U.S. Department
of Transportation
**National Highway
Traffic Safety
Administration**

JAN 6 2010

1200 New Jersey Avenue SE.
Washington, DC 20590

Mr. Terry Emerson
Director of Quality Assurance
Child Restraints and Regulatory Affairs
Dorel Juvenile Group
2525 State Street
Columbus, IN 47201-7494

Dear Mr. Emerson:

Per your recent conversation with Mr. John Abbott of my office, please accept this courtesy duplicate letter as replacement for the original letter which was mailed on December 28, 2010.

Sincerely,

Ms. Valencia Johnson
Adm. Staff Assistant
Enforcement

U.S. Department
of Transportation
**National Highway
Traffic Safety
Administration**

JAN 6 2010

1200 New Jersey Avenue SE.
Washington, DC 20590

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Terry Emerson
Director of Quality Assurance
Child Restraints and Regulatory Affairs
Dorel Juvenile Group
2525 State Street
Columbus, IN 47201-7494

NVS-212jfa
EA10-005sup

Dear Mr. Emerson:

This letter supplements the Office of Defects Investigation (ODI) Engineering Analysis (EA) information request (IR) letter of July 13, 2010 to investigate allegations of the occupant harness slipping through the Center Front Adjuster (CFA) in child seats manufactured by Dorel Juvenile Group (DJG). ODI's July 13, 2010 IR letter noted that the scope of this investigation was expanded beyond the scope of the Preliminary Evaluation PE10-009 to include all child seats manufactured by DJG in model years (MY) 2008 and 2009 that are equipped with a CFA for the occupant harness. The letter also noted in a footnote that, for comparative assessment, the definition of subject child seats included all model year child seats manufactured by DJG and equipped with a CFA supplied by IMS (Safety Plus). To clarify, the scope of child seats under investigation was not expanded beyond MY 2008 and 2009. However, the Agency was, and is, requesting information for seats manufactured in MY 2006, 2007, and 2010 for comparative purposes.

As part of this EA investigation, this letter requests updated information regarding the subject child seats, and additional information regarding seats manufactured outside the scope of this investigation. In its three prior responses to ODI's July 13, 2010 IR letter, [1] DJG provided information responsive to the IR regarding the subject child seats, but did not provide complaint and production data for child seats manufactured by DJG for MY 2006, 2007, and 2010 that are equipped with a CFA supplied by IMS (Safety Plus) (comparator child seats). By this letter, ODI requests DJG to update its response to the July 13, 2010 IR letter regarding the subject child seats, and to provide information and data responsive to the following requests regarding comparator child seats.

Unless otherwise stated in the text, the following definitions apply to these information requests:

- **Subject child seats:** all child seats manufactured by DJG in MY 2008 and MY 2009 that are equipped with a CFA supplied by IMS (Safety Plus).

[1] August 31, 2010, September 8, 2010, and September 21, 2010

- **Comparator child seats:** all child seats manufactured by DJG in MY 2006, 2007, and 2010 that are equipped with a CFA supplied by IMS (Safety Plus).

- **Subject components:** the center front adjuster and all related components, including but not limited to, mounting hardware and harness straps.

- **DJG:** Dorel Juvenile Group, all of its past and present officers and employees, whether assigned to their principal offices or any of their field or other locations, including all of their divisions, subsidiaries (whether or not incorporated) and affiliated enterprises and all of their headquarters, regional, zone and other offices and their employees, and all agents, contractors, consultants, attorneys and law firms and other persons engaged directly or indirectly (e.g., employee of a consultant) by or under the control of DJG (including all business units and persons previously referred to), who are or, during all times that DJG was manufacturing child seats equipped with a CFA supplied by IMS (Safety Plus), were involved in any way with any of the following related to the alleged defect in the subject child seats:
  a. Design, engineering, analysis, modification or production (e.g. quality control);
  b. Testing, assessment or evaluation;
  c. Consideration, or recognition of potential or actual defects, reporting, record-keeping and information management, (e.g., complaints, field reports, warranty information, part sales), analysis, claims, or lawsuits; or
  d. Communication to, from or intended for zone representatives, fleets, dealers, or other field locations, including but not limited to people who have the capacity to obtain information from dealers.

