

VOLKSWAGEN

GROUP OF AMERICA

Steven Cliff, Acting Administrator
National Highway Traffic Safety Administration
1200 New Jersey Avenue, S.E.
Washington, DC 20590

Christopher T. Sandvig NAME
Director Title
Group Customer Protection Department
248-754-5000 Phone
248-754-5093 Fax
August 25, 2021 Date

Subject: Petition for Inconsequential Noncompliance with
FMVSS 135, Light Vehicle Brake Systems
2021 MY Audi A6 and Audi A7

VOLKSWAGEN GROUP OF AMERICA, INC.
3800 HAMLIN ROAD
AUBURN HILLS, MI 48326
PHONE +1 248 754 5000

Dear Mr. Cliff:

On July 26, 2021, Volkswagen Group of America, Inc. (Volkswagen) notified the National Highway Traffic Safety Administration (NHTSA) that it had determined that a noncompliance under Federal Motor Vehicle Safety Standard (FMVSS) No. 135, Light Vehicle Brake Systems, existed in a number of 2021 model year (MY) Audi A6 and Audi A7 vehicles.

Under separate cover, Volkswagen is submitting to NHTSA the required notice and information under 49 C.F.R. Part 573 that identifies all vehicles affected by this noncompliance. Volkswagen has taken steps to stop the sale of and repair any noncompliant vehicles.

Pursuant to 49 U.S.C. 30118(d) and 30120(h) and the rule implementing those provisions at 49 C.F.R. Part 556, Volkswagen petitions for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

Volkswagen is incorporated under the laws of the State of New Jersey, and maintains offices at 2200 Woodland Pointe Avenue, Herndon, Virginia 20171.

Noncompliant Condition

Affected 2021 MY Audi A6 and Audi A7 vehicles may have erroneously had a European-specification brake fluid reservoir cap installed rather than the one required for the United States market.

Vehicles sold in the United States must display the following brake fluid warning statement on the reservoir, "WARNING: Clean filler cap before removing. Use only ___ fluid from a sealed container." (Inserting the recommended type of brake fluid as specified in 49 CFR 571.116, e.g., "DOT 3."), some vehicles fail to fully meet the requirements set forth in paragraph S5.4.3 of FMVSS No. 135.

Affected Vehicles

As set forth in the notice to NHTSA pursuant to 49 C.F.R. Part 573, the noncompliance potentially affects $\leq 1\%$ of the 4,267 subject vehicles:

- 2021 MY Audi A6 Allroad, produced between January 12, 2021 and April 14, 2021
- 2021 MY Audi A6 Sedan, produced between January 11, 2021 and April 08, 2021
- 2021 MY Audi RS6 Avant, produced between January 12, 2021 and April 01, 2021
- 2021 MY Audi S6, produced between January 12, 2021 and April 13, 2021
- 2021 MY Audi A7, produced between January 11, 2021 and April 12, 2021
- 2021 MY Audi RS7, produced between January 11, 2021 and March 31, 2021
- 2021 MY Audi S7, produced between January 12, 2021 and March 31, 2021

Inconsequentiality of Non-compliance

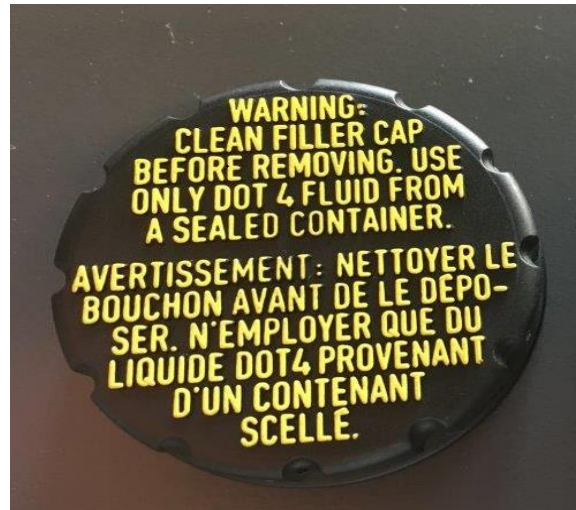
Paragraph S5.4.3 of FMVSS No. 135 requires in pertinent part:

S5.4.3. *Reservoir labeling.* Each vehicle equipped with hydraulic brakes shall have a brake fluid warning statement that reads as follows, in letters at least 3.2 mm ($\frac{1}{8}$ inch) high: “WARNING: Clean filler cap before removing. Use only ___ fluid from a sealed container.” (Inserting the recommended type of brake fluid as specified in 49 CFR 571.116, e.g., “DOT 3.”)

