



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

JUL 30 2013

1200 New Jersey Avenue SE.
Washington, DC 20590

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jay Joseph, Senior Manager
Product Regulatory Office
American Honda Motor Company
1919 Torrance Blvd. – Mailstop 500-2C-10A
Torrance, CA 90501-2746

NVS-212pco
PE13-020

Dear Mr. Joseph:

This letter is to inform you that the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) has opened a Preliminary Evaluation (PE) 13-020 to investigate allegations of inadvertent air bag deployments in certain model year (MY) 2003 through 2004 Honda Odyssey vehicles manufactured by American Honda Motor Company, and to request certain information.

This office has received 6 consumer reports of air bag inadvertent deployments from these vehicles resulting in 3 injuries and another 16 consumer reports of air bag light illumination that may be related to the same issue (it should be noted that the 41 consumer reports cited in the PE13-020 opening resume included erroneous reports from the MY2002 Odyssey). At the time of the frontal air bag deployments, the vehicles were operated on the public roadway. An electronic copy of each Vehicle Owner Questionnaire (VOQ) complaint report have been emailed to your office and the list of ODI numbers identifying these reports are provided at the end of this letter.

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

- **Subject vehicles:** all MY 2003-2004 Honda Odyssey and all other model year Honda and Acura vehicles equipped with the same subject component as the 2003 Honda Odyssey, manufactured for sale or lease in the United States and its territories.
- **Subject component:** air bag electronic control unit/module (ECU) supplied by TRW Automotive containing the same ASIC circuit (P/N 150724-2/LMB4009) or using the same basic ASIC circuit as used in the MY2002-2003 Jeep Liberty ORC Module.
- **Honda:** Honda (American Honda Motor Co.), 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 Honda (including all business units and persons previously referred to), who are or were involved in any way with any of the following related to the subject condition in the subject peer 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.
- **Alleged defect:** the unwanted or inadvertent deployment of an air bag or air bags (specify frontal, side, and/or curtains) without a vehicle crash/impact or the illumination of the air bag light indicating a faulty ECU that can lead to an inadvertent deployment of the air bags.
 - **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 Honda, 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 Honda 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 CFR 579.4.

In order for my staff to evaluate the alleged defect, certain information is required. Pursuant to 49 U.S.C. § 30016, please provide numbered responses to the following information requests. Insofar as Honda has previously provided a document to ODI, Honda may produce it again or identify the document, or 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 Honda's response to each request, identify the source of the information and indicate the last date the information was gathered.

1. **State within the body of the response letter a summary table**, by make, model and model year, the number of subject vehicles Honda has manufactured for sale or lease in the United States. Separately, for each subject vehicle manufactured to date by Honda, state the following:
 - a. Vehicle identification number (VIN);
 - b. Make;
 - c. Model;
 - d. Model Year;
 - e. Date of manufacture (in "yyyy/mm/dd" date format);
 - f. Date warranty coverage commenced (in "yyyy/mm/dd" date format); and
 - g. The State in the United States where the vehicle was originally sold or leased (or delivered for sale or lease).

Provide the detailed information in Microsoft Access 2007, or a compatible format, entitled "Q1_PRODDATA.accdb" as needed. Multiple model vehicle data can be provided in

separate tables within a single database file providing that the overall file size does not exceed 1GB.

2. **State the number of each of the following reports**, received by Honda, or of which Honda is otherwise aware, which relate to, or may relate to, the alleged defect or problem condition in the subject vehicles and peer vehicles:
 - a. Consumer complaints, including those from fleet operators;
 - b. Field reports, including dealer field reports;
 - c. Reports involving a fire, crash, injury, or fatality, based on claims against the manufacturer involving a death or injury, notices received by the manufacturer alleging or proving that a death or injury was caused by a possible defect in a subject vehicle, property damage claims, consumer complaints, or field reports;
 - d. Property damage claims; and
 - e. Third-party arbitration proceedings where Honda is or was a party to the arbitration; and
 - f. Lawsuits, both pending and closed, in which Honda is or was a defendant or codefendant.