- **Alleged defect:** any failure of the subject components that impedes the ability of the CFA to lock the occupant harness in an intended adjustment position, or results in loosening of the harness, including loosening due to child movement or other non-crash related causes.

- **Document:** "Document(s)" is used in the broadest sense of the word and shall mean all original written, printed, typed, recorded, or graphic matter whatsoever, however produced or reproduced, of every kind, nature, and description, and all non-identical copies of both sides thereof, including, but not limited to, papers, letters, memoranda, correspondence, communications, electronic mail (e-mail) messages (existing in hard copy and/or in electronic storage), faxes, mailgrams, telegrams, cables, telex messages, notes, annotations, working papers, drafts, minutes, records, audio and video recordings, data, databases, other information bases, summaries, charts, tables, graphics, other visual displays, photographs, statements, interviews, opinions, reports, newspaper articles, studies, analyses, evaluations, interpretations, contracts, agreements, jottings, agendas, bulletins, notices, announcements, instructions, blueprints, drawings, as-builts, changes, manuals, publications, work schedules, journals, statistical data, desk, portable and computer calendars, appointment books, diaries, travel reports, lists, tabulations, computer printouts, data processing program libraries, data processing inputs and outputs, microfilms, microfiches, statements for services, resolutions, financial statements, governmental records, business records, personnel records, work orders, pleadings,

discovery in any form, affidavits, motions, responses to discovery, all transcripts, administrative filings and all mechanical, magnetic, photographic and electronic records or recordings of any kind, including any storage media associated with computers, including, but not limited to, information on hard drives, floppy disks, backup tapes, and zip drives, electronic communications, including but not limited to, the Internet and shall include any drafts or revisions pertaining to any of the foregoing, all other things similar to any of the foregoing, however denominated by DJG, any other data compilations from which information can be obtained, translated if necessary, into a usable form and any other documents. For purposes of this request, any document which contains any note, comment, addition, deletion, insertion, annotation, or otherwise comprises a non-identical copy of another document shall be treated as a separate document subject to production. In all cases where original and any non-identical copies are not available, "document(s)"also means any identical copies of the original and all non-identical copies thereof. Any document, record, graph, chart, film or photograph originally produced in color must be provided in color. Furnish all documents whether verified by the DJG or not. If a document is not in the English language, provide both the original document and an English translation of the document.

- **Other Terms:** To the extent that they are used in these information requests, the terms "claim," "consumer complaint," "dealer field report," "field report," "fire," "fleet," "good will," "make," "model," "model year," "notice," "property damage," "property damage claim," "rollover," "type," "warranty," "warranty adjustment," and "warranty claim," whether used in singular or in plural form, have the same meaning as found in 49 CFR 579.4.

In order for my staff to evaluate the alleged defect, certain information is required. Pursuant to 49 U.S.C. § 30166, please provide numbered responses to the following information requests. Insofar as DJG has previously provided a document to ODI, DJG may produce it again or identify the document, the document submission to ODI in which it was included and the precise location in that submission where the document is located. When documents are produced, the documents shall be produced in an identified, organized manner that corresponds with the organization of this information request letter (including all individual requests and subparts). When documents are produced and the documents would not, standing alone, be self-explanatory, the production of documents shall be supplemented and accompanied by explanation.

Please repeat the applicable request verbatim above each response. **After DJG's response to each request, identify the source of the information (except for requests 1 and 8) and indicate the last date the information was gathered.**

1. State the number of each of the following, received by DJG, or of which DJG is otherwise aware and not previously provided, which relate to, or may relate to, the alleged defect in the subject child seats:
   a. Consumer complaints;
   b. Reports from retailers or distributers;

c. Reports involving a crash, injury, or fatality, based on claims against DJG involving a death or injury, or notices received by DJG alleging or proving that a death or injury was caused by the alleged defect in a subject child seats; and
d. Lawsuits, both pending and closed, in which DJG is or was a defendant or codefendant.

