

# FOREST RIVER, INC. – WRITTEN PROCEDURES FOR SAFETY ACT COMPLIANCE (MARCH 2018)

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## **PART 1: INTRODUCTION**

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### **A. SCOPE AND PURPOSE**

Forest River is committed to ensuring the safety of our customers in every product we make. To help us achieve that goal, Forest River has developed these Written Procedures for Safety Act Compliance (“Written Procedures”). The Written Procedures are Forest River’s formal processes for identifying, analyzing and taking appropriate action on items that may create potential safety issues that impact our customers and for meeting our responsibilities under the National Traffic and Motor Vehicle Safety Act (“Safety Act”).

Forest River intends these Written Procedures to be a “living document” and we may continue to supplement and/or revise the procedures over time and as the need arises.<sup>1</sup> Forest River’s outside legal counsel, along with the Director of the Office of Corporate Compliance, will review the Written Procedures in January of each year to determine whether supplementation or revisions are necessary. Any and all supplements to or revisions of the Written Procedures must be approved by majority vote of the Corporate Committee.

All Forest River employees whose responsibilities relate in whole or in part to the Safety Act are expected to read, understand and follow the Written Procedures. Any deviations from these Written Procedures must be immediately reported to Forest River’s Director of the Office of Corporate Compliance. Any questions concerning the Written Procedures should be directed to your immediate supervisor or to the Director of the Office of Corporate Compliance.

### **B. DEFINITIONS**

#### **Forest River Corporate Definitions**

**The Office of Corporate Compliance (OCC)** – In these Written Procedures, the “Office of Corporate Compliance” consists of the Director of the OCC and a staff of Compliance Associates. It is anticipated that as the Written Procedures are implemented and needs are further assessed, the OCC may add to its staff individuals who have training or background in engineering. Any tasks to be carried out by the Director of the OCC may be delegated to a member of the OCC staff at his discretion.

The OCC is Forest River’s central office with day-to-day responsibility for ensuring Forest River meets its obligations under the Safety Act by, among other things, filing reports, administering recalls and responding to inquiries from the National Highway Traffic Safety Administration (NHTSA). The OCC is responsible for keeping Forest River Senior Management informed of actions the company is taking to ensure the safety of its customers by addressing potential safety concerns through the Quarterly Safety Review (discussed below) and through regular communication with management. The OCC also is responsible for assisting the divisions in

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<sup>1</sup> The Written Procedures will be recirculated to employees as they are updated.

identifying potential safety-related issues, participating in technical investigations and presenting the issues for decision to the Forest River Corporate Committee. The OCC is Forest River's clearinghouse for information that may involve potential safety-related defects and other information reportable under the Safety Act.

The recently developed OCC has the full support of Forest River management and, if needed, the Director of the OCC as direct access to Forest River's CEO. It is expected that all employees will cooperate fully with any request for information made by the OCC or its staff.

**Corporate Committee** – The Corporate Committee is responsible for all technical investigations, including all defect and noncompliance determinations that will result in a safety recall and matters that may result in a field action. The Corporate Committee will meet on a weekly basis and may convene a special meeting if required by the circumstances.

The Corporate Committee is currently comprised of the following members: (1) Chief Corporate Engineer, (2) Director of Corporate Quality, (3) Chief Ethics and Compliance Officer, (4) Director of Owner Relations, and (5) at least one Division General Manager of one or more production facilities. The Corporate Committee also includes at least one alternate member who will serve as a voting member in the event a quorum is not reached at a particular meeting. Forest River's outside legal counsel serves as the chair of the committee and will only vote on an issue in the event of a tie. There must be a quorum of at least a majority of voting members in order to take action on a matter.

The Corporate Committee follows the "Corporate Committee Rules of Procedure" during all committee meetings. A copy of the rules of procedure is attached to these Written Procedures.

**General Manager** – In these Written Procedures, the term "General Manager" means the Forest River employees who are members of Forest River's Finance Committee and oversee multiple divisions or Business Units. There are currently seven General Managers that oversee divisions with products (motor vehicles) that fall within the oversight of the National Highway Traffic Safety Administration (NHTSA).

**Division General Manager** – In these Written Procedures, the term "Division General Manager" means those Forest River employees who oversee a Forest River motorized or trailer division. There are currently more than 40 Division General Managers (and approximately 75 divisions) located throughout the country. One of the key responsibilities of the Division General Managers is to take accountability for the information provided in the "Division GM Report" (described below) and submitted to the OCC. Forest River's Division General Managers may delegate discrete tasks, but the Division GM remains accountable for this information. The Division GM Report must be completed and provided to the Director of the OCC no later than the 3<sup>rd</sup> business day of the month for the previous month.

**Pre-Delivery Inspection (PDI)** – The “Pre-Delivery Inspection” division is comprised of the Director of Corporate Quality and his staff. PDI is responsible for overseeing the divisions’ manufacturing processes and identifying and helping correct any potential safety and/or quality issues observed during the production process. PDI also creates a checklist (“PDI 100% checklist”) for each plant, which identifies Recreational Vehicle Industry Association code deviations, repetitive issues, recalls, or Technical Service Bulletins (“TSBs”). The plant must review each vehicle for all of the items identified on the PDI 100% checklist. As described below, PDI will regularly communicate with the OCC on issues that may involve a potential safety defect or noncompliance.

**Warranty Claims Processors** – Warranty Claims Processors in the individual business units are responsible for handling and documenting telephone complaints and logging the complaints into Forest River’s “VIN Note” system. A “VIN Note” is a file in Forest River’s warranty database assigned to each vehicle manufactured by Forest River. These VIN Notes include various types of information about the vehicle, including information related to service, repairs, and complaints.

### **Definitions Under the Safety Act**

**Claims and Notices of a Death or Injury** – The term “Claims and Notices of a Death or Injury,” is defined consistently with 49 C.F.R. § 579.4. A claim includes a written demand for relief alleging a Forest River product contained a defect that led to a death or injury. Examples of claims include lawsuits, written demands for compensation or relief. A document meeting these criteria is considered a “claim” regardless of the truth or veracity of the allegation. A notice is a written document (other than a media article or from NHTSA) that alleges a defect in a Forest River product that led to a death or injury. Claims and Notices of a Death or Injury received directly by a business unit or any location other than the Risk Management department are to be logged on an incident report and forwarded to the Division General Manager, the Risk Management Director, and the Director of the OCC immediately upon receipt. Claims and Notices of a Death or Injury received by the Risk Management department are saved, logged on a monthly report, and forwarded to the Director of the OCC.

**Consumer Complaints** – The term “Consumer Complaints,” consistent with 49 C.F.R. § 579.4, is a communication of any type, written or oral, made by a person to Forest River in a place that receives consumer inquiries or complaints and that expresses dissatisfaction with or the performance of a Forest River product. A Consumer Complaint also includes a consumer’s description of a potential or actual defect with a Forest River vehicle or an item of equipment that was not manufactured by Forest River but installed in a Forest River vehicle when originally delivered to a consumer.<sup>2</sup>

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<sup>2</sup> In this context, “consumer” means the first purchaser for purposes other than resale.

**Customer Notification Campaign** – The term “Customer Notification Campaign” is a notification to a Forest River owner or purchaser of Forest River’s program to conduct a service campaign on a Forest River vehicle that does not involve a formal recall pursuant to the Vehicle Safety Act.

