



February 1, 2013

Dear Customer:

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Recipient:
DAVID STRICKLAND
NHTSA HDOTRS W BLDG

Shipper:
PAUL V. SHERIDAN
SHERIDAN, PAUL V
22357 COLUMBIA ST
481243431 US

Thank you for choosing FedEx.

To: Mr. David L. Strickland *
NHTSA Headquarters
West Building
1200 New Jersey Avenue, SE
Washington, DC 20590
202-366-4000

Date: 30 January 2013

VIA FEDEX AIRBILL [8007-9341-5962](https://www.fedex.com/track?tracknumber=8007-9341-5962)

From: Mr. Paul V. Sheridan
DDM Consultants
22357 Columbia Street
Dearborn, MI 48124-3431
313-277-5095 / pvs6@Cornell.edu

Subject: Public Access to File EA12-005: Bias in Favor of Chrysler Group, LLC Submissions

Reference 1: EA12-005 File Update (Chrysler Jeep Fuel Tank System Safety Defect)

Reference 2: May 2011 DOT Secretary LaHood Statements at (Toyota) House Oversight Com on Ethics

Courtesy Copy List **

Mr. Clarence Ditlow, Director
Center for Auto Safety - Suite 330
1825 Connecticut Ave, NW
Washington, DC 20009-5708
(202) 328-7700

Secretary Ray LaHood
US Department of Transportation
1200 New Jersey Ave, SE
Washington DC 20590
202-366-4000

Mr. Sergio Marchionne, Chairman
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1000 Chrysler Drive
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Mr. Courtney E. Morgan, Jr.
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Mr. Frank Borris
Office of Defects Investigation, Room W46-302
National Highway Traffic Safety Administration
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* Available with hyperlinks: <http://links.veronicachapman.com/Sheridan2Strickland-10.pdf>

** By email or USPS

DDM Consultants
22357 Columbia Street
Dearborn, MI 48124-3431
313-277-5095

29 January 2013

VIA FEDEX AIRBILL [8007-9341-5962](tel:8007-9341-5962)

Mr. David L. Strickland, Administrator
NHTSA Headquarters
1200 New Jersey Avenue, SE
Washington, DC 20590
202-366-4000

Subject: Public Access to File EA12-005: Bias in Favor of Chrysler Group, LLC Submissions

Reference 1: EA12-005 File Update (Chrysler Jeep Fuel Tank System Safety Defect)

Reference 2: May 2011 DOT Secretary LaHood Statements at (Toyota) House Oversight Committee on Ethics

Dear Mr. Strickland:

As a partial context to the subject I am attaching three documents:

ATTACHMENT 1 Paul V. Sheridan to Cornell University letter of 15 December 1987 on Business Ethics. This letter used the former Chrysler Corporation as a basis of discussion, and was read by its executive management including Chairman Lee A. Iacocca, et al. ⁱ From the “bankruptcy” [shenanigans](#) of April 30, 2009 to Reference 1, some have argued that my discussion of twenty-five years ago relating to *Koyaanisqatsi* was predictive.

ATTACHMENT 2 Deposition Exhibit #21 for former Chrysler Chairman Robert Eaton, and deposition Exhibit #3 for former Chrysler Vice Chairman Robert A. Lutz. Please note that the first paragraph states:

“NHTSA has agreed that they will deny all FOIA requests to place their investigative files, including the crash test video, on the public record, and that the Department of Justice will defend any lawsuits seeking to compel production under FOIA.” (underline added)

Paragraph 3 continues:

“Chrysler controls publication of its actions with the following provisions . . . Letter from (NHTSA Administrator) to Chrysler and NHTSA press statement praise Chrysler action as fully satisfying all of NHTSA’s concerns, and state that Chrysler is a safety leader . . . NHTSA officials acknowledge that owners should not be concerned over the delayed implementation of the action . . .” (underline added) ⁱⁱ

ATTACHMENT 3 Screenshot from the Change.org website petition posted by Ms. Jenelle Embrey. Please note that a petition signer states:

“I was a one time owner of a 96 Jeep. That would have been information that I would like to know at the time.” (underline added)

The petition is entitled: “Petitioning Secretary Ray LaHood: DOT and NHTSA: Save Innocent Families from Burning to Death in Jeeps!” and is available here: <http://www.change.org/DangerousJeeps> .

It is in the context partially established by these three attachments that I address subject details.

Subject Details

My letter to you of [24 September 2012](#) repeated concerns regarding “*the past relationship between NHTSA and Chrysler,*” a repetition borne by my letter of [3 September 2012](#). With this additional context, let us review the subject: Public Access to File EA12-005: Bias in Favor of Chrysler Group, LLC Submissions.

Even if the public is aware of the Jeep Fuel Tank System Safety Defect investigation, they certainly cannot possibly know of esoteric filing practices that effectively obscure their complete access to that investigation; an obscuration that blatantly biases document review in favor of Chrysler Group LLC.

Even if the public is aware of the original defect petition, there are roadblocks to unbiased review at the NHTSA website. Some of the logistical background facts include:

- A. Contemporaneous media coverage of NHTSA/ODI file identification DP09-005 does not exist.
- B. When the taxpayer arrives at the NHTSA webpage for DP09-005, they are told that-that investigation was “**closed**” on 23 August 2010. There is no indication that documents which support the ongoing and elevated investigation are still being submitted, **but most documents are one-sidedly being buried in the DP09-005 file; a file they have been told is “closed”** (ATTACHMENT 4).
- C. If the public views ATTACHMENT 4, there is no mention of which ODI file they should now pursue to “*further investigate the conditions associated with post-crash fires in these vehicles.*” They feel stranded, or unformed such as demonstrated by ATTACHMENT 3. Even the concluding wording of ATTACHMENT 4 conveys a proverbial “no big deal” tone regarding this deadly defect. ⁱⁱⁱ
- D. There is no recent media coverage of the next NHTSA/ODI file level which relates to the Jeep Fuel Tank System Safety Defect investigation: PE10-031.
- E. If the taxpayer arrives at PE10-031, they are informed that-that level of the investigation was also “**closed**” (14 June 2012). There is no communication that the ongoing submission of documents is NOT filed under PE10-031. There is communication that submissions from the petitioner/undersigned cannot be viewed at the webpage/file for PE10-031 (ATTACHMENT 5).
- F. When the public arrives at ATTACHMENT 5, there *is* mentioning that the investigation has been elevated to the next ODI file level, an engineering analysis: EA12-005.
- G. When the taxpayer arrives at the NHTSA webpage for EA12-005, they are told that-that investigation was “**opened**” on 12 June 2012, and that its status remains “**open.**” But this status has the effect to incentivize the taxpayer to concentrate their efforts only at this ODI file location (ATTACHMENT 6).
- H. When the taxpayer arrives at the ODI Resume for EA12-005 (ATTACHMENT 7) they are now told:

