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March 12, 2020

VIA Overnight Mail

The Honorable James C. Owens
Acting Administrator
National Highway Traffic Safety Administration
1200 New Jersey Avenue, S.E.
West Building, 41-304
Washington, D.C. 20590

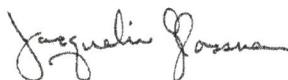
Re: Petition for Determination of Inconsequential Noncompliance – Mercedes-Benz

Dear Administrator Owens:

Pursuant to 49 U.S.C. § 30118(d) and 49 C.F.R. Part 556, Mercedes-Benz AG and Mercedes-Benz USA, LLC (collectively, “Mercedes-Benz”), submit the attached petition for a determination of inconsequential noncompliance with the size of the minimum wiped area required by FMVSS 104. In certain Mercedes-Benz vehicles, the minimum wiped area of one portion of the windshield falls slightly below the value provided in the standard, but it does not pose any increased risk to motor vehicle safety. Consequently, Mercedes-Benz requests that the agency relieve it from the notice and remedy requirements under the Vehicle Safety Act.

Please contact me with any questions.

Sincerely,



Jacqueline Glassman

Enclosures

2020 MAR 13 P 12:34
RECEIVED-NHTSA
EXECUTIVE SECRETARIAT

ES 20-0616

Petition for Inconsequential Noncompliance
NHTSA Recall 20V-106

Mercedes-Benz AG (“MBAG”) and Mercedes-Benz USA, LLC (“MBUSA”) (collectively, “Mercedes-Benz”), submit this petition for inconsequential noncompliance pursuant to the Vehicle Safety Act, 49 U.S.C. § 30118(d) and 49 U.S.C. § 30120(h), and the related regulations at 49 C.F.R. 556. MBAG is a joint stock company headquartered in Germany, and MBUSA is a Delaware limited liability company with its principal place of business at One Mercedes-Benz Drive, Sandy Springs, Georgia 30328. Mercedes-Benz requests that the agency grant its petition exempting it from the notice and remedy requirements of the Vehicle Safety Act on the ground that the noncompliance described below is inconsequential to motor vehicle safety.

In certain Model Year 2019 A-Class vehicles, the percentage of one of the wiped areas of the windshield falls slightly below the requirement set in FMVSS 104, Windshield Wiping and Washing Systems. The standard provides for a minimum wiped area of 94% of windshield Area B. However, the subject vehicles have wiping systems that, in the worst case scenario, wipe 93.8% of Area B. Despite falling slightly below the minimum wiped portion for this area of the windshield, there is no safety risk present. The portion of Area B that the windshield wiper system does not reach is located at the extreme edge of the left side of the windshield and not in a location that is critical to driver visibility. Further, the wiped portion of the windshield for Areas A and C well exceed the minimum threshold and the windshield wiping system otherwise complies with all other requirements of FMVSS 104.

Background

On February 14, 2020, MBAG determined that a noncompliance with the requirements of FMVSS 104 existed. Due to a deviation in the production process, the windshield wiper arms were adjusted at the production plant without using adjustment gauges. The adjustment gauges are used to confirm that the wiper arms have been properly adjusted and can physically reach and wipe a portion of the windshield that meets MBAG’s internal specification. As a result of the process deviation, the wiped portion of windshield Area B falls slightly below the 94% minimum wiped area. In the worst case scenario, depending on how the windshield wipers are adjusted, the portion of Area B that cannot be reached by the windshield wipers falls outside the minimum requirement by 0.2%. In some cases the deviation is even less. The issue was corrected in production on February 1, 2020.

Mercedes-Benz submitted a Noncompliance Information Report on February 24, 2020 after determining that approximately 4,145 vehicles were affected by this issue. *See* NHTSA Recall 20V-106, attached. Mercedes-Benz is not aware of any reports or complaints about the issue from the field.

Analysis

Manufacturers may be exempted from the notification and remedy provisions of the Safety Act if NHTSA determines that the noncompliance is inconsequential to motor vehicle safety. *See* 49 U.S.C. §§ 30118(d), 30120(h). The basis upon which NHTSA evaluates an inconsequentiality petition is “whether the occupant who is affected by the noncompliance is likely to be exposed to a significantly greater risk than an occupant in a compliant vehicle.” *See*

Petition for Inconsequential Noncompliance
NHTSA Recall 20V-106

69 Fed. Reg. 19897, 19900 (April 14, 2004). This matter is appropriate for a decision that the noncompliance is inconsequential to motor vehicle safety as it does not present any increased risk to vehicle occupants.