European Brake Fluid Cap



North American Brake Fluid Cap



Volkswagen submits that the condition described above is inconsequential as it relates to motor vehicle safety for the following reasons:

- The brake fluid cap shows clearly the specification of brake fluid required.
- The brake fluid cap conforms to the requirements of ISO9128:2006 which is a requirement of UN-ECE Regulations 13 and 13h. It is noted that NHTSA has previously granted petitions to accept ISO symbols in the absence of FMVSS labelling:
 - Jaguar Land Rover petition regarding light vehicle brake systems, re: brake fluid cap (FR Vol. 84, No. 64 Pg. 13095-13098)

- Ford petition regarding controls and displays including brake system – related tell tales (FR Vol. 78, No. 225 Pg. 69931-69932)
- Hyundai petition regarding lower anchorage identification (FRVol.73, No. 129 Pg. 38290-38291)
- The brake fluid cap provides clear symbols including one for caution and one for referring to owner manual instructions. The manual indicates the proper brake fluid specification for use in the vehicle.
- Service to the brake system involving an exchange of the brake fluid is not a standard maintenance activity for vehicle owner / user. Repairs to the brake system which includes evacuating and refilling the brake fluid requires basic technical knowledge regarding the brake system and should be performed by a trained technician.
- Volkswagen has not received any field or customer complaints related to this condition.
- Volkswagen has not received notification of any accidents or injuries as a result of this issue.

As of April 14, 2021, production has been corrected to fully conform to FMVSS 135 Light Vehicle Brake Systems S5.4.3(a) with a new filler cap. Vehicles withheld at the factory have been corrected and unsold units will be corrected prior to sale.

Conclusion

For the stated reasons above, Volkswagen submits the subject non-compliance is inconsequential to motor vehicle safety. Accordingly, Volkswagen requests an exemption from the notification and remedy requirements of 49 C.F.R. Part 577.

Please contact me if you require any additional information or have any questions related to this petition.

Sincerely,



Christopher T. Sandvig
Director, Group Customer Protection
Group Quality



Volkswagen Group of America, Inc.

Vehicle Report

Transaction ID: 21-001420-26339-10 (Original Report)

Required fields indicated with *

Manufacturer: Volkswagen Group of America, Inc.

3800 Hamlin Road
Auburn Hills MI 48326
[MARIA COTTER](#) Lead Campaign Administrator
248-754-4856,
This is a Safety Defect Report. Filing a petition pursuant to [49 CFR 556](#)

Vehicle Information

Audi S7 2021

* Model Yr. Start: 2021

* Model Yr. End: 2021

Type:

* Make: Audi

Body Style:

* Model: S7

Powertrain:

Production Dates Begin: 01/12/2021
End: 03/31/2021

Descriptive Information:

Vehicles included in the recall population were produced between January 11, 2021 and April 22, 2021 when the issue was discovered. All vehicles that were still in the factory or the port at that point have already been checked. Vehicles not included in the campaign are equipped with the correct brake fluid cap. S7 count: 112

VIN Range(s): Begin: WAUPFBF22MN051104 End: WAUPFBF21MN080058

Audi S6 SEDAN 2021

* Model Yr. Start: 2021

* Model Yr. End: 2021

Type:

* Make: Audi

Body Style:

* Model: S6 SEDAN

Powertrain:

Production Dates Begin: 01/12/2021
End: 04/13/2021

Descriptive Information:

Vehicles included in the recall population were produced between January 11, 2021 and April 22, 2021 when the issue was discovered. All vehicles that were still in the factory or the port at that point have already been checked. Vehicles not included in the campaign are equipped with the correct brake fluid cap. S6 SEDAN count: 200

VIN Range(s): Begin: WAUDFAF27MN051192 End: WAUDFAF27MN084791

Audi RS7 2021

* Model Yr. Start: 2021

* Model Yr. End: 2021

Type:

* Make: Audi

Body Style:

* Model: RS7

Powertrain:

Production Dates Begin: 01/11/2021
End: 03/31/2021

Descriptive Information:

Vehicles included in the recall population were produced between January 11, 2021 and April 22, 2021 when the issue was discovered. All vehicles that were still in the factory or the port at that point have already been checked. Vehicles not included in the campaign are equipped with the correct brake fluid cap. RS7 count: 314

VIN Range(s): Begin: WUAPCBF28MN906015 End: WUAPCBF21MN909029

Audi RS6 AVANT 2021

* Model Yr. Start: 2021

* Model Yr. End: 2021

Type:

* Make: Audi

Body Style:

* Model: RS6 AVANT

Powertrain:

Production Dates Begin: 01/12/2021
End: 04/01/2021

Descriptive Information:

Vehicles included in the recall population were produced between January 11, 2021 and April 22, 2021 when the issue was discovered. All vehicles that were still in the factory or the port at that point have already been checked. Vehicles not included in the campaign are equipped with the

VIN Range(s): Begin: WUA1CBF24MN906017 End: WUA1CBF24MN909144

Audi A7 2021

* **Model Yr. Start:** 2021 * **Model Yr. End:** 2021 **Type:**
 * **Make:** Audi **Body Style:**
 * **Model:** A7 **Powertrain:**

Production Dates Begin: 01/11/2021
 End: 04/12/2021

Descriptive Information:
 Vehicles included in the recall population were produced between January 11, 2021 and April 22, 2021 when the issue was discovered. All vehicles that were still in the factory or the port at that point have already been checked. Vehicles not included in the campaign are equipped with the correct brake fluid cap. A7 count: 593

VIN Range(s): Begin: WAUTPBF2XMN050911 End: WAUTPBF28MN084152

Audi A6 SEDAN 2021

* **Model Yr. Start:** 2021 * **Model Yr. End:** 2021 **Type:**
 * **Make:** Audi **Body Style:**
 * **Model:** A6 SEDAN **Powertrain:**

Production Dates Begin: 01/11/2021
 End: 04/08/2021

Descriptive Information:
 Vehicles included in the recall population were produced between January 11, 2021 and April 22, 2021 when the issue was discovered. All vehicles that were still in the factory or the port at that point have already been checked. Vehicles not included in the campaign are equipped with the correct brake fluid cap. A6 SEDAN count: 2364

VIN Range(s): Begin: WAUE3AF25MN050894 End: WAUM2BF28MN082629

Audi A6 ALLROAD 2021

* **Model Yr. Start:** 2021 * **Model Yr. End:** 2021 **Type:**
 * **Make:** Audi **Body Style:**
 * **Model:** A6 ALLROAD **Powertrain:**

Production Dates Begin: 01/12/2021
 End: 04/14/2021

Descriptive Information:
 Vehicles included in the recall population were produced between January 11, 2021 and April 22, 2021 when the issue was discovered. All vehicles that were still in the factory or the port at that point have already been checked. Vehicles not included in the campaign are equipped with the correct brake fluid cap. A6 ALLROAD count: 304

VIN Range(s): Begin: WAU92BF25MN050968 End: WAU92BF29MN084802

Number potentially involved: 4267 **Estimated percentage of involved with defect:** 1%

Defect / Noncompliance Description

For this Defect/Noncompliance:

<p>* Describe the defect or noncompliance: A small number of affected vehicles (<1%) may be equipped with a European-specification brake fluid reservoir cap instead of the one required for the North American/United States market. If the incorrect cap is present, it makes the vehicle noncompliant with 49 CFR § 571.135 - Standard No. 135; Light vehicle brake systems.</p> <p>If a noncompliance, provide the applicable FMVSS: 135 - Light vehicle brake systems</p> <p>If applicable, provide any further FMVSS affected:</p> <p>Describe the cause: Due to a process error, the European-specification brake fluid reservoir cap may have been installed instead of the North American/United States version.</p>	<p>* Describe the safety risk: Audi believes that there is no risk to motor vehicle safety and will file a petition for inconsequentiality.</p> <p>Identify any warning which can precede or occur: When checking the brake fluid reservoir cap, it is clearly visible that the cap does not include the written explanations as required according to FMVSS135: instead there are pictograms as required in other markets.</p>
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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: AUDI AG
Country: Germany
Address 1:
Address 2:
City: Ingolstadt
State: FOREIGN STATES
Zip/Postal Code: 85045

Company Contact Information

First Name: Christopher
Last Name: Sandvig
Position: Director, Group Customer Protection
Email: chris.sandvig@vw.com
Phone: 2487545000

Involved Components

If the defect or noncompliance involves a specific component(s), identify that component(s) below.

Component Name: Brake fluid cap
Component Description: Brake fluid cap
Component Part Number: 5Q0 611 349 A

Chronology of Defect / Noncompliance Determination

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

April 22, 2021: In vehicle production one vehicle is found that was built for the North-American market but was equipped with the brake fluid cap used for all other markets. Immediate investigation regarding root cause and affected vehicle scope commenced. May 18, 2021: The responsible department determines that it cannot be ruled out that additional vehicles produced for North America have received a brake fluid cap with pictograms instead of verbal instructions. Vehicles still in the factory and in the ports were checked and approximately 0.8% did not have the US specific brake fluid cap. May - July 2021: Review of production data and determination of potentially affected vehicles. July 19, 2021: The Audi Product Safety Committee determines that a non-compliance exists in the affected vehicles. Audi believes that there is no risk to vehicle motor safety and will file a petition for inconsequentiality (49 CFR part 556).

