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April 2, 2014

VIA FEDERAL EXPRESS

Mr. Otto Matheke
Chief Counsel's Office
National Highway Traffic Safety Administration
1200 New Jersey Avenue, S.E.
West Building W41-227
Washington, DC 20590
Otto.Matheke@dot.gov

Re: RESPONSE TO INFORMATION REQUEST, PE14-003

Dear Mr. Matheke:

Evenflo Company, Inc. ("Evenflo") is submitting a response to a February 5, 2014, Information Request from Scott Yon, Office of Defects Investigation, in connection with PE14-003. Evenflo requests that portions of this submission be treated as confidential under Exemption 4 of the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552(b)(4), and NHTSA's regulations at 49 C.F.R. Part 512.

The information required by your regulations is set forth below.

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

The confidential commercial information contained in this voluntary submission consists of Evenflo's proprietary information regarding the following:

- Evenflo's processes and procedures, and other operational information;
- Information detailing our complaint-handling procedures and how those complaints are memorialized in proprietary databases;
- Identity of and personal information regarding our consumers;
- Production information (quantities, dates of manufacture) regarding numerous child restraint models;

- Component part numbers and usage information;
- Supplier information;
- Claims payment information and warranty and other reimbursements provided to consumers;
- Internal testing and engineering analysis of Evenflo products; and
- Product design information, including drawings.

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

The material for which confidential treatment is being sought is subject to the standard for voluntarily-submitted information set forth in 49 C.F.R. § 512.15(d). This standard applies because the material is submitted in response to an information request from Mr. Yon at NHTSA, in connection with PE14-003. The information is not being compelled, pursuant to subpoena or other court process. Evenflo had the option to decline providing the information. Even if the assessment was subject to the standard applicable to compelled submissions, however, it would merit confidential treatment.

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

Voluntarily-submitted information should be accorded confidential treatment if it is the type of information that is not customarily disclosed by the submitter to the public. *E.g.*, 49 C.F.R. § 512.15(d); *Center for Auto Safety v. NHTSA*, 244 F.3d 144, 147 (D.C. Cir. 2001). Evenflo does not ever, much less customarily, disclose to the public the types of product, process and operations information for which it is seeking confidential treatment in this request. To the contrary, Evenflo's practice is to protect the confidentiality of such information, restricting its dissemination even within the company to those who need it in the performance of their employment-related duties.

Moreover, even if the standard for compelled submissions (49 C.F.R. § 512.15(b)) applied to this submission, the information for which Evenflo is seeking confidential treatment would merit withholding, because the assessment reveals Evenflo's operations, design and development, supply chain, engineering analysis, consumer complaint handling, financial and warranty service, production information and identity of our consumers—all of which is information that would be valuable to Evenflo's competitors. Thus, even if the submission at issue here were deemed to have been submitted under compulsion, the information in it would merit confidential treatment.

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

The 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 for which confidential treatment is being sought is the kind of information that Evenflo does not anticipate ever customarily disclosing to the public, and

because the information is likely to retain its competitive value indefinitely, Evenflo requests that the information be accorded confidential treatment on a permanent or indefinite basis.

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

Please direct all inquiries and responses to the undersigned.

* * *

We are supplying two copies of the entire submission, together with a "public" copy that does not include the confidential information. We have marked each page containing confidential data accordingly.

If you receive a request for disclosure of the information for which confidential treatment is being sought before you have completed your review of our request, Evenflo respectfully requests notification of the request(s) and an opportunity to provide further justification, if necessary, for the confidential treatment of this information.

Best Regards,

A handwritten signature in black ink, appearing to read 'Amy E. Neff', written in a cursive style.

Amy E. Neff

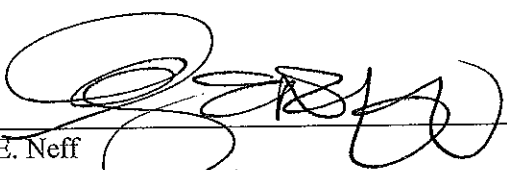
/Enclosures

Certificate in Support of Request for Confidentiality

I, Amy E. Neff, pursuant to the provisions of 49 C.F.R. Part 512, state as follows:

- (1) I am Associate General Counsel at Evenflo, and I am authorized by Evenflo to execute documents on behalf of Evenflo;
- (2) I certify that the information described in the accompanying request for 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 contained in the enclosed documents be protected on a permanent basis;
- (4) This certification is based on the information provided by the responsible Evenflo 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 Evenflo;
- (5) Based upon that information, to the best of my knowledge, information and belief, the information for which Evenflo has claimed confidential treatment has never been released or become available outside Evenflo, except for disclosures to suppliers and contractors with the understanding that such information must be maintained in strict confidence;
- (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 Evenflo 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 2nd day of April, 2014.



