



**NHTSA-ODI-CFR**  
**Review with FDIC**  
Apr-2016

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Office of Defects Investigation

**NHTSA**  
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION



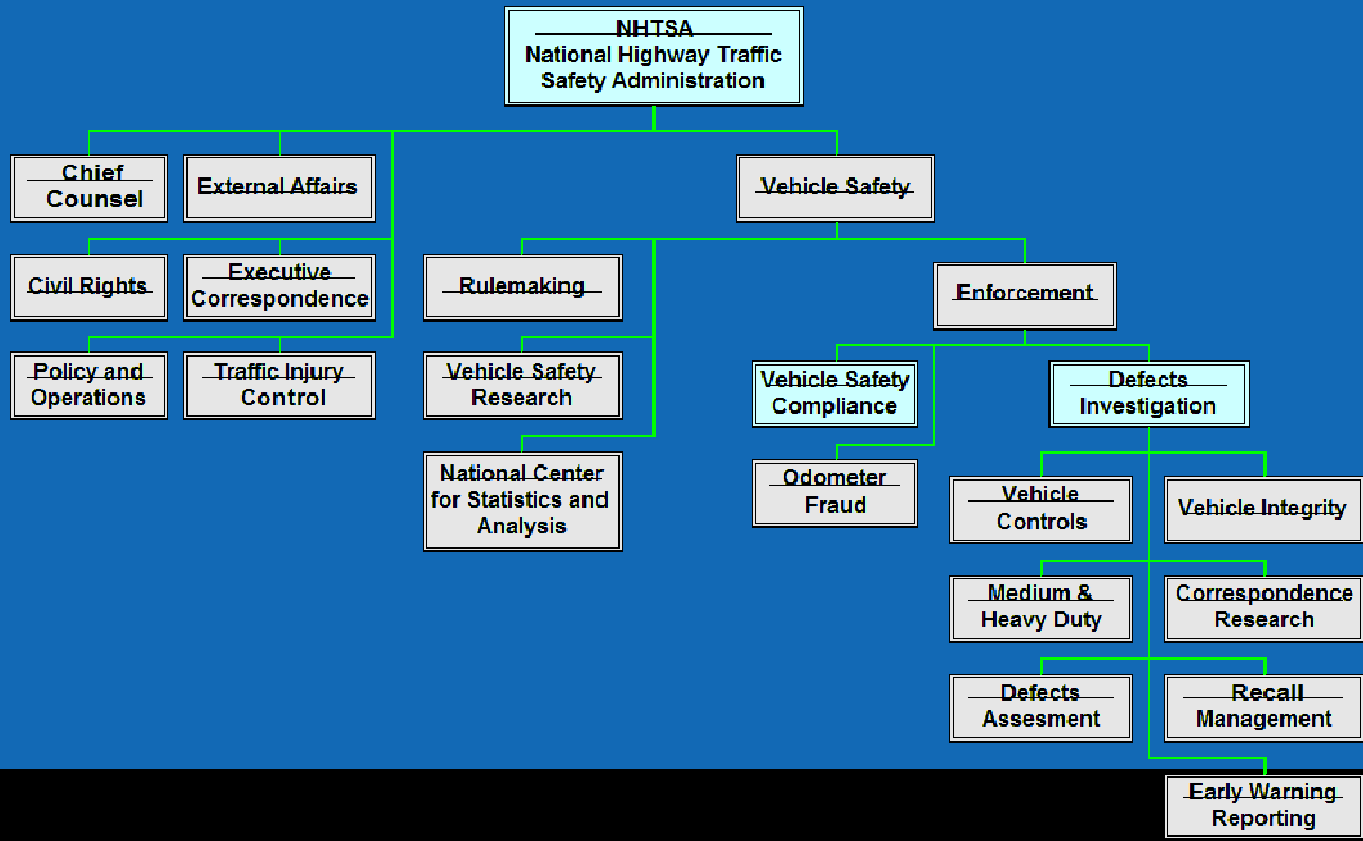
# Agenda

- “ Introductions
- “ Who is ODI
  - . Investigation Overview
- “ Code of Federal Regulations, Title 49 - General
- “ 49 CFR 573.6 - Defect and noncompliance report. (A Recall Notice)
- “ 49 CFR Part 576 - Record Retention
- “ 49 CFR 579.5 (Subpart A) - Notices, bulletins, customer satisfaction campaigns, consumer advisories, and other communications
- “ 49 CFR 579.21-29 (Subpart C) - Early Warning Reporting
- “ Best Practice Ideas
- “ Contact Information
- “ Open Discussion



