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

1200 New Jersey Avenue SE
Washington, DC 20590

April 8, 2021

VIA Email – Delivery and Read Receipt Requested

NEF-107CL
EQ21-001
19V-458
19V-627
20V-039
21V-139

Joyson Safety Systems
Attn: John Musiol
2025 Harmon Road
Auburn Hills, MI 48326

Dear Mr. Musiol:

The Office of Defects Investigation (ODI), Recall Management Division (RMD), is conducting an Equipment Query (EQ) in relation to certain passenger side air bags that multiple vehicle manufacturers have decided contain a safety related defect that could lead to an increased risk of injury. This investigation has been assigned the identification EQ21-001.

In a Part 573 Report dated July 14, 2019, Mercedes Benz USA, LLC (MBUSA) notified NHTSA of a safety-related defect in certain 2020 GLE350 4Matic and GLE450 4Matic vehicles. This filing was assigned Recall No. 19V-458. MBUSA stated these vehicles may have received Joyson Safety Systems (Joyson) passenger air bag assemblies that may cause a delayed or incomplete deployment of the air bag during a crash.

On August 28, 2019, Toyota Motor Engineering and Manufacturing (Toyota) notified NHTSA of a safety-related defect in certain 2003-2008 Corolla, 2005-2008 Corolla Matrix, and 2005-2008 Pontiac Vibe vehicles. This filing was assigned Recall No. 19V-627. Toyota stated these vehicles may have received replacement Joyson Safety Systems (Joyson) air bag assemblies under a previous recall, and the replacement air bags may not unfold as designed during a crash.

On January 23, 2020, General Motors, LLC (GM) notified NHTSA of a defect in certain 2003-2004 Pontiac Vibe vehicles. The GM filing was assigned Recall No. 20V-039. On March 4, 2021, Nissan North America, Inc. (Nissan) notified NHTSA of a defect in certain 2006-2008 Infiniti FX35 and FX45 vehicles. Nissan's filing was assigned Recall No. 21V-139. In both GM's and Nissan's recalls, affected vehicles were repaired under previous recalls, and the replacement air bags may not unfold as designed during a crash. A copy of each respective recall notification is enclosed for your information.

The purpose of this request is to obtain a list of purchasers who bought these passenger side air bags so they are made aware or this safety issue and are able to determine the need for any similar safety recall. It is also to request Joyson Safety Systems provide the requisite defect report, should it agree that it sold or distributed defective motor vehicle equipment to vehicle manufacturers. It is further to ascertain whether Joyson Safety Systems manufactured and sold or distributed any defective equipment in the replacement market for which it may have

responsibility for filing a report with NHTSA and conducting a recall campaign. Accordingly, we require the following information:

As to MBUSA 19V-548:

1. Provide a list of all customers that received the same or similarly affected Joyson passenger air bags and provide their company name, line of business (i.e. vehicle manufacturer, equipment manufacturer, distributor, retailer, etc.), address, phone number, contact person, quantity sold to each, and sale date.

2. Does Joyson intend to file a Part 573 Defect Information Report with NHTSA for this matter? If Joyson does not agree with MBUSA that these passenger air bags contain a safety related defect, you must explain your decision, including all supporting documents, analysis, and/or test reports.

As to Toyota 19V-627 and GM 20V-039:

3. Provide a list of all customers that received the same or similarly affected Joyson passenger air bags and provide their company name, line of business (i.e. vehicle manufacturer, equipment manufacturer, distributor, retailer, etc.), address, phone number, contact person, quantity sold to each, and sale date.

4. Does Joyson intend to file a Part 573 Defect Information Report with NHTSA for this matter? If Joyson does not agree with Toyota and GM that these passenger air bags contain a safety related defect, you must explain your decision, including all supporting documents, analysis, and/or test reports.

As to Nissan 21V-139:

5. Provide a list of all customers that received the same or similarly affected Joyson passenger air bags and provide their company name, line of business (i.e. vehicle manufacturer, equipment manufacturer, distributor, retailer etc.), address, phone number, contact person, quantity sold to each, and sale date.

6. Does Joyson intend to file a Part 573 Defect Information Report with NHTSA for this matter? If Joyson does not agree with Nissan that these passenger air bags contain a safety related defect, you must explain your decision, including all supporting documents, analysis, and/or test reports.

Pursuant to Federal law, a manufacturer of motor vehicle equipment must notify NHTSA within five (5) business days of when they first learn a safety defect or a noncompliance with an FMVSS exists in that equipment. In the case of a defect or noncompliance in original equipment installed in the vehicles of more than one manufacturer, notification to NHTSA must be made by the original equipment manufacturer as to the equipment item, and by each vehicle manufacturer as to those vehicles it manufactured in which the defective equipment was installed. The content of that notification is specified in 49 U.S.C. 573.6, *Defect and Noncompliance Information Report*.

This Defect and Noncompliance Information Report must be submitted electronically through the Agency's Recalls Portal. To access the portal and register as a manufacturer, go to:

https://map.safercar.gov/mportal/signin and use the appropriate link on the left side of the page. Questions concerning how to register for an account and other issues associated with use of the portal may be directed to the Recalls Portal Helpdesk toll free at 1-888-719-9220 or by email at recalls.helpdesk@dot.gov. **Hard and E-mailed copies are not accepted. Please do not send them to this office.**

This letter is being sent to your company 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. Your company's failure to respond promptly and fully to this letter could subject your company 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.

All confidential business 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 EQ21-001 in Joyson's response to this letter and in any confidentiality request submitted to the Office of Chief Counsel.

If your company 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, Joyson must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with 49 CFR 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.

DO NOT submit your numbered responses to this letter (or any responsive materials) through the Recalls Portal. Rather, send correspondence and materials directly to Choon Lee of my staff at choon.lee@dot.gov.

Your company's written response must be submitted to this office within 10 days of receiving this letter. In your response, please be certain to include a reference to this matter's identification number which is **EQ21-001.**

If you have any questions concerning this matter, please contact Choon Lee at (202) 366-0388 or by e-mail at choon.lee@dot.gov.

Sincerely,

ALEXANDER PRICE ANSLEY
Digitally signed by ALEXANDER PRICE ANSLEY
Date: 2021.04.08 13:22:44 -04'00'

Alex Ansley
Chief, Recall Management Division
Office of Defects Investigation

Enclosures