evenflo
225 Byers Road
Miamisburg, Ohio 45342
937-415-3300
www.evenflo.com

OFFICE OF DEFECTS &
INVESTIGATIONS
2014 SEP -2 A 10:49

AMY E. NEFF
Associate General Counsel
(937) 415-3215; (937) 859-7561 (fax)
amy.neff@evenflo.com

August 29, 2014

VIA FEDERAL EXPRESS
Frank Borris
Director
Office of Defects Investigation—Enforcement
National Highway Traffic Safety Administration
1200 New Jersey Avenue SE
Washington, DC 20590

Re: NVS-212jfa/EA14-003: Evenflo Company, Inc.—Embrace 35

Dear Mr. Borris:

Evenflo Company, Inc. ("Evenflo") encloses its response to the information requests propounded by your office on July 24, 2014, in connection with EA14-003. Evenflo has contemporaneously requested confidential treatment for portions of this response. Accordingly, a copy of the non-confidential, redacted response is enclosed.

Please do not hesitate to contact me if you have any questions.

Best Regards,

Amy E. Neff

/Enclosures

Evenflo Company, Inc. ("Evenflo") responds below to the Information Request ("IR'), dated July 24, 2014, received from the Office of Defects Investigation ("ODI") of the National Highway Traffic Safety Administration ("NHTSA"), regarding Evenflo's use of the AmSafe QT1 and QT3 harness crotch buckles on the Embrace 35, a single model of rear-facing infant restraint which utilized these buckles.

INTRODUCTION:

From the outset of this dialogue with NHTSA (which began informally less than a year ago, in the fall of 2013), Evenflo has consistently maintained that use of the subject buckles on the Embrace 35 was appropriate and that no further action by either company or agency was warranted in connection with this rear-facing infant restraint. Evenflo had received only 10 complaints of difficulty unbuckling the Embrace 35's harness in a 2 ½ year period. None involved an emergency situation or even an allegation of injury. This is well below the general noise level of complaints.

The data gathered and produced in connection with Evenflo's response to the information requests in PE14-003 in early 2014 confirmed that position. While Evenflo initiated a voluntary recall of certain convertible and harnessed booster seats utilizing the QT1 and QT3 buckles on April 4, 2014, it took no action as to the Embrace 35—because there was no evidence supporting the need to do so.

In its simplest terms, the trending data on the Embrace 35 demonstrated that the AmSafe QT1 and QT3 buckles were not intrinsically defective; rather, the adequacy of the performance of the buckles was contingent upon which child restraint utilized the buckles. In certain models of Evenflo convertible and harnessed booster seats, the QT1 and QT3 buckles could become difficult to unfasten over time due to exposure to the food and drinks consumed by the seats' toddler-occupants. In contrast, in the Embrace 35, the subject buckles could be unbuckled for all but a

minute percentage. This was the position Evenflo communicated to NHTSA contemporaneously with Evenflo's decision to recall convertible child restraints and harnessed booster seats with the subject buckles.

Since that time, the agency continued its several year-long investigation of an Evenflo competitor, Graco Children's Products, Inc. ("Graco"), regarding its use of the QT1 and QT3 buckles on a fleet of rear-facing child restraints. On July 1, 2014, based on a starkly different data set than Evenflo's, Graco agreed to voluntarily recall nearly two million rear-facing child restraints utilizing the QT1 subject buckle and to conduct a consumer awareness campaign for all consumers who affirmatively contact Graco regarding similar problems with a QT3 subject buckle.[1] Evenflo appreciates this opportunity to explain why its single model of rear-facing child restraint utilizing the subject buckles--the Embrace 35 – does not contain a safety-related defect.

Overall, the complaint rate for consumers alleging an inability to unbuckle the QT1 or QT3 in an Embrace 35 is .00303427% or 15 per million.[2] None of these complaints involves the QT3 buckle. (For this reason, the majority of this response is focused on the QT1, as the QT3 is beyond any challenge for safety or efficacy, based on test data and the field experiences of Evenflo's consumers). Evenflo is confident that an objective review of the data underlying these statistics—will support a conclusion that no unreasonable risk to the safety of children exists in connection with Evenflo's use of the subject buckles on the Embrace 35, and no further action by either company or agency is warranted.