**Defect** – The term “defect” is consistent with the Safety Act and means “any defect in performance, construction, a component, or material or a motor vehicle or motor vehicle equipment.” 49 U.S.C. § 30102(a)(2). Although it does not typically include normal wear and tear, the term “defect” does include failures occurring as a result of normal operation, including those occurring as a result of foreseeable owner abuse. Most defects involve broken parts, deviations from specifications, software glitches or other flaws, mistakes or unintended results. A defect may also include a “malfunction” which is defined consistent with 49 C.F.R. § 576.8, and includes any flaw in performance or deviation from design specification that could result in a reasonably foreseeable safety consequence.

**Field Communication** – The term “field communication” means any external communication sent by Forest River to more than one manufacturer, distributor, dealer, owner or purchaser of a Forest River vehicle in the United States concerning a Forest River vehicle when the subject matter is not related to a defect.

**Field Reports** – The term “Field Reports,” defined consistently with 49 C.F.R. § 579.4, are written communications from a Forest River employee in the field concerning the failure, malfunction, lack of durability or performance problem of any Forest River vehicle. Forest River’s Field Reports are based on a standard template. Field Reports are sent directly to the Division General Manager with a copy to the Director of the OCC and the head of PDI by the Forest River field representative after completion.

**Five-Day Rule** – In the Written Procedures, a Part 573 Report must be filed with NHTSA no later than five business days from the date on which the company decided that a defect or noncompliance exists. Normally, that point is the Corporate Committee meeting. The Five-Day Rule effectively requires that the company detect, investigate and reach resolution expeditiously and without significant gaps in time. At each point in the investigation process, the company should be able to articulate why additional information, testing, analysis or evaluation is necessary to be able to determine whether or not there is a defect and/or whether or not it is safety-related. The Part 573 letter includes a section where the company must describe the dates and steps taken to investigate and make the requisite safety defect determination.

**Foreign Safety Campaign** – The term “Foreign Safety Campaign” means any safety related activity or program concerning a Forest River vehicle that is conducted in a country outside of the United States regardless of whether the program would be conducted as a “recall” under 49 C.F.R. Part 573 if conducted within the United States.

**IR Letter/ Information Request Letter** – The term “IR Letter” refers to a document issued by NHTSA during the course of a formal investigation. An IR Letter seeks information NHTSA believes is pertinent to a defect or noncompliance investigation. Responses to an IR Letter have a firm due date, unless the agency agrees to an extension of that deadline.

**Malfunction** – The term “malfunction” is defined consistent with 49 C.F.R. § 576.8, and includes any failure beyond normal deterioration in use or any flaw in performance or deviation from design specification that could result in a reasonably foreseeable safety consequence.

**Noncompliance** – A noncompliance is a failure to meet one or more of the requirements of the Federal Motor Vehicle Safety Standards (FMVSS). A noncompliance may be deemed “inconsequential to motor vehicle safety” upon petitioning NHTSA for such treatment. The company must first declare a noncompliance to exist and then petition for inconsequential treatment. Should NHTSA grant such a petition, Forest River would be relieved of the obligation to conduct a safety recall to remedy the noncompliance, but the prohibition against selling or placing any such vehicles into interstate commerce remains. A noncompliance determination must be made with regard to any noncompliance; the volume of potentially impacted vehicles is not relevant to the requirement to report a noncompliance.

**Opening Resume** – An “Opening Resume” is a document issued by NHTSA indicating the opening of a formal safety investigation. An Opening generally contains a summary of the alleged defect being investigated, the model years the agency has initially identified and may contain other information that led to the investigation, for example, counts of consumer complaints, injuries, fatalities or crashes.

**Potential Safety Issue** – A potential safety issue includes any issue that has a potential to pose a safety consequence, regardless of the likelihood that the final investigation may result in a safety recall. A potential safety issue may be concluded through a decision to conduct a safety recall, a decision to conduct a service campaign, a decision to monitor the issue further or a decision to close the issue.

**Property Damage Claims** – The term “Property Damage Claims,” consistent with 49 C.F.R. § 579.4, are documents, including lawsuits, alleging damage to physical property or real property due to a failure of a component or system in a Forest River product. Property Damage Claims received by a business unit or location within the company other than the Risk Management Department are to be logged on an incident report and forwarded to the Division General Manager, the Risk Management Director, and the Director of the OCC immediately upon receipt. Property Damage Claims received by the Risk Management department are saved, logged on a monthly report, and forwarded to the Director of the OCC.

**Record** – The term “Record” is broadly defined, consistent with 49 C.F.R. § 576.6, and includes: (1) physical “hard-copy” documents (both original and copies) and (2) electronically stored

information such as e-mail, electronic documents, PDF files, data files, spreadsheets, video recordings, audio recordings and web files. Forest River's records that relate to alleged and proven defects (both safety and non-safety related) and malfunctions must be retained.

**Special Order** – A “Special Order” is an information request issued by the NHTSA Office of Chief Counsel. A Special Order has the legal authority of a subpoena.

**Substantially Similar Vehicle** – The term “Substantially Similar Vehicle,” consistent with 49 C.F.R. § 579.4, means any vehicle sold or in use in the United States which is also sold in Canada or certified to comply with the Canadian Motor Vehicle Safety Standards (CMVSS) or uses the same vehicle platform as a vehicle sold or offered for sale outside the United States.

**Technical Service Bulletin** – The term “technical service bulletin” means any external communication sent by Forest River to more than one manufacturer, distributor, dealer, owner or purchaser of a Forest River vehicle in the United States concerning a defect regardless of whether it is related to motor vehicle safety.

**Unreasonable Risk to Safety** – A defect must pose an unreasonable risk to safety to trigger a safety recall. A manufacturer is required to recall if there are failures giving rise to an unreasonable risk to safety even if the manufacturer has not yet identified the root cause or a remedy for the defect. In determining whether or not there is an unreasonable risk to safety, the manufacturer will typically consider: (1) the severity of the potential harm resulting from the recall, (2) the occurrence rate (that is, the ratio of the number of reported failures as a function of the total production volume; rate analyses are most typically conducted with regard to warranty rates and customer complaints), and (3) how detectable the issue is before a safety risk arises.

**Warranty Claims** – The term “Warranty Claims,” consistent with 49 C.F.R. § 579.4, means any claim paid by Forest River pursuant to one of its warranty programs, extended warranty programs or through an offer of goodwill which are not related to a safety defect or noncompliance that has been reported to NHTSA.

## **PART 2: ROLES AND RESPONSIBILITIES OF FOREST RIVER EMPLOYEES UNDER THE WRITTEN PROCEDURES**

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### **A. THE OFFICE OF CORPORATE COMPLIANCE**

The OCC is responsible for ensuring Forest River complies with the requirements of the Safety Act and associated regulations by, among other things, filing reports, administering recalls and responding to inquiries from NHTSA. The Director of the OCC is generally responsible for keeping Forest River Senior Management informed of actions the company is taking to ensure the safety of its customers by appropriately and timely addressing potential safety concerns. The OCC is Forest River's clearinghouse for information that may involve potential safety-related defects and other information reportable under the Safety Act.

