

**UNITED STATES DEPARTMENT OF TRANSPORTATION
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION**

1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

In re:

EA25-005

DTN Air Bag Inflator Rupture

SPECIAL ORDER DIRECTED TO EBAY INC.

To:

Mike Carson
Senior Director of Global Policy and Regulatory Management
eBay Inc.
2025 Hamilton Avenue
San Jose, CA 95125
[REDACTED]

This Special 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 510.8, 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).

NHTSA is currently aware of at least eleven vehicle crashes in which substandard driver side air bag inflators manufactured by Jilin Province Detiannuo Automobile Safety System Co., Ltd. (DTN) ruptured during deployment. Drivers in these crashes sustained serious or fatal injuries due to the rupture of substandard, aftermarket air bag inflator. NHTSA is informed and believes that some air bag modules assembled with these substandard aftermarket DTN air bag inflators have been sold by sellers on eBay Inc.’s (eBay) website. Under the National Traffic and Motor Vehicle Safety Act, as amended (the Safety Act), 49 U.S.C. Chapter 301, NHTSA is charged with

authority “to reduce traffic accidents and deaths and injuries resulting from traffic accidents.” 49 U.S.C. § 30101. As a result of the significant safety concerns associated with the purchase or selling of air bag modules assembled with DTN air bag inflators in the replacement equipment market, an investigation (identified as EA25-005) has been opened to obtain information.

eBay’s response to this Special Order must be provided by February 20, 2026. The response must be signed under oath, i.e., accompanied by an affidavit, signed by a responsible officer of eBay Inc., stating that he/she has undertaken and directed an inquiry reasonably calculated to assure that the answers and production of documents are complete and correct, that he/she has caused the documents of eBay Inc. to be searched diligently for information and documents responsive to this Special Order and produced them to NHTSA, and that the answers to the inquiries provided to NHTSA respond completely and correctly to this Special Order. 49 U.S.C. § 30166(g)(1)(A); 49 C.F.R. § 510.7.

Failure to respond fully or truthfully to this Special Order may result in a referral to the United States Department of Justice for a civil action to compel responses, and may subject eBay Inc. to civil penalties of up to \$27,874 per day, up to a maximum penalty of \$139,356,994 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). Falsifying or withholding information in response to this Special Order may also lead to criminal penalties of a fine or imprisonment of up to 15 years, or both. 49 U.S.C. § 30170(a)(1).

DEFINITIONS

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

1. **“Affiliates”** means a corporation that is related to another corporation (such as a subsidiary, parent, or sibling corporation) by shareholdings or other means of control.

2. **“Agent”** means an individual, such as a representative, who is authorized to act for or in place of another.

3. **“Air bag products”** means any air bag components, such as inflators, covers, or cushions, or assembly of air bag components.

4. **“Document(s)”** is used in the broadest sense of the word under Rule 34 of the Federal Rules of Civil Procedure, and includes 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, electronic communications (existing in hard copy and/or in electronic storage), invoices, contracts, agreements, manuals, publications, photographs of all types, and all mechanical, magnetic, and electronic records or recordings of any kind. Any document, record, graph, chart, film or photograph originally produced in color must be provided in color. Furnish all documents whether verified or not. If a document is not in the English language, provide both the original document and an English translation of the document.

5. **“eBay”** means eBay Inc., all of their past and present officers and employees, whether assigned to their principal offices or any of their field or other locations, including all of their 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 eBay (including all business units and persons previously referred to).

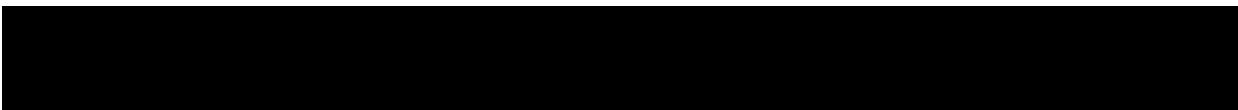
6. **“Employee”** means a person who works in the service of another person (the employer) under an express or implied contract of hire, under which the employer has the right to control the details of work performance.

7. **“Identify,” “identity,” or “identification,”** with respect to a document, means the date (or time period covered if not dated), nature of document, author, and recipient(s). With respect to a business, means to provide the corporate address, name of its principals, telephone number, and name and address of the agent for service. With respect to a website, means the url of the site, the name and address of the owner of the site and the name and address of administrator of the website.

