



September 30, 2020

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Antonio Mole
Regulatory Management and Campaigns
Daimler Vans USA, LLC
Daimler Vans
8501 Palmetto Commerce Pkwy
Ladson, SC 29456

NEF-0104kh
PE20-014

Dear Mr. Mole:

This letter is to inform you that the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) has opened Preliminary Evaluation (PE20-014) to investigate allegations of rear wheel speed sensor (RWSS) failure in model year (MY) 2011 through 2018 Daimler Vans Sprinter vehicles, and to request certain information to assist in our evaluation.

This office has identified forty-six (46) complaints alleging incidents of RWSS failure resulting in multiple warning lamps and other symptoms including allegations of large fluctuations in engine speed, unintended acceleration, erratic transmission shifting and limp-home mode operation. Most complaints involved Sprinter vans that were converted to recreational vehicles (RVs) and at least eleven (11) complaints indicated experiencing multiple RWSS sensor replacements. A copy of each of the reports will be provided by secure file transfer.

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

- **Subject vehicles:** All MY 2011 through 2018 Daimler Vans Sprinter vehicles manufactured for sale or lease in the United States and federalized territories.
- **Subject component:** All RWSS's manufactured for use as original equipment or service parts in the subject vehicles.
- **Subject system:** The electronic stability program (ESP) system and associated subsystems and software functions (e.g. ABS, engine torque control...etc.) used in the subject vehicles.

- **Daimler Vans:** Daimler Vans USA, LLC. (collectively, “Daimler Vans”), 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 agency, 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 Daimler Vans (including all business units and persons previously referred to), who are or, in or after January 1, 2010, 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 such entities or individuals.

- **Alleged defect:** RWSS failure or malfunction resulting from moisture intrusion or dendritic growth.

- **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, bulletin, 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 Daimler Vans, 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 Daimler Vans 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. § 30166, please provide numbered responses to the following information requests. Insofar as Daimler Vans has previously provided a document to ODI, Daimler Vans 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 Daimler Vans response to each request, identify the source of the information and indicate the last date the information was gathered.

1. State, by model and model year, the number of subject vehicles Daimler Vans has manufactured for sale or lease in the United States. Separately, for each subject vehicle manufactured to date by Daimler Vans, state the following:
 - a. Vehicle identification number (VIN);
 - b. Make;
 - c. Model;
 - d. Model Year;
 - e. Camper upfit (yes/no);
 - 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 the table in Microsoft Access 2010, or a compatible format, entitled "PRODUCTION DATA."

2. State the number of each of the following, received by Daimler Vans, or of which Daimler Vans 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 upfitter/dealer field reports;
 - c. Reports involving a crash, injury or fatality;
 - d. Property damage claims;
 - e. Third-party arbitration proceedings where Daimler Vans is or was a party to the arbitration;
 - f. Pre-litigation demands, matters not yet in suit, or by whatever name called by Daimler Vans, which were resolved or concluded before the commencement of a filed lawsuit; and
 - g. Lawsuits, both pending and closed, in which Daimler Vans is or was a defendant or codefendant.

For each subpart, separately state the total number of each item (e.g., consumer complaints, field reports, etc.). 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 or fire occurred are to be counted as a crash or fire report, a field report and a consumer complaint).

3. Separately, for each item (complaint, report, claim, notice, or matter) within the scope of your response to Request No. 3, state the following information:
 - a. Daimler Vans 's file number;
 - 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), address, and telephone number;
 - d. Vehicle VIN;
 - e. Vehicle model and model year;
 - f. Vehicle mileage at time of incident;
 - g. Incident date;
 - h. Report or claim date;
 - i. Number of alleged injuries;
 - j. Number of alleged fatalities;
 - k. Diagnostic Trouble Codes (DTC) and description;
 - l. The alleged defect category or failure mode(s) involved (i.e., the symptoms/conditions as listed in the alleged defect definition);
 - m. Whether the vehicle was towed;
 - n. Whether a crash is alleged;
 - o. Whether property damage is alleged;
 - p. Whether Daimler Vans investigated the incident; and
 - q. Daimler Vans' assessment of the incident cause.

