DOREL
Juvenile Group

February 28, 2011

BY AIR COURIER

Mr. O. Kevin Vincent
Chief Counsel
National Highway Traffic Safety Administration
1200 New Jersey Avenue, SE, Room W41-227
Washington, DC 20590

Re: EA10-005/Recall 11C-001: Certificate in Support of Request for Confidential Treatment

Dear Mr. Vincent:

On February 16, 2011, Dorel Juvenile Group ("DJG") submitted certain information and a request for confidential treatment in the above-referenced matter. Mr. David Case of your office has informed us that DJG failed to provide a certificate in support of DJG's request for confidential treatment. We are now submitting the certificate with this letter.

We regret any inconvenience our inadvertent omission of the certificate may have caused.

Sincerely,

Terry Emerson

Enclosures

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Juvenile Group

Certificate in Support of Request for Confidentiality

I, Terry Emerson, pursuant to the provisions of 49 C.F.R. Part 512, state as follows:

(1) I am Director of Quality Assurance of Dorel Juvenile Group (DJG), and I am authorized by DJG to execute documents on its behalf;

(2) I certify that the information for which DJG has requested confidential treatment is confidential and proprietary data and is being submitted with the claim that it is entitled to confidential treatment under 5 U.S.C. 552(b)(4);

(3) I hereby request that the information for which confidential treatment is being sought be protected on a permanent basis;

(4) This certification is based on the information provided by the responsible DJG personnel who have authority in the normal course of business to release the information for which a claim of confidentiality has been made to ascertain whether such information has ever been released outside DJG;

(5) Based upon that information, to the best of my knowledge, information and belief the information for which DJG has claimed confidential treatment has never been released or become available outside DJG;

(6) I make no representations beyond those contained in this certificate and in particular, I make no representations as to whether this information may become available outside DJG because of unauthorized or inadvertent disclosure (except as stated in paragraph 5); and

(7) I certify under penalty of perjury that the foregoing is true and correct.

Executed on this 28 day of February, 2011.

Terry Emerson

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NHTSA
WASHINGTON, DC 20590
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OFFICE OF CHIEF COUNSEL

February 16, 2011

BY AIR COURIER

Mr. O. Kevin Vincent
Chief Counsel
National Highway Traffic Safety Administration
1200 New Jersey Avenue, SE, Room W41-227
Washington, DC 20590

Re: EA10-005/Recall 11C-001: Request for Confidential Treatment

Dear Mr. Vincent:

Today, Dorel Juvenile Group ("DJG") is submitting testing and validation information for a proposed remedy in connection with the above-referenced product recall. Because the submission includes confidential business information, DJG is submitting it to your office with this request for confidential treatment and the certificate required under 49 C.F.R. Part 512.

The information required by Part 512 is set forth below.

A. Description of the Information (49 C.F.R. § 512.8(a))

The information for which confidential treatment is being sought consists of testing and validation information for a remedy that is to be used in the above-referenced product recall. We have marked the pertinent pages of the submission to indicate the presence of confidential business information.

B. Confidentiality Standard (49 C.F.R. § 512.8(b))

This submission is subject to the substantial-competitive-harm standard set forth in 49 C.F.R. § 512.15(b).

C. Justification for Confidential Treatment (49 C.F.R. § 512.8(c))

Part 512 and Exemption 4 of the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552(b)(4), protect the confidentiality of information that would be likely to cause substantial competitive harm to the submitter if disclosed. *See* 49 C.F.R. § 512.15(b); *see also, e.g., Nat'l*

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Parks & Conservation Ass'n v. Morton, 498 F.2d 765, 770 (D.C. Cir. 1974). FOIA Exemption 4 was enacted to prevent disclosures that would "eliminate much of the time and effort that would otherwise be required to bring to market a product competitive with the [submitter's] product." *Public Citizen Health Research Grp. v. FDA*, 185 F.3d 898, 905 (D.C. Cir. 1999). "Because competition in business turns on the relative costs and opportunities faced by members of the same industry, there is a potential windfall for competitors to whom valuable information is released under FOIA. If those competitors are charged only minimal FOIA retrieval costs for the information, rather than the considerable costs of private reproduction, they may be getting quite a bargain. Such bargains could easily have competitive consequences not contemplated as part of FOIA's principal aim of promoting openness in government." *Worthington Compressors, Inc. v. Costle*, 662 F.2d 45, 51 (D.C. Cir. 1981). The information for which DJG is requesting confidential treatment merits protection from disclosure under these standards.

Specifically, the disclosure of DJG's proprietary testing information would be competitively harmful. If disclosed, the information would reveal how DJG conducts tests and evaluates possible product improvement and remedy options. The disclosure of such information would enable competitors to improve their own test processes, evaluate materials for incorporation in their products, and assess DJG's operational capacities.

D. Class Determination (49 C.F.R. § 512.8(d))

The confidential information is not subject to a class determination.

E. Duration For Which Confidential Treatment Is Sought (49 C.F.R. § 512.8(e))

Because the information will retain its competitive value indefinitely, DJG requests that the information be accorded confidential treatment indefinitely.

F. Contact Information (49 C.F.R. § 512.8(f))

Please direct all inquiries to the undersigned at the address and telephone number on the letterhead.

* * *

A certificate in support of confidentiality is attached to this letter. We are enclosing two copies of the submission in its entirety and one copy from which the confidential information has been deleted. As noted above, we have marked the documents to indicate the presence of confidential business information.

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If you receive a request for disclosure of the information for which confidential treatment is sought, DJG respectfully requests notification of the request and an opportunity to provide further justification for confidential treatment, if warranted.

Sincerely,

Terry Emerson

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