8. **“Officer”** means a person who holds an office of trust, authority, or command, such as a person elected or appointed by the board of directors to manage the daily operations of a corporation, such as a CEO, president, secretary, or treasurer.

9. **“Policy”** refers to any written or otherwise provided directions or instructions that eBay provides to sellers or eBay employees regarding the sale of motor vehicle equipment.

Policies include but are not limited to the following listed on eBay’s website :



10. **“You” or “Your”** means eBay or eBay’s.

11. **Other terms.** To the extent that they are used in these requests, the terms “air bag,” “claim,” “consumer complaint,” “dealer field report,” “equipment,” “field report,” “fleet,” “good will,” “make,” “model,” “model year,” “notice,” “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.

INSTRUCTIONS

1. Your response to the Special Order shall be sent by email to Ashley Simpson (Ashley.Simpson@dot.gov) and Dylan Voneiff (Dylan.Voneiff@dot.gov) in NHTSA's Office of the Chief Counsel, and to Bruce York (Bruce.York@dot.gov) in NHTSA's Office of Defects Investigation.
2. Please repeat the applicable request verbatim above your response. After your response to each request, identify the source of the information and indicate the last date the information was gathered.
3. 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 also be reminded that where a document responsive to a request is not in the English language, both the original document and an English translation of the document must be produced.
4. You are required to respond to every request listed in this Special Order. If you cannot respond to any specific request or subpart(s) thereof, please state the reason why you are unable to do so. If you are unable to respond because you do not have all or any of the precise information needed to respond, provide an estimate. If, on the basis of attorney-client, attorney work product, or other privilege, you do not submit one or more requested documents or items of information in response to this Special Order, you must provide a privilege log identifying each document or item withheld, and stating the date, subject or title, 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.

5. After your response to each request, state whether you previously had any responsive documents that are no longer within your possession, custody, or control, including but not limited to because the documents were lost or destroyed. If such documents ever existed: describe the documents; identify the reason that the documents are no longer in your possession, custody, or control; identify the date that you last had the documents; and identify who may have copies of such documents.

6. If you claim that any of the information or documents provided in response to this Special 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, 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. All requests for confidential treatment should be submitted directly to the Office of the Chief Counsel via NHTSA's Confidential Business Information (CBI) Portal. If you do not currently have a user account in the CBI Portal, you may send a registration request to the CBI Portal's Help Desk at cbi-helpdesk@dot.gov. Your request must include a request letter that contains supporting information, pursuant to Part 512.8. Your request must also include a certificate, pursuant to Part 512.4(b) and Part 512, Appendix A. After you submit your request for confidential treatment and certificate in NHTSA's CBI Portal, the CBI Portal will assign a package identification number for your future reference and all "confidential version" and "public version" files submitted as part of the CBI request will be accessible by both NHTSA's Office of the Chief Counsel and NHTSA's Office of Defects Investigation. Please refer to EA25-005 in your response to this letter and in any request for confidential treatment that you may submit in response to this letter. Please see enclosure 1 for additional instructions on submitting a request for confidential treatment that is compliant with

49 CFR Part 512 (specifically, a request for confidential treatment must include the required parts that are discussed in enclosure 1).

7. All documents shall be produced electronically, as described below, in a common format (e.g., Word or PDF).

- a. Hard copy documents shall be imaged in PDF format. They shall be provided as multi-page PDFs with document level optical character recognition (OCR).
- b. Electronically Stored Information (ESI) shall be converted to multi-page PDFs and produced along with document level OCR/extracted text.
- c. You shall produce an index that lists the title of each document produced and the request to which it corresponds.

8. 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 Special 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 document requests all responses which might otherwise be construed to be outside its scope.

9. eBay’s response to this Special Order must be under oath, i.e., accompanied by an affidavit, signed by a responsible officer of eBay, stating that he/she has undertaken and directed an inquiry reasonably calculated to assure that the answers and production of documents are complete and correct, that he/she has caused the documents of eBay to be searched diligently for

information and documents responsive to this Special Order and produced them to NHTSA, and that the answers to the inquiries provided to NHTSA respond completely and correctly to this Special Order.