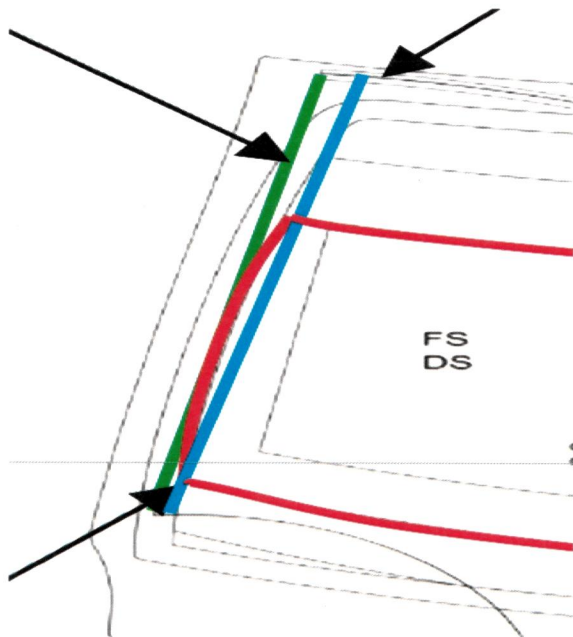
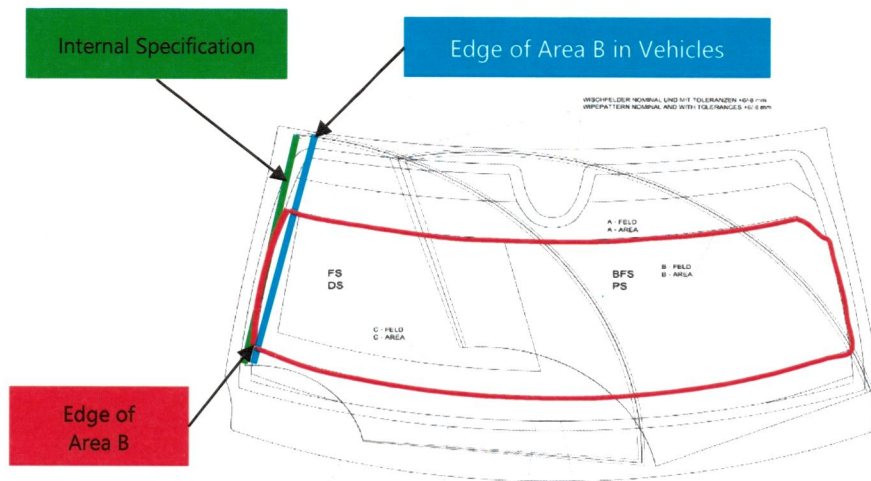
FMVSS 104 requires manufacturers to install a windshield wiper system that operates in multiple frequencies and which is capable of wiping certain portions of the windshield. Per the regulation, the windshield is divided into Areas A, B and C and FMVSS 104, S4.1.2 sets the requirements for the minimum percentage of the wiped area of the windshield. It states:

S4.1.2 Wiped area. When tested wet in accordance with SAE Recommended Practice J903a (1966) (incorporated by reference, see § 571.5), each passenger car windshield wiping system shall wipe the percentage of Areas A, B, and C of the windshield (established in accordance with S4.1.2.1) that (1) is specified in column 2 of the applicable table following subparagraph S4.1.2.1 and (2) is within the area bounded by a perimeter line on the glazing surface 25 millimeters from the edge of the daylight opening.

FMVSS 104 was adopted early in the development of the FMVSS and was derived from SAE industry standards. The standard is designed to ensure the windshield wiping system is able to clear specific portions of the windshield to provide the driver with a sufficient field of view. The standard divides the windshield into three different sections – Areas A, B and C – which are not fixed, but rather the size and area for each will vary depending on the angle of measurement and the width of the vehicle. The minimum wiped portion of the windshield described in S4.1.2 is calculated based on the area bounded by a perimeter line on the glazing surface 25 millimeters from the edge of the daylight opening. A minimum of 94% of Area B is to be wiped. After calculating the portion of the windshield that constitutes Area B, MBAG found that once adjusted, the windshield wiper arms fall slightly outside the minimum area. In the worst case, 93.8% of Area B is wiped.