“NHTSA’s assessment of the data collected during Preliminary Evaluation (PE) 10-031 indicates that rear-impact-related tank failures and vehicle fires are more prevalent in the (Jeep Grand Cherokee) than in the non-Jeep peer vehicles. In addition, the agency’s analysis of its FARS data for the peer vehicles and three Jeep models shows a higher incidence of rear-impact, fatal fire crashes for the Jeep products.”

Although in stark contrast to the DP09-005 page, this wording also has the effect of incentivizing the taxpayer to restrict review of their safety concerns to only the EA12-005 file, which is “**open.**”

With ATTACHMENTS 1-3 and my previous letters (mentioned above, this page) as context, and ATTACHMENTS 4-7 providing background facts, the following conclusion and request are presented for your corrective action(s).

Conclusion

It is the ethical duty of NHTSA to ensure that access-to and the filing-of vital safety information accommodates those that need it most: The taxpayers that utilize and funded our highways.

Currently, presumably unknown to you, ODI made the unilateral decision to present the submissions of Chrysler Group LLC in the public file EA12-005 which is **“open”** (i.e. active).

Meanwhile, those submissions [from the petitioner \(CAS\)](#) and the undersigned, which substantively refute all of the “no big deal” rhetoric from Chrysler, are hidden in a file that is logistically obscured by a **“closed”** designation. The reasonable layperson has interpreted this designation as inactive.

When inquiry into the Chrysler Jeep fuel tank system safety defect investigation occurs, the taxpayer is directed to an **“open”** file that only accommodates submissions from Chrysler. Those submissions of vital safety information that rebuts the EA12-005 Chrysler rhetoric is not accessible simultaneously, if at all.

Being fully aware of this logistical favoritism, the Chrysler submissions exploit this ODI accommodation, and the wording is purposely misleading for the layperson. Even if one disagrees, ensuring simultaneous access is also an ethical duty of NHTSA. But disagreement with my assessment would also be spurious: At each stage of this investigation, with equal/simultaneous access to the data, ODI has repeatedly favored the petitioner. ^{iv}

CAS has made your office aware of the fire deaths which occurred in October 2012 in Virginia in a 1996 ZJ-Body Jeep Grand Cherokee. Ms. Jenelle Embrey, an eyewitness to the death of these taxpayers, stated (ATTACHMENT 8):

"They were all alive. They were very much alive. (The Jeep turned into) a ball of fire. They burned up right there in front of us."

But related CAS submissions have been hidden in a **“closed”** ODI file. If the deceased had made prior inquiry, the current ODI filing would have directed them to an **“open”** file which only accommodates Chrysler; those who have already proclaimed in their EA12-005 submissions that these Jeep fuel tanks have *“an excellent safety record.”* ^v

At a 2011 House Oversight Committee meeting, with you seated directly behind him, Secretary LaHood declared:

“There has been no more higher standards set for ethics than this Administration . . . I agree with you on this Mr. Burton, and I think that this law should probably be tightened up. I really do, because I agree with you. Perception is reality. Anybody that has been in politics knows that.” ^{vi}

The fact that the current ODI filing practice for EA12-005 favors Chrysler is not merely perception, it is a logistical reality. I perceive this reality to be merely a clerical error, but one that must be corrected immediately.

Request

ATTACHMENT 9 contains a listing of submissions that I submitted before and after 12 June 2012; the date that EA12-005 was declared **“open.”** Detailed review of those submissions will show that in all instances I provided the exact intended ODI file reference (files that were **“open”** at the time my submission). For the reasons stated above, please relocate these and all similar CAS submissions to the NHTSA webpage for EA12-005. ^{vii}

Please do not hesitate to contact me at any time.

Respectfully,

Paul V Sheridan

ENDNOTES

ⁱ Attachment 1 contains the cover letters only, my entire response to the Cornell University request, as implied in the 22 December 1987 letter from Dean Curtis Tarr, was somewhat voluminous. The attachments to my letter was also read by Chrysler Corporation executive management.

ⁱⁱ In 1995 Dr. Ricardo Martinez was NHTSA Administrator under the Clinton Administration.

ⁱⁱⁱ The specific DP09-005 wording of concern makes a claim based on misleading or insufficient data:

“It should be noted that ODI also conducted a preliminary review of the Early Warning Reporting (EWR) data that did not find the subject vehicles to be over-represented for post-crash fires.”

^{iv} I will be submitting a response to the Chrysler submission of 13 December 2012 which is viewable at the EA12-005 webpage. For example, my Endnote 13 to my letter to you of [1 January 2013](#) states:

“Chrysler submissions [as late as 13Dec2012](#), which continue to divert the Agency and the media/public with the notion that “location” is the central complaint of the Petitioner and the current plaintiffs should be shunned as a defense lawyer ruse. It should be emphasized that in August 1978 Chrysler Engineering recognized that although fuel tank location plays a role, the PRIMARY factor in fuel system crashworthiness is protection or, as Mr. Baker specified, use of a “protective impact deflection structure.” Beginning with the WK-Body the Daimler engineers not only relocated the fuel tank to a mid-vehicle location (within and above structural elements, i.e. not exposed to direct collision impact), but also added a “protective impact deflection structure” as standard (i.e. regardless of the on or off-road intentions of the user).