For subparts "a" through "f" **state within the body of the response letter a summary table** containing the total number of each item (e.g., a. consumer complaints, b. 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 Honda'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. Honda's file number or other identifier used;
 - b. The category of the item, as identified in Request No. 2 (i.e., a. consumer complaint, b. field report, f. lawsuits etc.);
 - c. Vehicle owner or fleet name (and fleet contact person), 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 (in "yyyy/mm/dd" date format);
 - h. Report or claim date (in "yyyy/mm/dd" date format);
 - i. Which air bag deployed (driver and/or passenger air bag)?
 - j. Whether the seat belt tensioner actuated (driver and/or passenger side);
 - k. Occurred at vehicle startup (within 10 sec of starting the vehicle)?, if not, provide the following:
 - i) Transmission Position;

- ii) Vehicle Speed (stop, rolling (1-25 mph), Moving Speed (26-45 mph) or highway Speed (45+mph);
- iii) Whether the owner stated if the air bag warning light was illuminated prior to the air bag deployment?
 - l. Whether there was a stored fault code;
 - m. Which ASIC chip failed if known?
 - n. Whether property damage is alleged;
 - o. Number of alleged injuries, if any; and
 - p. Number of alleged fatalities, if any.

Provide this information in Microsoft Access 2002, or a compatible format, entitled "Q3_ORDATA.accdb." as needed. Multiple model vehicle data can be provided in separate tables within a single database file providing that the overall file size does not exceed 1GB.

- 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., a. consumer complaints, b. field reports, f. lawsuits etc.) and describe the method Honda used for organizing the documents.
- 5. **State within the body of the response letter a summary table**, by model and model year, a total count for each of the following categories of claims, collectively, that have been paid by Honda to date that relate to, or may relate to, the alleged defect or problem condition in the subject vehicles and peer vehicles: warranty claims; extended warranty claims; claims for good will services including field, zone, or similar adjustments and reimbursements; or a customer satisfaction campaign.

Separately, for each such claim, state the following information:

- a. Honda's claim number;
- b. Vehicle owner or fleet name (and fleet contact person) and telephone number;
- c. VIN;
- d. Repair date (in "yyyy/mm/dd" date format);
- 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;
- h. Problem code;
- i. Replacement part number(s) and description(s);
- j. Concern stated by customer; and
- k. Comment, if any, by dealer/technician relating to claim and/or repair.

Multiple repairs/incidents involving the same vehicle are to be counted separately, but duplicate repair claims are not to be included. If desired, the warranty claim can be tagged as a "duplicate to an owner report" in the summary table and in the data file.

Provide the detailed information in Microsoft Access 2002, or a compatible format, entitled "Q5_WRNTYDATA.accdb" as needed. Multiple model vehicle (peer vehicle) data can be provided in separate tables within a single database file providing that the overall file size does not exceed 1GB.

6. Describe in detail the search criteria used by Honda to identify the claims identified in response to Request No. 5, including the labor operations, problem codes, part numbers and any other pertinent parameters used. Provide a list of all labor operations, labor operation descriptions, problem codes, and problem code descriptions applicable to the alleged defect or problem condition in the subject vehicles and peer vehicles. State, by make and model year, the terms of the new vehicle warranty coverage offered by Honda on the subject vehicles and peer vehicles (i.e., the number of months and mileage for which coverage is provided and the vehicle systems that are covered). Describe any extended warranty coverage option(s) that Honda offered for the subject vehicles and peer vehicles and state by option, model, and model year, the number of vehicles that are covered under each such extended warranty.
7. Provide a list of all air bag fault codes (with a short description) that may indicate a potential for inadvertent deployment of the frontal air bags for the subject vehicles.
8. Describe the similarities and differences between the each make, model & model year subject vehicle ECU including functionality (seat belt pretensioner, frontal and/or side air bag (incl. curtain air bags) functions), and how the air bag firing circuits are assigned to each ASIC circuit (number of ASIC circuits used, and the part number designation/identification/ revisions level of the ASIC circuit(s)).
9. Produce copies of all service, warranty, and other documents that relate to, or may relate to, the alleged defect in the subject vehicles, that Honda 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 Honda is planning to issue within the next 120 days.
10. 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, Honda. 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.