Identify the Remedy

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

Audi is filing a petition for inconsequentiality. Any unsold vehicles in dealer new car inventory will be inspected and, if necessary, receive a new North American/US-specification brake fluid reservoir cap. Audi will not offer a reimbursement plan under this recall as all affected vehicles are still under new vehicle warranty.

Describe what distinguishes the remedy component from the recalled component.

Part number for brake fluid cap EU and other markets: 5Q0 611 349 B Part number for brake fluid cap US & Canada: 5Q0 611 349 A = remedy component
 Remedy component fulfills requirements of FMVSS 135.

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

A new monitoring and approval process was already introduced to avoid similar incidents. In addition, in CW 36 a camera-based monitoring tool will be implemented.

Identify the Recall Schedule

Describe the recall schedule for notifications.:

Dealers: On or before 09/24/2021. Since Audi is filing a petition for inconsequential noncompliance, no owner notification is planned.

Planned Dealer Notification Begin Date: 09/24/2021

Planned Dealer Notification End Date: 09/24/2021

Planned Owner Notification Begin Date:

Planned Owner Notification End Date:

Manufacturer's identification code for this recall (if applicable): 47R2

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

Document Upload

There are 0 documents associated with this report.

Part 573 Safety Recall Report

21V-570

Manufacturer Name : Volkswagen Group of America, Inc.

Submission Date : JUL 26, 2021

NHTSA Recall No. : 21V-570

Manufacturer Recall No. : 47R2



Manufacturer Information :

Population :

Manufacturer Name : Volkswagen Group of America, Inc.

Number of potentially involved : 4,267

Address : 3800 Hamlin Road

Estimated percentage with defect : 1 %

Auburn Hills MI 48326

Company phone : 1-800-893-5298

Vehicle Information :

Vehicle 1 : 2021-2021 Audi S6 SEDAN

Vehicle Type :

Body Style :

Power Train : NR

Descriptive Information : Vehicles included in the recall population were produced between January 11, 2021 and April 22, 2021 when the issue was discovered. All vehicles that were still in the factory or the port at that point have already been checked. Vehicles not included in the campaign are equipped with the correct brake fluid cap.
S6 SEDAN count: 200

Production Dates : JAN 12, 2021 - APR 13, 2021

VIN Range 1 : Begin : WAUDFAF27MN051192 End : WAUDFAF27MN084791 Not sequential

Vehicle 2 : 2021-2021 Audi S7

Vehicle Type :

Body Style :

Power Train : NR

Descriptive Information : Vehicles included in the recall population were produced between January 11, 2021 and April 22, 2021 when the issue was discovered. All vehicles that were still in the factory or the port at that point have already been checked. Vehicles not included in the campaign are equipped with the correct brake fluid cap.
S7 count: 112

Production Dates : JAN 12, 2021 - MAR 31, 2021

VIN Range 1 : Begin : WAUPFBF22MN051104 End : WAUPFBF21MN080058 Not sequential

Vehicle 3 : 2021-2021 Audi RS6 AVANT

Vehicle Type :

Body Style :

Power Train : NR

Descriptive Information : Vehicles included in the recall population were produced between January 11, 2021 and April 22, 2021 when the issue was discovered. All vehicles that were still in the factory or the port at that point have already been checked. Vehicles not included in the campaign are equipped with the correct brake fluid cap.

RS6 AVANT count: 380

Production Dates : JAN 12, 2021 - APR 01, 2021

VIN Range 1 : Begin : WUA1CBF24MN906017 End : WUA1CBF24MN909144 Not sequential

Vehicle 4 : 2021-2021 Audi A7

Vehicle Type :

Body Style :

Power Train : NR

Descriptive Information : Vehicles included in the recall population were produced between January 11, 2021 and April 22, 2021 when the issue was discovered. All vehicles that were still in the factory or the port at that point have already been checked. Vehicles not included in the campaign are equipped with the correct brake fluid cap.

A7 count: 593

Production Dates : JAN 11, 2021 - APR 12, 2021

VIN Range 1 : Begin : WAUTPBF2XMN050911 End : WAUTPBF28MN084152 Not sequential

Vehicle 5 : 2021-2021 Audi A6 SEDAN

Vehicle Type :

Body Style :

Power Train : NR

Descriptive Information : Vehicles included in the recall population were produced between January 11, 2021 and April 22, 2021 when the issue was discovered. All vehicles that were still in the factory or the port at that point have already been checked. Vehicles not included in the campaign are equipped with the correct brake fluid cap.