In the subject vehicles, the portion of the windshield that just falls below the minimum wiped area is located at the outer edge of the windshield. As shown in the illustrations below, this area falls between the red and blue lines. In the worst case scenario, only 93.8%, instead of the minimum 94%, of the Area B portion of the windshield remains unwiped. The affected portion of Area B is located at the outer edge of the passenger's side of the windshield and not in the area located directly in front of the driver's field of view.

Petition for Inconsequential Noncompliance
NHTSA Recall 20V-106



NHTSA has previously considered the performance of windshield wiper systems in the context of interpreting the meaning of the term “daylight opening” in FMVSS 104. In 2003, in response to a request from a manufacturer, NHTSA interpreted that opaque coatings located around the edge of the windshield would not be considered part of the daylight opening for purposes of calculating the starting point of the wiped area. *See Letter to Reed*, May 6, 2003. This interpretation was an apparent change in approach for several manufacturers. In a request for reconsideration, the industry reported that many vehicles would not meet the minimum wiped

Petition for Inconsequential Noncompliance
NHTSA Recall 20V-106

portion of Area B based on the agency's new interpretation. In supporting comments, two manufacturers reported that there were multiple vehicle models that would not meet the 94% minimum requirement for Area B. For one of the manufacturers, all of its vehicles were no more than 93.2% of the Area B minimum, while the other manufacturer did not provide specific information on how far its system deviated from the Area B minimum. After considering the substantial resources necessary to redesign the wiper systems outside of the normal vehicle refresh schedule, the agency delayed the date on which it would begin enforcement of FMVSS 104 based on its updated interpretation. *See Letter to Strassburger*, January 7, 2005.

Thus, while the agency was alerted to the fact that certain vehicles would not be able to comply with the minimum wiped area requirements of FMVSS 104, the agency delayed implementing enforcement of the new interpretation for several years. While the delay was based, in part on the additional complexities needed to update the vehicle, fundamentally, the small deviation in the minimum wiped area requirement appears to not have been considered one that adversely impacted driver visibility or increased the safety risk to vehicle occupants. In that case, the deviation from the minimum wiped portion of Area B was more than what exists in the subject vehicles. While it is unclear from the interpretation letters what portion of Area B did not meet the minimum wiped requirements, in the subject vehicles, only a narrow strip of a portion of the outer edge of the passenger side of the windshield is affected by the deviation. Due to the location and small size of the unwiped area, the deviation would not affect the visibility of the driver or their ability to safely operate the vehicle and would not lead to an overall increased safety risk to the vehicle occupants.

The windshield wiper systems installed in the subject vehicles otherwise meet or exceed the remaining requirements in FMVSS 104 requirements for the wiped portion of Areas A and C, for wiper frequency and the windshield washing system. Mercedes-Benz has not received any reports related to a lack of visibility due to the performance of the windshield wiping system at issue here.

With the consideration of the above information, Mercedes-Benz requests that the agency exempt it from the notification and remedy provisions under the Safety Act.



Mercedes-Benz USA, LLC.

Vehicle Report

NHTSA ID: 20V106 Transaction ID: 20-00855-24253-10 (Original Report)

Required fields indicated with *

Manufacturer: Mercedes-Benz USA, LLC.

13470 International Parkway
Jacksonville FL 32218

Bibi Anali
741-9608,

This is a Noncompliance Report. Filing a petition pursuant to [49 CFR 556](#)

Vehicle Information

Mercedes-Benz A220 2019

* Model Yr. Start: 2019

* Model Yr. End: 2019

Type: LIGHT VEHICLES

* Make: Mercedes-Benz

Body Style: 4-DOOR

* Model: A220

Powertrain: GAS

Production Dates Begin: 08/03/2018
End: 11/26/2019

Descriptive Information:
177.144 3G4E 2360 Vehicles The recall population was determined through production records. Vehicles outside of the recall population are equipped with correctly adjusted windshield wiper arms.

VIN Range(s): Begin: End:

Mercedes-Benz A220 4MATIC 2019

* Model Yr. Start: 2019

* Model Yr. End: 2019

Type: LIGHT VEHICLES

* Make: Mercedes-Benz

Body Style: 4-DOOR

* Model: A220 4MATIC

Powertrain: GAS

Production Dates Begin: 08/03/2018
End: 11/26/2019

Descriptive Information:
177.145 3G4F 1785 Vehicles The recall population was determined through production records. Vehicles outside of the recall population are equipped with correctly adjusted windshield wiper arms.

