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National Highway Traffic Administration  
400 Seventh Street S.W.  
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**Subject: Request for Comments regarding NHTSA interest in suggested approaches for Standards Enforcement and Defect Investigation; Defect and Noncompliance Reports; Record Retention**

Ref : ANPRM 49CFR Parts 554, 573, and 576  
Docket No. NHTSA 2001-8677; Notice 1 - 13

This response is written on behalf of ArvinMeritor. ArvinMeritor is pleased to comment on the Advance Notice of Proposed Rulemaking (ANPRM) seeking information and comments from industry in an effort to implement an "early warning reporting system" intended to improve NHTSA's timeliness and effectiveness in detecting prospective safety defects in motor vehicles and motor vehicle components.

ArvinMeritor is a major global manufacturer of drive and non-driving front axle assemblies, rear drive axle assemblies, trailer axles, suspension systems, and air and hydraulically actuated drum and disc foundation brakes and drivelines for heavy-duty commercial vehicles. ArvinMeritor is also a major global manufacturer of wheels, door latches, window regulators, shock absorbers, and exhaust systems for passenger car vehicles. ArvinMeritor is also a partner in Meritor WABCO, a major manufacturer of AntiLock Braking Systems (ABS) for heavy-duty vehicles and Meritor-ZF, a major manufacturer of heavy vehicle transmissions.

ArvinMeritor believes that the automotive industry clearly understands the intent of the regulatory initiative. ArvinMeritor also believes that most major manufacturers have already developed or have attempted to develop internal reporting methods intended to obtain high quality information in a timely manner so that problem performance issues--- especially those performance issues pertaining to safety--- may be detected and corrected expeditiously.

ArvinMeritor believes that the concept of an effective "early warning system" has long been desirable to the automotive industry and that industry experience and successes in detecting emerging issues have had varying degrees of success among manufacturers. ArvinMeritor points out that in spite of these efforts, there is no single demonstrated system that can be used as the "ideal model" to follow in order to develop an early reporting system.

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ArvinMeritor hopes that the Agency will carefully consider the suggestions put forth by manufacturers in these responses. ArvinMeritor is extremely concerned that NHTSA is evaluating the early warning system reporting concepts on a highly aggressive implementation schedule that could create the risk of imposing unreasonable, ineffective, and expensive reporting burdens on industry and simultaneously risk creating an unmanageable administrative burden for the Agency.

ArvinMeritor's response is presented in two sections:

I – Major Concerns & Considerations associated the preliminary concepts that NHTSA has suggested for early problem detection

II- Responses to Specific Questions that NHTSA has asked

### Section I – Major Concerns

ArvinMeritor believes that NHTSA needs to recognize and resolve the following issues and challenges associated with adopting an “early warning system”.

(1) Clarify whether the goal is to create an “Early Warning System” or an “Advance Notification Requirement for NHTSA”

ArvinMeritor believes that most manufacturers have a means to detect early indications of emerging issues, particularly issues that could indicate a concern regarding motor vehicle safety. The methods that manufacturers use for detection may vary from formal data tracking systems (for large sophisticated manufacturers) to less formal internal communications networks (more likely for smaller manufacturers).

Each manufacturer is in the unique position of knowing the strengths and weaknesses of their own “early warning system” and what additional investigation is appropriate to validate whether any indicated “emerging issue” is valid and, if so, what actions are appropriate for that manufacturer to take in response.

ArvinMeritor believes that it is unwise for NHTSA to interject themselves into manufacturers' investigation activity during the “emerging issue” phase. Inquiries from NHTSA at this earliest (and most nebulous) phase of an emerging issue risks distracting a manufacturer's attention to responding to NHTSA inquiries rather than focusing fully on maintaining progress on investigation activities.

ArvinMeritor suggests that the NHTSA should not focus on attempting to “second guess” manufacturers' collection, analysis, and interpretation of “raw” incident data during the “emerging issue” stage of an investigation.

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ArvinMeritor believes that it is highly unlikely that NHTSA can collect and manage the flow of raw data received from multiple data sources and from diverse manufacturers in any meaningful way. NHTSA should recognize that the goal of “early notification” is likely to be better achieved by implementing a requirement for a simplified manufacturer’s summary report (which has been analyzed and interpreted from the manufacturer’s experience-based perspective) to identify and describe emerging issues.

Discussion about the suggested contents of such an “emerging issue” report is outlined below.