Although Toyota was asked to comment under PE10-031, the fact that NHTSA/ODI failed to solicit comments from DaimlerBenz on the WK-Body and their fuel system engineering design concepts remains egregious. Please see my letter to you of 9Feb2011, Concern 3, on page 4 of 5, available here: <http://links.veronicachapman.com/Sheridan2Strickland-1.pdf> ”

^v It must be emphasized that Mrs. Susan Kline was also burned to death in a 1996 ZJ-Body Jeep Grand Cherokee **FIVE YEARS EARLIER** on 24 February 2007. Again, during previous investigations ([EA94-005](#)), internal documents that Chrysler corporate and external defense have routinely claimed contained “trade secrets” alleged:

“NHTSA officials acknowledge that owners should not be concerned over the delayed implementation of the action . . .”
(underline added)

^{vi} Please see <http://www.youtube.com/watch?v=UcDFVTnbfkl>

^{vii} Review of all three NHTSA/ODI files that relate to the Chrysler Jeep Fuel Tank System Safety Defect investigation (DP09-005, PE10-031 and EA12-005) has failed to located the following documents:

1. My letter to you of [27 September 2011](#)
2. NHTSA response letter (to #1) of [14 October 2011](#)
3. Chrysler response letter (to #1 and #2) of [31 October 2011](#)

I will be responding to #3 shortly.

ATTACHMENT 1

Mr. David L. Strickland
Administrator
NHTSA Headquarters
1200 New Jersey Avenue, SE
Washington, DC 20590
202-366-4000

30 January 2013

Subject: **Public Access to File EA12-005: Bias in Favor of Chrysler Group, LLC Submissions**
Reference 1: EA12-005 File Update (Chrysler Jeep Fuel Tank System Safety Defect)
Reference 2: May 2011 DOT Secretary LaHood Statements at (Toyota) House Oversight Com on Ethics

Four Pages:

Paul V. Sheridan to Cornell University letter of 15 December 1987, subject: Business Ethics.



**Cornell University
Johnson Graduate School
of Management**

Curtis W. Tarr, Dean
Malott Hall Ithaca NY 14853-4201 (607) 255-6418

July 28, 1989

Dear Paul,

On my last day as dean, I am thinking about those who have helped to make this such a splendid experience for me and a promising one for this fine School. You certainly are one of those people. I owe you my gratitude.

I look forward to my new life, and I have too many things set aside to accomplish too soon. I will be here in my new office on the fifth floor most of the time. Please call me if ever I can help you; my number will be 607-255-1122.

You have my thanks and warm wishes.

Sincerely,

A handwritten signature in black ink, appearing to be "C. W. Tarr", written in a cursive style.

Curtis W. Tarr

CWT:lw

Mr. Paul V. Sheridan '80
22357 Columbia
Dearborn, MI 48124-3431

Cornell University
Malott Hall
Ithaca NY 14853-4201

607.255.6418



Johnson Graduate School of Management

Curtis W. Tarr
Dean

December 22, 1987

Dear Paul,

Thank you very much for your good letter about business ethics. You can be sure I will be reading all the details in this again with great care as I prepare for the course. You certainly are kind to share it with me.

I am grateful for your continuing loyalty to the School. I hope the new year treats you very well indeed.

Sincerely,

A handwritten signature in black ink, appearing to read "Curtis W. Tarr".

Curtis W. Tarr

CWT:tal

Mr. Paul V. Sheridan
Program Manager
Jeep and Truck Engineering
Chrysler Motors Corporation
14250 Plymouth Road
CIMS 514-00-00
Detroit, MI 48232

22357 Columbia
Dearborn, MI 48124
(O) 313/493-2404
(H) 313/277-5095

December 15, 1987

Curtis W. Tarr, Dean
Johnson Graduate School of Management
Cornell University
Malott Hall
Ithaca, NY 14853-4201

SUBJECT: Your input request for the spring semester course on Business Ethics

Dear Curtis:

It has been said that in the "modern" business world the employee with a motivational mix that is 75% political and 25% substance will always outclimb the reverse: the employee who is 25% political and 75% substance. When I first heard that remark I thought it was incredulous. However, many of my experiences have given it more credence.

As you know, I began contributing to the greying of my parents' hair at a very early age via my infatuation with the automobile. From greasy fingerprints to ruined clothes to noisy driveways ... Twenty-five years later my situation has advanced itself and may be characterized by saying, "The only difference between men and boys is the price of their toys." The point being that "Motor City" and its workings represent a long-standing object of my attention both vocationally and, in recent years, professionally. I know something about Detroit ... especially its problems. It is in this context that I am able to offer the enclosed as a response to the subject.

In the mid to late seventies, when the proverbial apple cart was upset in Motor City, there were many superficialities cited as being the cause. The Arab oil embargos and rapid rise in fuel prices did, in fact, devastate Detroit's "rich", fuel inefficient product mix. The incredible public sector incompetence with respect to the administration of regulations that affected vehicle fuel economy, emissions and safety continues to be a focus of attention. The foreign competition, especially from Japan, was also cited as being the reason for woe in Detroit. Many, in this finger-pointing frenzy, even cited the UAW as the prime culprit for Detroit's ongoing economic demise. In fact, these "causes" are convenient scapegoats. They're obvious in nature and easily presented by the media. They represent items that "you can get your arms around" and then feel comfortable in the conviction that you have arrived at satisfactory conclusions. In reality, the impact of these overt events merely serve to verify that the cause is more fundamental.

Mismanagement is not new but it has changed in form, if not concealment. On the other hand, to claim that mismanagement is the fundamental cause of Detroit's commercial demise without providing a practical insight into the source and character of the mismanagement would be only slightly more valuable than erroneously qualifying the aforementioned effects as causes.

Published in the September 1983 edition of the Harvard Business Review, "Moral Mazes: Bureaucracy and Managerial Work" approximates the source and character of the mismanagement that runs all too rampant in Detroit, if not the nation. By using the Protestant Ethic as a historical point of departure, Jackall then provides a very accurate "interpretive sociological analysis of the moral dimensions of managers' work" in the context of the "new" business ethic: the Bureaucratic Ethic.

He poses the central question early:

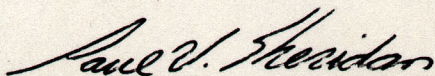
"What if ... men and women in the big corporation no longer see success as necessarily connected to hard work? What becomes of the social morality of the corporation - I mean the everyday rules in use that people play by - when there is thought to be no standard of excellence to explain how and why winners are separated from also-rans, how and why some people succeed and others fail?"