Under the Written Procedures, the OCC is responsible for the following subject areas:

#### 1. Identification of potential safety-related issues:

- Analyzing Division GM Reports;
- Analyzing information about potential safety-related defects or noncompliances received from manufacturing plants and suppliers;
- Preparing a Quarterly Safety Review for the General Managers;
- Conducting partner supplier meetings and audits with an emphasis on suppliers of critical components;
- Reviewing other Recreational Vehicle and trailer manufacturers' recalls and service campaigns which may involve components also utilized by Forest River (if known);
- Compiling and analyzing retail customer VOQs
- Analyzing input received from PDI;
- Analyzing information received from the Forest River Safety Program;
- Analyzing information received from Warranty Software (when software becomes available); and
- Monitoring of NHTSA investigations involving equipment, parts and chassis used by Forest River.

## 2. Investigation of potential safety issues:

- Tracking potential safety-related issues on the internal investigation tracking template and maintaining current information;
- Communicating directly with manufacturing plants to obtain information on potential safety-related issues and noncompliances identified at the plant;
- Determining, in cooperation with the Division General Manager of the division, whether a Technical Team is necessary to further investigate an issue;
- Conducting partner supplier meetings and engaging partner suppliers in the investigative process; and
- Participating in technical investigations of potential safety issues and presenting issues for decision to the Corporate Committee.

## 3. Corporate decision making process:

- Attending all meetings of the Corporate Committee, responding to their questions and making recommendations to the Corporate Committee on the disposition of issues;
- Working with divisions and the Corporate Committee to determine whether a field communication or technical service bulletin is appropriate;
- Advising the Corporate Committee that the company will re-notify consumers of a recall; and
- Maintaining the minutes of all committee meetings and tracking all decisions made by the Corporate Committee and maintaining an investigation file that includes records of the investigative and decision making process (“Investigation File”).

## 4. Interfacing with NHTSA:

- Filing reports and providing other information with NHTSA on a timely basis during the course of a recall, investigation or in response to other reporting requirements;
- Communicating with NHTSA and/or consulting with outside legal counsel as necessary and maintaining copies of all written communications to NHTSA;

- Participating in regular periodic meetings with NHTSA’s Office of Defects Investigation (ODI) to discuss potential safety-related issues or other items;
- Reviewing information for Part 566 filings annually to ensure the accuracy and completeness of the information being reported to NHTSA.
- Submitting EWR reports under the TREAD Act

5. Managing the Property Damage, Death, or Injury Internal Process (see also OCC’s Property Damage, Death or Injury Internal Process located on F.R.E.D. under the header “Safety and Quality Resources”)

- Logging and analyzing incident reports from the divisions reporting a property damage, death, or injury complaint, as well as logging and internally filing property damage, death, or injury complaints from Division GM Reports (as defined below) and the Risk Manager’s Monthly Report (as defined below);
- Conferring with Forest River’s liability insurer at the close of each quarter to obtain copies of all property damage, death, and injury claims and notices, and cross checking that information with the claims and notices logged from incident reports, Division GM Reports, and the Risk Manager’s Monthly Report.

**B. DIVISION GENERAL MANAGERS**

**Division General Manager Report:** One of the key tools Forest River will use to assist the company in identifying potential safety issues and other categories of reportable information is the Division General Manager Report (“Division GM Report”). The Division GM Report is based upon the premise that the Division General Manager is accountable for the affairs of his division and for reporting to the OCC with regard to information pertinent to potential safety issues. The Division GM Report is expected to uncover issues at the Business Unit level and provide a mechanism through which the OCC is made aware of any potential-safety related issues, or other reportable information at regular intervals, or sooner, if warranted by the situation.

The Division General Manager is responsible for investigating and confirming whether certain categories of information exist for his Business Unit by answering a series of targeted questions on the report template. The Division General Manager should use the information already being received from division staff at the division’s warranty meeting as the basis for some portions of the Division GM Report. The Division General Manager, or his designee, may have to investigate matters related to other categories of information beyond the warranty meetings.

Forest River's Division General Managers may delegate discrete tasks, but the Division GM remains accountable for this information. The Division GM Report must be completed and provided to the Director of the OCC no later than the 5th business day of the month for the previous month. Depending on the facts of the particular situation and the potential severity of the risk, the Division General Manager should use his best judgment and bring issues forward as they arise and should not wait until the Division GM Report is submitted.

Following the submission of the Division GM Report, the division may be asked to supply additional data or information to the Office of Corporate Compliance related to the issue or concern. The division representative responsible for providing the information should ensure that the data is provided as soon as reasonably possible following the request.

The GM Report will also include a field for the names of all new hires in the division that require training on TREAD Coding and Forest River's safety investigation processes. These positions typically consist of: General Managers, Division General Managers, Warranty Managers, Warranty Representatives, Engineers and Pre-Delivery Inspection. The OCC Director will ensure that new hires receive appropriate training within a reasonable period of time after starting in their role.

**Warranty Claim Meetings.** Division General Managers typically meet with their staff on a regular basis (weekly meetings are recommended) to discuss warranty claims and observable trends. The Division General Managers will inquire at each meeting about the top five warranty claims for the week. Any other potential safety or quality related issues that may give rise to a field action such as a Technical Service Bulletin (TSB), top five consumer complaints, field reports, foreign field actions, input from PDI and other pertinent information should also be discussed at the weekly meeting.

### **C. GENERAL MANAGERS**

**Quarterly Safety Review.** The General Managers for each Business Unit, or his designee, will review all safety and potential-safety items affecting Forest River on a quarterly basis. The Director of the OCC is responsible for preparing a presentation for the Quarterly Safety Review. The Quarterly Safety Review is intended to make all General Managers aware of the issues affecting the company as a whole, to share information among upper management and forward issues to the Corporate Committee, if needed.

The Quarterly Safety Review will include the following topics:

1. A full warranty trend report across all Forest River motorized and trailer divisions for TREAD reportable issues;

2. The aggregate number of customer complaints associated with each TREAD reporting category and any observable trends;
3. A review of all safety recalls conducted during the quarter and description of the safety consequence identified with each;
4. A review of all field actions conducted during the quarter;
5. A review of all investigations that were opened or closed during the quarter;
6. Any concerns regarding safety or potentially safety-related issues that have arisen over the quarter (based on the Division GM Reports or other information) which include, at a minimum: fires (including smoking or melting), brakes, loss of motive power (including stalling or towing), loss of steering (including loss of power assist), structural issues and tire problems; and
7. Any other concerns or questions presented by a General Manager.

#### **D. PRE-DELIVERY INSPECTION**

**Review by Pre-Delivery Inspection.** One or more members of Forest River's PDI team will make regular, unannounced visits to each of the plant manufacturing facilities. The purpose of the PDI visits is to provide a "second set of eyes" during the manufacturing stage and to identify and rectify any potential safety or quality issues on the spot and early in the manufacturing process. PDI will report any potential safety issues to the Division General Manager and the Director of the OCC as they arise. PDI will incorporate issues that have been subject to a NHTSA recall into the PDI 100% Checklist. Issues remain on the 100% Checklist for 90 days. If the issue is not observed during the 90-day period, the issue comes off the 100% Checklist. If the issue is observed at any point during the 90-day period, the 90-day clock starts again.