Evenflo markets its child restraints and other products under the tagline: "We've made it our legacy to protect yours." The company takes this responsibility and privilege seriously and recognizes the import of the work we do. Our products are designed and tested to protect children

[1] The Graco investigation also included the Signature buckle, which Evenflo has never used on any restraint.

[2] The complaint rate on the QT1 buckle alone is .00247101% .

and we do not lose sight of that fact in this current engineering analysis process with NHTSA. If our analysis and data suggested that action was needed to protect the children using our Embrace 35 infant restraint, the company would take it. Action is not warranted here though. Accordingly, Evenflo renews its request that this investigation be closed.

Evenflo will continue to handle consumer contacts regarding the subject buckles in the Embrace 35 according to the consumer's wishes, by providing cleaning instructions and/or providing a free replacement buckle to alleviate any consumer dissatisfaction with the operation of either the QT1 or QT3 buckle. This practice is consistent with Evenflo's longstanding precedent to address consumer concerns effectively and promptly.

---

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. If there are months with mixed buckle types (QT and QT3) used in production, provide the number for each type. Provide the data by monthly production volumes in a table in Microsoft Access 2010, or a compatible format (e.g., Excel), entitled "PRODUCTION DATA."**

Evenflo Response:

Evenflo includes with this response a CD, which sets forth the requested information in an Excel spreadsheet entitled "PRODUCTION DATA." [redacted]

Please note that Evenflo does not include a "model year" on its child restraints; however, the date of manufacture for every Embrace 35 necessarily includes the year in which the restraint was made. So, the year stated in the particular month and year of production is considered the model year for purposes of responding to this inquiry. For example, if an Embrace 35 is produced

on December 31, 2013, then its model year would be 2013, while the same Embrace 35 produced on January 1, 2014 would have a 2014 model year.

Source of Information:

The source of the information is Evenflo's Baan Enterprise Resource Planning software ("Baan").

Last Date Information Was Gathered:

This data was gathered in the weeks following receipt of ODI's information request. The information is accurate through August 5, 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 Seats, and which were not included in response to NHTSA's Information Request (IR) in PE14-003:

a. Consumer complaints;
b. Reports from retailers or 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. Since Evenflo responded to the IR in PE14-003, the total number of consumer complaints which Evenflo has received or of which Evenflo is aware, involving the Alleged Defect (as that term is defined in the EA14-003 IR) is 62.

b. Evenflo does not have any reports from retailers or distributors which relate to the Alleged Defect in the Embrace 35.

c. Evenflo does not have any reports or notices involving a crash, injury, or fatality in which it has been alleged or proven that a death or injury was caused by the Alleged Defect in the Embrace 35.

d. Evenflo is not a defendant or co-defendant in any lawsuit involving the Alleged Defect in the Embrace 35.

Source of Information:

Evenflo conducted a thorough search of its legal department files, quality alerts, retailer correspondence, consumer services databases and the NHTSA database 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. The information is current through July 31, 2014.

3. Separately, for each item (complaint, report, claim, notice, or matter) within the scope of your response to Request No. 2, state the following information:

a. Evenflo's file number or other identifier used;
b. The category of the item, as identified in Request No. 2 (i.e., consumer complaint, report from retailer, etc.);
c. Car seat owner's name, address, and telephone number;
d. Car seat model number;
e. Car seat model year;
f. Car seat date of manufacture;
g. Harness buckle/subject component part number;
h. Incident date;
i. Report or claim date;
j. Whether the harness buckle was allegedly unable to be physical opened (regardless of user actions);
k. Whether the harness was allegedly cut to facilitate removal of the child occupant;
l. Whether Evenflo has possession of the subject child seat and/or harness buckle;
m. Number of alleged injuries;
n. 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 contains an Excel spreadsheet entitled "REQUEST NO. 2 DATA."[3]

Please note the following regarding certain categories of requested information:

- Request category (e) asks for the car seat model year. Evenflo does not assign model years to its child restraints. Accordingly, the Embrace 35's date of manufacture information (requested in category (f)), including the month, date and year of manufacture, is repeated in response to category (e).
- The vast majority of the complaint data contained in the spreadsheet entitled "REQUEST NO. 2 DATA" is maintained in Evenflo's Phoenix database.[4] This is the database utilized by ParentLink, Evenflo's consumer services center, to record information provided in consumer telephone calls and emails. Although category (h) requests incident date, Phoenix records do not contain a field of information to record incident date. Accordingly, the "report or claim date" from request category (i) has been repeated in this spreadsheet as the incident date.
- For categories (j), (k) and (l), the inquiry is answered as to each record with either a "Y" for yes, or an "N" for no.
- The data collected confirms that Evenflo has no reports of fatalities (category (n)) or injuries (category (m)) to a child as result of Evenflo's use of the subject buckles on the Embrace 35.

[3] Evenflo includes the previously reported 10 complaints in this spreadsheet and those records are highlighted in yellow.

[4] One complaint was received in the NHTSA database on July 31, 2014 (#10617909). Otherwise, all complaints relevant to this IR have been lodged with Evenflo through its ParentLink consumer services center.

Source of Information:

The source of information provided in response to this request is one of the databases used to maintain Evenflo's consumer contacts—Phoenix. 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 the records identified in response to Request No. 2 in a single category: complaints, in .pdf format. The .pdf documents are on a CD included with this response, in files entitled "REQUEST NO. 4 RECORDS."[5] These records appear in five batches on the CD.

Source of Information:

The source of information used to respond to this information request is Evenflo's database for non-injury, non-accident consumer contacts—Phoenix—and NHTSA's online database.

Last Date Information Was Gathered:

Information provided is current through July 31, 2014.

5. Provide a detailed explanation of Evenflo's reasoning and rationale for excluding the Subject Seats from safety recall 14C-003, including, but not limited to how, if at all, Evenflo's "QT"[6] and "QT3" buckles, and the way the buckles are integrated into the Subject Seats, differ from the Graco "QT1" and "QT3" buckles, and their integration with its rear-facing infant seats, that are part of recall 14C-004 and the related Customer Service Campaign Graco is conducting.

[5] With the exception of the one public NHTSA database record, only a confidential version of these records is provided as this information resides in a proprietary database containing consumers' personal information.

[6] For consistency's sake, Evenflo refers to the initial design of the subject buckle as "QT1," as Graco did, rather than "QT." The agency also considers these to be the same buckle (EA-14-003 Information Request at 1).

A. Compared to the Convertible and Harnessed Booster Seats in Safety Recall 14C-003, The Numbers Speak for Themselves as to Why the Embrace 35 Was Not Included.

While the overall consumer complaint rate alleging difficulty in unlatching the subject buckle in an Evenflo convertible or booster seat with a QT1 or QT3 buckle is roughly 1 in 775 units, the consumer complaint rate alleging difficulty in unlatching the subject buckle in the Embrace 35 is 1 in 32,957.[7] Consumers simply are not experiencing difficulty unlatching the subject buckle in the Embrace 35.

Stated in different terms, Evenflo produced 329,569 Embrace 35 infant restraints and received a total of only 10 complaints from consumers that the QT1 was resistant to unlatching. None of those 10 consumers had to cut the straps on their child's internal harness to remove the child. None of the children in those 10 seats were injured. None of those 10 caregivers was injured trying to remove the child. None of those 10 complaints involved removal of the child in an emergency situation. None of those 10 caregivers expressed that he or she experienced difficulty in unlatching the harness buckle *while the child restraint was in the vehicle.*[8]

Further explanation of why Evenflo did not include the Embrace 35 in its April 2014 recall is outlined in response to Information Request No. 6 below.

B. Comparing the Embrace 35 to the Graco Rear-Facing Infant Seats Utilizing the QT1 Buckle Confirms That No Action Is Necessary As to The Embrace 35.[9]

Evenflo believes (and has requested) that this investigation should be closed as to the Embrace 35. In the wake of Graco's recent recall of nearly two million infant seats using the QT1

[7] This is based on complaints alleging any unbuckling concern with a subject buckle through February 10, 2014, the day before Graco announced its first recall in connection with the subject buckles. This is the same timeframe used by Graco in its responses to NHTSA's Special Order.