Subtitles include, "Who Gets Credit?", "Fealty to the King," "Capriciousness of Success," "Blame Time," "Playing the Game," etc.

The current irony for me is our (Chrysler) investigations into the inner workings of competitive automotive organizations, specifically the Japanese firms. When I read these reports, I come to the perplexing conclusion that the ethical behavior of, say, Honda is more "American" than the American firms! It is as though the Japanese firms have become the "Americans" of the international business world and the Americans have become ... something else.

I commend your efforts to introduce the ethical issues of the professional business world to the future MBA's of JGSM. Although not as glamorous as high-powered finance or computer-aided operations management, and therefore not as immediate in terms of gratification, business ethics represent the axiomatic basis of all other business disciplines. The subtlety here is that the ethical status of a firm (or a nation) is never fully tested during easy times (such as the post WW II era in Detroit). Only when adversity arises can one fully ascertain the character and competence of management ... without a strong ethical foundation there can be neither. There can only be or become what the ancient Hopi called "Koyaanisqatsi" or "crazy life." 'People scurrying to find the rules of the game, when in fact, "there's nothing new under the sun." As Merlin once said, "... it is the doom of men that they should forget."

Sincerely and respectfully,



Paul V. Sheridan

Enclosures

ATTACHMENT 2

Mr. David L. Strickland
Administrator
NHTSA Headquarters
1200 New Jersey Avenue, SE
Washington, DC 20590
202-366-4000

30 January 2013

Subject: Public Access to File EA12-005: Bias in Favor of Chrysler Group, LLC Submissions
Reference 1: EA12-005 File Update (Chrysler Jeep Fuel Tank System Safety Defect)
Reference 2: May 2011 DOT Secretary LaHood Statements at (Toyota) House Oversight Com on Ethics

Two Pages

Deposition Exhibit #21 for former Chrysler Chairman Robert Eaton, and deposition Exhibit #3 for former Chrysler Vice Chairman Robert A. Lutz. Please note that the first paragraph states:

“NHTSA has agreed that they will deny all FOIA requests to place their investigative files, including the crash test video, on the public record, and that the Department of Justice will defend any lawsuits seeking to compel production under FOIA.” (underline added)

Paragraph 3 states:

“Chrysler controls publication of its actions with the following provisions . . . Letter from (NHTSA Administrator) to Chrysler and NHTSA press statement praise Chrysler action as fully satisfying all of NHTSA’s concerns, and state that Chrysler is a safety leader . . . NHTSA officials acknowledge that owners should not be concerned over the delayed implementation of the action . . .” (underline added)



MINIVAN LATCH ISSUE

Proposed Agreement with NHTSA

1. Crash Test Video and the Public Record:

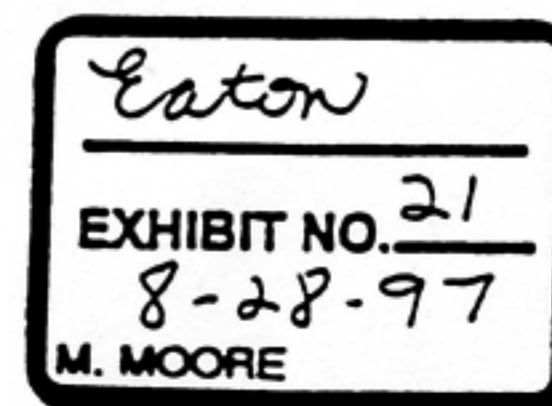
- NHTSA has agreed that they will deny all FOIA requests to place their investigative files, including the crash test video, on the public record and that the Department of Justice will defend any lawsuits seeking to compel production under FOIA.

We would agree with NHTSA that their engineering analysis will remain open while we conduct the service campaign to provide them additional bases to argue that release of the materials would interfere with their investigation.

- The Department of Justice says there is less than a 50/50 chance of keeping the video off the record for the full duration of the investigation, i.e. the campaign, if there is a court ruling. Given the possibility that a lawsuit could be filed at any time, they anticipate that the legal process would take at least four months, regardless of the outcome.

2. Service Action Only - No Recall: NHTSA has agreed that a Chrysler service campaign would fully satisfy all of their concerns and they would give full public support to such an effort. The critical elements that differentiate the service campaign from a recall (mostly reflected in the two attached letters) are as follows:

- no admission of defect or safety problem;
- stated purpose of the campaign - to ensure peace of mind in light of media coverage;
- campaign does not count as a NHTSA action - not included in NHTSA recall numbers, no Part 573 or Part 577 letters;
- statements to owners, the public and NHTSA assert that no defect has been found; and
- NHTSA acknowledges that replacement latch is not a 100% solution.



3. **Chrysler Announcement:** Chrysler controls publication of its action with the following provisions:

- Chrysler goes first with its own statement and reads approved NHTSA statement supporting Chrysler's action;
- Chrysler characterizes campaign as done solely to ensure the peace of mind of its owners, i.e. "your concern is our concern";

- Letter from Martinez to Chrysler and NHTSA press statement praise Chrysler action as fully satisfying all of NHTSA's concerns and state that Chrysler is a safety leader;

- NHTSA officials acknowledge publicly that there has been no finding of defect and that there will be none; and

- NHTSA officials acknowledge that owners should not be concerned over the delayed implementation of the action and that they can best protect themselves by keeping seat belts buckled at all times.

4. **Additional Provisions:** The following points have been requested by NHTSA and appear to be reasonable:

- The letter to owners makes reference to the NHTSA hot line phone number;
- Latch replacement will be offered as part of any routine minivan servicing (once replacement latches are available);
- Chrysler will submit six quarterly reports on the progress of the campaign (helps to support defense of FOIA requests); and
- NHTSA can make reference to the service campaign in response to owner inquiries.

ATTACHMENT 3

Mr. David L. Strickland
Administrator
NHTSA Headquarters
1200 New Jersey Avenue, SE
Washington, DC 20590
202-366-4000

30 January 2013

Subject: Public Access to File EA12-005: Bias in Favor of Chrysler Group, LLC Submissions

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One Page:

Screenshot from the Change.org website petition posted by Jeep Grand Cherokee fire death witness Ms. Jenelle Embrey. Please note that the screenshot of a petition signer comment reads:

"I was a one time owner of a 96 Jeep. That would have been information that I would like to know at the time." (underline added)

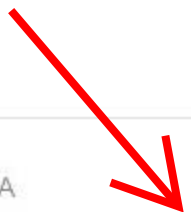
Supporters

Reasons for signing

Darlene Grant MARSHALL, VA

about 1 hour ago · Liked 0

I was a one timer owner of a 96 Jeep. That would have been information that I would like to know at the time. Glad I stay Prayed Up.



