



May 18, 2020

SENT VIA ELECTRONIC MAIL

Regina Carto, Executive Director
Global Safety Field Investigations & Systems Engineering
General Motors Vehicle Engineering Center
30001 Van. Dyke Avenue
Mail Code: 480-210-2V
Warren, Michigan 48090

NEF-101am
EA19-005

Dear Ms. Carto:

This letter is to inform you that the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) upgraded RQ18-002 to an Engineering Analysis (EA19-005) to investigate allegations of wiper transmission malfunction in certain model year (MY) 2010-2012 and 2014-2016 Equinox and Terrain models manufactured by General Motors (GM), and to request certain information.

Since the opening of EA19-005, this office has received an additional 107 Vehicle Owner Questionnaires (VOQs) alleging failure of windshield wiper function in certain MY 2010-2016 Chevrolet Equinox and GMC Terrain vehicles outside the scope of Recall 16V-582. The reports allege windshield wiper transmission failures which result in one or both windshield wipers becoming inoperative. A list with the reference number of each referenced ODI report is included at the end of this letter.

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

- **Subject vehicles:** all MY 2010-2016 Chevrolet Equinox and GMC Terrain manufactured for sale or lease in the United States, including, but not limited to, the District of Columbia, and current U.S. territories and possessions.
- **Subject Recall:** NHTSA Recall 16V-582
- **Subject component:** Front windshield wiper module
- **Alleged defect:** Failure of the windshield wiper module ball joints, resulting in one or both windshield wipers becoming inoperative.

- **Peer Vehicles:** all of the following manufactured for sale or lease in the United States, including, but not limited to, the District of Columbia, and current U.S. territories and possessions:
 - MY 2010 – 2015 Captiva
 - MY 2011 – 2016 Cruze
 - MY 2010 – 2012 Malibu
 - MY 2010 – 2014 GMT900 SUV's (Avalanche, Escalade, Suburban, Tahoe, Yukon)
 - MY 2010 – 2013 GMT900 Pickup trucks (Silverado, Sierra)
 - MY 2010 – 2016 Lambda platform (Acadia, Enclave, Traverse)
 - MY 2009 – 2016 SRX

- **GM:** General Motors, 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 GM (including all business units and persons previously referred to), who are or, in or after 1995, 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.

- **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 GM, 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 GM 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 C.F.R. § 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 GM has previously provided a document to ODI, GM 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 GM's response to each request, identify the source of the information and indicate the last date the information was gathered.

1. Update to present GM's December 20, 2018 responses to Questions (2) through (5) of ODI's November 13, 2018 RQ18-002 Information Request. The Requests are stated below:
2. State the number of each of the following, received by GM, or of which GM 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 a crash, injury or fatality;
- d. Property damage claims
- e. Third-party arbitration proceedings where GM is or was a party to the arbitration;
- f. Lawsuits, both pending and closed, in which GM 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. 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 GM’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. GM’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), street address, email address and telephone number;
 - d. Vehicle’s VIN;
 - e. Vehicle’s make, 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; 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, field reports, etc.) and describe the method GM used for organizing the documents. Describe in detail the search methods and search criteria used by GM 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 GM to date that relate to, or may relate to, the alleged defect in the subject vehicles: 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. GM's claim number;
- b. Vehicle owner or fleet name (and fleet contact person), street address, email address 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(s);
- h. Problem 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."

Describe in detail the search methods and search criteria used by GM to identify the claims responsive to Request 5.

6. Update to present GM's December 20, 2018 responses to Question 11 of ODI's November 13, 2018 RQ18-002 Information Request: State the number of each of the following that GM has sold that may be used in the subject vehicles by component name, part number (both service and engineering/production), model and model year of the vehicle in which it is used and month/year of sale (*including the cut-off date for sales, if applicable*):
 - a. Subject component;
 - b. Any kits that have been released, or developed, by GM for use in service repairs to the subject component/assembly.
7. State, by model and model year, the number of peer vehicles GM has manufactured for sale or lease in the United States. Separately, for each subject vehicle manufactured to date by GM, state the following:
 - a. Vehicle identification number (VIN);
 - b. Make;
 - c. Model;
 - d. Model Year;
 - e. Subject component part number and design version installed as original equipment;

- f. Date of manufacture;
- g. Date warranty coverage commenced; and
- h. The State in the United States where the vehicle was originally sold or leased (or delivered for sale or lease).

Provide a series of tables by vehicle model or platform in Microsoft Access 2010, or a compatible format, each entitled "MODELNAME PRODUCTION DATA."

8. State the number of each of the following, received by GM, or of which GM is otherwise aware, which relate to, or may relate to, the alleged defect in the peer vehicles:
 - a. Consumer complaints, including those from fleet operators;
 - b. Field reports, including dealer field reports;
 - c. Reports involving a crash, injury or fatality;
 - d. Property damage claims
 - e. Third-party arbitration proceedings where GM is or was a party to the arbitration;
 - f. Lawsuits, both pending and closed, in which GM 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. 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 GM'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.