(2) NHTSA should accept responsibility and assure industry that NHTSA, as a recipient of data generated at considerable expense to the industry, has a valid and effective analytical process in place to assure that data submitted is effectively screened for accuracy and analyzed in a manner that provides meaningful indications that an imminent safety issue may exist.

ArvinMeritor is concerned that the “laundry list” of data sources listed by NHTSA in the ANPRM suggests NHTSA is considering collecting vast amounts of performance data. ArvinMeritor urges NHTSA to limit the data requested from industry solely to that information which is likely to have demonstrated and direct relationship to assessing product safety.

ArvinMeritor also suggests that NHTSA assume the responsibility upon themselves to define and defend the process by which NHTSA will process and analyze any data requested. Just as manufacturers are trained to challenge the need and value of internal reports so that management is assured that costly data is put to a constructive use, ArvinMeritor challenges NHTSA to adopt a similar discipline so that it is clear that the expense and effort of collecting and providing the requested data will provide a useful value to NHTSA and to highway safety. ArvinMeritor further suggests that NHTSA set a self-imposed deadline of two years within which the Agency will be able to demonstrate by statistical modeling or by case example the efficacy of the “emerging issue data collection” activities.

(3) The volume of requested data should be limited to that which is manageable and meaningful.

ArvinMeritor is concerned that the breadth of the data sources that NHTSA has tentatively identified is unrealistic and unusable. Unless the requested data is narrowed and focused substantially, NHTSA is likely to be awash in an ongoing flow of data that cannot be analyzed, interpreted, or put to any effective use.

ArvinMeritor suggests that it might be reasonable to initiate the data collection and management process by requiring reports only on significant incidents such as

- (1) deaths
- (2) serious injuries
- (3) significant property damage

ArvinMeritor is concerned that NHTSA will need to provide definitions and guidelines to assist industry in providing appropriate and consistent data.

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As an example, for the reporting category of “incidents resulting in deaths”, would NHTSA intend to include a case where a driver was involved in a single vehicle property damage accident (e.g. grazed a guard rail) but suffered a fatal heart attack as consequence of the ensuing stress ?

As a second example, or the reporting category of “incidents of property damage” would NHTSA intend to include any type of damage incurred by a vehicle or would some minimum threshold level of damage have to be incurred before reporting is required ?

ArvinMeritor suggests that NHTSA consider defining with precision the phrase “incidents of significant property damage” and that NHTSA establish within the definition the level of property damage required to qualify the incident as “significant”and therefore reportable.

ArvinMeritor believes that establishing guideline definitions will require a substantial amount of effort to clarify of the definitions of relevant terms and reach a common understanding between the Agency and industry of which incidents must be reported in each of the designated categories.

ArvinMeritor acknowledges that other potential sources of information that NHTSA has identified (field reports, consumer complaints, customer satisfaction campaigns, internal investigations, and changes to component and service parts) may yield information of some potential, but marginal, value. ArvinMeritor is concerned the quantity and quality of that data to be reviewed is overwhelmingly disproportionate to the number of times that NHTSA analysts are likely to detect any emergent trends or issues through analysis of these sources of data.

ArvinMeritor suggests that each manufacturer is best able to analyze his own data, interpret its significance, and provide a meaningful summary report to NHTSA and that NHTSA should not attempt to analyze this data independently of the manufacturers guidance.

(4) The “emerging issue” data collection should establish a process for accumulating and reconciling requested data to prevent redundant and and/or contradictory information.

ArvinMeritor is concerned that NHTSA is likely to receive redundant information, incomplete or partial information, and possibly contradictory information when collecting data from parallel sources (final vehicle assembler, Tier 1 Component suppliers, individual part manufacturers, aftermarket suppliers, and other manufacturers of items of motor vehicle equipment).

ArvinMeritor suggests that the consistency and quality of the data would be improved and potential redundancies eliminated by reducing the sources of this data solely to final vehicle assemblers (OEMs). In most cases, OEMs are the primary source of any relevant information that a component supplier receives. In those few cases where a supplier learns of an incident first, one of the supplier’s earliest-expected actions is to notify the affected OEM.

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Since final vehicle assembler OEMs do not account for all components that NHTSA has suggested be monitored for “emerging issues”, the list of reporting vehicle OEMs might need to be supplemented by requests for data from manufacturers of “items of motor vehicle equipment” (such as infant seats) and “manufacturers of replacement parts” which are not sold as part of a finished vehicle.

