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

1200 New Jersey Avenue SE.
Washington, DC 20590

JUL 24 2014

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Amy E. Neff
Associate General Counsel
Evenflo Company, Inc.
225 Byers Road
Miamisburg, OH 45342

NVS-212jfa
EA14-003

Dear Ms. Neff:

The Office of Defects Investigation (ODI) at the National Highway Traffic Safety Administration (NHTSA) completed its Preliminary Evaluation (PE14-003) investigating allegations that the harness buckle of the child seat harness is difficult to unlatch or becomes stuck in a latched condition in model year (MY) 2011-2013 Chase, Maestro, Secure Kid, and Titan child seats manufactured by the Evenflo Company, Inc. (Evenflo). Based on our analysis of the information received in PE14-003, ODI upgraded this matter to an Engineering Analysis (EA) on July 7, 2014 to continue its investigation of Evenflo's Embrace rear facing infant car seat. The NHTSA assigned identification number for this matter is EA14-003.

On April 2, 2014, Evenflo submitted a Defect Information Report ("Part 573 Report") and notified the agency that it would conduct a safety recall[1] of 1,368,649 convertible and harness booster car seats it produced with AmSafe QT and QT3 harness buckles. Evenflo excluded the Embrace rear facing infant car seats produced with AmSafe QT and QT3 buckles from the recall.

On June 27, 2014, Graco Children's Products, Inc. ("Graco"), a division of Newell Rubbermaid, notified the agency that it would conduct a safety recall[2] to replace the harness buckles on approximately 1.9 million rear facing infant car seats produced with AmSafe QT1[3] harness buckles. In addition, Graco is conducting a consumer satisfaction campaign to replace the buckles on approximately 2.3 million rear facing infant car seats it produced with AmSafe QT3 and Signature harness buckles.

[1] Please see 14C-003 for details of the recall.
[2] Please see 14C-004 for details of the recall.
[3] Evenflo's Part 573 Report identifies the buckles it used in its car seats as "QT" and "QT3," while Graco's Part 573 Report identifies the buckles as "QT1" and "QT3." The agency considers the "QT" and "QT1" to be the same buckle.

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

- **Subject Seats:** all Evenflo Embrace rear facing infant car seats produced that were equipped with any of the Subject Components, and manufactured for sale in the United States.

- **Subject Components:** all QT (QT1) and QT3 harness buckles manufactured or supplied by, or for AmSafe, and used in the manufacture of any subject car seat sold in the United States.

- **Evenflo:** Evenflo Company, 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 Evenflo (including all business units and persons previously referred to), who are or, in or after 2009, 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, or otherwise prevents, a person other than the child occupant from unbuckling the harness or from removing the child from the car 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 Evenflo, 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 Evenflo 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 Evenflo has previously provided a document to ODI, Evenflo 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 Evenflo'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 Evenflo has manufactured, or imported for sale, in the United States, by model number, model year, and buckle type. If there are months with mixed buckle types (QT & QT3) used in production, provide the number for each type. Provide the data by monthly production volumes in a table in Microsoft Access 2010, or a compatible format (e.g., Excel), entitled "PRODUCTION DATA."

2. State the number of each of the following, received by Evenflo, or of which Evenflo is otherwise aware, which relate to, or may relate to, the Alleged Defect in the Subject Seats, and which were not included in response to NHTSA's Information Request (IR) in PE14-003:
   a. Consumer complaints;
   b. Reports from retailers or distributers;
   c. Reports involving a crash, injury, or fatality, based on claims against Evenflo involving a death or injury, or notices received by Evenflo 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 Evenflo 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 Evenflo'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.

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. Evenflo'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. Car seat owner's name, address, and telephone number;
   d. Car seat model number;
   e. Car seat model year;
   f. Car seat date of manufacture;
   g. Harness buckle/subject component part number;
   h. Incident date;
   i. Report or claim date;
   j. Whether the harness buckle was allegedly unable to be physically opened (regardless of user actions);
   k. Whether the harness was allegedly cut to facilitate removal of the child occupant;
   l. Whether Evenflo has possession of the subject child seat and or harness buckle;
   m. Number of alleged injuries; and
   n. Number of alleged fatalities.

   Provide this information in Microsoft Access 2010, or a compatible format, entitled "REQUEST NUMBER TWO DATA."

4. Produce copies of all documents related to each item within the scope of Request No. 2. Organize the documents separately by category (i.e., consumer complaints, reports from retailers, etc.) and describe the method Evenflo used for organizing the documents.

5. Provide a detailed explanation of Evenflo's reasoning and rationale for excluding the Subject Seats from safety recall 14C-003, including, but not limited to how, if at all, Evenflo's "QT" and "QT3" buckles, and the way the buckles are integrated into the Subject Seats, differ from the Graco "QT1" and "QT3" buckles, and their integration with its rear facing infant seats, that are part of Recall 14C-004 and the related Customer Service Campaign Graco is conducting.

6. In consideration of any additional information accumulated and evaluated in preparation of Evenflo's response to this letter, furnish an update to Evenflo's assessment of the alleged defect in the subject child seats, including:
   a. The causal or contributory factor(s);
   b. The failure mechanism(s);
   c. The failure mode(s);
   d. The risk to car seat safety that it poses;
   What warnings, if any, that the alleged defect was occurring or that the subject component was malfunctioning.

Legal Authority for This Request

This letter is being sent to Evenflo 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

Evenflo's failure to respond promptly and fully to this letter could subject Evenflo 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. This includes failing to respond completely to ODI information requests.

If Evenflo 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, Evenflo does not submit one or more requested documents or items of information in response to this information request, Evenflo 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 EA14-003 in Evenflo's response to this letter and in any confidentiality request submitted to the Office of Chief Counsel.

If Evenflo 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, Evenflo 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. Evenflo 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

Evenflo's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by **August 15, 2014**. If Evenflo finds that it is unable to provide all of the information requested within the time allotted, Evenflo must request an extension from Mr. Scott Yon at (202) 366-0139 no later than five business days before the response due date. If Evenflo 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 Evenflo then has available, even if an extension has been granted.

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