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August 6, 2020

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

Re: Request for Inconsequential Noncompliance, Mercedes-Benz Recall No.: 20V-408

Dear Administrator Owens:

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 a total of 33 Model Year 2019 - 2020 Mercedes-Benz Sprinter and Freightliner Sprinter vehicles, the Tire and Loading Information Placard does not fully comply with the requirements of FMVSS 110, S4.3(a). The placard correctly lists the maximum combined weight of occupants and cargo in kilograms, but the last digit of the value listed in pounds was inadvertently left off of the label. Despite this inadvertent omission, there is no increased safety risk. Indeed, following the placard and relying on the combined maximum value in pounds alone would not increase the potential for vehicle overloading – in fact, the opposite would occur. Further, instructions on how the user could calculate the maximum vehicle capacity weight is stated accurately in the owner's manual and the correct GVWR information is provided on the vehicle's certification label. Upon observing a placard with a maximum weight in pounds

that is obviously too low to be accurate, it is reasonable to anticipate that the operator would reference one of these additional sources of information to confirm the statement.

Background

FMVSS 110, S4.3 includes a requirement that each vehicle contain a placard that is permanently affixed to the vehicle's B-pillar, or a nearby location, that includes a series of information related to the vehicle's load carrying capacity, tire size and inflation information and maximum number of occupants. Under FMVSS 110, S4.3(f), the placard must also include a statement that the owner's manual should be consulted for further information.

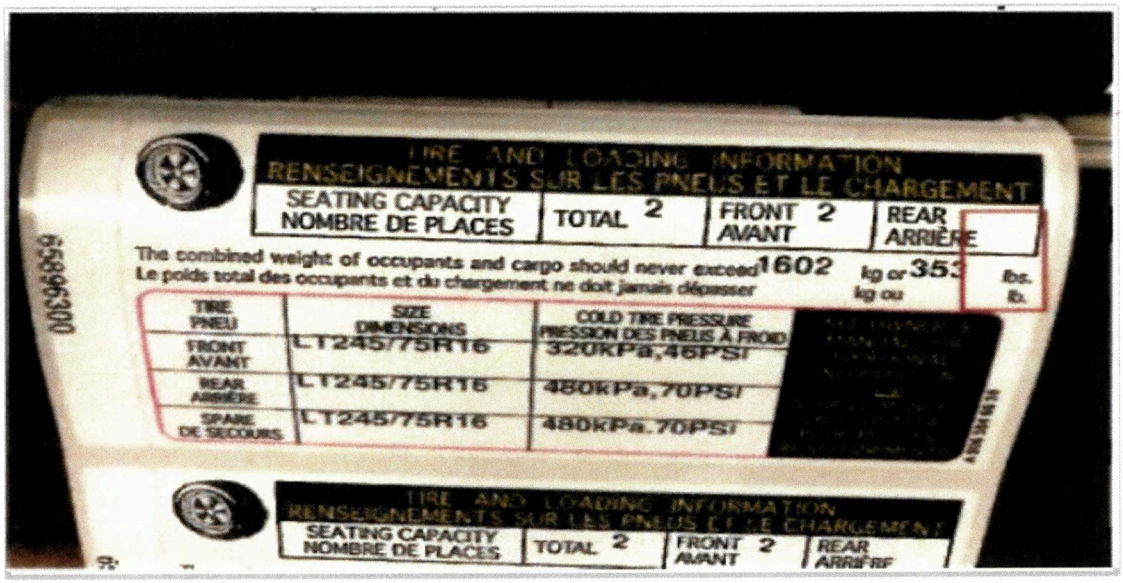
On July 7, 2020, MBAG determined that a total of 33 Model Year 2019 and Model Year 2020 Mercedes-Benz Sprinter and Freightliner Sprinter vehicles did not fully meet the provision at FMVSS 110, S4.3(a) which requires a listing of the maximum vehicle capacity weight in both pounds and kilograms. MBAG found that for these 33 vehicles, the last digit of the weight information listed in pounds was inadvertently left off of the placard, however, the weight information in kilograms was accurately provided. MBAG submitted a Noncompliance Information Report to NHTSA on July 15, 2020. *See* NHTSA Recall 20V-408 (attached).

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* 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.