9. Separately, for each item (complaint, report, claim, notice, or matter) within the scope of your response to Request No. 8, state the following information:
 - a. GM's file number or other identifier used;
 - b. The category of the item, as identified in Request No. 8 (i.e., consumer complaint, field report, etc.);
 - c. Vehicle owner or fleet name (and fleet contact person), street address, email address and telephone number;
 - d. Vehicle's VIN;
 - e. Vehicle's make, 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; and
 - l. Number of alleged fatalities, if any.

Provide this information in Microsoft Access 2010, or a compatible format, entitled “REQUEST NUMBER EIGHT DATA.”

10. State, by model and model year, a total count for all of the following categories of claims, collectively, that have been paid by GM to date that relate to, or may relate to, the alleged defect in the peer vehicles: 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.
 - a. Separately, for each such claim, state the following information:
 - b. GM’s claim number;
 - c. Vehicle owner or fleet name (and fleet contact person), street address, email address and telephone number;
 - d. VIN;
 - e. Repair date;
 - f. Vehicle mileage at time of repair;
 - g. Repairing dealer’s or facility’s name, telephone number, city and state or ZIP code;
 - h. Labor operation number(s);
 - i. Problem code(s);
 - j. Replacement part number(s) and description(s);
 - k. Concern stated by customer;
 - l. Cause as stated on the repair order;
 - m. Correction as stated on the repair order; and
 - n. Additional comments, if any, by dealer/technician relating to claim and/or repair.
11. Provide this information in Microsoft Access 2010, or a compatible format, entitled “PEER WARRANTY DATA.”
12. State the number of each of the following that GM has sold that may be used in the peer vehicles by component name, part number (both service and engineering/production), model and model year of the vehicle in which it is used and month/year of sale (including the cut-off date for sales, if applicable):
 - a. Subject component
 - b. Any kits that have been released, or developed, by GM for use in service repairs to the subject component/assembly.
13. Describe cowl- region water management techniques for the subject vehicles. Include any related design and production changes made by, or on behalf of, GM in the design, material composition, manufacture, quality control, supply, or installation of the subject component, from the start of production to date, which relate to, or may relate to, the alleged defect in the subject vehicles.

Legal Authority for This Request

This letter is being sent to GM 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

GM's failure to respond promptly and fully to this letter could subject GM 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 \$22,329 per violation per day, with a maximum of \$111,642,265 for a related series of daily violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. *See* 49 C.F.R. § 578.6(a)(3). This includes failing to respond completely, accurately, and in a timely manner to ODI information requests.

If GM 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, GM does not submit one or more requested documents or items of information in response to this information request, GM 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 EA19-005 in GM's response to this letter and in any confidentiality request submitted to the Office of Chief Counsel.

If GM 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, GM 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. Additional information can be found here: <https://www.nhtsa.gov/coronavirus/submission-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 or (202) 366-8534.

Due Date

GM's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by **July 13, 2020**. GM's response must include all non-confidential attachments and a redacted version of all documents that contain confidential information. If GM finds that it is unable to provide all of the information requested within the time allotted, GM must request an extension from me at (202) 366-4703 no later than five business days before the response due date. If GM 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 GM then has available, even if an extension has been granted.

Please send email notification to Antonio Moore at Antonio.moore@dot.gov and to ODI_IRresponse@dot.gov when GM sends its response to this office and indicate whether there is confidential information as part of GM's response.

If you have any technical questions concerning this matter, please call Antonio Moore of my staff at (202) 366-2022.

Sincerely,

Stephen A. Ridella

Stephen A. Ridella, Ph.D., Director
Office of Defects Investigation

Enclosure 1, 107 ODI Reference Numbers

11323342 11323271 11323230 11322932 11322837 11322607 11322461 11322049 11321821
11321710 11321639 11321635 11321487 11321062 11319848 11319689 11319655 11319624
11319579 11319511 11319491 11318929 11318860 11318738 11317758 11317334 11316052
11312091 11311784 11311322 11311087 11310515 11310322 11310091 11310048 11309999
11309981 11309796 11309688 11309564 11309509 11309448 11309250 11309071 11308929
11308913 11308885 11308636 11308505 11308446 11308114 11307865 11307637 11307520
11307503 11307425 11307177 11307108 11306623 11302846 11302197 11302183 11301879
11301009 11300380 11299363 11299102 11298957 11298825 11298267 11297928 11297505
11297375 11297307 11297152 11296731 11292378 11291993 11291814 11290738 11290291
11290018 11289864 11289693 11289674 11289663 11289580 11289558 11289310 11289258
11289225 11289183 11289083 11288968 11288341 11288322 11288257 11288140 11288039
11287750 11287145 11287084 11287079 11286638 11286511 11286317 11283188