



U.S. Department  
of Transportation

**National Highway  
Traffic Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Tim LaFon  
Vice President, Regulatory Affairs  
Volvo Group North America LLC  
7900 National Service Rd.  
Greensboro, NC 27409

FEB 02 2020

NEF-106BBY  
AQ18-005

Re: AQ18-005

Dear Mr. LaFon:

This is a follow-up Information Request (IR) to the December 3, 2018 IR sent in connection with AQ18-005. To facilitate my staff's evaluation of Volvo Group North America LLC's (Volvo's) compliance with the National Traffic and Motor Vehicle Safety Act, as amended, 49 U.S.C. § 30101 *et seq.* (Safety Act), certain additional information is required. Pursuant to 49 U.S.C. § 30166, please provide numbered responses to the following requests.

Please repeat the applicable request verbatim above each response. After Volvo's response to each request, identify the source of the information and indicate the last date the information was gathered. Unless stated otherwise in the text, the definitions used in the December 3, 2018 IR apply to these requests.

**REQUESTS**

1. Question 6 of the IR letter dated December 3, 2018 asked Volvo to describe in detail Volvo's process for deciding what communications are reportable under 49 CFR 579.5. In the detailed description include how Volvo differentiates between a communication that's related to a "defect" versus a communication that is related to a "product improvement." State whether Volvo has made any changes to that process during the prior five years and, if yes, describe the changes.

a. Volvo's response does not include the detailed description of how Volvo differentiates between a communication that is related to a "defect" versus a communication that is related to "product improvement." Provide this detailed description.

b. In your response to IR Question 6, you indicated that there is a question of "Does it refer to any defect? Y/N" that is analyzed. Answer the following questions:

1. Describe how "defect" is defined for the purpose of the analysis.

2. Describe how the decision on whether something is a “defect” or not is made. You must provide a complete description of the process used. Your answer must include your response to whether the word “defect” must appear in the communication for it to be marked “Y” under Volvo’s process.
3. Identify who determines whether or not the communication refers to a “defect”.
4. Provide all documents referring or relating to the definition of defect and the process of making the decision to select Y or N to the question of “Does it refer to any defect?”

c. Volvo’s response does not state whether Volvo has made any changes to its process during the prior five years, and if yes, does not describe the changes. Please provide the following: State whether Volvo has made any changes to its process for deciding what communications are reportable under 49 CFR 579.5 during the prior five years and, if yes, describe the changes in detail.

2. In Question 9 of the December 3, 2018 IR, NHTSA requested a chart starting from July 1, 2013 to present summarizing each communication that was not provided to NHTSA in the time frame required by regulation. Our concern relates to documents received from fleet contacts (such as Volvo Technical Service Bulletins) as well as documents embedded in Field Reports or other 49 CFR 579.5 communications that were not submitted as a result of Volvo’s internal review because Volvo deemed them not reportable. We are therefore requesting that you answer the following questions:

a. An example of a Technical Service Bulletin that was not submitted by Volvo was *Sleeper Ventilation Window, Replacement* (date 7.2009, Group 844, No. 3). We note that Volvo has had 4 recalls related to sleeper glass issues (19V208, 10V390, 10V086 & 03V038). Explain why Volvo had not provided this Technical Service Bulletin to NHTSA prior to the date of this Information Request. If your answer is that it does not refer to a defect, provide a full explanation to support your view that it does not involve a defect.

b. Examples of embedded documents include, but are not limited to the following types of material:



Solution K60313581

Tuesday, August 29, 2017 6:08:57 PM CEST

**Solution**

Title (customer effect)	Volvo D11 Low Oil Pressure Diagnostic Process ( Possible Search Related Fault Codes - P25AE00 , SPN 4811 , SPN 100 , PID 100 ).
Cause	Volvo Trucks continues to receive inquiries for diagnosing low oil pressure in D11 equipped units.
Solution	Please follow the diagnostic process for further fault tracing <u>here</u> . Part numbers listed must be at the level listed or newer. If the unit is not coding for low oil pressure, nor any inactive codes in the history, release the unit and no further diagnostics should take place.
Solution visibility	Dealer distribution
<b>Function(s)/component(s) affected</b>	



Tuesday, August 29, 2017 8:12:00 PM CEST

**Solution**

Title (customer effect)	Volvo SNV 15-038 P113000 Exhaust Aftertreatment Fuel Air Purge Valve Stuck Closed
Cause	Volvo Trucks has received reports from the aftermarket of early life failures with replacement aftertreatment hydrocarbon dosing module ( AHI module ), specifically with DTC P1130 / P113000.
Solution	Investigation has shown these failures accompanied by poor or incomplete regens and P1130 / P11300 are a result of air supply contamination, in which moisture and/or oil were introduced causing the internal valve to stick. Refer to <u>SNV15-038</u> for further information