10. The requests in this Special Order are deemed to be continuing in nature so as to require additional or amended responses from you should you obtain or become aware of any new, additional, or differing responsive information or documents.

REQUESTS

1. Identify all known eBay accounts owned by the following people:
 - a. [REDACTED]
 - b. [REDACTED];
 - c. [REDACTED]
 - d. [REDACTED].
2. Provide the full owner's name and contact information for each of the following eBay seller accounts:
 - a. [REDACTED];
 - b. [REDACTED]
 - c. [REDACTED]
 - d. [REDACTED]
 - e. [REDACTED]
 - f. [REDACTED]
3. For each seller identified in Requests 1 and 2, provide the following information:
 - a. If the account(s) is(are) active or inactive;
 - b. A list of motor vehicle equipment items sold;
 - c. Date of sale for each unit of a particular item;
 - d. Purchaser full name and contact information; and
 - e. Account names and contact information of followers of the seller account.

Provide the information in a table in Microsoft Access 2010, or a compatible format, entitled "SELLER DATA."
4. Describe and provide a copy of any policies or procedures eBay utilizes to ensure that

an air bag product being offered for sale in a listing is not rebuilt or has never been deployed before.

5. Describe and provide a copy of any policies or procedures eBay utilizes to ensure that a listing does not include a recalled or nonoriginal equipment air bag product.
6. Describe any system of records eBay keeps of reported incidents of counterfeit, recalled, or substandard air bags or air bag products being sold through eBay. For each system of records, provide the following information:
 - a. The form eBay keeps these records;
 - b. The length of time eBay keeps these records;
 - c. Where the records are stored; and
 - d. Any document retention or destruction policy relating to these records.
7. Describe and provide a copy of any policies or procedures relating to investigating or responding to reported incidents of substandard or counterfeit air bags being sold through eBay. For each policy or procedure please identify when the policy or procedure was implemented.
8. Describe and provide a copy of any policies or procedures relating to listings cross-listed on other online marketplaces such as Facebook Marketplace.
9. Identify all listings within the last 10 years in which eBay learned that a substandard or counterfeit air bag product was sold on eBay. In a table, identify the following:
 - a. The listing;
 - b. When eBay become aware of the listing;
 - c. How eBay become aware of the listing;
 - d. A description of the listing;
 - e. The vehicle the air bag module was intended for or installed on including:
 - i. Model Year;
 - ii. Make; and
 - iii. Model.
 - f. Any injuries or deaths associated with those products;
 - g. A narrative explanation regarding eBay's response to the incident including

any investigation and the results of such an investigation;

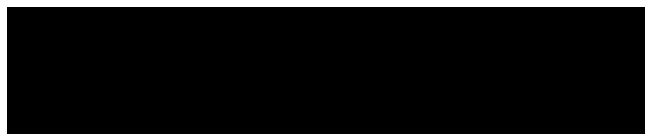
- h. Any notification to consumers potentially affected by the incident; and
- i. Any notification to government agencies about the incident.

Provide the information in a table in Microsoft Access 2010, or a compatible format, entitled “INCIDENT DATA.”

10. Provide a copy of eBay’s vehicles, parts, and accessories seller policy (the “Policy”).
11. Identify when the Policy was first implemented by eBay.
12. Identify any time period after 2012 where eBay rescinded the Policy or no longer had the Policy in effect. If the Policy was ever rescinded or paused, provide a detailed narrative explaining why the Policy was rescinded or paused, when eBay re-implemented the Policy, and why eBay re-implemented the Policy.
13. Provide any changes or updates to the Policy since 2012, including a detailed narrative explaining when and why these updates were made.
14. Provide a detailed narrative explaining how eBay enforces the Policy, including a detailed narrative explaining what constitutes a violation of the Policy. In your response, please:
 - a. Describe eBay’s policy and procedure when it learns that a listing violates the Policy. Provide a copy of any policies or procedures relating to enforcing the Policy. For each policy or procedure provide the following:
 - i. When the policy and procedure was made; and
 - ii. An explanation of who enforces the policy or procedure.
 - b. Describe the consequences for a seller or listing that is found to violate the Policy. Provide a copy of any policies or procedures outlining eBay’s actions following the removal of a seller’s listing found to violate the Policy;
 - c. Describe all other ways and means eBay is notified when a listing violates the Policy;
 - d. Describe how eBay removes listings found to violate the Policy;
 - e. Describe any consequences that eBay enforces against sellers that list products that violate eBay’s policies;
 - f. Describe and provide a copy of any policies or procedures whereby eBay

