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DEPT. OF TRANSPORTATION

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March 21, 2001

NHTSA-01-8677-53

National Highway Traffic  
Safety Administration  
Docket Management  
Room PL-401  
400 Seventh Street, SW  
Washington, DC 20590

**Docket No. NHTSA 2001-8677; Notice 1, RIN 2127-A125**

Dear Sir or Madam:

In the Federal Register of January 22, 2001 the National Highway Traffic Safety Administration (NHTSA) published an Advanced Notice of Proposed Rulemaking (ANPR) requesting comments on ways in which NHTSA could implement the "early warning requirements" of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act.

Fontaine Modification Company ("Fontaine") is a modifier of OEM trucks to OEM, dealer and customer specifications and is interested in the implementation of the TREAD Act.

Fontaine supports the objectives expressed in the TREAD Act enhancing public safety through the early recognition and communication of potential safety-related problems to NHTSA and the public. We appreciate the opportunity to comment on the ANPR as NHTSA's initial step in the rulemaking process. Our comments follow.

**Application of Reporting Requirements**

Fontaine believes that NHTSA should adopt the approach set forth in the ANPR to have the rule apply to equipment which has a history of safety related defects and to those subject to Federal Motor Vehicle Safety Standards (FMVSS).

This would provide appropriate focus to the early warning requirement and limit the burden on NHTSA and industry associated with submitting and reviewing information which is not reasonably likely to provide useful insight on safety-related problems.



### **Information to be Reported**

#### 1. Warranty Claims

Fontaine agrees with the option that only claims concerning component and equipment associated most frequently with recalls be subject to reporting. The submission of claims could be limited to equipment with FMVSS and defined safety-related items.

A multi-tier threshold system needs to be put in place with different levels for FMVSS items versus safety-related items and multi-tiers within each differentiated by death and serious injury versus claims incidence rates.

We believe that standardized coding should be a requirement.

Reporting should only be required on a periodic summary basis where serious injury or death is not involved.

#### 2. Claims of Serious Injury or Death

A definition is definitely required for serious injury. It should address major lacerations, broken bones and hospitalization. It should also identify the type of accident and have threshold levels for reporting.

#### 3. Questions Relating to Claims

Fontaine submits that only summary claim information should be included in any report and that the claims should be limited to FMVSS components or those with defined safety-related issues.

#### 4. Questions Relating to Warranties

Fontaine believes that warranty data should be for items covered by FMVSS regulations and that thresholds should be used based upon predetermined risk factors for different components and component systems.

Standardized codes should be used in reporting warranty information. The standardization should address specific industries – auto, truck, trailers, etc. – through the use of prefixes. The secondary code could utilize common codes for components and component systems between different macro product lines.

### **Questions Relating to Lawsuits**

Because of the sensitivity of information developed in lawsuits, Fontaine believes that the information submitted should be limited to that which will provide NHTSA with the essential data it requires. The existence of a lawsuit and the claim provide enough of a basis

for NHTSA to determine if further inquiry is needed. This can be obtained through its investigative authority which has provisions which will provide greater security for the data submitted.

#### **Questions Relating to Design Changes**

Design changes should not have to be reported to NHTSA per se. The only design change reporting needed is already in place as part of the defect notification process. There are a myriad of changes that can occur to a part that do not affect fit, function or safety.

#### **Questions Relating to Deaths and Serious Injuries**

In response to the inquiry as to whether all allegations that an injury was caused by a defect be reported, we do not concur. This would be burdensome, unnecessary and serve no purpose consistent with the efficient administration of the law.

#### **Questions Relating to Internal Investigations**

Thorough and candid internal investigations are essential to achieving an effective result. This should not be an avenue for NHTSA inquiry. If an investigation identifies a safety related defect, it must be reported under other provisions of the law.

#### **Substantially Similar/Identical Definitions**

A definition is required for these terms.

It is not enough that a vehicle share the same platform and engine. There are a number of other differences for regulated components and component systems that are substantially different and carefully drafted definitions are critical to fairness in application of this requirement.

#### **Questions On Field Reports**

A field report is a document filed by a customer service representative to communicate the results of an on-site customer visit for the purpose of investigating a complaint or concern.

The determination of safety related issues should be the same as for warranty and other claims. A site visit is just one method for resolving such claims. The submittal of field reports would create an administrative nightmare for NHTSA unless they were restricted to specific investigations.

Field reports should not be routinely submitted. Many reports are "essay" in nature in order to also provide a sense of the tone of the visit. In order to be able to analyze field reports they would have to have each subject entry coded.

If a reportable event is noted in a field report, the manufacturer can submit the relevant information.

### **Report Timing**

Timing should be tied to thresholds with the possibility of an annual general data report for those items that do not reach their threshold.

It would be helpful for companies that manufacture a variety of products, i.e., cabs, light trucks, heavy trucks, buses, etc., to have different "annual" reporting dates by their macro product lines.

The issue of variable frequency reporting for different component systems as well as the other variable reporting that NHTSA has asked about is extremely dependent on the type of system, the type of coding and the format that will be put in place. The collection, generation and submission of great masses of information without effective electronic analysis is counter-productive.

### **Reporting Format/Spreadsheet Reporting**

The meaning of aggregate statistical information (AIS) to Fontaine is the compilation of quantitative data without specific information on individual events. AIS would be useful in identifying potential trends. Used in conjunction with thresholds the data could trigger preliminary and formal investigations.

AIS would not trigger a large number of investigations if a proper coding and threshold system is in place. Supplemental information should be required once NHTSA has decided to open an investigation.

### **Regulatory Burdens**

We have no basis for estimating the cost of compliance with so many issues yet to be decided.

NHTSA should consider, not just the cost of compliance in terms of generating the reports, but also in terms of the risk of disclosure of sensitive business information as discussed above.

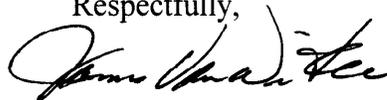
We believe that quantitative, properly coded statistical data would be the least burdensome to provide and the most cost effective in administering the early warning system. While it will not provide NHTSA with enough data to draw conclusions, it should point them in the direction they want to look – and ask questions.

\* \* \* \*

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Safety Administration  
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Fontaine appreciates the opportunity to comment on the ANPR and on the complex issues it presents.

Respectfully,

A handwritten signature in black ink, appearing to read "James M. Fontaine". The signature is written in a cursive style with a large initial "J" and a long horizontal stroke at the end.

JFL:ccm