#### **E. THE CORPORATE COMMITTEE**

**Decision Making Authority.** The Corporate Committee is the body authorized to make decisions on whether to conduct safety recalls or field actions. The Corporate Committee is currently comprised of: (1) Chief Corporate Engineer, (2) Director of Corporate Quality, (3) Chief Ethics and Compliance Officer, (4) Director of Owner Relations, and (5) at least one Division General Manager of one or more production facilities.

The Corporate Committee will review the following:

1. Potential TSBs to confirm that the underlying issue does not pose an unreasonable risk to safety and that the potential consequence of the defect giving rise to the TSB is appropriately described;
2. All investigations into potential safety issues that have not been resolved within 60 days of having first been placed onto the tracking list;
3. All investigations and recommendations brought forward by the Director of the OCC for final determination; and
4. The status of each open investigation and each investigation that is in a “monitoring” status and any open TSB or Customer Notification Campaign if brought forward by the Director of the OCC for further review.

The Corporate Committee can decide to perform one the following, as appropriate:

1. A safety recall;
2. A TSB or Customer Notification Campaign;
3. Further monitoring of the potential safety issue; or,
4. Close an investigation.

Prior to each meeting of the Corporate Committee, the OCC Director will develop and circulate an agenda which includes the topics for review during the meeting as well as any background and investigative materials for the committee’s review prior to the meeting. The agenda will be circulated in advance of the committee meeting so that committee members may review and formulate questions prior to the meeting. The agenda will include all issues where the technical investigation is at a point where the issue is ready for a decision by the committee, all investigations that remain in “open” status for 60 days or more and a list of all new open investigations and status updates on investigations where investigative activity has occurred since the last meeting.

During each Corporate Committee meeting, the Director of the OCC will advise the committee of the following: (1) review the committee’s decisions from the prior meeting, (2) inform of the status of recall filings or TSB submissions since the last meeting, (3) advise the committee of the opening of any new internal investigations and investigation status updates, (4) advise the committee of any communications (verbal or written) that have taken place with the agency since the last meeting and (5) information received from suppliers involving a potential safety or quality concern.

For any issues where the Corporate Committee decides to initiate a field action (i.e. a TSB or safety recall), the OCC Director will communicate that decision with the affected division(s). The division(s) will take the lead in developing the remedy procedure and associated documentation and submit the remedy information to the OCC Director for review and submission to NHTSA as required.

#### **F. RISK MANAGEMENT DEPARTMENT**

Forest River's Risk Management Department is responsible for providing accurate and timely information to the OCC concerning property damage claims and claims and notices alleging a death or injury in a Forest River product and maintaining records related to the claims and notices. The Risk Management Department is also responsible for providing a monthly risk management report ("Risk Manager's Monthly Report") of property damage, death, and/or injury notices, claims/complaints to the OCC (due no later than the 5<sup>th</sup> day of the month for the previous month).

## **PART 3: IDENTIFICATION AND INVESTIGATION OF POTENTIAL SAFETY ISSUES AND INTERNAL DECISION MAKING PROCESS**

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### **IDENTIFICATION AND INVESTIGATION OF POTENTIAL SAFETY ISSUES**

#### **SCOPE:**

Forest River is committed to the early detection, investigation and resolution of potential safety-related issues. This section of the Written Procedures outlines Forest River's processes for detecting and investigating potential safety issues and for making determinations with regard to such issues.

Forest River is establishing a multi-step process to investigations and decision-making. PDI will make regular visits to the plants to oversee production and to assist in identifying potential safety issues at an early juncture. Once a potential safety issue is identified, the OCC, in conjunction with technical experts, will have the primary responsibility to investigate the issue expeditiously and thoroughly. If required by the complexity of the issue or circumstances, a designee from the OCC will work cooperatively with personnel identified from the Business Unit, who will form a Technical Team responsible for the investigation. The Business Unit will identify the appropriate member(s) of the Technical Team based on the facts and circumstances of the investigation and the technical expertise needed. Each investigation must be reviewed monthly with the Director of the OCC. If not resolved within 60 days, the issue must be reviewed by the Corporate Committee.

#### **DETECTION OF POTENTIAL SAFETY ISSUES**

Forest River will use the following sources of information and processes to detect potential safety-related issues (some described in detail in Part 2, above):

- Division GM Report
  - Warranty Claim Meetings
  - Quarterly Safety Review
  - Review by PDI
  - Review of other manufacturer recall activity if a common component is used
- “Forest River Safety” Program. Forest River is establishing a program called “Forest River Safety,” through which any employee can anonymously report a concern or potential safety issue. Employees can leave confidential and anonymous information at any time by calling 1-800-261-8651 or by reporting issues online at [www.brk-hotline.com](http://www.brk-hotline.com). Forest River management favors and encourages the raising of potential safety concerns, either directly or through the anonymous program. All new employees are informed of the Forest River Safety

Program during the on-boarding process as well as during annual training. Posters advising of the Forest River Safety Program and ways to contact the hotline will be displayed in common areas throughout the Forest River facilities.

- Supplier Communications. Forest River is developing a corporate policy that establishes Forest River's expectations for its suppliers concerning record retention and providing information to Forest River on potential safety-related issues. The expectations set out in the corporate policy will be provided to each supplier on a periodic basis. In addition, the OCC may meet with individual suppliers as needed and if issues arise that concern that supplier with an emphasis on those suppliers of critical components. As part of the corporate policy, each supplier will be directed to: (1) maintain records related to warranty claims, customer complaints, field communications, testing, or possible malfunction, defect or noncompliance; (2) communicate with Forest River and provide documentation related to safety recalls and field actions involving equipment installed in a Forest River vehicle at the time it was originally manufactured; (3) produce records related to NHTSA quarterly reporting; and (4) supply up-to-date vendor contact information.

- Specialized Warranty Software. Forest River is exploring the procurement of specialized software with barcode scanner capabilities that will allow the company to track components containing serial numbers manufactured by suppliers that are installed in Forest River vehicles at the time it is originally delivered to a consumer. It is anticipated that the scanning software will populate a word-searchable database that will tie the component serial number to the VIN. With this software in place, Forest River would be able to track warranty claim trends and precisely define recall populations. Forest River's management is currently considering procuring this software in conjunction with the larger reconfiguration of the company's IT system.

- Evaluation of NHTSA Vehicle Owner Questionnaires (VOQs) – A member of the OCC staff will monitor and download VOQs submitted to NHTSA on a weekly basis and the OCC will review and evaluate VOQs. The OCC will forward the VOQs to the affected division for its review. The division will work with the OCC Director to determine whether an internal investigation should be initiated.

#### **INFORMATION GATHERING AND EVALUATION OF POTENTIAL SAFETY-RELATED ISSUES**

1. All product related issues brought to the attention of the Office of Corporate Compliance through a GM Report or any other source will be included on the OCC Evaluation Log for further review. Typically, issues that will be placed on the Evaluation Log will have the potential to impact a safety-related concern, compliance with the FMVSS or product durability or quality.
2. The OCC Director and staff will meet on a regular basis to review the status of all issues included on the Evaluation Log to determine whether the concern has a potential safety

impact or noncompliance or affects the product's quality/durability. For all issues where one of these areas is identified and/or additional information from the plant is needed to evaluate the concern, the OCC will issue an Information Request (IR) to the division. The IR is based on a standard form and will include the name and contact information for the point of contact at the division. The Evaluation Log will include information on all issues reported to the OCC, regardless of whether the issue is elevated for further investigation or the matter is closed without additional investigation.