[8] Evenflo conducted satisfaction surveys with consumers who provided feedback on this issue, and the vast majority of respondents confirmed that they unbuckle the harness after the child has been removed from the motor vehicle.

[9] Evenflo is focused on use of the QT1, because the relevant complaint rate on the QT3 is 0%.

buckle, however, NHTSA has asked the company to provide justification for Evenflo's exclusion from its April 2014 recall (of convertible and harnessed booster seats) of approximately 200,000 Embrace 35 units using the same QT1 buckle that Graco recalled.[10] NHTSA has afforded Evenflo this opportunity to show why the Embrace 35 should be handled differently than the Graco seats. The company welcomes this opportunity to contrast the integration of the subject buckles in our Embrace 35 from the integration of the subject buckles in Graco's multiple models of rear-facing infant restraints.[11]

In this particular case, Evenflo does not agree that it is valid to assume that the subject buckles in the Embrace 35 should be treated the same as the subject buckles in the Graco restraints. The simple fact that a part is obtained from the same source does not mean that the part will perform the same in an Evenflo product as it does in a competitor's product. While such competitive data may be instructive, or even cautionary, it does not, by any means, offer dispositive information regarding how that same component will perform in this Evenflo product.

Due to NHTSA's previous investigation of Graco, Evenflo did, in this case, have access to publicly available information and data regarding Graco's rear-facing infant restraints. Evenflo was also able to do some hands-on visual comparisons using exemplars representative of Graco's rear-facing infant restraints. The following explains how Evenflo's infant restraint is different from

[10] Also, presumably, the agency wants to know why Evenflo does not intend on announcing a consumer campaign aimed at the QT3 buckle (again, like Graco). The complaint rate on the Embrace 35 using the QT3 buckle for the relevant period is 0%. Hence, no campaign is needed. As the agency is aware, Evenflo is handling consumer contacts regarding the subject buckles by replacing the buckles, if cleaning does not alleviate the issue. This is how Evenflo has always handled such complaints and precisely how it intends to handle such complaints moving forward.

[11] The comparison validates what Evenflo has been saying all along: (1) The subject buckles are not inherently defective and have been used successfully in certain seats; (2) The specific application of a subject buckle in a particular restraint directly impacts the efficacy of and consumer's ease of use with the subject buckles; and (3) the Embrace 35 is an example of points (1) and (2) above, as it is an application of the subject buckles which presents no unreasonable risk to child-passenger safety.

Graco's, and why Evenflo continues believe that there is no basis to expect a safety recall of any of the subject buckles used on the Embrace 35.[12]

1. Field Data on the Embrace 35 Confirms No Further Action is Necessary.

Much of what drives a manufacturer's ability to improve, enhance, and, if need be, conduct a safety campaign is field data. It answers directly the key question: How do our products perform in the hands of consumers? Of course, Evenflo and its industry peers test their respective child restraints before they are released into the market to ensure they meet FMVSS 213 and any additional internal quality standards. These tests are meant to replicate real life use and reasonably foreseeable misuse. Accordingly, by the time that testing is successfully completed, Evenflo is confident that each child restraint model it sells, at the time it is manufactured and packaged, is safe and effective for its intended purpose.

Before releasing the Embrace 35 into the market, therefore, Evenflo ensured the subject buckles passed every applicable FMVSS 213 standard, including release force requirements, and Evenflo's internal testing protocols (which exceed those of the federal government in several respects). Such efficacy has been confirmed by annual compliance tests conducted by NHTSA. Accordingly, when the subject buckles were installed on the Embrace 35 and sold to Evenflo consumers, there was no evidence to suggest that they were, or would become, defective.

But a testing environment only goes so far into understanding how a product will actually be used in the hands of consumers. Field data yields complaint rates and types of complaints—both of which are invaluable in spotting not only areas ripe for product enhancement, but also the need for a potential recall.

