. The purchaser of the vehicle's company name, representative and their title, address, and phone number.

Provide the table in Microsoft Access 2010, or a compatible format, entitled "PRODUCTION DATA."

2. State the number of each of the following, received by DTNA, or of which DTNA 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 an injury or fatality;
 - d. Property damage claims;
 - e. Third-party arbitration proceedings where DTNA is or was a party to the arbitration; and
 - f. Lawsuits, both pending and closed, in which DTNA is or was a defendant or codefendant.

For subparts “a” through “f,” state the total number of each item (e.g., consumer complaints, personal injury, etc.) separately. Multiple incidents involving the same ParkSmart HVAC unit are to be counted separately. Multiple reports of the same incident are also to be counted separately (i.e., a consumer complaint and a personal injury claim involving the same incident in which an injury occurred are to be counted as an injury 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 DTNA’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, fire, report, claim, notice, or matter) within the scope of your response to Request No. 2, state the following information:
 - a. DTNA’s file number or other identifier used;
 - b. The category of the item, as identified in Request No. 2 (i.e., consumer complaint, injury claims, etc.);
 - c. Vehicle owner, street address, email address and telephone number;
 - d. ParkSmart HVAC unit part number;
 - e. ParkSmart HVAC unit’s make, model and model year;
 - f. Vehicle mileage at time of incident;
 - g. Incident date;
 - h. Report or claim date;
 - i. Whether a ParkSmart HVAC unit failure 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 2010, 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, injury claims, etc.) and describe the method DTNA used for organizing the documents. Describe in detail the search methods and search criteria used by DTNA to identify the items in response to Request No. 2.
5. State, by model and model year, a total count for all of the following categories of claims, collectively, that have been paid by DTNA to date that relate to, or may relate to, the alleged defect in the subject equipment: 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. DTNA's claim number;
- b. Vehicle owner or fleet name (and fleet contact person), street address, email address and telephone number;
- c. ParkSmart HVAC unit serial number;
- d. Repair date;
- e. Repairing dealer's or facility's name, telephone number, city and state or ZIP code;
- f. Labor operation number(s);
- g. Problem code(s);
- h. Diagnostic trouble code(s);
- i. Replacement part number(s) and description(s);
- j. Concern stated by customer;
- k. Cause as stated on the repair order;
- l. Correction as stated on the repair order; and
- m. Additional comments, if any, by dealer/technician relating to claim and/or repair.

Provide this information in Microsoft Access 2010, or a compatible format, entitled "WARRANTY DATA."

6. For recall 16V-143, furnish the following information:
 - a. Provide the number of subject equipment units DTNA purchased from Bergstrom.
 - b. How DTNA determined the scope of the population for recall 16V-143.
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 DTNA 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 DTNA 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, DTNA. 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. Describe all modifications or changes made by, or on behalf of, DTNA in the design, material composition, manufacture, quality control, supply, or installation of the subject equipment used in the subject vehicles, from the start of production to date, which relate to, or may relate to, the alleged defect. 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 production;
 - b. A detailed description of the modification or change;
 - c. The reason(s) for the modification or change;
 - d. The part number(s) (service and engineering) of the original component;
 - e. The part number(s) (service and engineering) 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; and
 - h. Whether the modified component can be interchanged with earlier production components.

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

10. Produce two of each of the following:
 - a. Exemplar samples of each design version of the vented cap, and non-vented cap used in the subject equipment;
 - b. Field return samples of the vented cap used in the subject equipment exhibiting the subject failure mode; and
 - c. Any kits that have been released, or developed, by DTNA for use in service repairs to the subject equipment which relate, or may relate, to the alleged defect.

11. Furnish DTNA's assessment of the alleged defect in the subject equipment, including:

- a. The causal or contributory factor(s);
- b. The failure mechanism(s);
- c. The failure mode(s);
- d. What warnings, if any, the operator or other persons both inside and outside the vehicle would have that the alleged defect was occurring or subject equipment was malfunctioning; and
- e. The reports included with this inquiry.

Legal Authority for This Request

This letter is being sent to DTNA 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.

Civil Penalties

DTNA's failure to respond promptly and fully to this letter could subject DTNA 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.) The Vehicle Safety Act, as amended, 49 U.S.C. § 30165(a)(3), provides for civil penalties of up to \$21,000 per violation per day, with a maximum of \$105,000,000 for a related series of daily violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. *See* 49 CFR 578.6 (as amended by Fixing America's Surface Transportation Act (the "FAST Act"), Pub. L. 114-94, § 24110(a)(2), 129 Stat. 1312 (Dec. 4, 2015)). This includes failing to respond completely, accurately, and in a timely manner to ODI information requests.

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

Confidential Business Information

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 RQ17-008 in DTNA's response to this letter and in any confidentiality request submitted to the Office of Chief Counsel.

If DTNA 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, DTNA 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-100), National Highway Traffic Safety Administration, Room W41-227, 1200 New Jersey Avenue, S.E., Washington, D.C. 20590. DTNA 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 phrase “ENTIRE PAGE CONFIDENTIAL BUSINESS INFORMATION” or “CONTAINS CONFIDENTIAL BUSINESS INFORMATION” (as appropriate) must appear at the top of each page containing information claimed to be confidential, and the information must be clearly identified in accordance with 49 CFR 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. *See* 49 CFR 512.6(c) (as amended by 72 Fed. Reg. 59434 (October 19, 2007)).

If you have any questions regarding submission of a request for confidential treatment, contact Otto Matheke, Senior Attorney, Office of Chief Counsel at otto.matheke@dot.gov or (202) 366-5253.

Due Date

DTNA's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted within 3 weeks of the date of this letter. DTNA's response must include all non-confidential attachments and a redacted version of all documents that contain confidential information. If DTNA finds that it is unable to provide all the information requested within the time allotted, DTNA must request an extension from me at (202) 366-8726 no later than five business days before the response due date. If DTNA is unable to provide all the information requested by the original deadline, it must submit a partial response by the original deadline with whatever information DTNA then has available, even if an extension has been granted.

Please send email notification to Xiaoming Tan at xiaoming.tan@dot.gov and to ODI_IRresponse@dot.gov when DTNA sends its response and indicate whether there is confidential information as part of DTNA's response.

If you have any technical questions concerning this matter, please call Xiaoming Tan of my staff at (202) 366-8575.

Sincerely,

A handwritten signature in black ink, appearing to be 'J. Timian' with a stylized flourish at the end.

Jennifer Timian, Chief
Recall Management Division
Office of Defects Investigation

Enclosure 1, Copies of the subject reports referenced in the introduction of this letter identified by the following reference Request ID numbers: 000000000027987, 000000000027845, 000000000027968