

NONCOMPLIANCE INFORMATION REPORT

1. **Manufacturer's name/address:** Continental Aftermarket GmbH, Guerickestrasse 7, Frankfurt am Main, D-60488, Germany
2. **Equipment involved in this noncompliance notification:** ATE Super Blue Racing DOT 4 Brake Fluid (ATE part number 03.9901-6302.2)
3. **Total number of items of equipment:** Continental has sold an estimated 488,144 units of this brake fluid in the United States since January 1, 2000. Although the product was also sold prior to that date, Continental's records do not permit an accurate reconstruction of those older sales volumes.
4. **Approximate percentage of equipment estimated to actually contain the noncompliance:** 100%
5. **Description of the noncompliance:** The brake fluid is blue in color, which is a noncompliance with FMVSS 116 S5.1.14.
6. **Chronological summary of events leading to this determination (including test results or observations that led to the determination and dates thereof):** In mid-July, Continental received a letter from NHTSA's Office of Vehicle Safety Compliance advising that it had evaluated the subject brake fluid as part of the FY 2013 compliance test program and asserting that the subject brake fluid fails to comply with the color requirements of FMVSS 116. Continental undertook an internal review in response to the NHTSA letter, including a review of the distribution of this product for racing purposes. The Continental Product Integrity Committee met on Monday, August 12, and decided that the product does not comply with FMVSS 116, and decided to file this report.
7. **Description of proposed remedy:** Continental has stopped shipping this product in the United States and is in the process of notifying its distributors to stop sale immediately. Continental will offer to repurchase all of the units of the subject brake fluid in the possession of distributors and retailers, and will offer to repurchase any units in the possession of consumers.
8. **Program for remedy campaign:** Continental is in the process of notifying its distributors now. A representative copy of the distributor notification is enclosed with this report. With respect to consumers, Continental will post a link to the Part 577 customer notice on its U.S. website for the ATE brake fluid products and will mail it to consumers with known mailing addresses. A draft of this customer notice is enclosed for review and approval. The notice will be mailed and the link to it will be posted upon receipt of approval from NHTSA. The reimbursement provisions of Section 573.13 are not applicable to this recall, because the repurchase remedy has not previously been made available.