Under FMVSS 110, S4.3, each vehicle is to have a Tire and Loading Information placard permanently affixed to the vehicle. The placard lists a series of information that, among other things, is intended to communicate the vehicle's weight limit. Under S4.3(a), the placard is to provide the "vehicle capacity weight expressed as 'The combined weight of occupants and cargo should never exceed XXX kilograms or XXX pounds.'" The purpose of this provision is to reduce the potential for accidents or injuries due to overloading the vehicle.

In this instance, the affected vehicles contain placards that do not list the correct vehicle weight limit in pounds as they inadvertently omit the last digit of the weight capacity. The maximum weight capacity is provided accurately in kilograms. Per the example below, the maximum weight capacity in pounds should be 3,532 but is listed as 353 pounds. All of the remaining information on the placard is accurate.



Despite the error on the placard, there is no increased risk to motor vehicle safety. There is no risk of vehicle overloading. In the event the consumer relies upon the maximum vehicle weight capacity listed in pounds and does not reference any of the additional sources of information available to determine the maximum loading capacity, then the vehicle would be substantially underloaded.

In addition, there are other accurate sources of vehicle weight capacity information available to the operator. The certification label pursuant to 49 C.F.R. Part 567 is located on the vehicle's B-pillar and accurately indicates the vehicle's GVWR. In addition, the placard includes the statement that the operator should refer to the owner's manual for further information. The owner's manual for the affected vehicles (both the hard copy manual and the electronic version available online) describes the the methodology for the customer to calculate the accurate maximum weight capacity information in both pounds and kilograms. Upon noting that the maximum weight in pounds is extremely low and differs significantly from the maximum weight listed in kilograms, it is reasonable to expect that the operator would question the information and refer to the owner's manual for further clarification, as instructed on the placard. Thus, the driver can refer to this alternate source of information to determine the correct maximum load weight of the vehicle.

Discrepancies in the maximum occupant capacity information have been found to be inconsequential to motor vehicle safety, particularly where the vehicle is technically capable of handling any increased loading. *See e.g., Grant of Inconsequentiality Petition to Mercedes-Benz USA, LLC,* 82 Fed. Reg. 32547, July 20, 2017 (maximum combined weight of occupants and cargo was listed at a value higher on the placard than the actual vehicle capacity. The noncompliance was found to be inconsequential because the tire size and pressure were accurate and the tires and vehicle axles would have been able to safely carry any additional loading on the

vehicle).[1] In the affected vehicles, the omission of the last digit leads to a substantially lower than calculated maximum vehicle loading capacity. Therefore, there is no risk that a consumer relying on the placard alone would overload the vehicle.

Further, the agency has previously granted petitions for inconsequential treatment for FMVSS 110 where the underlying issue also involved missing information or typographical errors on the vehicle placard, but where the information was otherwise readily available from another source, such as the owner's manual. *See e.g., Grant of Inconsequentiality Petition to Kia Motors,* 85 Fed. Reg. 39676, July 1, 2020 (failure to provide wheel size information and the letter "i" in "psi" on the placard is inconsequential where the information could be obtained from the owner's manual). That the accurate information is otherwise readily available from other sources creates no additional enhanced risk to motor vehicle safety in this case. In this case, the owner's manual instructs the user on how to calculate the maximum vehicle weight capacity.

Mercedes-Benz is not aware of any reports or complaints about the issue from the field and it has corrected the condition in production. Based on the above information, Mercedes-Benz requests that that the agency exempt it from the notification and remedy provisions under the Safety Act.

Sincerely,

Jacqueline Glassman
Partner

JG:cli

Enclosure

[1] Mercedes-Benz also notes that a similar inconsequentiality petition from another manufacturer is currently pending before the agency where the last digit was left off of the printed label and the maximum loading capacity was similarlyo understated. *See Jayco, Inc., Receipt of Petition for Decision of Inconsequential Noncompliance,* 85 Fed. Reg. 554, January 6, 2020. Here, the manufacturer indicated a total of 8,174 trailers have trailer loading capacity placards which show the vehicle weight capacity as 80 kg when it should be 807 kg. In that case, the placard also includes an additional character in the recommended tire inflation listing.