3. The OCC Director and staff will evaluate the responses to the IR and if based on that information it appears that there is a reasonable possibility that the issue involves a potential risk to safety, FMVSS violation, or lack of durability or quality issue, the issue is moved to the Research Log. Once moved to the Research Log, the division will be issued a Preliminary Evaluation (PE) report to complete. The PE report seeks additional input from the division on the issue.
4. Based on the information received in the PE report, the OCC Director will determine whether the issue is placed on the Corporate Committee meeting agenda for that week or will advise the committee of the status of the concern if the technical investigation of the issue is not complete and in a posture that is ready for a committee decision.
5. OCC will communicate directly with the division outside of the process of the IR and PE for any issues that appear to need to be immediately escalated to evaluate a potential safety concern.
6. The OCC will directly elevate any issue that has the reasonable potential to create an immediate safety concern to the attention of the Director of Corporate Quality as soon as possible.
7. Detailed written processes for the steps described above are available from the OCC Director who will revise and update the processes as necessary.

#### **INVESTIGATIONS OF POTENTIAL SAFETY-RELATED ISSUES**

1. Once a potential safety issue has been identified, the issue will be tracked on the investigative tracking sheet. The tracking sheet will be made available to all General Managers, the members of the Corporate Committee and legal counsel (currently the law firm of Taft, Stettinius and Hollister, LLP).

2. If it is determined that a Technical Team is necessary, the team will consist of a staff member of the OCC and one or more staff members of the Business Unit. The OCC staff member will be responsible for maintaining the documentation related to the investigation; the Business Unit members will be responsible for collecting data and conducting any testing or

evaluation necessary. Each Technical Team will be comprised of personnel with particular technical expertise with regard to the potential safety concern and/or the way in which the product is used in the field.

3. The purpose of the Technical Team is to assess and provide the technical analysis of the potential safety concern and to evaluate the possible consequences of the concern in the field. The Technical Team will report to the Director of the OCC, who will in turn make a recommendation to the Corporate Committee with regard to the disposition of the issue. The Technical Team will use the internal investigation template for investigating and presenting the matter to the Corporate Committee.

4. To the extent the safety concern involves a potential defect in a part or component, the Technical Team may involve the supplier in the investigation. If the supplier informs Forest River that a defect or noncompliance exists in a part or component supplied by that supplier, the Director of the OCC will enter that potential safety issue on the tracking sheet and will investigate the extent to which a field action is required in the same manner. The Corporate Committee will be made aware of each potential safety concern brought forward from a supplier at the next regularly scheduled meeting.

5. The Technical Team will review each investigation with the Director of the OCC at least once per month. If the Corporate Committee determines that further work is necessary before a decision can be made regarding disposition of the investigation, then the investigation must be reviewed by the Corporate Committee at each meeting to determine next steps.

## **PART 4: RECALL ADMINISTRATION: REPORTING TO THE AGENCY, NOTIFICATION TO CONSUMERS AND DEALERS AND REMEDYING DEFECTS**

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### **SCOPE:**

This section outlines Forest River's process and procedures for notifying dealers, owners and purchasers of safety recalls. The process described below is designed to allow the company to meet its regulatory obligations so that: (1) consumers are adequately informed of a potential safety-related defect or noncompliance in their vehicles and can take steps to obtain a free remedy, (2) dealers and distributors are advised of the fact of a recall and their legal obligations with respect to a recall and (3) accurate recall completion figures are presented to the agency and steps are taken to ensure the maximum number of vehicles possible are repaired to reduce the risk of injury or death due to defects in any Forest River products.

### **REPORTING TO THE AGENCY:**

1. Following a vote of the Corporate Committee, the Director of the OCC will file all Part 573 Reports with the agency via the online portal. By the fifth day of the month, the Director of the OCC will also submit a list of all recalls submitted for the month for the previous month. The Director of the OCC will review the Recall Acknowledgment Letter received from the agency and ensure that it is accurate.
2. The Director of the OCC will file all quarterly reports documenting recall completion with the agency through the online portal. An OCC staff member will calendar the deadline for submission of each quarterly report on the Master Recall Database and will file the quarterly report prior to the deadline.
3. The Director of the OCC will provide a copy of all recall filings, including owner and dealer letters and communications from NHTSA, including Recall Acknowledgement Letters, to the affected division(s).

### **PROCESS FOR ISSUING NOTIFICATION LETTERS TO OWNERS AND DEALERS:**

1. Upon the filing of a Part 573 Report with NHTSA, an OCC staff member will fill in the information in Forest River's internal Recall and TSB Document Control Log and the Master Recall Database. The OCC staff will update the Master Recall Database as information becomes available. A member of the OCC staff will calendar 60 days from the date the Part 573 Report was filed as the last day on which to mail the owner notification letter and will be responsible for building in sufficient lead time to allow for any unexpected disruptions in the collection of registered owner data as well as printing or mailing issues.

2. The OCC will be responsible for preparing and sending all recall notification letters to owners and dealers with affected product in its inventory. The notification letters will be prepared based off of the previously prepared templates, the content of which is consistent with the requirements of the regulations. Copies of owner and dealer notification letters will be maintained by the OCC on its dedicated drive. The content of the letters shall not deviate from those templates without review and approval of counsel. Upon request of the OCC, the Business Unit(s) affected by the recall may be asked to assist the OCC in this process by providing information related to the administration of the recall.

3. The OCC will upload a copy of all draft owner notification letters to NHTSA's Recall Management Division (RMD) portal for approval before the notification letters may be mailed. Draft dealer notification letters will not be sent for NHTSA review absent a reason for needing that review and any such review will be coordinated with NHTSA staff prior to submission of a draft. The draft owner notification letters should be submitted to RMD as soon as practicable to allow the agency to review, but in no event less than five full business days before the owner letters need to be mailed pursuant to regulation. The OCC will contact RMD to inquire on the status of any drafts where no feedback has been received after five or more full business days. At ten days prior to the deadline for issuing the owner notification letters if no feedback has been received from agency staff on the draft, the OCC will advise RMD of this situation in writing. The OCC will make all edits to the owner and dealer notification letters received from the agency, if any, and is responsible for confirming that RMD has approved all drafts.

4. A member of the OCC staff will send the owner notification letters by first-class mail to the current registered owner based on state vehicle registration records within 60 days from the date the Part 573 Report was filed. The OCC will update the date of owner notification mailing on the appropriate recall in the NHTSA portal upon mailing. The OCC will send the dealer notification letter by certified mail within a reasonable time after the Part 573 Report was filed. Forest River will make every attempt to mail the dealer notification letters prior to sending the owner notification letters and may also send the letters by e-mail where information is available.

#### **RECALL COMPLETION:**

1. The Director of the OCC and his staff will track recall completion for each Forest River recall. Completion rates are obtained by running a query of the two unique repair codes issued for each recall: (1) "inspected" (where the vehicle is inspected and found not to have the defective condition) and (2) "inspected and repaired." When a dealer applies for reimbursement for work performed pursuant to a recall, the request must be tied to one of the unique repair codes. For all reimbursement requests for "inspected and repaired," Forest River also requires the dealer to submit photographs documenting the repair so that the company can verify that the

consumer actually received the remedy. Photographs submitted by dealers are stored in the shared warranty drive.