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

4. Produce copies of all documents related to each item within the scope of Request No. 3. Organize the documents separately by category (i.e., consumer complaints, field reports, event data recorder reports, police reports, etc.) and describe the method Daimler Vans used for organizing the documents. Describe in detail the search methods and search criteria used to identify the items in response to Request No. 3.
5. State total counts for all of the following categories of claims, collectively, that have been paid by Daimler Vans to date on each of the subject components 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. Daimler Vans claim number;
- b. Vehicle owner or fleet name (and fleet contact person) and telephone number;
- c. VIN;
- d. Repair date;
- e. Whether a claim for towing was made within five days of the claim 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 and description;
- i. Problem code and description;
- j. Diagnostic Trouble Code (DTC) and description;
- k. Replacement part number(s);
- l. Replacement part supplier and description;
- m. Concern stated by customer;
- n. Cause and Correction stated by dealer/technician; and
- o. 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.”

6. Describe in detail the search criteria used by Daimler Vans to identify the claims identified in response to Request No. 6, 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 in the subject vehicles. State, by make and model year, the terms of the new vehicle warranty coverage offered by Daimler Vans on the subject vehicles (i.e., the number of months and mileage for which coverage is provided and the vehicle systems that are covered).
7. Produce copies of all service, warranty, and other documents that relate to, or may relate to, the alleged defect in the subject vehicles, that Daimler Vans has issued to any dealers,

regional or zone offices, field offices, fleet purchasers, or other entities. This includes, but is not limited to, bulletin, 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 Daimler Vans is planning to issue within the next 120 days.

8. 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 that have been conducted, are being conducted, are planned, or are being planned by, or for, Daimler Vans. For each such action, provide the following information:
 - a. Action title or identifier;
 - b. The actual or planned start date;
 - c. The actual or expected end date;
 - d. 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 summary of the findings and/or conclusions resulting from the action.

The response to this request should include a detailed description of all past, present and future actions by all engineering working groups (e.g., vehicle dynamics control task force) of which Daimler Vans is an active member or is otherwise aware. This includes, at a minimum, all the information requested in items “a” through “f.”

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.

9. Describe all modifications or changes made by, or on behalf of, Daimler Vans in the design, material composition, manufacture, quality control, supply, or installation of the subject components, from the start of production to date, which relate to, or may relate to, the alleged defect in the subject vehicles. For each such modification or change, provide the following information:
 - a. The date or approximate date on which the modification or change was incorporated into vehicle production;
 - b. A detailed description of the modification or change;
 - c. The reason(s) for the modification or change;
 - d. The part number(s) (service and engineering) of the original component;
 - e. The part number(s) (service and engineering) of the modified component;
 - f. Whether the original unmodified component was withdrawn from production and/or sale, and if so, when;
 - g. When the modified component was made available as a service component; and

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

10. State the number of RWSS's that Daimler Vans has sold for use 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).

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 and model year, any other vehicles of which Daimler Vans is aware that contain the identical component, whether installed in production or in service, and state the applicable dates of production or service usage.

11. Provide the following photographs or Computer Aided Design views of the subject component:
 - a. RWSS in the installed positions;
 - b. Sectioned view of a RWSS showing internal components, moisture entry paths, and locations of short circuits caused by moisture intrusion;
 - c. Circuit diagram; and
 - d. Photographs from analysis of field return parts exhibiting dendritic growth.

Include the following information about the parts shown in response to 11.d: (1) the vehicle identification number; (2) the repair claim number; and (3) copies of all documents related to analysis of the part.

