Memorandum

U.S. Department
of Transportation

**National Highway
Traffic Safety
Administration**

Subject: Defects Review Panel: Harness Buckle is Difficult to Unlatch or Does Not Unlatch in Certain Graco Car Seats

Date: December 4, 2013

From: Frank Borris, Director
Office of Defects Investigation

Frank S Borris II

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The Office of Defects Investigation (ODI) requests your participation in a Multi-Disciplinary Defects Review Panel meeting that will be convened on Tuesday, December 17, 2013, to review a safety defect investigation regarding the harness buckles in approximately 5.4 M car seats manufactured by Graco Children's Products, Inc. (Graco). At the conclusion of this meeting, each panelist will be asked to concur with ODI's recommendation to send a safety recall request letter to Graco. The meeting will be held in conference room W45-201, at 10:00 am and will last for approximately one and one half hours. Please indicate whether you, or an alternate representative from your office, will be able to participate in this panel review.

Background

This investigative effort began as PE12-031on October 15, 2012 and focused on 2009 through 2011 model year Graco MyRide and Nautilus model car seats. Complainants alleged difficulty in unlatching the harness buckle, with some stating that excessive force and effort was required to unlatch it. Furthermore some complainants reported that they could not unlatch the buckle at all and instead had to remove their child from the car seat by pulling him/her though the still buckled harness, or in some cases by cutting the harness straps. The investigation was upgraded to Engineering Analysis, EA13-001, on February 21, 2013 and the scope was broadened to include the 2012 model year car seats, and added an additional 15 models.

The car seats subject to this investigation include booster, convertible, and rear-facing infant models manufactured between January 2009 and August 2013. During this period Graco used two different buckle designs in these car seats, the "Signature" buckle, and the "QT" buckle. Both buckle designs were made by the AmSafe Company, a supplier to Graco. Graco states it believes that some consumers have a perception that the buckles are more difficult to operate than they would have expected, but in Graco's view this does not pose an unreasonable risk of harm, nor has it resulted in any safety related incidents.

In response to ODI inquiries, Graco has identified the primary root cause of the buckles becoming difficult to unlatch, or failing to unlatch at all, as contamination of the internal buckle components by *"foreign material"*, such as, *"food, dried liquid drinks, vomit, formula, etc."* Additionally, Graco maintains a secondary factor affecting the QT buckle is the buckle's pivoting, or hinged, release button. Graco also states that the sliding release button used on the Signature buckle may be "perceived" by some to be more difficult to operate than expected.

It is Graco's conclusion that the buckle problem being investigated is not safety-related, and that Graco is adequately addressing consumer satisfaction issues with its consumers. Graco's conclusions are based on the following factors: 1) Graco is not aware of any injuries, fatalities or degradation in crashworthiness related to the Signature or QT buckle unlatching problem , 2) The buckles are compliant to FMVSS 213; Child restraint systems, 3) Consumers that contact Graco are provided a no cost remedy for any buckle issues, and 4) Graco now uses a new buckle design from Indiana Mills and Manufacturing, Inc. (IMMI) with a "center-press, floating release button, that is expected to provide a better user experience.

Through its customer service department, Graco is providing consumers who contact them regarding any difficulties with buckle unlatching problems with one or more of a series of potential remedies. These remedies include; a newly developed buckle cleaning instruction (for Signature and QT buckle), a newly developed buckle unlatching instruction (for the QT buckle only), a new design IMMI replacement buckle, a new car seat with a new design IMMI buckle, or a refund of the consumer's purchase price.

It is ODI's considered position that Graco's customer service actions to remedy the Signature and QT buckle problem on a case-by-case basis should be conducted as a formal safety recall. If the panel concurs, ODI will send a letter to Graco to request Graco conduct a formal safety recall.

Meeting Agenda

The meeting will begin with an ODI presentation. The presentation will include information regarding a review of the complaints, failure frequencies and trends, peer comparisons, and Graco's position on the issue. Following the presentation there will be a period for questions and comments from panel members. To conclude the meeting, panel members will be asked to document if they believe, or concur with ODI, that the buckle problem is safety-related and to sending a letter requesting Graco to conduct a formal safety recall.

The ODI Investigation Process

ODI conducts investigations into alleged safety defects in order to determine whether such defects exist and whether a manufacturer should conduct a recall. The basis for a recall is to eliminate the defect and reduce the potential safety risk. Investigations are opened based on consumer complaints, petitions, manufacturer service bulletins, reports from police, media reports, etc. The investigation process is staged into two phases, in general opening with a Preliminary Evaluation (PE). If analysis of the problem during the PE indicates that the investigation merits a more detailed analysis, an Engineering Analysis (EA) is opened. At the conclusion of an EA, ODI either closes the investigation or asks the manufacturer to conduct a recall by sending a recall request letter.

After the manufacturer responds to the recall request letter, ODI may recommend to the Associate Administrator for Enforcement that he/she makes an Initial Decision that there is a defect related to motor vehicle safety. Following that, a public meeting will be held to get the views of all interested parties. After the public meeting, the Administrator will both make a Final Decision that a defect related to motor vehicle safety exists and order the manufacture to conduct a safety recall, or decide that the investigation should be closed.

Answers to Potential Questions Posed by Panel Members

Q: What is a defect?

A: A defect is defined by statute as any defect in performance, construction, a component, or material of a motor vehicle or motor vehicle equipment.

Q: What is motor vehicle safety?

A: The statute defines motor vehicle safety as the performance of a motor vehicle or motor vehicle equipment in a way that protects the public against unreasonable risk of crashes occurring because of the design, construction, or performance of a motor vehicle, and against unreasonable risk of death or injury in an accident, and includes non-operational safety of a motor vehicle.

Q: What is an unreasonable risk of crashes or deaths and injuries in crashes?

A: Whether a particular risk is “unreasonable” cannot be quantified and must be decided after consideration of all relevant circumstances. In assessing the risk to safety, ODI may evaluate the complaint reports, the performance of the equipment or vehicle, the potential for injury, the defect trend (is it likely to worsen over time), and compare the risk to that presented by peer vehicles or items of equipment.

Q: If the panel agrees that a recall request letter should be sent, is that decision irrevocable?

A: The Director of ODI makes the decision to send the recall request letter and the panel serves an oversight function. The Director has the option of not sending the letter or after sending the

letter, may recommend not going forward with an Initial Decision, depending on additional information or action the company takes. Once a recall request letter is sent, a decision not to proceed to an Initial Decision is generally based on new information or proposals from the manufacturer.