Lindsay Coleman WINCHESTER, VA

about 3 hours ago · Liked 0

I am the daughter of the guy that was in the Pt cruiser. That night was really scary for me not knowing if my dad was going to make it out alive. My heart goes out to the teen that was saved and I pray that eventually his life will go back to normal. I pray that his mom was saved and went to heaven.

jessica simpson FRONT ROYAL, VA

about 4 hours ago · Liked 0

Anything that can save a life is important to me. To die a tragic death that could be prevented should never happen.

sammy harmon ATLANTA, GA

about 5 hours ago · Liked 0

My son has a Jeep Grand Cherokee.

Sign this petition

with 95 supporters

99,905 NEEDED

[Outside U.S.?](#)

Why is this important to you?
(Optional)

Sign >

Display my signature on Change.org

By signing, you accept Change.org's [terms of service](#) and [privacy policy](#).

Recent signatures

Darlene Grant MARSHALL, VA

46m

ATTACHMENT 4

Mr. David L. Strickland
Administrator
NHTSA Headquarters
1200 New Jersey Avenue, SE
Washington, DC 20590
202-366-4000

30 January 2013

Subject: Public Access to File EA12-005: Bias in Favor of Chrysler Group, LLC Submissions
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One Page:

NHTSA/ODI website page for DP09-005


[Print](#)

Defects - Search Results

1 Record(s) Displayed.

Report Date : January 28, 2013 at **04:43 PM**

NHTSA Action Number : DP09005

NHTSA Action Number : DP09005

NHTSA Recall Campaign Number : N/A

Vehicle Make / Model:

JEEP / GRAND CHEROKEE

Model Year(s):

1993-2004

Manufacturer(s) :

Chrysler Group LLC

Component(s) :

FUEL SYSTEM, GASOLINE:DELIVERY:HOSES, LINES/PIPING, AND FITTINGS

FUEL SYSTEM, GASOLINE:STORAGE

FUEL SYSTEM, GASOLINE:STORAGE:TANK ASSEMBLY

FUEL SYSTEM, GASOLINE:STORAGE:TANK ASSEMBLY:FILLER PIPE AND CAP

Date Investigation Opened : November 6, 2009

Date Investigation Closed : August 23, 2010

Summary:

In a letter dated October 2, 2009, the Center for Auto Safety (CAS) petitioned NHTSA to open a defect investigation and recall model year 1993-2004 Jeep Grand Cherokees. CAS alleged that the subject vehicles have defective fuel tank storage systems that present a fire hazard in crashes. CAS alleged that the plastic fuel tank's placement behind the rear axle and below the rear bumper, and the lack of adequate shielding, make it more vulnerable to rupture or leakage from a rear-impact by another vehicle (including damage from other components located on the Grand Cherokee), or in the case of rollover crashes, from other external objects. CAS also alleged that the fuel filler neck tears off in crashes. In its petition, CAS cites data from NHTSA's Fatality Analysis Reporting System (FARS) showing 172 fatal fire crashes with 254 fatalities involving the subject vehicles from calendar years 1992 through 2008. CAS stated that there have been at least 44 crashes with 64 total fatalities (subject and non-subject vehicles) where fire was entered as the Most Harmful Event (MHE) in the FARS database. In response to the CAS petition, ODI made a preliminary examination of available data. FARS data showed 2,988 occupants of the subject vehicles have died in crashes since 1992. Of those, 55 died in 44 crashes where fire was listed as the Most Harmful Event. Identifying crashes most likely associated with the alleged defect as described by CAS (defined as the subject vehicle being struck at the 5, 6 or 7 o'clock positions) isolated 10 crashes with 13 occupant fatalities. ODI also reviewed the Vehicle Owner Questionnaires (VOQ) database and identified 12 reports alleging A) a post-crash fuel tank leak and/or B) a post-crash fire potentially related to a fuel tank leak. Of the 12 reports, 10 involved fires (two involved fuel leaks only) with 9 alleged injuries and 1 alleged fatality. The existence of these post-crash fires does not, by itself, establish a defect trend. Further review and investigation into these incidents is needed to determine the existence of any relationship between the alleged defect and each fire or leak. **It should be noted that ODI also conducted a preliminary review of the Early Warning Reporting (EWR) data that did not find the subject vehicles to be over-represented for post-crash fires.** ODI's initial review neither supports nor excludes the possibility that a defect exists in the subject vehicles. However, ODI has always taken the position that vehicle fires pose a significant safety risk. Accordingly, ODI has granted the petition to further investigate the conditions associated with post-crash fires in these vehicles.

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1.888.327.4236 TTY 1.800.424.9153



ATTACHMENT 5

Mr. David L. Strickland
Administrator
NHTSA Headquarters
1200 New Jersey Avenue, SE
Washington, DC 20590
202-366-4000

30 January 2013

Subject: Public Access to File EA12-005: Bias in Favor of Chrysler Group, LLC Submissions

Reference 1: EA12-005 File Update (Chrysler Jeep Fuel Tank System Safety Defect)

Reference 2: May 2011 DOT Secretary LaHood Statements at (Toyota) House Oversight Com on Ethics

One Page:

NHTSA/ODI website page for PE10-031


[Print](#)

Defects - Search Results

1 Record(s) Displayed.

Report Date : January 28, 2013 at 05:03 PM

NHTSA Action Number : PE10031

NHTSA Action Number : PE10031

NHTSA Recall Campaign Number : N/A

Vehicle Make / Model:
JEEP / GRAND CHEROKEE

Model Year(s):
1993-2004

Manufacturer(s) :
Chrysler Group LLC

Component(s) :