For subparts "a" through "d," state the total number of each item (e.g., consumer complaints, reports from retailers, etc.) separately. Multiple incidents involving the same child seats are to be counted separately. Multiple reports of the same incident are also to be counted separately (i.e., a consumer complaint and a field report involving the same incident in which a crash occurred are to be counted as a crash report, a field report and a consumer complaint).

In addition, for item "c" provide a summary description of the alleged problem(s) identified in the report or notice, and causal and contributing factors and DJG's assessment of the problem(s), with a summary of the significant underlying facts and evidence. For item "d", identify the parties to the action, as well as the caption, court, docket number, and date on which the complaint or other document initiating the action was filed.

2. Separately, for each item (complaint, report, claim, notice, or matter) within the scope of your response to Request No. 1, state the following information:
   a. DJG's file number or other identifier used;
   b. The category of the item, as identified in Request No. 2 (i.e., consumer complaint, report from retailer, etc.);
   c. Child seat owner's name, address, and telephone number;
   d. Child seat brand name;
   e. Child seat model name;
   f. Child seat model number;
   g. Child seat model year;
   h. Child seat date of manufacture;
   i. Incident date;
   j. Report or claim date;
   k. Number of alleged injuries; and
   l. Number of alleged fatalities.

   Provide this information in Microsoft Access 2000, or a compatible format, entitled "REQUEST NUMBER TWO DATA UPDATE."

3. Produce copies of all documents related to each item within the scope of Request No. 1. Organize the documents separately by category (i.e., consumer complaints, reports from retailers, etc.) and describe the method DJG used for organizing the documents.

4. State a total count for all of the following categories of claims not previously provided, collectively, that have been paid by DJG that relate to, or may relate to, the alleged defect in the subject child seats: warranty claims; extended warranty claims; claims for good will services that were provided; or similar adjustments and reimbursements; and warranty claims or repairs made in accordance with a procedure specified in a technical service bulletin or customer satisfaction campaign.

Separately, for each such claim, state the following information:

a. DJG's claim number;
b. Child seat owner's name and telephone number;
c. Child seat brand name;
d. Child seat model name;
e. Child seat model number;
f. Child seat model year
g. Child seat date of manufacture;
h. Repair or inspection date;
i. Repairing facility's name, telephone number, city and state or ZIP code;
j. Labor operation number;
k. Problem code;
l. Replacement part number(s) and description(s);
m. Concern stated by the customer; and
n. Comment, if any, by the technician or person(s) making an assessment or repair, and/or the person(s) processing the claim that relate to the claim and/or repair.

Provide this information in Microsoft Access 2000, or a compatible format, entitled "WARRANTY DATA UPDATE."

5. Describe in detail the search criteria used by DJG to identify the claims identified in response to Request No. 4, including the problem codes, part numbers and any other pertinent parameters used. Provide a list of all problem codes, and problem code descriptions applicable to the alleged defect in the subject child seats. State the terms of the new child seats warranty coverage offered by DJG on the subject child seats (i.e., the number of months for which coverage is provided and the child seats systems that are covered). Describe any extended warranty coverage option(s) related to the alleged defect that DJG offered for the subject child seats and state by option, model, and model year, the number of child seats that are covered under each such extended warranty.

6. Produce copies of all service, warranty, and other documents that relate to, or may relate to, the alleged defect in the subject child seats that DJG has issued to any retailers or distributors, regional or zone offices, or other such entities. This includes, but is not limited to, bulletins, advisories, informational documents, training documents, or other documents or communications. Also include the latest draft copy of any communication that DJG is planning to issue within the next 120 days.