(5) NHTSA should acknowledge that industry will need to expend additional incremental resources to support each additional reporting requirement that NHTSA proposes.

Each of the suggested data reporting activities represents an incremental burden to manufacturers. The imposed burden grows significantly with each innovative data source that NHTSA identifies and proposes as a data source of potential interest.

ArvinMeritor believes that NHTSA should acknowledge that the various data collection proposals impose a burden to manufacturers and the any data beyond that which is directly indicative of a safety issue soon approaches the point of being unreasonable.

(6) ArvinMeritor is not aware of any automotive industry standardized “field incident” data reporting nomenclature or formats and logistics. There are a number of obstacles that prevent this standardization from happening easily.

ArvinMeritor anticipates that NHTSA will encounter significant challenges and complexity in attempting to standardize and integrate “field incident data” from various manufacturers.

(7) NHTSA should recognize that “warranty claim” data is unlikely to be a useful source of information.

There is wide latitude in the nomenclature used to describe field performance, and use of the term “warranty claim” should be discouraged as being an ambiguous and not a particularly informative term for data collection and investigation purposes.

Warranty claim documents are fundamentally intended to convey financial information: a request for repair reimbursement. Warranty claims seldom convey technically sophisticated information.

Warranty documents typically require data to be provided in abbreviated format such as “Failure Codes”. For simplicity and ease of use, descriptors are rudimentary and relatively non-informative. Typical descriptor codes such as “broke”, “noisy”, “wrong part”, etc. are, by themselves, of extremely limited value in assessing product performance issues and typically reveal virtually nothing about the environmental, use, and application factors which should be investigated in order to understand the true factors associated with a “warranty claim”.

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Warranty claims are written for the purpose of obtaining reimbursement for vehicle servicing and are frequently written by individuals who are skilled at obtaining reimbursement and not by individuals who have extensive failure analysis or product training. Therefore, the contribution of this data must be carefully scrutinized and compared to data from many other sources in order to develop a complete product performance issue profile.

ArvinMeritor extracts product performance information from many sources depending on the circumstances and has never relied on "warranty claims" as the initial indicator of a potential safety issue.

Data from extended warranty (warranty coverage provided for a period of time after the OE warranty period has expired), internal product investigation committee reviews, field call reports, OEM-directed studies, engineering and quality investigations, returned parts analysis, field surveys and the like contribute to form the overall picture.

Timeliness. From a supplier's perspective, warranty data must be submitted to the OE and forwarded to the supplier's warranty system. The data is reviewed and edited, analyzed, published and distributed within the supplier organization. Any sort of meaningful indication of an "emerging issue" would require several months of data for a trend or spike to be evident. Any indicated trend or spike would need to be researched to determine whether data is truly indicating variant performance. Data spikes can be created by simple administrative issues such as an OEM or dealer who postpones processing warranty claims and then "releases" them in a wave rather than process them in an even flow.

Mis-coding or mis-classification of incident descriptions are frequent issues that can compromise the integrity of warranty data.

Data Analysis. A meaningful analysis of product performance data frequently requires a well-grounded and sophisticated statistical analysis. Various analysis techniques and measurement tools are used by manufacturers depending on their product interests: full year performance, lifetime performance, 30 or 90 day performance bands offer different perspectives and advantages in understanding and measuring product performance. Deciding which method is most appropriate for which product lines and manipulating the data accordingly is territory best left to the product experts in that area, not to NHTSA.

Consolidation of data. ArvinMeritor has worked on a number of industry committees with the objective of bringing standardization to field performance reporting. From this historical perspective, ArvinMeritor suggests that the effort required to coordinate and consolidate field data from diverse product lines, components, various product maturities and time-in-service, from aftermarket user markets for both OE and aftermarket will be substantial and that the value of the final summary product is likely to be of questionable value.

(8) Suggestion that NHTSA adopt a simple reporting criteria.

ArvinMeritor suggests that NHTSA requires only a simple report in lieu of “warranty reports”, lawsuits, and other voluminous sources of data. ArvinMeritor believes that the most direct indicator of a potential safety issue exists is whether an individual has been hurt or injured. ArvinMeritor is not suggesting that manufacturers wait for an injury to occur before taking action but suggests that NHTSA focus on the criteria of human injury when considering new levels of reporting requirements. Death and injury criteria appear to be the most direct indicator of a potential safety issue yet likely to consist of a database that is small enough to be manageable.