# NHTSA Org Chart

## Locating the Office of Defects Investigation (ODI)



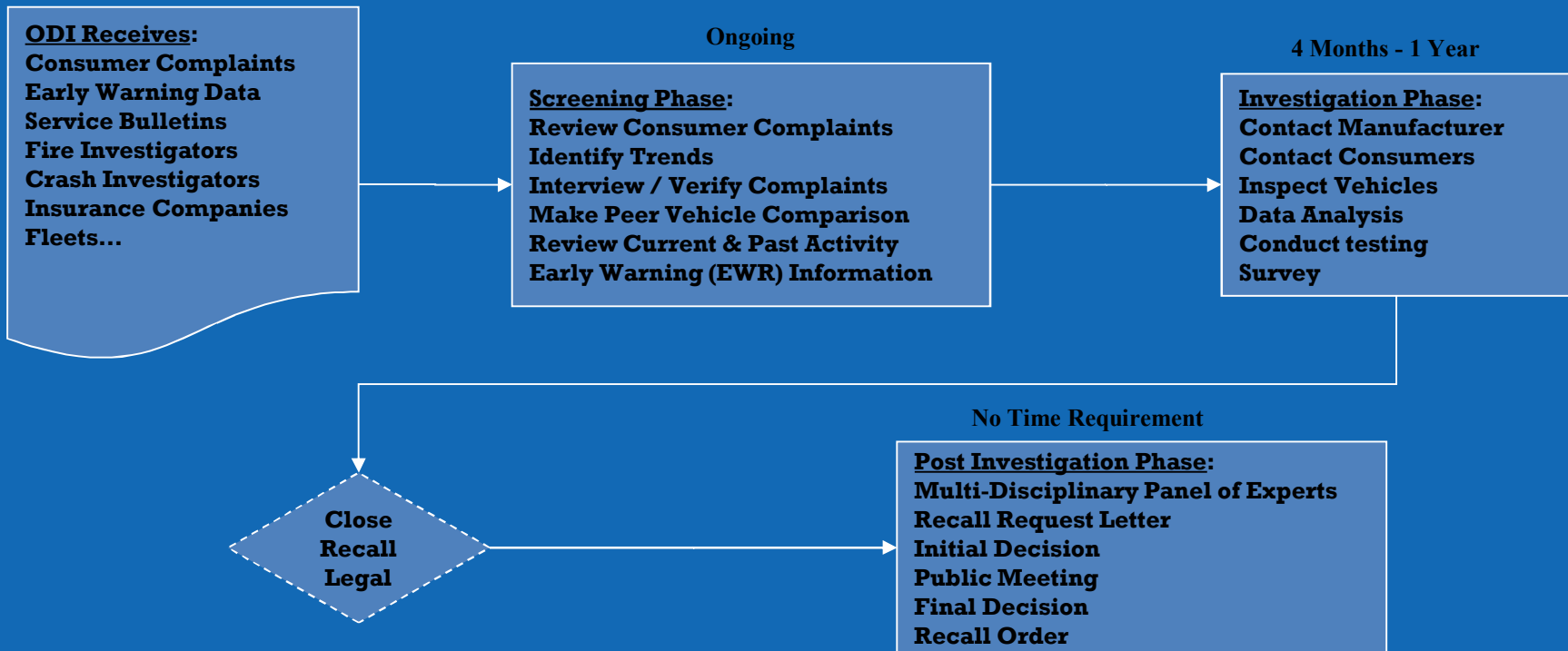


## Safety vs. Compliance defects

- “ Non-compliance Defect: defect where a motor vehicle or covered motor vehicle equipment fails to meet one or more Federal Motor Vehicle Safety Standards (FMVSS) contained in 49 CFR Part 571.
  
- “ Safety-Related Defect: any defect in performance, construction, a component, or material that results in an unreasonable risk of accident or an unreasonable risk of death or injury in an accident.
  - . A safety-related defect may exist on a vehicle even though it meets all FMVSS requirements
  - . A safety-related defect includes nonoperational safety



# Investigative Process





## Code of Federal Regulations, Title 49

- “ Title 49 CFR - Transportation is one of fifty titles comprising the United States Code of Federal Regulations (CFR).
- “ Title 49 contains the regulations that vehicle manufacturers must meet.
- “ Parts relating to NHTSA’s mission include
  - . [49 CFR Part 571](#), contains FMVSS
  - . [49 CFR Part 573](#), defect and non-compliance reporting
  - . [49 CFR Part 576](#), record retention
  - . 49 CFR Part 577, defect and non-compliance notification
  - . 49 CFR Part 578, civil penalties
  - . [49 CFR Part 579](#), (TREAD Act) reporting requirements
    - “ [Subpart A - General \(Includes 579.5\)](#)  
[Independent of production volume](#)
    - “ [Subpart B - Safety Recalls & Campaigns in Foreign Countries](#)
    - “ [Subpart C - Reporting of Early Warning Information \(EWR\)](#)  
[Dependent on production volume](#)



## 49 CFR 573.6 – Defect and noncompliance information report. (Recall notice)

- “ Each manufacturer shall furnish a report to the NHTSA for each defect in his vehicles or in his items of original or replacement equipment that he or the Administrator determines to be related to motor vehicle safety, and for each noncompliance with a motor vehicle safety standard in such vehicles or items of equipment which either he or the Administrator determines to exist.
- “ Each report shall be submitted not more than 5 working days after a defect in a vehicle or item of equipment has been determined to be safety related, or a noncompliance with a motor vehicle safety standard has been determined to exist.