7. State the number of all comparator child seats DJG has manufactured, or imported for sale, in the United States by brand, model name, model number and model year. Please provide the data by monthly production in a table in Microsoft Access 2000, or a compatible format (e.g., Excel), entitled "COMPARATOR PRODUCTION DATA."

8. State the number of each of the following, received by DJG, or of which DJG is otherwise aware, which relate to, or may relate to, an alleged defect in the comparator child seats:
   a. Consumer complaints;

b. Reports from retailers or distributers;
c. Reports involving a crash, injury, or fatality, based on claims against DJG involving a death or injury, or notices received by DJG alleging or proving that a death or injury was caused by the alleged defect in a comparator child seats; and
d. Lawsuits, both pending and closed, in which DJG is or was a defendant or codefendant.

For subparts "a" through "d," state the total number of each item (e.g., consumer complaints, reports from retailers, etc.) separately. Multiple incidents involving the same child seats are to be counted separately. Multiple reports of the same incident are also to be counted separately (i.e., a consumer complaint and a field report involving the same incident in which a crash occurred are to be counted as a crash report, a field report and a consumer complaint).

In addition, for item "c" provide a summary description of the alleged problem and causal and contributing factors and DJG's assessment of the problem, with a summary of the significant underlying facts and evidence. For item "d", identify the parties to the action, as well as the caption, court, docket number, and date on which the complaint or other document initiating the action was filed.

9. Separately, for each item (complaint, report, claim, notice, or matter) within the scope of your response to Request No. 8, state the following information:
   a. DJG's file number or other identifier used;
   b. The category of the item, as identified in Request No. 2 (i.e., consumer complaint, report from retailer, etc.);
   c. Child seat owner's name, address, and telephone number;
   d. Child seat brand name;
   e. Child seat model name;
   f. Child seat model number;
   g. Child seat model year;
   h. Child seat date of manufacture;
   i. Incident date;
   j. Report or claim date;
   k. Number of alleged injuries; and
   l. Number of alleged fatalities.

   Provide this information in Microsoft Access 2000, or a compatible format, entitled "REQUEST NUMBER NINE (COMPARATOR) DATA."

10. Produce copies of all documents related to each item within the scope of Request No. 8. Organize the documents separately by category (i.e., consumer complaints, reports from retailers, etc.) and describe the method DJG used for organizing the documents.

11. State a total count for all of the following categories of claims that have been paid by DJG that relate to, or may relate to, the alleged defect in the comparator child seats: warranty claims; extended warranty claims; claims for good will services that were provided; or similar adjustments and reimbursements; and warranty claims or repairs made in accordance with a procedure specified in a technical service bulletin or customer satisfaction campaign.

Separately, for each such claim, state the following information:

a. DJG's claim number;
b. Child seat owner's name and telephone number;
c. Child seat brand name;
d. Child seat model name;
e. Child seat model number;
f. Child seat model year
g. Child seat date of manufacture;
h. Repair or inspection date;
i. Repairing facility's name, telephone number, city and state or ZIP code;
j. Labor operation number;
k. Problem code;
l. Replacement part number(s) and description(s);
m. Concern stated by the customer; and
n. Comment, if any, by the technician or person(s) making an assessment or repair, and/or the person(s) processing the claim that relate to the claim and/or repair.

Provide this information in Microsoft Access 2000, or a compatible format, entitled "COMPARATOR WARRANTY DATA."

12. Describe in detail the search criteria used by DJG to identify the claims identified in response to Request No. 11, including the problem codes, part numbers and any other pertinent parameters used. Provide a list of all problem codes, and problem code descriptions applicable to the alleged defect in the comparator child seats. State the terms of the new child seats warranty coverage offered by DJG on the comparator child seats (i.e., the number of months for which coverage is provided and the child seats systems that are covered). Describe any extended warranty coverage option(s) related to the alleged defect that DJG offered for the comparator child seats and state by option, model, and model year, the number of child seats that are covered under each such extended warranty.