Using injury/death as the reportable data mirrors NHTSA’s charter focused on reducing deaths and injuries on the highways and measures that effect without obscuring that goal by attempting to measure other indirect, inaccurate and fuzzy indicators of product performance, such as warranty claim performance.

The proposed regulatory requirement might say:

“Each Vehicle Manufacturer shall Provide the Agency with a list of all fatal, personal injury, or significant property damage reports received during the month which are alleged to have been caused in whole or in part by a performance malfunction of a product manufactured by that company whether these reports are received by field call report, lawsuit, hearsay, phone call or any means of notification, and whether or not verified by the manufacturer.”

”The following information shall be included in the report for each incident: the name of the injured or deceased party, date of incident, location of incident, VIN(s), a description of the product, a description of the incident, a description of the purported role of the manufacturer’s product in the incident.”

(9) NHTSA should amend their premise that manufacturers will not be required to upgrade existing data collection systems.

ArvinMeritor believes that NHTSA should adopt a more aggressive stance than suggested in the ANPRM when encountering cases in which a manufacturer’s performance indicates that that manufacturer does not have an adequate data collection and analysis to address prospective safety issues. NHTSA should invest some effort under the auspices of the TREAD Act to define the minimum acceptable requirements for a safety monitoring systems so that manufacturers who having under-performing safety investigation processes are identified and challenged to improve their surveillance and management of these issues. These improvements will be slow in coming if uncommitted manufacturers are permitted to be “grand-fathered” into an endless cycle of “maintaining the status quo”.

Section II- Responses to Specific Questions asked by NHTSA

Following are responses to specific questions posed the Agency. These responses reflect the practices of ArvinMeritor but are probably representative of most major automotive supplier companies. For economy of space, the ArvinMeritor has opted not to re-write the individual questions.

Responses to Questions Regarding “Types of Information”

(1) Responses in this section describe processes at ArvinMeritor but are probably fairly representative of practices at other large Tier 1 suppliers.

Following is the requested break-down of a manufacturers internal activity and associated functions who participate in analyzing incident claim data:

Activity	Responsible Function
Receive & Process Data	Warranty Dept
Classify / Analyze Data	Reliability Engineering
Information Relating to Deaths, Serious Injuries	Product Integrity (Product Compliance)

(2) Product performance information is received in many forms. For example, warranty data from major vehicle manufacturers is typically provided in electronic format whereas data from smaller vehicle manufacturers may be provided in “hard copy” format.

Fortunately, ArvinMeritor seldom has occasion to conduct incident and investigation reports relating to deaths and serious injury incidents. When this type of data is collected, it is generally the most comprehensive and thorough due to the concern and priority for product issues that affect product safety.

(3) Warranty claims forms are classified by VIN, vintage, product line, associated component, and failure mode. A numerical coding system is used to identify the observed failure mode. In certain cases, additional detail may be provided in the report. Lawsuits and claims are classified by name of claimant, and not grouped by an internal coding system. Product investigations consolidate and summarize information from relevant incident claims for use in the investigation.

(4) ArvinMeritor does not regularly receive incident claim information from overseas. This data is maintained and managed within the relevant region.

(5) Any incident data would be sent directly to ArvinMeritor and not be forwarded to an intermediate party. ArvinMeritor headquarters would be unlikely to receive routine field incident data from a foreign location unless associated with a specific investigation activity being conducted on a significant field performance issue. A report of a personal injury or significant property damage incident from a foreign source would almost surely be reported and generate participation from ArvinMeritor headquarters.

(6) ArvinMeritor does not receive data from foreign sources in any regular electronic form and does not normally combine this data with USA sources. Any requirement to include incident data from foreign sources represents an incremental expense to ArvinMeritor.

(7) ArvinMeritor keeps USA warranty records for a period of approximately 20 years. Records pertaining to Product Investigations are kept seven years. Records of engineering changes are kept indefinitely.

(8) ArvinMeritor's field organization attempts to identify "first event" or emerging product issues. As a component supplier, ArvinMeritor does not have a dealer system or direct-access to dealer service records. ArvinMeritor would have to obtain this information from vehicle manufacturer's records.

(9) NHTSA should define an age-of-vehicle cut-off for reporting for two reasons: (1) the quality of data describing field repairs decreases after the vehicle has outlived the OEM vehicle warranty period and (2) as a vehicle ages, there is increased likelihood that vehicle repairs may have been conducted and compromised by marginally qualified service centers. Any conclusions based on incidents occurring after repairs have been performed by marginally qualified service centers is suspect since there is a risk that a mis-repair may have been a factor in subsequent performance.