2. At the conclusion of four quarterly reporting periods, the Director of the OCC will review the completion rates for all active recalls. For any recall that falls below 50%, the Director of the OCC will evaluate the severity of the safety risk presented and the likelihood that a re-notification will increase the completion rate. The Director of the OCC shall consult with counsel concerning whether to re-notify consumers for any recall that falls below 50%. In evaluating the means by which to re-notify consumers, in addition or in lieu of first-class mail, the Director of the OCC may consider also using any of the approaches contained in Forest River's industry outreach report such as e-mail, targeted mailers, incentive programs, re-notification timed prior to peak camping and travel seasons, or retaining the services of an outside third-party to assist Forest River in locating vehicle owners who have not responded to a recall notification.

3. The Director of the OCC has the authority and discretion, after conferring with counsel, to authorize a consumer re-notification and will notify the Corporate Committee of his decision.

4. The Director of the OCC will work with corporate management to review its general recall reimbursement plan on an annual basis. The general reimbursement plan will notify owners that they may be entitled to reimbursement for costs to remedy a defect or noncompliance before a specified end date. Forest River's general reimbursement plan will not have a beginning date for reimbursement eligibility and an ending date of 10 calendar days after the date on which Forest River mailed the last of its owner notification letters. The Director of the OCC will ensure that the general reimbursement plan is on file with the agency and that the plan is followed.

5. The OCC Director will publish the quarterly recall completion rates for all company recalls in a location that can be accessed by appropriate employees at each division.

## **PART 5: COMPREHENSIVE REPORTING UNDER THE TRANSPORTATION RECALL ENHANCEMENT ACCOUNTABILITY AND DOCUMENTATION ACT (TREAD) AND THE EARLY WARNING REPORTING REGULATIONS (EWR)**

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### **49 C.F.R. PART 579, SUBPART A - PROCESS FOR SUBMISSION OF TECHNICAL SERVICE BULLETINS, NOTICES AND COMMUNICATIONS:**

#### **SCOPE:**

This section of the Written Procedures documents Forest River's process for submitting TSBs, notices and other communications sent to more than one dealer, owner, manufacturer, distributor or purchaser in the United States, consistent with 49 C.F.R. § 579.5. This section of the Written Procedures is not applicable to singular questions received from a technician or dealer in the field. These Written Procedures recognize that field communications and TSBs are typically identified at the Business Unit level.

#### **DETERMINING WHAT TYPE OF COMMUNICATION IS APPROPRIATE**

1. The Director of the OCC will review with each Division General Manager any issues raised in the Division GM Report or other source that requires additional discussion and determine whether the matter relates to a defect.
2. A non-recall Field Communication is appropriate only when the communication does not relate to a safety defect in the product. Reportable Field Communications do not include product marketing, surveys, promotional materials, instruction manuals and issues related to purely cosmetic issues (i.e. paint/color/trim). Should the Director of the OCC determine that a Field Communication is appropriate, he is authorized to approve that the Business Unit move forward with the Field Communication without further involvement of the OCC.
3. The Director of the OCC may assist the Business Unit in drafting the Field Communication. The Division General Manager of each Business Unit is responsible for overseeing external communications from the Business Unit.

#### **TECHNICAL SERVICE BULLETINS AND CUSTOMER NOTIFICATION CAMPAIGNS**

1. If the Director of the OCC determines that the communication concerns a non-safety related defect in the product, the OCC staff will take the lead in drafting and promulgating a TSB to present to the Corporate Committee. The OCC will coordinate with the Business Unit to acquire and incorporate all necessary background and technical detail, including in particular the potential consequence of the product defect. During the term of the Consent Order, the

Director of the OCC will review the TSB with the In-House Consultant<sup>3</sup> and will make suggested edits based on the In-House Consultant's review and feedback. Each TSB will be drafted in such a way as to make clear the potential consequence of the product defect.

2. The Corporate Committee will approve each TSB before it is issued. The primary purpose of this review is for the Corporate Committee to confirm that it is appropriate for Forest River to handle the issue through a TSB rather than through a safety recall. The same process will be followed for any Customer Notification Campaigns.

3. The Director of the OCC will be responsible for submitting any TSB or Customer Notification Campaign to NHTSA pursuant to 49 C.F.R. § 579.5, with an index, no later than five business days after the end of the month in which the communication was issued to the field. As a general matter, the Director of the OCC will submit the communication to NHTSA within five business days of when it was issued and need not wait until the end of the month.

#### **TRACKING TSBS AND CUSTOMER NOTIFICATION CAMPAIGNS**

1. The OCC is responsible for tracking the progress of all active TSBS and Customer Notification Campaigns. The OCC will review all active TSBS at least once per month to evaluate whether the facts have changed which would require a review of whether a TSB/CNC is still appropriate under the circumstances.

2. The Director of the OCC is responsible for escalating an issue to the Corporate Committee for consideration of further actions such as issuing another TSB or the elevating the campaign to a safety recall.

3. The Director of the OCC and the General Manager of the Business Unit or his designee will coordinate to decide if and when a TSB or Customer Notification Campaign may be officially terminated. Termination of a TSB must be reviewed with and approved by the Corporate Committee.

#### **49 C.F.R. PART 579, SUBPART B – FOREIGN RECALLS AND SAFETY CAMPAIGNS**

##### **SCOPE:**

This section of the Written Procedures documents Forest River's processes for compiling the underlying data and submitting to NHTSA the annual list of substantially similar vehicles and reporting of any recalls and safety campaigns of Forest River vehicles outside the United States

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<sup>3</sup> Pursuant Paragraph 27 of the Consent Order, Forest River retained Jackie Glassman with King & Spalding as a consultant with expertise in and experience with motor vehicle safety and the requirements of the Safety Act ("In-House Consultant"). The In-House Consultant advises and assists Forest River in performing its obligations under the Consent Order.

pursuant to 49 C.F.R. § 579.11 and § 579.12. Forest River sells vehicles to dealers and customers in Canada. In the past, Forest River has sold a limited quantity of vehicles in response to a customer's special order in the following countries: Iceland, Greenland, China, Chile, United Kingdom, Australia, South Korea, Dubai and Saudi Arabia.

#### **ANNUAL REPORT OF SUBSTANTIALLY SIMILAR VEHICLES:**

1. NHTSA's regulation (49 C.F.R. § 579.6 and 579.11) requires that Forest River provide NHTSA with an Annual Report specifying motor vehicles sold or offered for sale in the United States that are identical or substantially similar to vehicles offered for sale outside the United States. The Director of the OCC is responsible for preparing and submitting the Annual Report to NHTSA.

2. The Director of the OCC will request Forest River's IT Department perform a query of vehicles shipped outside the United States. The Director of the OCC will review this list and identify whether the vehicle is substantially similar based on model number or after conferring with the Business Unit on vehicle specifications.

3. The Director of the OCC will prepare a list of substantially similar vehicles and review the list with the General Manager of each of the affected Business Units or his designee to ensure that the list is complete.