13. Produce copies of all service, warranty, and other documents that relate to, or may relate to, the alleged defect in the comparator child seats that DJG has issued to any retailers or distributors, regional or zone offices, or other such entities. This includes, but is not limited to, bulletins, advisories, informational documents, training documents, or other documents or communications. Also include the latest draft copy of any communication that DJG is planning to issue within the next 120 days.

14. In part VII of DJG's September 21, 2010 response to Request No.8 (Assessments) of ODI's July 13, 2010 EA IR letter, DJG stated that the expected date of completion of it's Root Cause Analysis would be early October 2010. Provide the date that DJG anticipates it will inform NHTSA of the conclusion of its Root Cause Analysis.

15. Produce copies of all documents, draft and final, related to each item within the scope of Request No. 14.

16. Part a. of Request No.14 of ODI's July 13, 2010 EA IR letter requested, in part, DJG's assessment as to why there were no complaint reports submitted regarding child seats manufactured by DJG for MY 2006 or 2007. DJG did not provide a response to this part of the request in any of it's three IR responses. Please provide DJG's assessment as to why there were no complaint reports submitted regarding child seats manufactured by DJG for MY 2006 or 2007.

17. Identify all subject child seats and/or CFA that have been returned to DJG and identify the following:

    a. DJG's claim number;
    b. Child seat owner's name and telephone number;
    c. Child seat brand name;
    d. Child seat model name;
    e. Child seat model number;
    f. The CFA manufacturing code number;
    g. Child seat model year
    h. Child seat date of manufacture;
    i. Repair or inspection date;
    j. Repairing facility's name, telephone number, city and state or ZIP code;
    k. Problem code;
    l. Replacement part number(s) and description(s);
    m. Concern stated by the customer;
    n. Comment, if any, by the technician or person(s) making an assessment or repair, and/or the person(s) processing the claim that relate to the claim and/or repair;
    o. Whether the subject child seat and/or CFA is in DJG's possession or control;
    p. Whether the subject child seat and/or CFA has been destroyed; and
    q. When the subject child seat and/or CFA was destroyed.

18. Identify all comparator child seats and/or CFA that have been returned to DJG and identify the following:

    a. DJG's claim number;
    b. Child seat owner's name and telephone number;
    c. Child seat brand name;
    d. Child seat model name;
    e. Child seat model number;
    f. The CFA manufacturing code number;
    g. Child seat model year
    h. Child seat date of manufacture;
    i. Repair or inspection date;
    j. Repairing facility's name, telephone number, city and state or ZIP code;
    k. Problem code;
    l. Replacement part number(s) and description(s);
    m. Concern stated by the customer; and

n. Comment, if any, by the technician or person(s) making an assessment or repair, and/or the person(s) processing the claim that relate to the claim and/or repair;
o. Whether the subject child seat and/or CFA is in DJG's possession or control;
p. Whether the subject child seat and/or CFA has been destroyed; and
q. When the subject child seat and/or CFA was destroyed.

19. Describe all modifications and/or changes made by, or on behalf of, DJG in the design, material composition, manufacture, quality control, supply, and/or installation of one or more of the subject component(s), from the start of production of subject child seats up to and including comparator child seats made in or after 2010, equipped with a CFA supplied by IMS (Safety Plus). For each such modification or change, provide the following information:

    a. A detailed description of the modification or change;
    b. The reason(s) for the modification or change;
    c. Whether the modification or change related to the failure of the subject component to impede the ability of the CFA to lock the occupant harness in an intended adjustment position, or resulted in loosening of the harness, including loosening due to child movement or other non-crash related causes;
    d. The part number(s) of the original component(s);
    e. The part number(s) of the modified component(s); and
    f. The name and work location of each person who was involved with the modification or change.