In the case of passenger cars, owners will generally seek required repairs at an authorized vehicle dealer within the warranty period because the dealer has the experience and skill and since owners do not want to jeopardize warranty coverage by having servicing done at less-qualified repair centers. Further, vehicle owners are motivated to use dealers early in a vehicle life (within the warranted period) since warranty repairs performed at an authorized dealer are frequently performed at the vehicle manufacturer's expense.

Heavy truck fleet and bus operators have a commercial interest in assuring that accurate maintenance records are maintained as long as the vehicle is owned by the fleet. Transit busses remain with the original owners for extended periods of time and records for vehicles in this vocation are probably the most reliable source for long-life service records. Original purchasers of heavy vehicles may keep those vehicles and the associated service records for approximately 5 years before "trading in". Once traded in, ArvinMeritor feels that the quality of the data associated with incident reports begins to diminish.

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(10) ArvinMeritor believes that the performance data that NHTSA is considering will prove to be voluminous, hard to manage, and largely unsuitable for reaching any conclusions about emerging problem issues. ArvinMeritor suggests that NHTSA evaluate the benefit in reviewing other sources of data only after achieving familiarity and partial success with the reporting elements that ArvinMeritor is advocating through this response: deaths, personal injuries, and significant property damage”.

#### Responses to Questions Relating to Claims

(1) As stated earlier in this response, ArvinMeritor is critical of the value of a “claim” of any type unless that “claim” is investigated by a knowledgeable function associated with the respective manufacturer.

For the purposes of the ANPRM, ArvinMeritor suggests that the term “incident” is more appropriate than the term “claim”.

ArvinMeritor’s warranty and field report systems would contain both accepted and denied claims.

(2) ArvinMeritor suggests that NHTSA collect only incident data from (1) deaths, (2) personal injuries, or (3) significant property damage (affecting more than a single vehicle).

ArvinMeritor suggests that it is inefficient for both industry and the Agency to extend the requested data beyond these indicators and reminds NHTSA that they already have access to these other sources on data on individual investigation issues since the Agency has the authority to request and explore any and all other sources of data as warranted for any particular specific product investigation that the Agency feels may be fruitful in detecting a prospective safety issue.

(3) ArvinMeritor does not see the merit in limiting reporting responsibilities to certain components.

(4) See Paragraph 2 (directly above) above for ArvinMeritor’s suggested reporting parameters.

#### Responses to Questions Relating to Warranties

(1) As outlined above, ArvinMeritor does not believe that warranty data is a reliable source of information for evaluating potential safety issues. ArvinMeritor suggests that NHTSA focus on requesting summary reports of incidents involving death, injuries, (both strong indicators that a risk to safety may exist) and significant property damage incidents (a potential indicator that a risk to safety may exist).

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(2) ArvinMeritor retains warranty data in electronic format for a period of approximately 20 years. Data is maintained primarily for financial purposes. ArvinMeritor's Product Integrity (Product Compliance) may research this data for two purposes: (1) to determine the completion status of Campaigns and (2) for its potential contribution (to complement field incident reports, product failure analysis, customer complaints, reports from the field, etc.) in internal Product Safety Investigations. Other functions may access this data to assess validity of claims, plan financial reserves, plan new product features and for other similar commercial purposes.

(3,4) ArvinMeritor suggests that it is inappropriate to apply incident rate threshold limits for reporting warranty claim data in an effort to identify safety issues. Depending on circumstances, it may be appropriate for a manufacturer to initiate an investigation based on a single field incident. ArvinMeritor believes that the affected manufacturer is in the best position to judge whether or not a threshold is appropriate for action in response to a prospective safety concern.

(5) See # 2, Section "Questions Relating to Claims"

(6) ArvinMeritor is aware of attempts to standardize warranty coding but believes that progress has been difficult since each manufacturer is primarily interested in analyzing and reporting data in a manner best focused to meet his own specific interests.

(7) NHTSA should not attempt to standardize coding for warranty claims or field reports. ArvinMeritor believes that conducting discussions with industry regarding standardized warranty codes is likely to be highly controversial and unproductive. Further, the use of codes tends to group incidents according to loosely-defined categories and is therefore likely to obscure the potential value that could be found in the details of a report.