#### **FOREIGN RECALLS AND OTHER SAFETY CAMPAIGNS:**

To date, Forest River has conducted foreign recalls or other safety campaigns only in Canada. Any safety-related campaign conducted in Canada will, as in the United States, be referred to as a Safety Recall. Forest River does not currently anticipate selling into foreign markets whose regulatory bodies do not use the term "safety recall," and therefore does not anticipate conducting any "other safety campaigns" in foreign countries.

1. The process with regard to potential Field Communications and Safety Recalls emanating from Canada is the same as those emanating from the United States and should be included in the Division GM Report.

2. Forest River personnel in Canada will be trained with regard to NHTSA requirements with regard to substantially similar vehicles.

3. Any Safety Recall initiated on vehicles in Canada will be subject to these Written Procedures. To the extent that a recommendation is made to the Corporate Committee to conduct a Safety Recall in Canada, but not on substantially similar vehicles in the United States, the Investigation File must describe the reasons why no Safety Recall is necessary in the United States (that is, why the safety-related defect does not affect vehicles in the United States). In deciding whether to conduct a recall in the United States, the Corporate Committee will consider whether the component or system giving rise to the foreign action performs the same function in any substantially similar vehicles or equipment sold or offered for sale in the United States. The

Corporate Committee must approve the filing of a Foreign Recall Report with NHTSA in lieu of a Safety Recall.

4. The Director of the OCC is responsible for preparing and filing any Foreign Safety Campaign reports to NHTSA pursuant to 49 C.F.R. Part 579.12.

### **49 C.F.R. PART 579, SUBPART C – EARLY WARNING REPORTING**

#### **SCOPE:**

This portion of the Written Procedures addresses Forest River’s process and requirements for collecting EWR information and reporting it to NHTSA. Forest River is a manufacturer of and reports under the following categories: (1) 100 or more buses or 5,000 or more medium-heavy vehicles (49 C.F.R. § 579.22) and (2) 5,000 or more trailers (49 C.F.R. § 579.24). Under this portion of the Written Procedures, Forest River will provide to NHTSA, on a quarterly basis: (1) production information; (2) aggregate number of property damage claims, consumer complaints, warranty claims and field reports; (3) reports of death and injury; and, (4) copies of field reports.

#### **PRODUCTION INFORMATION**

1. On a quarterly basis, the Director of the OCC will have the IT Department conduct a query of Forest River’s production information stored at the corporate level to determine all U.S. production for submission to NHTSA. This query will be conducted no less than ten business days before the submission to NHTSA is due in order to allow sufficient time to organize and compile the data.

2. Based on the results of the query, the OCC staff will gather and organize this information into tables organized and broken down by the fields required by regulation.

3. The OCC staff will submit this information to NHTSA through the online EWR portal before the last day of the reporting period.

#### **AGGREGATE DATA**

1. On a quarterly basis, the Director of the OCC or his designee will conduct a query of Forest River’s Business Unit databases and the OCC’s dedicated drive to gather all reportable aggregate data for submission to NHTSA. Forest River’s databases will be queried for responsive information: (1) property damage claims, (2) field reports, (3) death and injury claims (4) warranty claims and (5) customer complaints related to one of the TREAD codes.

2. With regard to Warranty Claims and Consumer Complaints, the Director of the OCC will direct the IT Department to have all reportable information imported into an Excel spreadsheet or another form specified as Forest River’s IT capabilities develop. The OCC staff

will conduct a tally organized by EWR component code and by vehicle make, model and model year. With respect to Consumer Complaints entered into the VIN Notes system, the OCC staff periodically monitors Consumer Complaints to ensure that the concern is accurately coded to the list of EWR component codes. For items that are not accurately coded, OCC staff will notify the warranty claims processor at the division in an e-mail and the reason why the matter was not coded accurately. For Property Damage Claims, the Risk Management Director will send the Director of the OCC a monthly report of all property damage claims. The Risk Management Department will also confer with Forest River's liability insurer at the close of the quarter to obtain copies of any property damage claims in its possession that the company does not have. This query will be conducted in sufficient time to organize and compile the data.

3. Sources of Consumer Complaints: Forest River receives Consumer Complaints from several sources, including Social Media (Facebook) and via telephone through its Business Unit level. Forest River will review the following sources of information for reportable Consumer Complaints.

Complaints Received by Telephone: The Warranty Claims Processors in the individual business units are responsible for handling and documenting telephonic complaints and logging the complaints into Forest River's VIN Notes system. The Warranty Claims Processors are required to accurately code the complaint to the related list of TREAD Codes at Attachment 2. It is anticipated that customers will contact the Forest River Business Unit that corresponds to the make of the vehicle or trailer they purchased. Contact information for the correct Business Unit is included in a variety of literature, including the owner's manual, at the time of purchase. Contact information is also readily available online and through Forest River's smartphone app. If a customer contacts the incorrect Business Unit, they will be provided contact information for the appropriate division.

Social Media: Each of Forest River's Business Units has a Facebook page that interacts with consumers. It is not expected that vehicle owners will leave complaints, as defined by NHTSA regulations, on these pages. Under the "About" tab on each page, there is a notification to the consumer not to leave product concerns on the page, but instead, to contact the appropriate division (with contact information included). Customers are also notified that they may contact NHTSA with respect to any potential safety issues (with contact information included). The Warranty Claims Processor or his delegate may nonetheless monitor the Facebook pages and attempt to contact the consumer through Facebook to obtain additional information (such as the VIN number and additional information on the allegation) for any complaint left on a Facebook page that: (1) meets the definition of "minimal specificity" (i.e. make model and model year) and (2) is related to the vehicle's performance design, or operation. If qualifying consumer complaints are identified, they will be forwarded to the Division General Manager or his designee for handling. The Division GM Report reminds the division to review consumer complaints lodged via Facebook.

Survey Information: To the extent that Forest River issues survey information, the individual Business Units will maintain any survey materials returned from customers that solicit an assessment of the vehicle. These types of marketing/survey materials may contain information from the customer that could be considered a consumer complaint. If a complaint is located on survey materials that contain enough specificity to identify the product make and model, the customer service representative will attempt to contact the consumer to obtain additional information.

4. If new databases or locations where information may be stored are identified, the Director of the OCC will advise the IT Department and have it adjust its query so that those sources of data are included in the search and aggregating process.

5. Each claim or complaint will be coded by the warranty claims processor at the Business Unit using Forest River's list of EWR Component Codes. Forest River does not utilize component code (98) ("component not covered in categories 1-25").

6. To the extent that any of the items in the categories above have not already been coded the OCC staff is responsible for coding them.

7. All items coded as a field (23) fire will be manually reviewed by the OCC. As new or additional information is supplied to Forest River that relates to a consumer complaint that has already been received, the Warranty Claims Processor will ask the consumer if he has already submitted a complaint to Forest River and if so, supplement the information contained in the VIN Notes. The Business Unit does not have the ability to overwrite a previous VIN Note.

8. The aggregated information will be stored in the OCC's dedicated database. The OCC staff will submit this information to NHTSA through the online EWR portal before the last day of the reporting period.

9. On at least a bi-annual basis, the OCC will conduct an internal assessment of TREAD coding by the Business Units. The Director of the OCC will select one or more TREAD component codes, including code (99) – unknown, and review customer complaints, field reports and warranty claims across multiple Business Units to determine whether the codes are being applied properly and consistently.