Amy E. Neff
Associate General Counsel
Evenflo Company, Inc.

INTRODUCTION:

Evenflo Company, Inc. (“Evenflo”) responds below to the Information Request, dated February 5, 2014, received from the Office of Defects Investigation (“ODI”) of the National Highway Traffic Safety Administration (“NHTSA”), regarding Evenflo’s use on select toddler convertible car seats, harnessed booster seats (the “toddler seats”), and a single model of rear-facing infant child restraint of the QT1 and/or QT3 harness crotch buckle (the “subject buckle”), manufactured for Evenflo by AmSafe Commercial Products, Inc. (“AmSafe”).

Evenflo is contemporaneously filing with NHTSA today a Part 573 report regarding the toddler seats, in which Evenflo volunteers to conduct a safety recall to provide owners of the toddler seats a replacement buckle. Consequently, the majority of the information provided herein for NHTSA in furtherance of its investigation of the subject buckle is largely superfluous. Evenflo has taken action as to the toddler seats, without the need for further investigation on the agency’s part. Evenflo would respectfully request, therefore, that PE14-003 be closed as to all toddler seats.

[REDACTED]

[REDACTED]

[REDACTED]

¹ Under different circumstances, Evenflo would likely be defending several of the models included in the Part 573 report, in addition to its rear-facing infant child restraint, the Embrace 35. Given the recent Graco recall of its own toddler seats using the subject buckle, and NHTSA’s public statements about its perception of the potential risk associated with the subject buckle, however, Evenflo has elected not to contest whether there should be a safety recall as to all the toddler seats, and is filing its Part 573 report.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1. **State the number of all subject child seats Evenflo has manufactured, or imported for sale, in the United States, by model number and model year and seat 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."**

Evenflo Response:

Evenflo includes with this response a CD, which sets forth the requested information in an Excel spreadsheet, entitled "PRODUCTION DATA." The CD itself is also labeled as "PRODUCTION DATA, REQUEST NO. 1."

Source of Information:

[REDACTED]

Last Date Information was Gathered:

This data was gathered over the course of last several weeks leading up to the date of this response. The information is accurate through March 27, 2014.

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 child seats:**

² The Embrace 35 is specifically designed to be removed from the vehicle via release of the restraint from its vehicle base--with the child remaining in his or her harness and contained within the child restraint. Accordingly, the harness crotch buckle is *not* unfastened when exiting the vehicle, in either emergency situations or everyday use.

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- a. Consumer complaints;**
- b. Reports from retailers or distributors;**
- c. Reports involving a crash, injury or fatality, based on claims against Evenflo involving death or injury, or notices received by Evenflo alleging or proving that a death or injury was caused by the alleged defect in [the] subject child seats; and**
- d. Lawsuits, both pending and closed, in which Evenflo is or was a defendant or codefendant.**

For subparts “a” through “c,” state the total number of each item (e.g., consumer complaints, reports from retailers, etc.) separately. Multiple incidents involving the same seat are to be counted separately. Multiple reports of the same incident are also to be counted separately.

In addition, for items “c” and “d,” 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.

Evenflo Response:

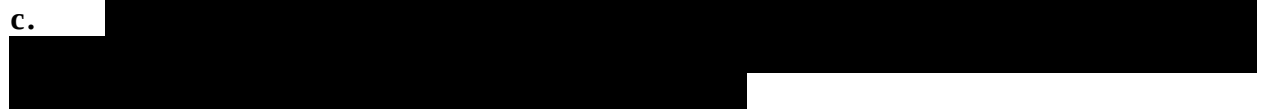
a.



b.



c.



d.



Source of Information:

Evenflo conducted a thorough search of its legal department files, quality alerts, retailer correspondence and consumer services databases in order to respond to Request No. 2.