FUEL SYSTEM, GASOLINE:DELIVERY:HOSES, LINES/PIPING, AND FITTINGS

FUEL SYSTEM, GASOLINE:STORAGE

FUEL SYSTEM, GASOLINE:STORAGE:TANK ASSEMBLY

FUEL SYSTEM, GASOLINE:STORAGE:TANK ASSEMBLY:FILLER PIPE AND CAP

Date Investigation Opened : August 23, 2010

Date Investigation Closed : June 14, 2012

Summary:

NHTSA has conducted extensive analysis of the data regarding fuel tank integrity for the model year (MY) 1993-2004 Jeep Grand Cherokee (JGC). As a result of that work, the agency has decided to upgrade its safety defect investigation to an Engineering Analysis and to expand the scope of vehicles included in the investigation. NHTSA's assessment of the data collected during this investigation indicates that rear-impact-related tank failures and vehicle fires are more prevalent in the JGC than in the non-Jeep peer vehicles. In addition, the agency's analysis of its FARS data for the peer vehicles and three Jeep models shows a higher incidence of rear-impact, fatal fire crashes for the Jeep products. PE10-031 had focused on the fuel tank system integrity of the JGC vehicles during rear-end collisions and impacts. The fuel tank is located at the rear of the vehicle, between the bumper and axle, and is manufactured from a plastic material (HDPE). Three peer vehicles (across the same MY range as the JGC) were identified for comparative assessment: the Chevrolet Blazer, Ford Explorer, and Toyota 4Runner. ODI has collected and assessed a significant volume of data for the JGC and three peer vehicles under the Defect Petition (DP) 09-005 and PE10-031, much of which was either provided by the petitioner or by the subject and peer manufacturers in response to ODI's information request letters. NHTSA has also utilized its FARS database. Fatal crash data was collected for the JGC and its three peers, along with data for two other Jeep vehicles, the Cherokee and Liberty, which were also manufactured with rear mounted fuel tanks and assessed by ODI as Jeep peer vehicles. Based on the agency's current analysis, ODI is upgrading its investigation to determine whether the subject vehicles contain a defect that presents an unreasonable risk to safety. The subject vehicles for EA12-005 will be MY 1993-2004 JGC, MY 1993-2001 Cherokee, and MY 2002-2007 Liberty; the estimated production volumes for these vehicles is approximately 5.1 million, although attrition is a factor for the older vehicles. Please note that the counts shown in the above failure report summary are for the JGC only (values shown in the total column are unique). Data for the other Jeep models and possibly other peer models will be collected during the investigation. The ODI reports cited above can be reviewed online at www-odi.nhtsa.dot.gov/complaints under the following identification (ODI) numbers: 506249, 549376, 734783, 869217, 10009553, 10335943, 10351589, 10351980, 10357528.

ATTACHMENT 6

Mr. David L. Strickland
Administrator
NHTSA Headquarters
1200 New Jersey Avenue, SE
Washington, DC 20590
202-366-4000

30 January 2013

Subject: Public Access to File EA12-005: Bias in Favor of Chrysler Group, LLC Submissions

Reference 1: EA12-005 File Update (Chrysler Jeep Fuel Tank System Safety Defect)

Reference 2: May 2011 DOT Secretary LaHood Statements at (Toyota) House Oversight Com on Ethics

One Page:

NHTSA/ODI website page for EA12-005


[Print](#)

Defects - Search Results

1 Record(s) Displayed.

Report Date : January 28, 2013 at 05:22 PM

NHTSA Action Number : EA12005

NHTSA Action Number : EA12005

NHTSA Recall Campaign Number : N/A

Vehicle Make / Model:

JEEP / CHEROKEE

JEEP / GRAND CHEROKEE

JEEP / LIBERTY

Model Year(s):

1993-2001

1993-2004

2002-2007

Manufacturer(s) :

Chrysler Group LLC

Component(s) :

FUEL SYSTEM, GASOLINE:DELIVERY:HOSES, LINES/PIPING, AND FITTINGS

FUEL SYSTEM, GASOLINE:STORAGE

FUEL SYSTEM, GASOLINE:STORAGE:TANK ASSEMBLY

FUEL SYSTEM, GASOLINE:STORAGE:TANK ASSEMBLY:FILLER PIPE AND CAP

Date Investigation Opened : June 12, 2012

Date Investigation Closed : Open

Summary:

NHTSA has conducted extensive analysis of the data regarding fuel tank integrity for the model year (MY) 1993-2004 Jeep Grand Cherokee (JGC). As a result of that work, the agency has decided to upgrade its safety defect investigation to an Engineering Analysis and to expand the scope of vehicles included in the investigation. NHTSA's assessment of the data collected during Preliminary Evaluation (PE) 10-031 indicates that rear-impact-related tank failures and vehicle fires are more prevalent in the JGC than in the non-Jeep peer vehicles. In addition, the agency's analysis of its FARS data for the peer vehicles and three Jeep models shows a higher incidence of rear-impact, fatal fire crashes for the Jeep products. PE10-031 had focused on the fuel tank system integrity of the JGC vehicles during rear-end collisions and impacts. The fuel tank is located at the rear of the vehicle, between the bumper and axle, and is manufactured from a plastic material (HDPE). Three peer vehicles (across the same MY range as the JGC) were identified for comparative assessment: the Chevrolet Blazer, Ford Explorer, and Toyota 4Runner. ODI has collected and assessed a significant volume of data for the JGC and three peer vehicles under the Defect Petition (DP) 09-005 and PE10-031, much of which was either provided by the petitioner or by the subject and peer manufacturers in response to ODI's information request letters. NHTSA has also utilized its FARS database. Fatal crash data was collected for the JGC and its three peers, along with data for two other Jeep vehicles, the Cherokee and Liberty, which were also manufactured with rear mounted fuel tanks and assessed by ODI as Jeep peer vehicles. Based on the agency's current analysis, ODI has upgraded its investigation to determine whether the subject vehicles contain a defect that presents an unreasonable risk to safety. The subject vehicles for the investigation will be MY 1993-2004 JGC, MY 1993-2001 Cherokee, and MY 2002-2007 Liberty. The estimated production volumes for these vehicles are shown above, although attrition is a factor for the older vehicles. Please note that the counts shown in the above failure report summary are for the JGC only (values shown in the total column are unique). Data for the other Jeep models and possibly other peer models will be collected during the investigation. The ODI reports cited above can be reviewed online at www-odi.nhtsa.dot.gov/complaints under the following identification (ODI) numbers: JGC: 506249, 549376, 734783, 869217, 10009553, 10335943, 10351589, 10351980, 10357528. Liberty: 10357195, 10366653 (duplicate of 10357195), 10138726, 10149256, 10181332 Cherokee: 10409104