A6 SEDAN count: 2364

Production Dates : JAN 11, 2021 - APR 08, 2021

VIN Range 1 : Begin : WAUE3AF25MN050894 End : WAUM2BF28MN082629 Not sequential

Vehicle 6 : 2021-2021 Audi RS7

Vehicle Type :

Body Style :

Power Train : NR

Descriptive Information : Vehicles included in the recall population were produced between January 11, 2021 and April 22, 2021 when the issue was discovered. All vehicles that were still in the factory or the port at that point have already been checked. Vehicles not included in the campaign are equipped with the correct brake fluid cap.
RS7 count: 314

Production Dates : JAN 11, 2021 - MAR 31, 2021

VIN Range 1 : Begin : WUAPCBF28MN906015 **End :** WUAPCBF21MN909029 Not sequential

Vehicle 7 : 2021-2021 Audi A6 ALLROAD

Vehicle Type :

Body Style :

Power Train : NR

Descriptive Information : Vehicles included in the recall population were produced between January 11, 2021 and April 22, 2021 when the issue was discovered. All vehicles that were still in the factory or the port at that point have already been checked. Vehicles not included in the campaign are equipped with the correct brake fluid cap.
A6 ALLROAD count: 304

Production Dates : JAN 12, 2021 - APR 14, 2021

VIN Range 1 : Begin : WAU92BF25MN050968 **End :** WAU92BF29MN084802 Not sequential

Description of Defect :

Description of the Defect : A small number of affected vehicles (<1%) may be equipped with a European-specification brake fluid reservoir cap instead of the one required for the North American/United States market. If the incorrect cap is present, it makes the vehicle noncompliant with 49 CFR § 571.135 - Standard No. 135; Light vehicle brake systems.

FMVSS 1 : 135 - Light vehicle brake systems

FMVSS 2 : NR

Description of the Safety Risk : Audi believes that there is no risk to motor vehicle safety and will file a petition for inconsequentiality.

Description of the Cause : Due to a process error, the European-specification brake fluid reservoir cap may have been installed instead of the North American/United States version.

Identification of Any Warning that can Occur : When checking the brake fluid reservoir cap, it is clearly visible that the cap does not include the written explanations as required according to FMVSS135: instead there are pictograms as required in other markets.

Involved Components :

Component Name 1 : Brake fluid cap

Component Description : Brake fluid cap

Component Part Number : 5Q0 611 349 A

Supplier Identification :**Component Manufacturer**

Name : AUDI AG

Address : NR

Ingolstadt

Foreign States 85045

Country : Germany

Chronology :

April 22, 2021: In vehicle production one vehicle is found that was built for the North-American market but was equipped with the brake fluid cap used for all other markets. Immediate investigation regarding root cause and affected vehicle scope commenced.

May 18, 2021: The responsible department determines that it cannot be ruled out that additional vehicles produced for North America have received a brake fluid cap with pictograms instead of verbal instructions. Vehicles still in the factory and in the ports were checked and approximately 0.8% did not have the US specific brake fluid cap.

May - July 2021: Review of production data and determination of potentially affected vehicles.

July 19, 2021: The Audi Product Safety Committee determines that a non-compliance exists in the affected vehicles. Audi believes that there is no risk to vehicle motor safety and will file a petition for inconsequentiality (49 CFR part 556).

Description of Remedy :

Description of Remedy Program : Audi is filing a petition for inconsequentiality. Any unsold vehicles in dealer new car inventory will be inspected and, if necessary, receive a new North American/US-specification brake fluid reservoir cap. Audi will not offer a reimbursement plan under this recall as all affected vehicles are still under new vehicle warranty.

How Remedy Component Differs : Part number for brake fluid cap EU and other markets: 5Q0 611 349 B
Part number for brake fluid cap US & Canada: 5Q0 611 349 A = remedy

from Recalled Component : component

Remedy component fulfills requirements of FMVSS 135.

Identify How/When Recall Condition was Corrected in Production : A new monitoring and approval process was already introduced to avoid similar incidents. In addition, in CW 36 a camera-based monitoring tool will be implemented.

Recall Schedule :

Description of Recall Schedule : Dealers: On or before 09/24/2021. Since Audi is filing a petition for inconsequential noncompliance, no owner notification is planned.

Planned Dealer Notification Date : SEP 24, 2021 - SEP 24, 2021

Planned Owner Notification Date : NR - NR

* NR - Not Reported