- would remove or ban a seller found to violate the Policy;
- g. Describe and provide a copy of any policies or procedures eBay utilizes to ensure that a listing found to violate the Policy is not re-posted; and
 - h. Describe and provide a copy of any policies or procedures eBay utilizes to ensure sellers removed or banned for violating the Policy are unable to create a new account or otherwise attempt to re-join eBay.
15. Provide a detailed narrative of eBay’s process for reviewing listings for compliance with the Policy. In your response, please provide the following:
- a. A narrative explaining how eBay reviews listings;
 - b. Identify any software used to review listings;
 - c. Identify any artificial intelligence used (AI) to review listings; and
 - d. Provide any policies or procedures related to determining whether a listing complies with or violates the Policy and list when those policies or procedures were implemented.
16. Provide a detailed narrative explaining what is an “approved seller” under the Policy. In your response, please describe and provide a copy of:
- a. Any policies or procedures utilized to categorize a seller as an “approved seller” under the Policy;
 - b. Any policies or procedures applicable to “approved sellers” maintaining their approved status;
 - c. Any policies or procedures outlining how a seller can lose their “approved seller” status; and
 - d. Any policies or procedures eBay utilizes if eBay learns an “approved seller” posts a listing that violates the Policy.
17. Describe and provide a copy of any policies or procedures eBay utilizes to ensure that air bag products are shipped in accordance with applicable regulations regarding hazmat shipping and a carrier other than the US Postal Service.

Dated:

A large black rectangular box redacting the signature of Peter Simshauser.

Peter Simshauser
Chief Counsel

ENCLOSURE 1 - INFORMATION FOR REQUESTS FOR CONFIDENTIAL TREATMENT

If you believe that your response contains any material that you claim is confidential business information, submit these materials to NHTSA's Office of the Chief Counsel in accordance with 49 C.F.R. Part 512. **All requests for confidential treatment should be submitted directly to the Office of the Chief Counsel via NHTSA's Confidential Business Information (CBI) Portal. If you do not currently have a user account in the CBI Portal, you may send a registration request to the CBI Portal's Help Desk at cbi-helpdesk@dot.gov.**

Requests for confidential treatment are governed by Part 512. A current version of this regulation is available on the internet at <http://www.ecfr.gov> by selecting Title 49 "Transportation," next selecting "Parts 500 - 599," and finally selecting Part 512 "Confidential Business Information."

How to request confidential treatment:

NHTSA is treating electronic submission as an acceptable method for submitting confidential business information to the agency under Part 512. If you claim that any of the information or documents provided in your response constitutes confidential business information within the meaning of 5 U.S.C. § 552(b)(4), or are protected from disclosure pursuant to 18 U.S.C. § 1905, you must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with Part 512, to the Office of the Chief Counsel. Requests for confidential treatment should be submitted to the Office of the Chief Counsel in NHTSA's CBI Portal. Do not send a hardcopy of a request for confidential treatment to NHTSA's headquarters.

Your request must include a request letter that contains supporting information, pursuant to Part 512.8. Your request must also include a certificate, pursuant to Part 512.4(b) and Part 512, Appendix A.

You are required to submit one unredacted "confidential version" of the information for which you are seeking confidential treatment. Pursuant to Part 512.6, the words "ENTIRE PAGE CONFIDENTIAL BUSINESS INFORMATION" or "CONFIDENTIAL BUSINESS INFORMATION CONTAINED WITHIN BRACKETS" (as applicable) must appear at the top of each page containing information claimed to be confidential. In the latter situation, where not all information on the page is claimed to be confidential, identify each item of information for which confidentiality is requested within brackets: "[]."

You are also required to submit one redacted "public version" of the information for which you are seeking confidential treatment. Pursuant to Part 512.5(a)(2), the redacted "public version" should include redactions of any information for which you are seeking confidential treatment (i.e., the only information that should be unredacted is information for which you are not seeking confidential treatment).

For questions about a request for confidential treatment, please contact Dan Rabinovitz in the Office of the Chief Counsel at Daniel.Rabinovitz@dot.gov.