Solution K71448442

Monday, August 28, 2017 10:02:29 PM CEST

**Solution**

Title (customer effect)	Mack Chassis - Diagnostic Trouble Code ( DTC ) P2604 , P2606 - Intake Heater / Preheater / Preheat " A " Circuit Range / Performance
Cause	There have been reports of the DTC's P2604, P2606 Intake Heater / Preheater / Preheat " A " Circuit Range / Performance - being generated on a US14 OBD2016 Mack Chassis due to excessive circuit resistance related to corrosion seen within the Master Disconnect Switch.
Solution	Shown in the picture <a href="#">here</a> is a disassembled Master Disconnect Switch with the related corrosion.



Solution K99442522

Monday, August 28, 2017 10:50:41 PM CEST

**Solution**

Title (customer effect)	Mack Chassis - Grade Gripper Diagnostics - System Slow To Disengage Or Does Not Disengage
Cause	Diagnostics for Mack Chassis equipped with Grade Gripper that when the brakes are released the system is slow to disengage or does not disengage at all.
Solution	For more information concerning Grade Gripper system diagnostics when it is slow to disengage or does not disengage at all click <a href="#">here</a> .

b. Provide all embedded documents contained, linked, or referenced in all reportable 49 CFR Part 579 communications from January 1, 2012, regardless of whether Volvo considered the embedded material reportable under 49 CFR Part 579.

3. Question 10 of the December 3, 2018 IR asked:

For a period of five years prior to the date of this Information Request, provide a copy of all notices, bulletins, and other communications as specified by 49 CFR 579.5 that Volvo has not previously provided to NHTSA regardless of whether Volvo considered the communication to be related to a defect or not. To the extent not indicated on each document, provide the date that each notice, bulletin, or other communication responsive to this request was issued.

The intent of this question was to request those communications that were sent or made available to more than one manufacturer, dealer, distributor, lessee, lessor or purchaser in the United States regardless of whether they were deemed reportable by Volvo.

To clarify this request, provide a copy of all communications that were sent or made available to more than one manufacturer, dealer, distributor, lessee, lessor or purchaser in the United States that were not deemed reportable by Volvo.

4. During the review of their 2019 Quarter 1 Field Reports, Nova Bus submitted 8 Reports. This appears to be the only submission that Nova Bus had made to that date. Mr. Sylvain Claude, Product Safety & Regulatory Compliance Manager for Nova Bus / Prevost replied stated that the company “found during the AQ that we had not submit copies of non-dealer field reports. We are currently in the process of submitting them, thru [odi.ewr@dot.gov](mailto:odi.ewr@dot.gov). Starting 2019 Q1, we have corrected the situation and are now submitting copies of the non-dealer field reports.” Provide the status of the submission of these field reports in chart form, including date of report, date submitted to NHTSA, and identified condition. If a report had not been submitted by the date of this Information Request, provide a copy of each report and an explanation was the report had not been submitted to NHTSA.

5. Describe in detail any changes Volvo has made since January 1, 2018 or anticipates making to its processes associated with identifying/collecting documents that are reportable under 49 CFR 579.5, and its processes to ensure all reportable documents are submitted on time. Your response must include an anticipated timeline for implementing any such changes.

6. Question 16 of the December 3, 2018 IR requested that Volvo “Describe in detail any changes Volvo anticipates making to its processes for providing information required under 49 CFR 579.22 to NHTSA. Your response must include an anticipated timeline for implementing any such changes.”

Your response stated, “Volvo is reviewing our process with an outside firm, Lindsey Research. Recommendations will be provided to management. We expect to have the gaps identified and addressed with improved processes by end of 3rd qtr. 2019. See Supplemental Information 25.”

Answer the following:

- a. Provide a copy of Lindsey Research’s report, recommendations, and/or observations. If you do not have a report, recommendations and/or observations, explain what services Lindsey Research performed for you, what the deliverables were, and provide a summary of Lindsay Research’s conclusions.
- b. Provide a list of gaps identified and process improvements implemented to address those gaps.
- c. Describe in detail any changes Volvo made to its processes for providing information required under 49 CFR 579.22 to NHTSA since January 1, 2018.
- d. Describe in detail any changes Volvo anticipates making to its processes for providing information required under 49 CFR 579.22 to NHTSA. Your response must include an anticipated timeline for implementing any such changes.