[12] Again, this discussion focuses primarily on the Embrace 35's use of the QT1 buckle, as the complaint rate for the QT3 buckle was 0% during the relevant time period.

[redacted]. Moreover, the field data tells us that in comparison to the buckle-related investigations NHTSA has conducted and subsequently closed with no further action (which were mentioned and relied upon by Graco in its response to NHTSA's Special Order), the Embrace 35 is well outside the parameters subjecting a car seat buckle or a similar motor vehicle component to a recall.

Product	% complaint rate	Complaints per million
[redacted]	[redacted]	[redacted]
Jeep Liberty (closed investigation—no recall)	0.00575000	58
Cosco (closed investigation—no recall)	0.00720000	72
[redacted]	[redacted]	[redacted]

As shown above, ***the complaint rate for the use of the Graco QT1 seats alleging an inability to unbuckle the harness buckle is three times the rate for the same complaint on the Embrace 35 QT1 seats.***[13] Furthermore, the two NHTSA investigations referenced in the above chart, *which were closed without a safety recall*, had complaints rates double or nearly triple that of the Embrace 35 QT1 rate. Importantly, both of the closed investigations highlighted herein (Jeep and Cosco) involved buckles which necessarily had to be unlatched ***inside*** a motor vehicle—one was a vehicle seat belt system and the other was a buckle on a Cosco convertible car seat. In contrast, the Embrace 35's harness buckle, because it is on two-piece infant restraint, is typically unbuckled in the hand-held carrier, but ***outside*** the motor vehicle by the caregiver. To the company's knowledge, our ten complaining consumers did not experience a sticking buckle while

[13] For purposes of the comparisons discussed in this document, Evenflo has used data from the identical time period Graco used when responding to NHTSA's Special Order.

the Embrace 35 was still in the vehicle. This distinction makes the statistics in the chart above even more compelling.

Details of the closed investigations are as follows:

- *EA05-022, in which NHTSA investigated 2002 Jeep Liberty models for problems with the latching and unlatching of the driver's seat belt system.* The complaint rate in the chart above only focuses on the inability to unlatch. The investigation was closed with no safety recall due to a declining trend of complaints and design improvements; and
- *EA02-002, in which NHTSA investigated buckle latching difficulties on a Cosco Touriva convertible child restraint due to buckle contamination.* The complaint rate in the chart above only focuses on the inability to unlatch. The investigation was closed with no safety recall because (i) the data did not support a recall, and (ii) Cosco had taken precautionary measures to reduce contamination with newly designed buckles and consumer support activities on its website.

[redacted]; the data regarding complaints is favorable, in that the rate is low and no injuries or emergencies were involved; the company has provided supplemental instructions with subject products for over a year to explain the cleaning process in the event a buckle becomes contaminated; the Evenflo website and consumer services hotline provide troubleshooting and product support concerning this issue; and, finally, the company has always replaced subject buckles in the event that cleaning does not alleviate the condition. All of these activities were noted by NHTSA in its decisions to close the Jeep Liberty and/or Cosco Touriva investigations. All of these positive developments suggest that this investigation should be

closed, particularly considering that the unfastening of the subject buckles in the Embrace 35 occurs outside the vehicle and the unbuckling of the Jeep Liberty seat belt and the Cosco Touriva convertible seat buckle necessarily must occur in the vehicle.

2. The Embrace 35 Integration of the Subject Buckles Different from the Integration on Graco's Rear-facing Infant Seats.

Graco and Evenflo agree that, due to their hinged design, the subject buckles function optimally when they can be positioned parallel to the sternum of the infant-occupant. (See Graco Response to Special Order at 14). Such a position keeps the tension in the harness in the same plane as the buckle tongues being released.[14] (*Id.*) [redacted]

a. The Exemplars:[15]

Below are photos of the infant seats used in the comparison between Graco's rear-facing infant seats and the Embrace 35:

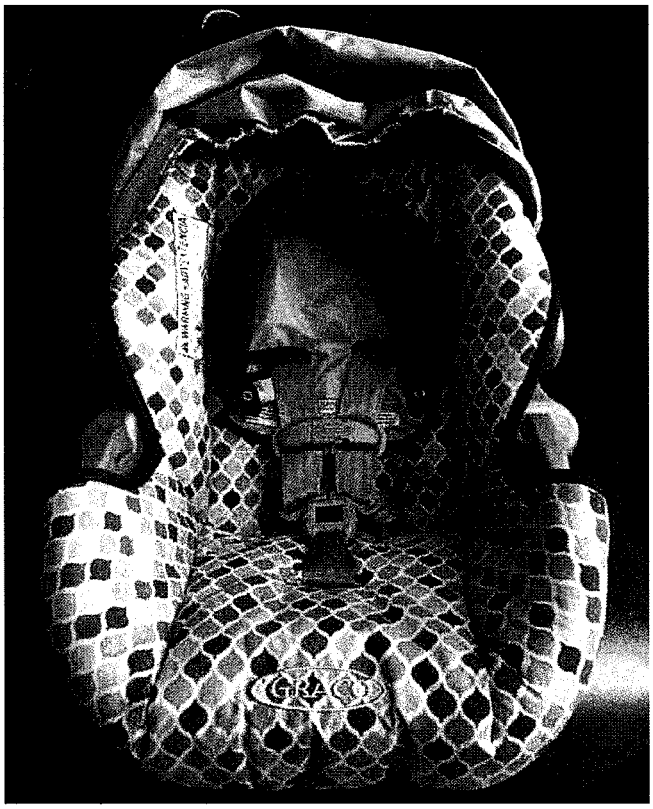
[14] Unlike the Embrace 35, the convertible and harnessed booster seats recalled by Evenflo have a seat geometry that requires the caregiver to reposition the subject buckle more parallel to the child's sternum in order to gain the leverage necessary to activate a release of the buckle tongues.

[15] Importantly, Graco makes no distinction in its publicly available filings between models. Accordingly, Evenflo compared its Embrace 35 to the Graco fleet holistically, noting any distinguishing features—regardless of model. Also, the dates of manufacture on these seats are not necessarily in the population of recalled seats, but the focus in this review was not on the buckle itself, but rather the remainder of the restraint's design—the environment in which the buckle was being used. Evenflo utilized exemplars that were available to it--either in our facility or at retail.

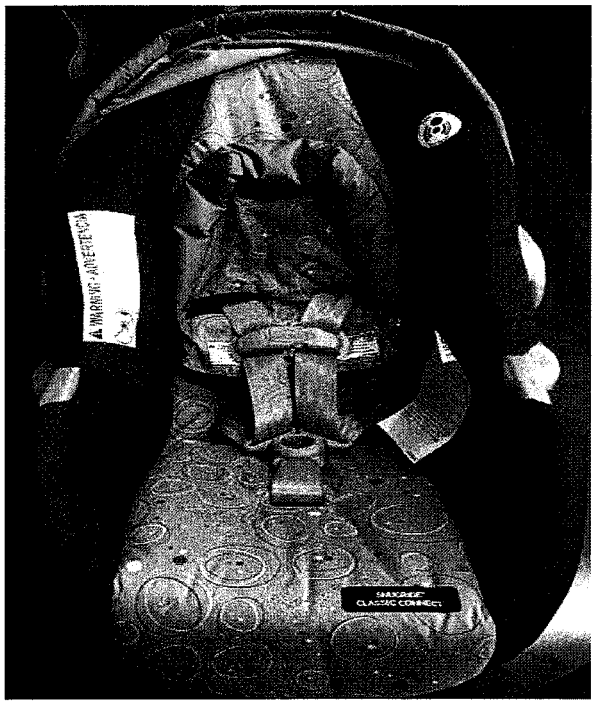
- **Embrace 35: (Model 48411504, DOM: 5/18/13)**