20. Produce, in chronological order, all documents (as defined herein, including but not limited to emails, memoranda, notes, protocols, analyses, results, and reports); whether draft, interim, or final; related to any and all modifications and/or changes made by, or on behalf of, DJG in the design, material composition, manufacture, quality control, supply, and/or installation of one or more of the subject component(s), from the start of production of subject child seats up to and including comparator child seats made in or after 2010, equipped with a CFA supplied by IMS (Safety Plus).

21. Provide a copy of DJG's consumer registration data for the subject child seats in the states of Maryland and Virginia. Provide this information in Microsoft Access 2000, or a compatible format, entitled "REGISTRATION DATA."

22. Provide a copy of DJG's consumer registration data for the comparator child seats in the states of Maryland and Virginia. Provide this information in Microsoft Access 2000, or a compatible format, entitled "COMPARATOR REGISTRATION DATA."

This letter is being sent to DJG pursuant to 49 U.S.C. § 30166, which authorizes NHTSA to conduct any investigation that may be necessary to enforce Chapter 301 of Title 49 and to request reports. It constitutes a new request for information. DJG's failure to respond promptly and fully to this letter could subject DJG to civil penalties pursuant to 49 U.S.C. § 30165 or lead to an action for injunctive relief pursuant to 49 U.S.C. § 30163. (Other remedies and sanctions are available as well.) Section 5(a) of the TREAD Act, codified at 49 U.S.C. § 30165(b),

provides for civil penalties of up to $6,000 per day, with a maximum of $16,375,000 for a related series of violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. *See* 49 CFR 578.6 (as amended by 71 Fed. Reg. 28279 (May 16, 2006)). This includes failing to respond to ODI information requests.

If DJG cannot respond to any specific request or subpart(s) thereof, please state the reason why it is unable to do so. If on the basis of attorney-client, attorney work product, or other privilege, DJG does not submit one or more requested documents or items of information in response to this information request, DJG must provide a privilege log identifying each document or item withheld, and stating the date, subject or title, the name and position of the person(s) from, and the person(s) to whom it was sent, and the name and position of any other recipient (to include all carbon copies or blind carbon copies), the nature of that information or material, and the basis for the claim of privilege and why that privilege applies.

DJG's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by January 14, 2011. **All business confidential information must be submitted directly to the Office of Chief Counsel as described in the following paragraph and should not be sent to this office.** In addition do not submit any business confidential information in the body of the letter submitted to this office. Please refer to EA10-005Sup in DJG's response to this letter and in any confidentiality request submitted to the Office of the Chief Counsel. If DJG finds that it is unable to provide all of the information requested within the time allotted, DJG must request an extension from D. Scott Yon at (202) 366-0139 no later than five business days before the response due date. If DJG is unable to provide all of the information requested by the original deadline, it must submit a partial response by the original deadline with whatever information DJG then has available, even if an extension has been granted.

If DJG claims that any of the information or documents provided in response to this information request constitute confidential commercial material within the meaning of 5 U.S.C. § 552(b) (4), or are protected from disclosure pursuant to 18 U.S.C. § 1905, DJG must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with 49 CFR Part 512, as amended (69 Fed. Reg. 21409 et seq; April 21, 2004), to the Office of Chief Counsel (NCC-111), National Highway Traffic Safety Administration, Room W41-227, 1200 New Jersey Avenue, S.E., Washington, D.C. 20590. DJG is required to **submit two copies of the documents containing allegedly confidential information (except only one copy of blueprints) and one copy of the documents from which information claimed to be confidential has been deleted.** Please remember that the word "CONFIDENTIAL" must appear at the top of each page containing information claimed to be confidential, and the information must be clearly identified in accordance with 49 CFR § 512.6.

Please send email notification to John Abbott (John.Abbott@dot.gov) and to ODI_IRresponse@dot.gov when DJG sends its response to this office and indicate whether there is confidential information as part of DJG's response.

If you have any technical questions concerning this matter, please call John Abbott of my staff at (202) 366-5221.

Sincerely,

Richard Boyd

Richard Boyd, Acting Director
Office of Defects Investigation
Enforcement