7. With respect to your response titled "Supplemental Information, 25" you stated:  
As we discussed in March 2019, the Volvo Group Companies are taking actions to address the issues.  
These actions include
- 1) Retained Lindsey Research to support our efforts to improve our processes and to provide written recommendations, observations.
  - 2) Reportable items that were not previously reported will be reported by June 1, 2019.
  - 3) Level 1 and Level 2 Standard Operating Procedures for the Group are being developed and will be anchored within the Volvo Group organization.
  - 4) Improvements are being made to training and cadence of training.
  - 5) Reports of our progress will be made to NHTSA on a bi-monthly (i.e. every 2 months) basis.

Answer the following:

- a. Provide a chart of reportable items that were not previously reported (as referenced above) containing the date the item was reported to NHTSA. If the items on the chart were not all reported by June 1, 2019, provide a detailed explanation why they were not reported.
- b. Provide a status update on Level 1 and Level 2 Standard Operating Procedures.
- c. Describe the improvements made to training and the cadence of training.

8. State whether you have completed your response to a July 23, 2019 Information Request sent to Volvo in connection with EQ19-001 by the date of this Information Request. If you state that you have, provide the dates and tracking information of each response was sent to NHTSA. If you state that you have not, provide a detailed explanation why not.

9. Under 49 CFR § 573.6(c)(6), the report required under 49 CFR Part 573 shall contain in "the case of the defect, a chronology of all principal events that were the basis for the determination that the defect related to motor vehicle safety, including a summary of all warranty claims, field or service reports, and other information, with their dates of receipt." With respect to recall 19V-565 involving a recall by Prevest Cars, Inc. recalling certain vehicles for engine shutdown, the first item in the chronology indicates that on April 4, 2019 a customer report for engine failure in altitude was received. Answer the following questions:

- a. Field Report DL181126-112216 was dated November 26, 2018. Provide a complete explanation why was this report not included in Prevest's chronology.
- b. Did Volvo conduct any investigation into the issue discussed in Field Report DL181126-112216? If so, state when the investigation was conducted and what the result of the investigation was.
- c. Field Report JZ190222-142229 was dated February 22, 2019. Provide a complete explanation why was this report not included in Prevest's chronology.
- d. Did Volvo conduct any investigation into the issue discussed in Field Report JZ190222-142229? If so, state when the investigation was conducted and what the result of the investigation was.
- e. Field Report JZ190308-150418 was dated March 8, 2019. Provide a complete explanation why was this report not included in Prevest's chronology.

f. Did Volvo conduct any investigation into the issue discussed in Field Report JZ190308-150418? If so, state when the investigation was conducted and what the result of the investigation was.

10. Describe in detail Volvo's processes for reviewing field reports in 2017, 2018, and 2019. Your answer must include detail on the frequency with which the reports were reviewed for each time period, what individual or groups were responsible for reviewing the reports, whether the reports were "flagged" or identified for further review, how Volvo incorporated the information from the field reports into its safety-defect or noncompliance with FMVSS recall decision making, or if there were any changes in the cadence or the level of detail in which the reports were reviewed.

### **Legal Authority for This Request**

This letter is being sent to Volvo 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**

Volvo's failure to respond promptly and fully to this letter could subject Volvo 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 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. As of July 31, 2019, the maximum penalty is \$22,329 per violation per day, with a maximum of \$111,642,265 for a related series of daily violations.

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

If you have any questions regarding submission of a request for confidential treatment, contact Daniel Rabinovitz, Trial Attorney, Office of Chief Counsel at [daniel.rabinovitz@dot.gov](mailto:daniel.rabinovitz@dot.gov) or (202) 366-8534.

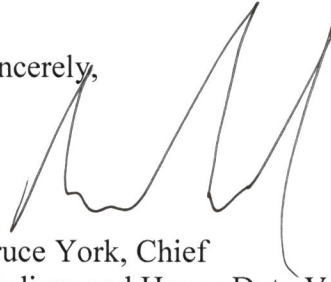
**Due Date**

Volvo's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by **February 24, 2020**. Volvo's response must include all non-confidential attachments and a redacted version of all documents that contain confidential information. If Volvo finds that it is unable to provide all of the information requested within the time allotted, Volvo must request an extension from me at (202) 366-6938 no later than five business days before the response due date. If Volvo 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 Volvo then has available, even if an extension has been granted.

Please send email notification to Bruce York at [bruce.york@dot.gov](mailto:bruce.york@dot.gov) and to [ODI\\_IRresponse@dot.gov](mailto:ODI_IRresponse@dot.gov) when Volvo sends its response to this office and indicate whether there is confidential information as part of Volvo's response.

If you have any technical questions concerning this matter, please call Larry Long of my staff at (202) 366-6281.

Sincerely,

A handwritten signature in black ink, appearing to be 'B. York', written over a horizontal line.

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