## **DEATH AND INJURY REPORTS**

1. Upon receipt of a lawsuit, claim or notice received by any Business Unit or employee of the company, it must immediately be logged on an Incident Report and forwarded to Forest River's Risk Management Department and the OCC. The OCC shall also log claims or notices identified on the GM Division Reports each month. The Director of the OCC will maintain a copy of all documents alleging a death or injury on the OCC's dedicated drive.

2. For claims or notice received by the Risk Management Department, the Director of Risk Management shall complete a Monthly Risk Manager's Report, which shall be sent to the OCC by the 5<sup>th</sup> day of the month for the previous month.

3. Upon the closing of the quarter, the Director of the OCC and staff will review each claim to determine whether it identifies a Forest River vehicle with minimal specificity (i.e. – states the vehicle make, model and model year).

4. The OCC staff shall prepare a list of all claims and notices that do not identify the vehicle with minimal specificity and will refer to the list at any point a new death or injury claim is received or additional information pertaining to an existing claim is received to determine whether minimally specific information has been provided and to update the component code. If additional information is received it shall be included in the next quarterly report to NHTSA.

5. Following the close of the quarter and before submitting a quarterly report to NHTSA, the Director of the OCC and Risk Management Director will communicate to ensure that the Director of the OCC is aware of all death and injury claims and notices received by the Risk Management Department and vice versa. For any death or injury claim identified by one office, but not the other, complete information must be supplied as soon as possible.

6. Following the close of the quarter and before submitting a quarterly report to NHTSA, the Director of the OCC will request a report from Forest River's insurance provider for all property damage, death, or injury claims and notices to ensure that the Director of the OCC is aware of all death and injury claims and notices received by the insurance provider and vice versa. For any information identified by one office, but not the other, complete information must be supplied as soon as possible.

7. Following the close of the quarter, the Director of the OCC and staff will review each of the reportable claims and notices to ensure proper coding. Coding will be updated as necessary prior to submission of the reports.

8. OCC staff will prepare a report which contains all of the fields required by the regulation. OCC staff will submit the reports to NHTSA via the EWR portal before the last day of the reporting quarter.

#### **COPIES OF FIELD REPORTS**

1. On a monthly basis, the Director of the OCC will retrieve copies of all field reports from the OCC dedicated drive for submission to NHTSA. To the extent that any of the field reports have not already been coded with the correct EWR component code when initially received by the Director of the OCC, the OCC staff is responsible for coding them. The OCC

will use Forest River's list of EWR Component Codes and Sub-Codes when applying the appropriate system/component codes.

2. All Field Reports coded as a field (23) fire or field (99) unknown will be manually reviewed for accuracy by the OCC staff and recoded if appropriate.

3. The OCC staff will submit the field reports to NHTSA through the online portal no later than 15 days after the company's submission of its production information, aggregate data and death and injury data.

## **PART 6: RESPONDING TO NHTSA REQUESTS FOR INFORMATION DURING AN INVESTIGATION**

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### **SCOPE:**

This section outlines Forest River's standard operating procedure for responding to a NHTSA request for information issued during the course of a defect (ODI) or noncompliance investigation (Office of Vehicle Safety Compliance (OVSC)) as well as responding to a Special Order issued by NHTSA's Office of Chief Counsel. NHTSA has the broad legal authority to inspect and investigate matters related to motor vehicle safety. This authority includes compelling responses to written questions and the production of documents. Failing to respond or respond completely to a request for information may subject Forest River to monetary civil penalties.

### **PROCESS FOR RESPONDING TO INFORMATION REQUESTS AND SPECIAL ORDERS:**

1. Within 24 hours of receiving an Opening Resume, the Director of the OCC will notify the relevant General Managers, Division General Managers and the Corporate Committee of the opening of a NHTSA investigation. The General Managers and Division General Managers will be provided a sample IR Letter and will be instructed to begin gathering responsive documents. A copy of the agency's IR Letter will be provided once it is made available.

2. The Director of the OCC will meet with the affected Business Unit(s) and will discuss all issues upon which the agency's investigation is based and identify any other Business Units that may be impacted by the issues raised in the agency's IR Letter.

3. Forest River's legal counsel, working with the Director of the OCC and the General Manager (or his designee), will work directly with the company to ascertain the location of all documents that are potentially responsive to the IR Letter and to prepare a response by the deadline indicated. Documents concerning the particular topics areas included in NHTSA's request should be located as well as: production data for the last five years; consumer complaints; warranty data; field reports; part specifications and changes to the specifications; legal claims involving deaths, injuries or property damage, and any testing (in-house or third-party) performed on the subject component.

4. The affected Business Unit(s), with the Director of the OCC's direction, will interview any other company employee(s) or supplier(s) as needed.

5. If the proposed response to an information request requires approval from the company prior to submission to NHTSA, it must be provided to the responsible company official in advance of the due date. In the event of a Special Order and in consultation with outside

counsel, a company official will be designated to sign, under oath, and attest to the accuracy of the response to a Special Order in advance of submission to the agency.

6. All requests for an extension of time to respond to an Information Request will be made by counsel in writing as soon as it becomes reasonably evident that additional time will be needed to gather information and in order to fully respond to the agency.

7. The company will respond within two business days to any interim or follow-up questions from the agency during the course of the investigation. If circumstances do not permit a complete and accurate response in that timeframe, the designated point of contact will respond provide the agency with the time frame in which it reasonably believes it will be able to provide a complete and accurate response. Forest River will use the same procedure and timeframe to respond to requests for information from the agency outside the scope of a formal investigation.

## **PART 7: RECORDKEEPING**

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### **SCOPE:**

This section documents Forest River's requirements and processes for maintaining and storing records as required by NHTSA's regulation, 49 C.F.R. § 576. Forest River will retain Records covered by the regulation for a period of five years, consistent with the current regulation. Forest River will review and adjust the time period for which it maintains Records so that it is consistent with recent legislation that may change NHTSA's record retention regulation. To the extent that Forest River develops a more overarching document retention policy, it must be consistent with these Written Procedures.

### **RECORDS TO BE RETAINED:**

The Records covered by this section will be retained by the OCC on a dedicated network drive. As Forest River develops its IT systems, records may be stored in other locations.

The following Records are covered:

1. All Records collected and contributing to Forest River's investigation of a potential product safety concern, as well as any Records relating to recommendations to the Corporate Committee and decisions of the Corporate Committee;
2. Each report submitted to NHTSA pursuant to 49 C.F.R. Part 579, and the underlying Records collected from Forest River's Business Units from which each of the reports was derived;
3. All TSBs and other field communications sent to more than one customer, dealer, owner, distributor or manufacturer under 49 C.F.R. § 579.5;
4. All records related to safety recalls or field campaigns, quarterly reports and communications with NHTSA;
5. Warranty claims and other documentation that relate to a defect in a component that was not manufactured by Forest River, but was installed in a Forest River vehicle when it was originally manufactured.

### **RECORDKEEPING TIME PERIOD:**

Information Related to Malfunctions – Consistent with the current regulations, Forest River will retain Records relating to potential safety related Malfunctions, consistent with its investigation and decision making processes, for a minimum of five years.

Early Warning Reports – Each quarterly report must cover all vehicles produced during the current model year plus the past nine model years for a total of ten model years. Forest River will retain each early warning report, and the underlying Records from which each report was derived, for a minimum of five years, per the current regulation.

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