VIN Range(s): Begin: End:

Number potentially involved: 4145

Estimated percentage of involved with defect: 100%

Defect / Noncompliance Description

For this Defect/Noncompliance:

*** Describe the defect or noncompliance:**

Mercedes-Benz AG ("MBAG"), the manufacturer of Mercedes-Benz vehicles, has determined that on certain Model Year ("MY") 2019 A-Class vehicles (177 platform) the position of the windshield wiper arms might not meet current production specifications.

If a noncompliance, provide the applicable FMVSS:

104 - Windshield wiping and washing systems

If applicable, provide any further FMVSS affected:

Describe the cause:

Due to a deviation in the assembly process, the wiper arms might not have been adjusted according to current production specifications.

*** Describe the safety risk:**

The minimum percentage to be wiped for a certain area of the windshield might not meet the requirements as set forth in FMVSS 104 S4.1.2. The size of the deviation may vary, but in the worst case scenario, the area of the windshield that is wiped might be 93.8% instead of the 94% as specified in FMVSS 104 S4.1.2 (area "B"). This minor deviation does not impair driver visibility or create a safety concern because the deviation from the requirements of FMVSS 104 S4.1.2 is at most 0.2% and only affects the upper left side of the affected area.

Identify any warning which can precede or occur:

The customer will not receive an advance warning due to the nature of the failure mechanism.

This Recall affects all vehicles.

If applicable, identify the manufacturer of the defective or noncompliant component. If the manufacturer of the component is unknown, provide the information for the company that supplied the subject component.

Component manufacturer

Company Information

Company Name:

Country:

Address 1:

Address 2:

City:

State:

Zip/Postal Code:

Company Contact Information

First Name:

Last Name:

Position:

Email:

Phone:

Chronology of Defect / Noncompliance Determination

Provide the chronology of events leading up to the defect decision or test data for the noncompliance decision:

In October 2018, MBAG was made aware that the wiper arm adjustment was carried out in the plant without using adjustment gauges in the assembly process during the start of production (SOP). MBAG initiated an investigation and affected vehicles were found to be still at the production facilities or Vehicle Preparation Centers. All those vehicles were marked to be reworked. In parallel, the usage of the wiper arm adjustment gauges had been implemented to the assembly process in November 2018. In February 2019 the wiper arm adjustment process was further improved in the context of regular process optimization. In October 2019, MBAG conducted a review of open plant actions. This review revealed that certain SOP-vehicles might not have been reworked as intended and that furthermore the wiper arm adjustment gauges might not have been used reliably during production following their introduction in November 2018. MBAG's review continued into November, 2019. During this review MBAG found that the February, 2019 optimization procedures had fully resolved the issue and

constituted a clean point. However, a population of vehicles were identified to have been released outside of the February 1, 2019 clean point. These vehicles were included in the recall population. Please see Chronology Supplement

Identify the Remedy

Describe the defect/noncompliance remedy program, including the manufacturer's plan for reimbursement.

MBAG intends to submit a petition for inconsequential noncompliance for NHTSA review.

Describe what distinguishes the remedy component from the recalled component.

Wiper arms adjusted according to specifications.

Identify and describe how and when the recall condition was corrected in production.

The optimization of assembly process ensures that this issue can no longer occur from February 1 2019 onwards. However, a certain population of vehicles were identified to have been released outside of the February 1, 2019 clean point. These vehicles were included in the recall population. The final inspection date of vehicles in the recall population might be later than February 1st 2019 .

Identify the Recall Schedule

Describe the recall schedule for notifications.:

Dealers will be notified of the pending voluntary recall campaign on March 2, 2020. A copy of all communications will be provided when available.

Planned Dealer Notification Begin Date:

03/02/2020

Planned Dealer Notification End Date:

Planned Owner Notification Begin Date:

04/24/2020

Planned Owner Notification End Date:

Manufacturer's identification code for this recall (if applicable):

Please be reminded that owner notification letters must be mailed no more than 60 days from submission of this report.

Manufacturer Comments to NHTSA Staff

For any questions, please contact Gregory Gunther at gregory.gunther@mbusa.com

Document Upload

There are 2 documents associated with this report.

1200 New Jersey Avenue, SE, West Building Washington DC 20590 USA 1.888.327.4236 TTY 1.800.424.9153
This application works best in IE9 and above and recent versions of Firefox, Chrome and Safari

Part 573 Safety Recall Report

20V-106

Manufacturer Name : Mercedes-Benz USA, LLC.