## 49 CFR Part 576 – Record Retention OEM and Component Suppliers

- “ Scope: Part 576 establishes requirements for the retention by manufacturers of motor vehicles and of motor vehicle equipment, of claims, complaints, reports, and other records concerning alleged and proven motor vehicle or motor vehicle equipment defects and malfunctions that may be related to motor vehicle safety.
- “ Purpose: The purpose of Part 576 is to preserve records that are needed for the proper investigation, and adjudication or other disposition, of possible defects related to motor vehicle safety and in-stances of nonconformity to the motor vehicle safety standards and associated regulations.
- “ Basic Requirement: Retain records for a period of five calendar years from the date on which they were generated or acquired by the manufacturer.





## **49 CFR 579.5 (Subpart A) – Notices, bulletins, customer satisfaction campaigns, consumer advisories, and other communications**

- “ Independent of production volume
- “ Manufacturers must submit to NHTSA a copy of all notices, bulletins, and other communications sent to more than one manufacturer, distributor, dealer, lessor, lessee, owner, or purchaser regarding any defect in its vehicles or items of equipment
  - Defects here mean any failure or malfunction beyond normal deterioration in use, or any failure of performance, or any flaw or unintended deviation from design specifications, whether or not such defect is safety-related.
- “ Manufacturers must also submit furnish to NHTSA a copy of each communication relating to a customer satisfaction campaign, consumer advisory, recall, or other safety activity involving the repair or replacement of motor vehicles or equipment, that the manufacturer issued to, or made available to, more than one dealer, distributor, lessor, lessee, other manufacturer, owner, or purchaser, in the United States.
- “ Information and sample index: <http://www-odi.nhtsa.dot.gov/mc/>



## 49 CFR 579 (Subpart C) – Reporting of Early Warning Information (EWR)

- “ Dependent on production volume
- “ Possible Reporting Categories
  - . Production Information
  - . Death and Injury
  - . Aggregate Data
    - “ Warranty Claims, Field Reports, Property Damage, Consumer Complaints
  - . Field Reports
- “ 579.21 Reporting requirements for MFR > 5,000 light vehicles annually.
- “ 579.22 Reporting requirements for MFRs > 5,000 heavy, > 500 Emergency, >100 Buses annually.
- “ 579.23 Reporting requirements for MFRs > 5,000 motorcycles annually.
- “ 579.24 Reporting requirements for MFRs > 5,000 trailers annually.
- “ 579.25 Reporting requirements for MFRs > 0 child restraint systems annually.
- “ 579.26 Reporting requirements for MFRs of tires.
- “ 579.27 Reporting requirements for MFRs of Low Volume or Equipment.
- “ 579.28 Due dates for reports and other miscellaneous provisions.
- “ 579.29 Manner of reporting.



## Best Practice Ideas

- . Submit 579.5 reports stating you have nothing to report
  - “ Manufacturers should submit a negative report to the TSB portal for those months in which a TSB was not published. This allows an examiner reviewing the data to be aware that someone took the time to report “No TSB’s” for a given month, rather than remaining silent, which after several months may create concerns that TSB’s are not being submitted. While this suggestion is not required by NHTSA, it is a quality control mechanism which manufacturers may want to consider.
- . Supplier / OEM warranty relationships
  - “ Suppliers and OEMs should have a working relationship or agreement where identifying potential safety defects is possible. Manufacturers are responsible for meeting the requirements of Part 576. In order to do this, either or both the OEM and suppliers should maintain and have access to the required records.
- . Manufacturers should be monitoring their own data for signs of potential defect
- . There should be an easy, clearly advertised method for employees to report potential safety issues
- . There should be a process for periodically reviewing issues identified by all means and deciding if a defect exists. This process should include getting back to the defect identifier and informing them of the review outcome.
- . The review panel should be multi disciplinary
- . The decisions made by the review panel should be documented and records retained for future reference.
- . The processes developed for meeting the tread act requirements should be documented and appropriate personnel trained in their use.



# Discussion

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**NHTSA**



**END**

