VIA E-MAIL AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Kenneth Wittenauer (ken.wittenauer@britax.com)
Vice President and General Counsel
Britax Child Safety, Inc.
4140 Pleasant Road
Fort Mill, South Carolina 29708

NVS-212jfa
EA13-001

Dear Mr. Wittenauer:

The Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration ("NHTSA" or the "Agency") is conducting an investigation (EA13-001) of allegations that the harness buckles of certain rear facing infant seats manufactured by Graco Children's Products Inc., are difficult to unlatch or become stuck in a latched position. For a comparative assessment, we are requesting information concerning certain rear facing infant child seats manufactured by Britax Child Safety, Inc. ("Britax").

Unless otherwise stated in the text, the following definitions apply to this information request:

- **Subject child seats:** all production year (PY) 2009 through PY 2013 rear facing infant child seats manufactured for sale in the United States.

- **Subject components:** all harness buckles used in production of the subject child seats.

- **Britax:** Britax Child Safety, Inc., 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 Britax (including all business units and persons previously referred to), who are or, were involved in any way with any of the following related to the subject condition 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 sellers of Britax child seats, distributors, retailers, or other field locations, including but not limited to people who have the capacity to obtain information from these parties.

- **Subject Condition:** any failure of the subject component(s) that impedes the ability of, or otherwise prevents, a person other than the child from removing the child from the subject child seat.

- **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 Britax, 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 Britax 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 Britax has previously provided a document to ODI, Britax 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 Britax's response to each request, identify the source of the information and indicate the last date the information was gathered.

1. State the number of all subject child seats Britax has manufactured, or imported for sale, in the United States, by model name/model number, production year, buckle manufacturer, buckle model/type, (i.e., hinged or floating button). Provide the data by annual production volumes.

2. State the number of each of the following, received by Britax, or of which Britax is otherwise aware, which relate to, or may relate to, the subject condition in the subject child seats:

   a. Consumer complaints;
   b. Field reports, including reports from retailers;
   c. Reports involving a fire, crash, injury, or fatality, based on claims against the manufacturer involving a death or injury, notices received by the manufacturer alleging or proving that a death or injury was caused by the alleged defect in a subject components, property damage claims, consumer complaints, or field reports;
   d. Third-party arbitration proceedings where Britax is or was a party to the arbitration; and,
   e. Lawsuits, both pending and closed, in which Britax is or was a defendant or codefendant.

   Provide a summary table within the body of the response letter. For subparts "a" through "e," state the total number of each item (e.g., consumer complaints, reports from retailers, etc.) separately. Multiple incidents involving the same item of equipment 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 Britax's assessment of the problem, with a summary of the significant underlying facts and evidence. For items "d" and "e," 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.

3. Separately, for each item (complaint, report, claim, notice, or matter) within the scope of your response to Request No. 2, state the following information:

   a. Britax's reference number or other identifier used;
   b. The category of the item, as identified in Request No. 2 (i.e., consumer complaint, field report, lawsuit, etc.)
   c. Child seat model name/model number;
   d. Child seat production year;
   e. Child seat date of manufacture;
   f. Harness buckle manufacturer and model/type;
   g. Incident date;
   h. Report or claim date;
   i. Whether the harness buckle was allegedly unable to be opened;
   j. Whether the harness was allegedly cut to facilitate removal of the child occupant;
   k. Number of alleged injuries; and,
   l. Number of alleged fatalities.

   Provide a summary table within the body of the response letter. Provide this information in a table in Microsoft Excel entitled, "REQUEST NUMBER TWO DATA.".

Legal Authority for This Request

This letter is being sent to Britax 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 and the production of things. It constitutes a new request for information.

Civil Penalties

Britax's failure to respond promptly and fully to this letter could subject Britax 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.) The Vehicle Safety Act, as amended, 49 U.S.C. § 30165(a), provides for civil penalties of up to $7,000 per day, with a maximum of $35,000,000 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 77 Fed. Reg. 70710 (November 27, 2012)). This includes failing to respond completely to ODI information requests.

If Britax 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,

Britax does not submit one or more requested documents or items of information in response to this information request, Britax 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.

Confidential Business Information

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 EA13-001 in Britax's response to this letter and in any confidentiality request submitted to the Office of Chief Counsel.

If Britax 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, Britax 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, 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. Britax 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 phrase "ENTIRE PAGE CONFIDENTIAL BUSINESS INFORMATION" or "CONTAINS CONFIDENTIAL BUSINESS INFORMATION" (as appropriate) 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. If you submit a request for confidentiality for all or part of your response to this IR, that is in an electronic format (e.g., CD-ROM), your request and associated submission must conform to the new requirements in NHTSA's Confidential Business Information Rule regarding submissions in electronic formats. *See* 49 CFR 512.6(c).

If you have any questions regarding submission of a request for confidential treatment, contact Otto Matheke, Senior Attorney, Office of Chief Counsel at otto.matheke@dot.gov or (202) 366-5253.

Due Date

Britax's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by **May 28, 2014**. If Britax 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 Britax then has available.

Please send email notification to Mr. John Abbott at john.abbott@dot.gov and to ODI_IRresponse@dot.gov when Britax sends its response to this office and indicate whether there is confidential information as part of Britax's response.

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

Sincerely,

Frank S. Borris II, Director
Office of Defects Investigation
Enforcement