Submission Date : FEB 24, 2020

NHTSA Recall No. : 20V-106

Manufacturer Recall No. : NR



Manufacturer Information :

Manufacturer Name : Mercedes-Benz USA, LLC.

Address : 13470 International Parkway
Jacksonville FL 32218

Company phone : 1-877-496-3691

Population :

Number of potentially involved : 4,145

Estimated percentage with defect : 100 %

Vehicle Information :

Vehicle 1 : 2019-2019 Mercedes-Benz A220

Vehicle Type : LIGHT VEHICLES

Body Style : 4-DOOR

Power Train : GAS

Descriptive Information : 177.144 3G4E 2360 Vehicles

The recall population was determined through production records. Vehicles outside of the recall population are equipped with correctly adjusted windshield wiper arms.

Production Dates : AUG 03, 2018 - NOV 26, 2019

VIN Range 1 : Begin : NR End : NR

☐ Not sequential

Vehicle 2 : 2019-2019 Mercedes-Benz A220 4MATIC

Vehicle Type : LIGHT VEHICLES

Body Style : 4-DOOR

Power Train : GAS

Descriptive Information : 177.145 3G4F 1785 Vehicles

The recall population was determined through production records. Vehicles outside of the recall population are equipped with correctly adjusted windshield wiper arms.

Production Dates : AUG 03, 2018 - NOV 26, 2019

VIN Range 1 : Begin : NR End : NR

☐ Not sequential

Description of Noncompliance :

Description of the Noncompliance : Mercedes-Benz AG ("MBAG"), the manufacturer of Mercedes-Benz vehicles, has determined that on certain Model Year ("MY") 2019 A-Class vehicles (177 platform) the position of the windshield wiper arms might not meet current production specifications.

FMVSS 1 : 104 - Windshield wiping and washing systems

FMVSS 2 : NR

Description of the Safety Risk : The minimum percentage to be wiped for a certain area of the windshield might not meet the requirements as set forth in FMVSS 104 S4.1.2

The size of the deviation may vary, but in the worst case scenario, the area of the windshield that is wiped might be 93.8% instead of the 94% as specified in FMVSS 104 S4.1.2 (area "B").

This minor deviation does not impair driver visibility or create a safety concern because the deviation from the requirements of FMVSS 104 S4.1.2 is at most 0.2% and only affects the upper left side of the affected area.

Description of the Cause : Due to a deviation in the assembly process, the wiper arms might not have been adjusted according to current production specifications.

Identification of Any Warning that can Occur : The customer will not receive an advance warning due to the nature of the failure mechanism.

Supplier Identification :

Component Manufacturer

Name : NR

Address : NR

NR

Country : NR

Chronology :

In October 2018, MBAG was made aware that the wiper arm adjustment was carried out in the plant without using adjustment gauges in the assembly process during the start of production (SOP). MBAG initiated an investigation and affected vehicles were found to be still at the production facilities or Vehicle Preparation Centers. All those vehicles were marked to be reworked. In parallel, the usage of the wiper arm adjustment gauges had been implemented to the assembly process in November 2018. In February 2019 the wiper arm adjustment process was further improved in the context of regular process optimization. In October 2019, MBAG conducted a review of open plant actions. This review revealed that certain SOP-vehicles might not have been reworked as intended and that furthermore the wiper arm adjustment gauges might not have been used reliably during production following their introduction in November 2018. MBAG's review continued into November, 2019. During this review MBAG found that the February, 2019 optimization procedures had fully resolved the issue and constituted a clean point. However, a population of vehicles were identified to have been released outside of the February 1, 2019 clean point. These vehicles were included in the recall population. Please see Chronology Supplement

Description of Remedy :

Description of Remedy Program : MBAG intends to submit a petition for inconsequential noncompliance for NHTSA review.

How Remedy Component Differs from Recalled Component : Wiper arms adjusted according to specifications.

Identify How/When Recall Condition was Corrected in Production : The optimization of assembly process ensures that this issue can no longer occur from February 1 2019 onwards. However, a certain population of vehicles were identified to have been released outside of the February 1, 2019 clean point. These vehicles were included in the recall population. The final inspection date of vehicles in the recall population might be later than February 1st 2019 .

Recall Schedule :

Description of Recall Schedule : Dealers will be notified of the pending voluntary recall campaign on March 2, 2020. A copy of all communications will be provided when available.

Planned Dealer Notification Date : MAR 02, 2020 - NR

Planned Owner Notification Date : APR 24, 2020 - NR

* NR - Not Reported