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 Evenflo Car Seats

Date: September 19, 2014

From: Frank Borris, Director
Office of Defects Investigation

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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, September 23, 2014, to review a safety defect investigation regarding the harness buckles in approximately 330,000 Embrace Rear Facing Infant (RFI) car seats manufactured by the Evenflo Company, Inc. (Evenflo). 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 Evenflo. The meeting will be held in conference room W43-102, at 2:00 pm and will last for approximately one hour. 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 Preliminary Evaluation (PE) 14-003 on January 31, 2014 and focused on 2011 through 2013 model year Evenflo Chase, Maestro, Secure Kid, and Titan model convertible and harness booster car seats. These car seats were produced using the same harness buckles manufactured by AmSafe Commercial Products, Inc. (AmSafe) that were recalled by Graco Children's Products, Evenflo, and Baby Trend earlier this year.

The 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. On April 2, 2014, Evenflo notified the agency that it would conduct a safety recall of

1,368,649 convertible and harness booster car seats. Although Evenflo had complaints on the Embrace car seats they were excluded from the recall (please see safety recall 14C-003 for details of Evenflo's recall action). The investigation was upgraded to Engineering Analysis, EA14-003, on July 7, 2014 to focus on the Embrace car seats excluded from the safety recall.

It is Evenflo's conclusion that the buckle problem being investigated in RFI seats is not safety-related because, unlike convertible and booster car seats, the RFI seat is designed to be removed from the vehicle and can be easily removed in emergency situations. Further, it is Evenflo's position that it is providing "exceptional service to consumers" by "trouble shooting or sending new buckles" on a case by case basis and no further action is warranted by the company or the agency.

The AmSafe Buckles

AmSafe is a provider of safety restraint products to various industries and manufactures harness buckles for child seat applications. AmSafe supplied harness buckles identified as QT1(early version) and QT3 (modified version) to Graco, Evenflo, and Baby Trend.

Graco Recall

On February 7, 2014, Graco submitted a Defect Information Report (DIR) to recall 3,773, 379 convertible and harness booster seats produced with the buckles described above. On March 7, 2014, Graco amended the DIR adding an additional 403,222 toddler and booster seats in the recall. Please see safety recall 14C-001 for details related to the recall.

On June 27, 2014, Graco submitted a second DIR recalling 1,910,102 RFI car seats produced with the QT1 buckle. This DIR also stated that Graco would conduct a Customer Satisfaction Campaign (CSC) to replace the Signature and QT3 buckles used on the non-recalled RFI models for the useful life of the car seat (seven years from the date of manufacture). Under the CSC, users of the non-recalled car seats can obtain a replacement buckle, free of charge, should they have a concern with their buckle. In addition to the approximately 6.1 million recalled car seats, the CSC covers approximately 2.3 million RFI car seats. Please see safety recall 14C-004 for additional details of the recall and CSC.

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

Baby Trend Recall

On March 26, 2014, Baby Trend, Inc. submitted a DIR recalling 16, 655 convertible car seats produced with the QT1 buckle.

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 Evenflo'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 Evenflo 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.