12. Describe the effects of the alleged defect on the function of the subject system, including:
 - a. A detailed description of how each fault is qualified to place the system in failsafe operating mode, including single and dual RWSS faults;
 - b. The warning lamps and driver information messages associated with the alleged defect, including the conditions required for setting each;
 - c. Describe all diagnostic trouble codes (DTC), DTC storage and erasing, diagnostic detection thresholds and timing for failure judgements and all software test cycles performed at initial vehicle power-up and drive cycle;
 - d. The conditions required for restoring system operation; and
 - e. The conditions required for clearing warning lamps.
13. Describe the effects of the alleged defect on vehicle speed control, including faults occurring with cruise control in use. Include the following information:
 - a. The effects of the alleged defect on throttle control and vehicle speed, including throttle return to idle when the accelerator pedal has been released;
 - b. The maximum magnitude and duration of engine torque requests that may result from the alleged defect;
 - c. The maximum change in vehicle speed that may result from the alleged defect when cruise control is not in use;

- d. The maximum change in vehicle speed that may result from the alleged defect when cruise control is in use, including a description of plausibility checks that may result in disengagement of cruise control; and
 - e. The effects of the alleged defect on vehicle response to driver accelerator pedal application and braking.
14. Describe all limp home mode operating conditions that may result from the alleged defect, including:
- a. The conditions that trigger limp home mode;
 - b. The operating conditions for each limp home mode associated with the subject condition, including limits on gear selection, engine speed and vehicle speed; and
 - c. The conditions required to end limp home mode operation.
15. Furnish Daimler Vans' assessment of the alleged defect in the subject vehicles. Include the following information for each condition:
- a. Detailed descriptions of the root cause(s) and contributory factor(s);
 - b. The failure mechanism(s), including detailed descriptions of how the conditions effect the subject sensor(s) signal, the range of those effects when the condition(s) are first evident and how the effects can change over time;
 - c. The failure mode(s), including the specific operating conditions;
 - d. The risk to motor vehicle safety that it poses, including the effects described in the responses to Requests 12 through 14; and
 - e. What warnings, if any, the operator and the other persons both inside and outside the vehicle would have that the system is beginning to malfunction, including the progression of symptoms over time.

Legal Authority for This Request

This letter is being sent to Daimler Vans 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

Daimler Vans' failure to respond promptly and fully to this letter could subject Daimler Vans 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, provides for civil penalties of up to \$22,329 per day, with a maximum of \$111,642,265 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 Fixing America's Surface Transportation Act (the "FAST Act"), Pub. L. 114-21, § 24110(a)(2), 129 Stat. 1312 (Dec. 4, 2015)). This includes failing to respond completely to ODI information requests.

If Daimler Vans 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, Daimler Vans does not submit one or more requested documents or items of

information in response to this information request, Daimler Vans 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 PE20-014 in Daimler Vans' response to this letter and in any confidentiality request submitted to the Office of Chief Counsel.

If Daimler Vans 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, Daimler Vans 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 W41-326, 1200 New Jersey Avenue, S.E., Washington, D.C. 20590. *See* 5 U.S.C. § 552(b)(4); 49 CFR §412.5; *Food Marketing Institute v. Argus Leader Media*, 139 S. Ct. 2356 (2019). Daimler Vans is required to **submit two copies of the documents containing allegedly confidential information (except only one copy of blueprints) and one copy containing only the portions for which no claim of confidential treatment is made and from which those portions for which confidential treatment is claimed has been redacted.** *See* 49 CFR § 512.5. 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 requirements in NHTSA's Confidential Business Information Rule regarding submissions in electronic formats. *See* 49 CFR 512.6(c).

If you have any questions regarding submission of a request for confidential treatment, contact Dan Rabinovitz, Trial Attorney, Office of Chief Counsel at daniel.rabinovitz@dot.gov or (202) 366-8534.

Due Date

Daimler Vans' response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by **November 20, 2020**. If Daimler Vans finds that it is unable to provide all of the information requested within the time allotted, Daimler Vans must request an extension from me at (202) 366-5207 no later than five business days before the response due date. If Daimler Vans 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 Daimler Vans then has available, even if an extension has been granted. Please send email notification to Kareem Habib at Kareem.Habib@DOT.gov and to ODI_IRresponse@dot.gov when Daimler Vans sends its response to this office and indicate whether there is confidential information as part of Daimler Vans' response.

If you have any technical questions concerning this matter, please call Kareem Habib of my staff at (202) 366-8703.

Sincerely,

A handwritten signature in black ink that reads "Jeffrey L. Quandt". The signature is written in a cursive style with a large, stylized initial "J".

Jeffrey L. Quandt, Chief
Vehicle Defects Division-D
Office of Defects Investigation