ATTACHMENT 7

Mr. David L. Strickland
Administrator
NHTSA Headquarters
1200 New Jersey Avenue, SE
Washington, DC 20590
202-366-4000

30 January 2013

Subject: Public Access to File EA12-005: Bias in Favor of Chrysler Group, LLC Submissions

Reference 1: EA12-005 File Update (Chrysler Jeep Fuel Tank System Safety Defect)

Reference 2: May 2011 DOT Secretary LaHood Statements at (Toyota) House Oversight Com on Ethics

Two Pages:

NHTSA/ODI website pages for EA12-005 Resume



U.S. Department
of Transportation

**National Highway
Traffic Safety
Administration**

ODI RESUME

OFFICE OF DEFECTS INVESTIGATION
NHTSA
Authentic US Government Information
National Highway Traffic Safety Administration
uses a digital certificate to ensure
the content has not been tampered with.

Investigation: EA 12-005
Prompted by: DP09-005, PE10-031, FARS data
Date Opened: 06/12/2012
Investigator: Peter Ong **Reviewer:** Scott Yon
Approver: Frank Borris
Subject: Crash Related Fuel Tank Fires

MANUFACTURER & PRODUCT INFORMATION

Manufacturer: CHRYSLER GROUP LLC
Products: 93-04 Grand Cherokee, 93-01 Cherokee & 02-07 Liberty
Population: 5,100,000 (Estimated)
Problem Description: Fuel tank system integrity in rear-impacts or crashes.

FAILURE REPORT SUMMARY

	ODI	Manufacturer	Total
Complaints:	9	23	26**
Crashes/Fires:	9	23	26**
Injury Incidents:	4	21	24**
Number of Injuries:	7	41	46**
Fatality Incidents:	3	12	13**
Number of Fatalities:	3	14	15**
Other*:	29	0	29

*Description of Other: JGC FARS (thru 2010) rear-impact fire crashes resulting in 48 fatalities. Counts are for JGC only.

** Total eliminates duplicates received by ODI and manufacturer.

ACTION / SUMMARY INFORMATION

Action: Open this Engineering Analysis (EA12-005)

Summary:

NHTSA has conducted extensive analysis of the data regarding fuel tank integrity for the model year (MY) 1993-2004 Jeep Grand Cherokee (JGC). As a result of that work, the agency has decided to upgrade its safety defect investigation to an Engineering Analysis and to expand the scope of vehicles included in the investigation. NHTSA's assessment of the data collected during Preliminary Evaluation (PE) 10-031 indicates that rear-impact-related tank failures and vehicle fires are more prevalent in the JGC than in the non-Jeep peer vehicles. In addition, the agency's analysis of its FARS data for the peer vehicles and three Jeep models shows a higher incidence of rear-impact, fatal fire crashes for the Jeep products.

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Based on the agency's current analysis, ODI has upgraded its investigation to determine whether the subject vehicles contain a defect that presents an unreasonable risk to safety. The subject vehicles for the investigation will be MY 1993-2004 JGC, MY 1993-2001 Cherokee, and MY 2002-2007 Liberty. The estimated production volumes for these vehicles are shown above, although attrition is a factor for the older vehicles. Please note that the counts shown in the above failure report summary are for the JGC only (values shown in the total column are unique). Data for the other Jeep models and possibly other peer models will be collected during the investigation.

The ODI reports cited above can be reviewed online at www-odi.nhtsa.dot.gov/complaints under the following identification (ODI) numbers:

JGC: 506249, 549376, 734783, 869217, 10009553, 10335943, 10351589, 10351980, 10357528.

Liberty: 10357195, 10366653 (duplicate of 10357195), 10138726, 10149256, 10181332

Cherokee: 10409104

ATTACHMENT 8

Mr. David L. Strickland
Administrator
NHTSA Headquarters
1200 New Jersey Avenue, SE
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202-366-4000

30 January 2013

Subject: Public Access to File EA12-005: Bias in Favor of Chrysler Group, LLC Submissions

Reference 1: EA12-005 File Update (Chrysler Jeep Fuel Tank System Safety Defect)

Reference 2: May 2011 DOT Secretary LaHood Statements at (Toyota) House Oversight Com on Ethics

Two Pages:

The Northern Virginia Daily news report; on-scene eyewitness to the October 2012 Jeep Grand Cherokee fire death, Jenelle Embrey stated:

"They were all alive. They were very much alive. (The Jeep turned into) a ball of fire. They burned up right there in front of us."

If these deceased had made a prior NHTSA inquiry, they would have looked in a **“open”** ODI file which only presents submissions from Chrysler; those who have declared that the Jeep has *“an excellent safety record.”*

Fiery I-81 crash claims two Staunton residents

^ Posted Oct. 7

By Alex Bridges

The Jeep Cherokee that was involved in a three-vehicle crash in which two people were killed Friday on Interstate 81 in Frederick County turned into a "ball of fire," according to the driver of one of the cars that was hit.

Jenelle Embrey, 45, of Linden said the tractor-trailer struck the Jeep while traveling "full speed," and continued to travel forward past the 2002 Chrysler PT Cruiser that she was driving before stopping.

"I can't believe we lived," Embrey said.

Heather Lee Santor, 39, and Acoye M. Breckenridge, 18, both of Staunton, died at the scene of the crash on Interstate 81 near Kernstown, according to state police spokesman Sgt. F.L. "Les" Tyler.

Trooper B.G. Davis also issued a summons for reckless driving to Lance W. Anderson, 43, of Hudson, S.D., identified as the driver of tractor-trailer that caused the fatal crash, Tyler said Saturday afternoon.

The trooper reported driver inattention contributed to the crash.

The 2007 Peterbilt tractor-trailer rear-ended the 1998 Jeep Cherokee, driven by Santor, which had stopped in traffic in the right, southbound lane of Interstate 81 south of Va. 37 at approximately 7:48 p.m., according to Tyler. The Jeep caught fire after the collision.