(8) Any data required by NHTSA should be collected in electronic format (such as word-processing or spreadsheet analysis) and NHTSA should agree to accept any of several standard software packages commonly used in the industry as preferred by each individual manufacturer.

#### Responses to Questions Relating to Lawsuits

(1,2) ArvinMeritor believes that it is inappropriate for NHTSA put any value or weight on lawsuits as an indicator of field performance. NHTSA should not collect any data relating to lawsuits unless this type of information assists the Agency as part of a specific investigation being conducted by the Agency.

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Lawsuits are an attempt for a plaintiff to obtain financial recovery through legal channels. Laypersons, rather than NHTSA, decide the merits of the assertions against a manufacturer when facts are presented in a court environment. Using lawsuits as a means of collecting "early warning" data suggests that NHTSA presupposes that a lawsuit has some fundamental credibility relative to indicating a potential product defect when, in fact, there may be little or no data to support that premise.

ArvinMeritor believes that NHTSA should be critical of the use of lawsuits as an indicator of safety issues. ArvinMeritor is concerned that NHTSA unduly elevates the significance of lawsuits by giving them a measure of undeserved credibility without any review of the quality or relevance of the evidence supporting that case. ArvinMeritor hopes that NHTSA can implement an objective detection and screening process more reflective of incidents activity than likely to be found by monitoring lawsuit activity.

NHTSA should be able to acquire approximately the same level of information about a product's safety performance if the agency confines its interest in data collection to deaths, injuries, and serious personal injuries since these issues are typically the basis for product liability lawsuits. Information about these kind of events are typically available prior to a lawsuit and, if not, manufacturers can extract and summarize this type of incident data from the specifics of the lawsuit without revealing the details of the lawsuit or even have to acknowledge that a lawsuit had been used as the source for the information reported.

#### Responses to Questions Relating to Design Changes

(1,2) ArvinMeritor believes that design changes occur for a number of reasons including manufacturability, standardization, product improvement, product upgrades, new applications, customer requests, and the like. ArvinMeritor is highly skeptical that any function outside of the affected manufacturer can extract any information from design changes that would be useful for detecting prospective safety issues.

#### Responses to Questions Relating to Death & Serious Injuries

(1, 2, 3) ArvinMeritor does not use any injury rating systems and therefore cannot comment meaningfully on the value of such a system.

(4) As suggested earlier in this response, ArvinMeritor suggests that any death/injury be reported and that attempting to make distinctions as to injury severity, especially during the early stages of investigation when facts are uncertain, could add complexity to the task of data analysis with no obvious associated benefit.

(5) ArvinMeritor forwards any reports of death or serious injuries to our Corporate Product Integrity (Product Compliance) Department whether these claims originated in the USA or from a foreign country. Reports from foreign sources generally take longer to receive and frequently lack the quality of information found in reports originating in the USA. Occasionally, information from foreign sources is not provided in English.

### Responses to Questions Relating to Property Damage

(1) ArvinMeritor does not believe that "aggregate statistical data" is useful for detecting emerging issues and discourages NHTSA from considering aggregate data as a source for information.

(2), (3) ArvinMeritor maintains property damage claims as a running list by claimant and occasionally uses this list to review historical performance to assess whether or not a product performance issue exists and, if so, whether known field incidents correlate with the suspect design or manufacturing periods.

(4) As stated earlier, ArvinMeritor suggests that there could be some benefit in investigating "significant" property damage incidents that meet certain criteria. ArvinMeritor encourages NHTSA to define the reporting criteria so that data reported is likely to be of greatest value in detecting a potential safety issue.

### Responses to Questions regarding Internal Investigations

(1) ArvinMeritor suggests that manufacturers should not be required to report internal investigation issues to NHTSA. Manufacturers who currently conduct internal investigations may be inhibited from conducting investigations if they become concerned that NHTSA will be monitoring progress and/or intervening as the investigation unfolds.

Manufacturers could initiate fewer investigations if they also become concerned that investigations could become more difficult to close if conducted under NHTSA scrutiny.

Manufacturers who are reluctant to expose internal investigation information to NHTSA can easily redefine the "investigation" activity as a "monitoring", "engineering product study" or the like and potentially elude reporting responsibility.