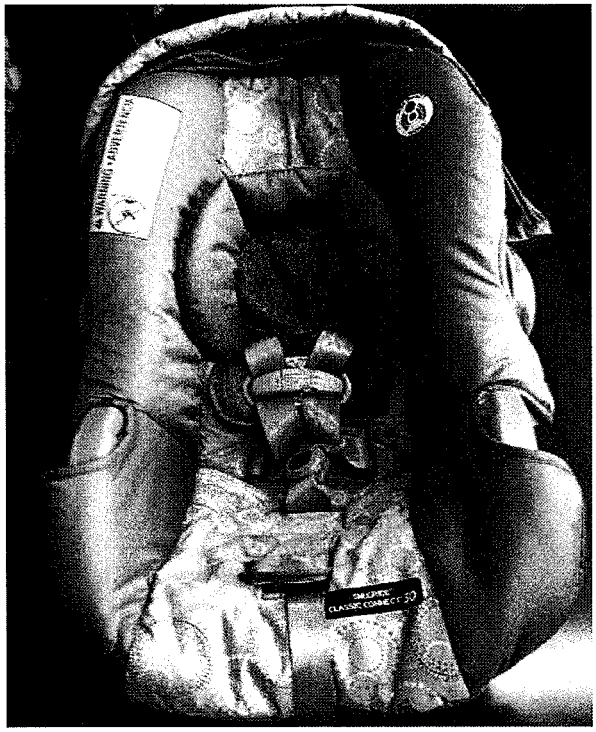
- **Graco SnugRide: (Model 1762034, DOM: 5/5/10)**



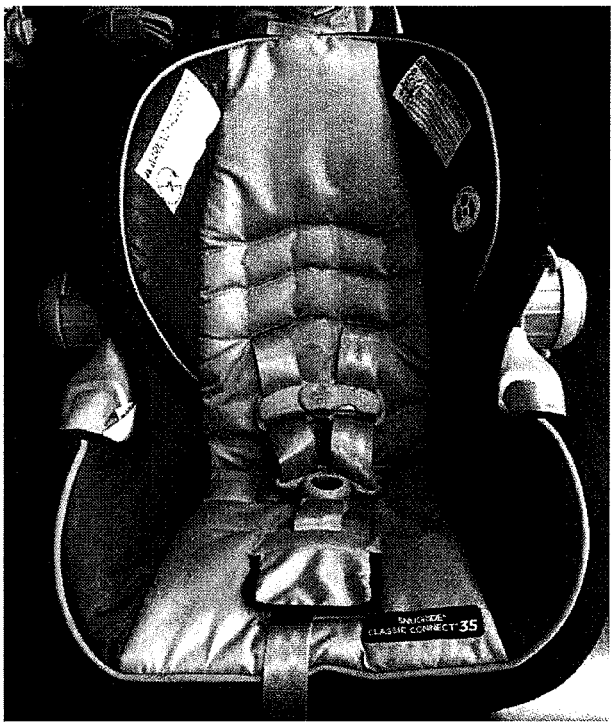
- **Graco SnugRide Classic Connect: (Model 1858946, DOM: 12/31/12)**



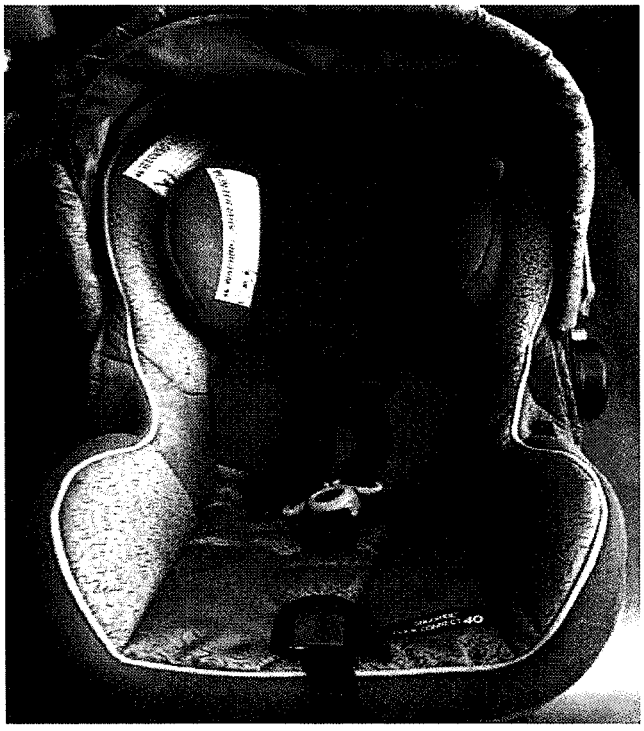
- **Graco SnugRide Classic Connect 30: (Model: 1812866, DOM 8/16/13)**