Last Date Information was Gathered:

Evenflo gathered the majority of the data necessary to respond to this request over the course of the past several weeks. [REDACTED]

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 name;
- e. Car seat model number;
- f. Car seat model year;
- g. Car seat date of manufacture;
- h. Car seat type;
- i. Harness buckle/subject component part number;
- j. Incident date;
- k. Report of claim date;
- l. Whether the harness buckle was allegedly unable to be opened;
- m. Whether the harness was allegedly cut to facilitate removal of the child occupant;
- n. Whether Evenflo has possession of the subject child seat and/or harness buckle;
- o. Number of alleged injuries;
- p. Number of alleged fatalities;

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

Evenflo Response:

Evenflo includes with this response a CD, which sets forth the requested information in an Excel spreadsheet, entitled "REQUEST NO. 2 DATA." The spreadsheet contains a tab for each model prefix within the scope of this inquiry. The CD itself is also labeled as "REQUEST NO. 2 DATA."

Please note the following regarding certain categories of requested information:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Source of Information:

[REDACTED] In addition, the NHTSA complaint database and Evenflo's legal files were searched.

Last Date Information was Gathered:

See response to Request No. 2 for last dates information was gathered.

-
- 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.**

Evenflo Response:

Evenflo is producing copies of all records identified in response to Request No. 2 in three categories: (1) Complaints; (2) NHTSA complaints; and (3) Notices. [REDACTED]

These batches have been formatted to be searchable. The .pdf files are on CDs included with this response, entitled "REQUEST NO. 4 RECORDS."³

Source of Information:

In addition, relevant documents were gathered from the NHTSA complaint database and Evenflo's legal files.

Last Date Information was Gathered:

Copies of the consumer contact records have been assembled over the course of the last several weeks in preparation for production. Information from the NHTSA complaint database and Evenflo's legal files was last gathered on March 27, 2014.

5. State a total count for all of the following categories of claims, collectively, that have been paid by Evenflo that relate to, or may relate to, the alleged defect in the subject car 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, customer satisfaction campaign, or other such activity.

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

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

³ Only a confidential version of this CD is provided as this information resides in proprietary databases containing consumers' personal information.

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

Evenflo Response:

[REDACTED]

[REDACTED]

The available information responsive to the subparts of Request No. 5 is contained in an Excel spreadsheet, entitled "WARRANTY DATA." The spreadsheet includes a worksheet for each model prefix included in the scope of this inquiry (i.e., Symphony 345/346, Maestro 310, etc.). The spreadsheet is saved on a CD, which is entitled, "WARRANTY DATA, REQUEST NO. 5."

Source of Information:

The source of information for Evenflo's response to Request No. 5 is the collection of consumer complaint records assembled in response to Request Nos. 2, 3 and 4.

Last Date Information was Gathered:

See response to Request No. 2 regarding last dates that information was gathered.

6. Describe in detail the search criteria used by Evenflo to identify claims identified in response to Request No. 5, including labor operation, problem codes, part numbers and other pertinent parameters used. Provide a list of all labor operations, labor operation descriptions, problem codes, and problem code descriptions applicable to the alleged defect in the subject car seats. State the terms of the new child seats'

warranty coverage offered by Evenflo on the subject car seats (i.e., the number of months for which coverage is provided and the car seat systems that are covered). Describe any extended warranty coverage option(s) related to the alleged defect that Evenflo offered for the subject car seats and state the option, model, and model year, the number of car seats that are covered under such extended warranty.

Evenflo Response:

[REDACTED]

[REDACTED]

Source of Information:

In order to respond to this request, Evenflo reviewed the consumer records produced in response to Request No. 4.

Last Date Information was Gathered:

See response to Request No. 2 regarding the dates when information was last gathered.

-
- 7. Produce copies of all service, warranty and other documents that relate to, or may relate to the alleged defect in the subject car seats that Evenflo 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 communication to or for Evenflo customer service representatives, or consumers. Also include the latest draft copy of any of the described documents that Evenflo is planning to issue within the next 120 days.**

Evenflo Response:

Evenflo has provided consumers with two documents that may be responsive to Request No. 7:

- (1) Attached to this response as Exhibit A is a copy of the 90-day warranty Evenflo provided with the subject car seats.