An internal investigation occurs when a manufacturer initiates a pro-active effort to obtain facts to better understand a product performance issue. Manufacturers undoubtedly vary in the methods by which they initiate an investigation and the method by which progress is tracked. ArvinMeritor believes that some manufactures assign investigation tracking numbers and Product Safety Committee review schedules to determine when an issue has progressed from a passive monitoring phase into a phase of pro-active investigation activity.

Manufacturers should not be required to report when an investigation has commenced since early reporting requirements may delay the initiation of a timely investigation and foment inquiries from NHTSA at a time when few facts are known. Investigation results should be communicated to NHTSA after the manufacturer has determined that an defect exists as currently required by 573.5, Defect Information Reports

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#### Responses to Questions regarding Customer Satisfaction Campaigns, etc

(1) NHTSA already requires notification of manufacturers customer satisfaction campaigns and the like under 573.8 "Notices, Bulletins, and Other Communications".

If NHTSA is not confident that manufacturers are complying with this existing requirement, ArvinMeritor suggests that enforcing the currently required documentation would be more productive than creating new reporting requirements.

(2) ArvinMeritor is not aware of any advisories, recalls, or other activity which have occurred in the USA that have not been reported to NHTSA as required by 573.8. It is possible that an overseas operation of ArvinMeritor has issued such notices to address products used in foreign countries. ArvinMeritor USA would have to conduct a global search of foreign markets to determine whether any such advisories have been issued.

#### Responses to Questions on Identical and "Substantially Similar" Motor Vehicles and Equipment

(1) The word "identical" as applied to foreign product is ambiguous. Similar components may appear to be identical but differ in significant ways. For example, (1) constituent components are frequently sourced from local suppliers and therefore may appear to be virtually identical but vary somewhat in certain characteristics (2) manufacturers may make subtle design variations to meet regional specifications, applications, or exposure requirements.

ArvinMeritor suggests that it would be rare for a component produced in a foreign country to be precisely "identical" to components produced in the USA.

ArvinMeritor prefers to describe near-like components as "substantially similar" and leave the distinction of defining which components are "substantially similar" to the judgment of the manufacturer depending on the attributes of the product and their relevance to the issue and product characteristic being investigated.

ArvinMeritor suggests that vehicles that share the same platform may have some relevance to passenger car applications but will prove to be less useful when comparing individual vehicle components. A certain type and model of brake may be used through a variety of vehicle models. This is particularly true in heavy truck vehicles where, for standardization reasons, a "substantially similar" component may be used through a range of vehicle ratings and chassis models.

Further, a component may share some attributes that make it “substantially similar” to a one family of parts but have other attributes that would make it “substantially dissimilar” from that same family. For example, a heavy duty foundation brake may be used with a standard brake drum up to a prescribed axle weight rating or application severity at which point a heavier brake drum may be recommended. The foundation brake would remain “substantially similar” throughout the range of use whereas the associated brake drums would be “substantially dissimilar” though they could be installed on similarly-appearing vehicles.

#### Responses to Questions regarding Field Reports

(1) A field report is a summary of a reported field incident issued by a representative of the manufacturer. This representative may be a field rep, returned parts analyst, investigating engineer, or outside technical assistance.

Field reports are typically written by an experienced representative who is authorized to collect detailed information about a specific product issue. For this reason, field reports tend to contain more credible information than warranty reports but field reports are less credible than reports issued by engineers or reports written by experts who are specialists in their functional areas (such as metallurgy or failure mode forensics).

(2) ArvinMeritor discourages having NHTSA attempt to list systems, parts, or components that are safety related for screening field reports. Each manufacturer is best able to determine what components and environmental and loading factors constitute a possible risk of product failure and whether those failures are likely to pose a risk to safety.

(3) ArvinMeritor does not screen field reports for safety-related relevance and instead relies on our Field Service Organization whose representatives are trained to notify the Product Integrity Department immediately when they encounter issues associated with accidents or encounter issues that potentially involve or are alleged to involve product-related safety risks.

(4) ArvinMeritor enters and maintains all information from field reports, sales call reports, warranty claims, and extended warranty claims in an electronic data base.

(5) ArvinMeritor suggests that the only objective and quantifiable data that is a direct indicator of product safety performance is whether or not a product malfunction may have posed a risk to safety as demonstrated by the circumstances of the incident associated with the malfunction. The most direct indicators are (1) death (2) personal injury and (3) significant property damage (of a serious nature such that someone could have been injured under different circumstances).

ArvinMeritor suggests that NHTSA request that end-vehicle manufacturers (not component manufacturers) be required to furnish this data, and only this data, each month.