11. Describe within the body of the response letter, all modifications or changes made by, or on behalf of, Honda 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. Provide a summary table outlining the changes as described above. For each such modification or change, provide the following information:
- The date or approximate date on which the modification or change was incorporated into vehicle production;
 - A detailed description of the modification or change;
 - The reason(s) for the modification or change;
 - The part number(s) (service and engineering) of the original component;
 - The part number(s) (service and engineering) of the modified component;
 - Whether the original unmodified component was withdrawn from production and/or sale, and if so, when;
 - When the modified component was made available as a service component; and
 - Whether the modified component can be interchanged with earlier production components.

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

12. Produce one each of the following:
- Exemplar sample of each design version of the subject component for the subject vehicle;
 - Any kits that have been released, or developed, by Honda for use in service repairs to the subject component/assembly which relate, or may relate, to the alleged defect in the subject vehicles.
13. State the number of each of the following that Honda 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):
- Subject components; and
 - Any kits that have been released, or developed, by Honda for use in service repairs to the subject component/assembly.

For each component part number, provide the supplier's name, address, and appropriate point of contact (name, title, and telephone number). Also identify by make, model, model year and number sold, any other vehicles of which Honda is aware that contain the identical component, whether installed in production or in service, and state the applicable dates of production or service usage.

14. Furnish Honda's assessment of the alleged defect in the subject vehicles, including:
- The causal or contributory factor(s);
 - The failure mechanism(s);
 - The failure mode(s);

- d. The risk to motor vehicle safety that it poses;
- e. What warnings (both visually and audibly), if any, the operator would have that the alleged defect was occurring or subject component was malfunctioning (does the air bag light illuminate intermittently or in a constant ON mode); and
- f. The reports included with this inquiry.

Legal Authority for This Request

This letter is being sent to Honda 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

Honda's failure to respond promptly and fully to this letter could subject Honda 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(b), provides for civil penalties of up to \$7,000 per day, with a maximum of \$17,350,000 for a related series of violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. See 49 CFR 578.6 (as amended by 77 Fed. Reg. 70710 (November 27, 2012)). This includes failing to respond completely to ODI information requests.

If Honda 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, Honda does not submit one or more requested documents or items of information in response to this information request, Honda 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 PE13-020 in Honda's response to this letter and in any confidentiality request submitted to the Office of Chief Counsel.

If Honda 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, Honda 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-111), National Highway Traffic Safety Administration, Room W41-227, 1200 New Jersey Avenue, S.E., Washington, D.C. 20590. Honda 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.

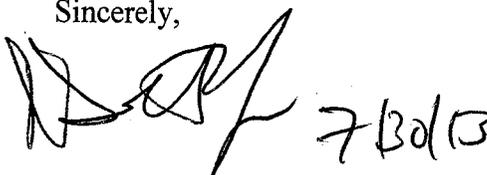
Due Date

Honda's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by September 20, 2013. If Honda finds that it is unable to provide all of the information requested within the time allotted, Honda must request an extension from me at (202) 366-0139 no later than five business days before the response due date. If Honda 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 Honda then has available, even if an extension has been granted.

Please send email notification to Peter Ong at peter.ong@dot.gov and to ODI_IRresponse@dot.gov when Honda sends its response to this office and indicate whether there is confidential information as part of Honda's response.

If you have any technical questions concerning this matter, please call Peter Ong of my staff at (202) 366-0583.

Sincerely,



D. Scott Yon, Chief
Vehicle Integrity Division
Office of Defects Investigation

VOQ (ABID) Nos:

10344378 10376403 10458552 10474448 10505430 10521088

VOQ (ABL) Nos:

10138141 10150491 10192789 10235036 10324365 10357049 10456658 10504568
10515973 10516064 10516149 10520026 10521170 10521170 10523537 10524350