■ As a supplement to the instruction manuals, Evenflo provided consumers of the subject car seats an instruction sheet regarding operation of the subject buckle and cleaning of the subject buckle. A copy of this supplemental instruction is attached to this response as Exhibit B. ■

Evenflo has not yet provided any communications regarding the subject buckles to its retailers or distributors. The retailer notice and the retail poster provided in connection with Evenflo's contemporaneously filed Part 573 report about the convertibles car seats and harnessed boosters will be provided to its retailers at the appropriate time.

Source of Information:

The sources of this information are the Evenflo instruction manuals provided with the subject car seats, as well as supplementary instructions. Also, Evenflo reviewed its retailer communications in connection with the Part 573 report.

Last Date Information was Gathered:

The information responsive to this Request No. 7 was last gathered on March 27, 2014.

8. Describe all assessments, analyses, tests, test results, studies, surveys, simulations, investigations, inquiries and/or evaluations (collectively, "actions") that relate to, or may relate to, the alleged defect in the subject car seats that have been conducted, are being conducted, are planned, or are being planned by, or for, Evenflo. For each such action, provide the following information:

- a. Action title or identifier;**
- b. The actual or planned start date;**
- c. The actual or expected end date;**

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- d. Brief summary of the subject and objective of the action;**
- e. Engineering group(s)/supplier(s) responsible for designing and for conducting the action; and**
- f. A brief summary if the findings and/or conclusions resulting from the action.**

Evenflo Response:

- **Returned subject buckle inspections by Evenflo:**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- **Returned Subject Buckle Analysis by AmSafe, Manufacturer of the Subject Buckle:**

[REDACTED]

[REDACTED]

Source of Information:

[REDACTED]

Last Date Information was Gathered:

The last date information was gathered to respond to Request No. 8 was March 27, 2014.

9. Describe all modifications or changes made by, or on behalf of, Evenflo in the design, material composition, manufacture, quality control, supply, or installation of the subject components, from the start of production to date, which relate to, or may relate to, the alleged defect in the subject car seats. For each such modification or change, provide the following information:

- a. The date or approximate date on which the modification or change was incorporated into car seats production;**
- b. A detailed description of the modification or change;**
- c. The reason(s) for the modification or change;**
- d. The part numbers (service and engineering) of the original component;**
- e. The part number of the modified component;**
- f. Whether the original unmodified component was withdrawn from production and/or sale, and if so, when;**

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- g. When the modified component was made available as a service component; and**
- h. Whether the modified component can be interchanged with earlier production components.**

Also, provide the above information for any modification or change that Evenflo is aware of which may be incorporated into car seats production within the next 120 days.

Evenflo Response:

[REDACTED]

[REDACTED]

[REDACTED]

Source of Information:

[REDACTED]

Last Date Information was Gathered:

[REDACTED] on March 28, 2014.

-
- 10. Provide the exploded view drawing of the subject components[,] identifying by name and part number all of its component parts, Separately, for each part, discuss its function in the operation of the**

buckle and its interaction with the other buckle component parts. Also provide engineering specification drawings for the subject components.

Evenflo Response:

[REDACTED]

Source of Information:

[REDACTED]

Last Date Information was Gathered:

The information responsive to Request No. 10 was last gathered on March 27, 2014.

11. Provide matrix (summary table) for all unique design levels of the subject components, which should include all part numbers, supplier identification information (name, address, part number, etc.), dates of component manufacture, and application by car seat model[,] including the period/dates of production usage for each car seat model identified.

Evenflo Response:

The supplier of the subject buckle is:

AmSafe Commercial Products, Inc.
22937 Gallatin Way
Elkhart, IN 46514.⁴

[REDACTED]

⁴ [REDACTED]

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[REDACTED]

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Source of Information:

[REDACTED]

Last Date Information was Gathered:

The last date information was gathered to respond to this Request No. 11 was March 27, 2014.

12.Furnish Evenflo's assessment of the alleged defect in the subject car 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;
- e. What warnings, if any, that the alleged defect was occurring or that the subject component was malfunctioning; and
- f. The reports included with this inquiry.

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Evenflo Response:

[REDACTED]

[REDACTED]

[REDACTED]

5 [REDACTED]

6 [REDACTED]

April 2, 2014

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

April 2, 2014

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[illegible][illegible]

[illegible]

The last date information was gathered to respond to Request No. 12 was March 31, 2014.

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