Part 573 Safety Recall Report 20V-408

Manufacturer Name : Daimler Vans USA, LLC
Submission Date : JUL 15, 2020
NHTSA Recall No. : 20V-408
Manufacturer Recall No. : NR

Manufacturer Information :

Manufacturer Name : Daimler Vans USA, LLC
Address : One Mercedes-Benz Drive
Sandy Springs GA 30328
Company phone : 854-888-3374

Population :

Number of potentially involved : 33
Estimated percentage with defect : 100 %

Vehicle Information :

Vehicle 1 : 2019-2020 MERCEDES BENZ SPRINTER
Vehicle Type : BUSES, MEDIUM & HEAVY VEHICLES
Body Style : VAN
Power Train : NR
Descriptive Information : Based on the identification of a production error and analysis of the production information, the affected population was determined to be Sprinter (VS30, Platform 907) produced from April 18, 2019 to February 25, 2020. Vehicles outside of the aforementioned vehicle scope were manufactured with a correct tire pressure label including the combined weight information in lbs.
Production Dates : APR 18, 2019 - FEB 25, 2020
VIN Range 1 : Begin : NR End : NR ☐ Not sequential

Vehicle 2 : 2019-2020 FREIGHTLINER SPRINTER
Vehicle Type : BUSES, MEDIUM & HEAVY VEHICLES
Body Style : VAN
Power Train : NR
Descriptive Information : Based on the identification of a production error and analysis of the production information, the affected population was determined to be Sprinter (VS30, Platform 907) produced from April 18, 2019 to February 25, 2020. Vehicles outside of the aforementioned vehicle scope were manufactured with a correct tire pressure label including the combined weight information in lbs.
Production Dates : APR 25, 2019 - FEB 25, 2020
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 and Freightliner vans, has determined that on certain Sprinter vehicles from platform 907 (VS30) the tire pressure label on the B-pillar does not correctly state the combined weight information in pounds (lbs.) pursuant to FMVSS 110, S.4.3(a). While the combined weight information given in kilograms (kg) is correct, the last digit of the combined weight in pounds (lbs.) is missing on the label. The stated combined weight in lbs. is therefore below the actual maximum combined weight of occupants and cargo.
FMVSS 1 :	110 - Tire selection and rims
FMVSS 2 :	NR
Description of the Safety Risk :	None. Due to fact that the last digit of the combined weight information in pounds (lbs.) is missing on the label, the stated combined weight in lbs. is therefore below the actual maximum combined weight of the vehicle occupants and cargo. Customers relying on the vehicle capacity weight listed on the placard would not assume that the maximum permissible load is accurate. For example, 3532 lbs. is actually listed as 353 lbs. on the labels in the affected population. The combined weight information given in kilograms (kg) is correct. Daimler AG intends to submit a petition for inconsequential noncompliance related to this issue.
Description of the Cause :	NR
Identification of Any Warning that can Occur :	NR

Involved Components :

Component Name 1 :	TIRE PRESSURE LABEL
Component Description :	TIRE PRESSURE LABEL
Component Part Number :	A9065846638

Supplier Identification :

Component Manufacturer

Name :	NR
Address :	NR
	NR
Country :	NR

Chronology :

In February 2020, the production plant in the US identified a potential issue on vehicles at the production plant concerning the tire pressure label. The tire pressure label was found to not be completely printed and the last digit of the maximum weight in pounds listed on the vehicle capacity weight statement on the vehicle placard was missing.

An investigation was initiated and the company found that the recent re-installation of the label printer in the plant may have contributed to the issue.

MBAG also considered the impact of the issue and whether the combined vehicle capacity weight information was available in sources other than the vehicle placard. It found that the correct combined weight information is also given in the operator's manual.

Following a series of ongoing shut-downs and furloughs in Spring 2020, the investigation of the issue was completed in the beginning of July 2020 and on July 8, 2020, MBAG made a determination of noncompliance with the requirements of FMVSS 110, S.4.3.

As this noncompliance has an inconsequential effect on motor vehicle safety, MBAG intends to submit a petition for inconsequential noncompliance.

To date MBAG is not aware of any customer complaints concerning this matter.

Description of Remedy :

Description of Remedy Program :	Mercedes-Benz AG intends to submit a petition for inconsequential noncompliance. Following the agency's decision on the petition, if necessary, MBAG will provide details on an appropriate remedy program.
How Remedy Component Differs from Recalled Component :	N/A
Identify How/When Recall Condition was Corrected in Production :	The condition was already corrected in production in February 2020 by correcting the configuration of the label printer.

Recall Schedule :

Description of Recall Schedule :	N/A
Planned Dealer Notification Date :	NR - NR
Planned Owner Notification Date :	NR - NR

* NR - Not Reported