All other sources of data (such as warranty claims) are only indirect indicators of product safety issues.

### Questions about when information should be reported

(1, 2, 3, 4) ArvinMeritor suggests that affected manufacturers provide NHTSA with an “incident summary” each month. Varying the required reporting frequency from anything but a regular monthly reporting requirement risks creating an uneven data flow and requiring increased administrative complexity, and increases the risk of data errors and confusion.

ArvinMeritor suggests that providing certain “higher priority” information to NHTSA a few days earlier than month-end solely because the incident may have resulted in a more serious outcome is arbitrary and will not increase the progress of the investigation activity to any substantial extent.

### Responses to Questions regarding how data should be reported

ArvinMeritor reminds the Agency that the premise of the ANPRM indicates that NHTSA expects that “manufacturers must do more than merely provide raw information and data” (p 6542). The implied responsibility is that the TREAD Act implicitly imposes an incremental reporting responsibility on manufacturers.

ArvinMeritor is concerned that these reporting requirements remain reasonable and do not become overly burdensome. In light of the broad categories of suggested data sources, Arvin asks NHTSA to carefully review the final reporting requirements in light of Section 30166 (m)(4)(D) to be certain that the final rule “shall not impose unduly burdensome requirements to a manufacturer...” (p 6544).

(1) ArvinMeritor suggests that manufacturers be permitted to furnish the required summary information by being given the option of selecting and using one of several standardized commercial software (word processing or spreadsheet) commonly used in the industry.

(2) ArvinMeritor believes that data provided in “aggregate statistical” form will be too general to be of value in detecting any emerging product-specific issues.

(3, 4) ArvinMeritor is concerned that NHTSA will initiate a number of unproductive investigations by pursuing issues that the aggregate data suggests exists but which are actually “phantom issues”. Manufacturers are not able to anticipate “in advance” what supplemental information NHTSA might feel is useful to clarify a specific issue. Therefore, ArvinMeritor anticipates that NHTSA is likely to initiate a number of fruitless investigations using aggregate data.

If NHTSA chooses to collect aggregate or other data, the Agency should consider adopting a “pre-investigation” methodology. A “pre-investigation” inquiry might consist of a requirement (on request) for manufacturers to provide an abbreviated response to clarify questions arising from NHTSA’s review of the raw data submissions”.

Responses to Questions regarding how data might be used

(1) ArvinMeritor estimates that 3 additional people will be required internally to support the startup and to sustain the proposed reporting requirements. This estimate assumes the following support will be required:

Job Function	Tasks
Management Information Analyst	Design Develop Global Data Collection Systems & Reporting formats
Product Field Engineer	Gather and interpret sustaining data
Product Safety or Product Compliance Engineer	Interface and respond to NHTSA generated inquiries

This is a very rough estimate based on the concepts of possible reporting requirements outlined in the ANPRM. Staffing levels will vary depending on the requirements stated in the Final Rule.

(2) ArvinMeritor believes that reporting is “unduly” burdensome if industry is required to furnish data using incremental (previously unnecessary) resources and NHTSA is unable to demonstrate a useful application of the data and/or associated improvement in highway safety.

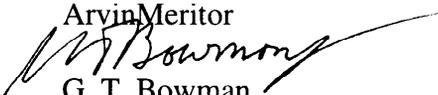
ArvinMeritor suggests that the “Emerging Issue” Reporting Requirement be eliminated after a two year period if NHTSA is unable to provide a “proof of effectiveness” and/or an improvement in highway safety associated with the the “incident data” initiatives.

(3) The most effective detection system is one in which the manufacturer (who is most familiar with his product and his performance data) voluntarily evaluates relevant data and informs NHTSA when an emerging issue affecting safety has been detected. If NHTSA feels that they cannot depend on all manufacturers to meet this burden of self-evaluation burden, then authorizing NHTSA to collect “incident data” (only) appears to be the next-most effective suggestion.

(4) Most manufacturers already have an early detection system but these will vary in specific procedural requirements across the industry since they have evolved to suit each particular manufacturer’s needs for product performance information.

External reporting requirements such as being proposed by NHTSA under this ANPRM represent an incremental burden to these existing systems and appear unlikely to offer added value over existing detection systems to either the manufacturers or NHTSA.

Sincerely,

ArvinMeritor  
  
G. T. Bowman  
Manager, Product Integrity