Santor and Breckenridge, a passenger in the Jeep, died at the scene, according to Tyler. A second passenger in the Jeep, Zackary Santor, 18, of Staunton, was taken by ambulance to Winchester Medical Center, Tyler said.

The collision also had pushed the Jeep into the rear of the Chrysler driven by Embrey, Tyler said. The force of the collision sent both the tractor-trailer and the Chrysler into the left lane. the Chrysler spun and struck the side of the tractor-trailer, according to Tyler.

Embrey recalled the experience by phone Saturday night and noted that her father, Harry Hamilton Jr., 65, a real estate agent in Kernstown, rode as a passenger in the Chrysler he bought just a few days before the crash, Embrey told the Daily she and her father drove from his home near the Va. 37 interchange and had entered the interstate only minutes before the collision sent the Chrysler spinning, striking the tractor-trailer.

Embrey said she had stopped for traffic in a construction zone, giving plenty of distance between the Chrysler and a flatbed truck in front of her vehicle.

The events which occurred after all vehicles stopped left Embrey shaking even 24 hours later. Embrey recalled seeing her father run to the Jeep and try to pull the victims from the vehicle before it caught fire.

"They were all alive," Embrey said. "They were very much alive."

Hamilton then pulled Zackary Santor from the Jeep, Embrey recalled.

"[Hamilton] just ripped the window right out of the door," she said. "He was trying to get the others out. ... and he wasn't able to cut the seat belt."

As Hamilton shouted to the occupants inside the Jeep, Embrey said she could see and hear the other teen passenger screaming, but the driver appeared barely conscious. Embrey said she then heard a popping noise coming from the Jeep and the whole thing turned into "a ball of fire."

"They burned up right there in front of us," Embrey said.

Embrey expressed amazement at her father's efforts in spite of the danger and recalled shouting to him to get away from the Jeep when the vehicle caught fire.

Neither Anderson nor Embrey reported injuries, according to Tyler. Embrey recalled her father hurt his hands from pulling out the car door window.

All people involved in the crash were wearing seat belts at the time of the incident, Tyler said. Zackary Santor's condition was not known Saturday.

Members of the state police crash reconstruction and motor carrier safety teams assisted at the scene.

The crash caused traffic to back up for miles north of the scene as police closed both southbound lanes. Fire and rescue workers responded to the crash.

Contact staff writer Alex Bridges at 540-465-5137 ext. 125, or abridges@nvdaily.com

18 Comments

ATTACHMENT 9

Mr. David L. Strickland
Administrator
NHTSA Headquarters
1200 New Jersey Avenue, SE
Washington, DC 20590
202-366-4000

30 January 2013

Subject: Public Access to File EA12-005: Bias in Favor of Chrysler Group, LLC Submissions

Reference 1: EA12-005 File Update (Chrysler Jeep Fuel Tank System Safety Defect)

Reference 2: May 2011 DOT Secretary LaHood Statements at (Toyota) House Oversight Com on Ethics

One Page

Listing of those submissions submitted before and after 12 June 2012; the date that EA12-005 was declared **“open.”** Detailed review of those submissions will show that in all instances I provided the exact intended ODI file placement; files that were **“open”** at the time of submission.

Pre and Post 12 June 2012 EA12-005 Opening - Submissions Summary

Pre EA12-005 Submissions: Filed/Accessible in ODI DP09-005 which has been designated “ closed. ”			
Subject/ Reference	Date	Delivery Date	Online Availability
Jeep Grand Cherokee Defect Petition 09-005	1 June 2010	7 June 2010	http://links.veronicachapman.com/Ditlow-Baker-1.pdf
NHTSA Action Number PE10031	9 Feb 2011	11 Feb 2011	http://links.veronicachapman.com/Sheridan2Strickland-1.pdf
NHTSA Action Number PE10031	27 Sep 2011	29 Sep 2011	http://links.veronicachapman.com/Sheridan2Strickland-2.pdf
NHTSA Action Number PE10031	5 Dec 2011	6 Dec 2011	http://links.veronicachapman.com/Sheridan2Strickland-3.pdf
Jeep Grand Cherokee Fuel Defect Invest (PE10 – 031)	11 Apr 2012	12 Apr 2012	http://links.veronicachapman.com/Sheridan2Kelleher-1.pdf

Post EA12-005 Submissions: Incorrectly filed in ODI DP09-005 which has been designated “ closed. ” <i>These submissions should be moved to “open” file EA12-005</i>			
Subject/ Reference	Date	Delivery Date	Online Availability
Statistical Approach to NHTSA Defect Invest. EA-12-005 File Update	15 Jun 2012	18 Jun 2012	http://links.veronicachapman.com/Sheridan2Strickland-4-Links.pdf
Alleged “Structural Protection” of Fuel Tank EA12-005 File Update	27 Jul 2012	1 Aug 2012	http://links.veronicachapman.com/Sheridan2Strickland-5.pdf
Chrysler Statements Regarding WUSA-9 News EA12-005 File Update	27 Aug 2012	29 Aug 2012	http://links.veronicachapman.com/Sheridan2Strickland-6.pdf
Chrysler Assertions - Karco Test of 16 May 2011 EA12-005 File Update			http://links.veronicachapman.com/Sheridan2Strickland-7.pdf
Chrysler Expert Testimony: “The tank’s on its own.” EA12-005 File Update	24 Sep 2012	26 Sep 2012	http://links.veronicachapman.com/Sheridan2Strickland-8.pdf
Toyota/NHTSA Recall 12V-305 EA12-005 File Update	1 Jan 2013	4 Jan 2013	http://links.veronicachapman.com/Sheridan2Strickland-9.pdf
Access to EA12-005 Documents: Bias in Favor of Chrysler Group, LLC Submissions EA12-005 File Update	29 Jan 2013	TBD	http://links.veronicachapman.com/Sheridan2Strickland-10.pdf

END OF DOCUMENT

Mr. David L. Strickland
Administrator
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202-366-4000

30 January 2013

Subject: Public Access to File EA12-005: Bias in Favor of Chrysler Group, LLC Submissions

Reference 1: EA12-005 File Update (Chrysler Jeep Fuel Tank System Safety Defect)

Reference 2: May 2011 DOT Secretary LaHood Statements at (Toyota) House Oversight Com on Ethics