- **Graco SnugRide Classic Connect 35: (Model 1895918, DOM: 11/16/13)**[16]



- **Graco SnugRide Click Connect 40: (Model 1832155, DOM: 8/17/12**



[16] The SnugRide 35 is Graco's most popular infant seat. (Graco Response to Special Order at 12).

THIS PAGE CONTAINS CONFIDENTIAL BUSINESS INFORMATION

[redacted]

[redacted]

[redacted]	[redacted]
[redacted]	[redacted]
[redacted]	[redacted]
[redacted]	[redacted]
[redacted]	[redacted]
[redacted]	[redacted]

[redacted]

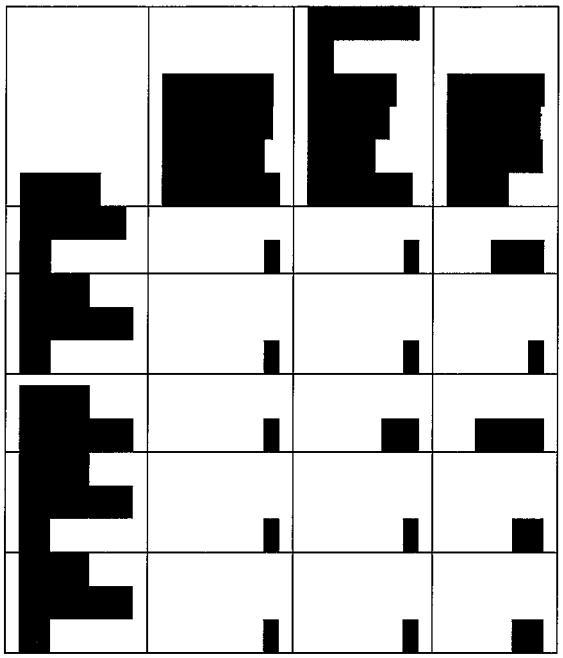
THIS PAGE CONTAINS CONFIDENTIAL BUSINESS INFORMATION

[redacted]

THIS PAGE CONTAINS CONFIDENTIAL BUSINESS INFORMATION

[redacted]

THIS PAGE CONTAINS CONFIDENTIAL BUSINESS INFORMATION



THIS PAGE CONTAINS CONFIDENTIAL BUSINESS INFORMATION

[redacted]

[redacted]

6. **In consideration of any additional information accumulated and evaluated in preparation of Evenflo's response to this letter, furnish an update to Evenflo assessment of the [Alleged Defect in the Subject 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; [and]**
   e. **What warnings, if any, that the Alleged Defect was occurring or that the subject component was malfunctioning.**

Evenflo Response:

Cognizant of Graco's recall of toddler seats incorporating the subject buckle and NHTSA's public position that the subject buckle presents a potential safety risk in the Graco products,

Evenflo concluded that further review of the performance of its eight individual convertible and booster seat models utilizing the subject buckles would not be prudent and conducted a recall of these seats on April 4, 2014, in coordination with NHTSA. As indicated at the time, in a different set of circumstances leading up to that response, Evenflo would have narrowed the scope of its Part 573 report, as it does not believe the subject buckles present a *per se* safety risk.

The data Evenflo provided in connection with PE14-003 demonstrated that there is notable variability in complaint rates, even among the convertible and harnessed booster seats the company agreed to recall. Any meaningful analysis of whether the subject buckle is defective *must* necessarily take into consideration not only complaint rates (which are undoubtedly important as articulated above in Evenflo's response to Information Request No. 5), but also the particular design and use modes of the various restraints being examined.

A. Because the Embrace 35 is a two-piece infant restraint, an infant is removed from a motor vehicle via release of the restraint from its vehicle convenience base by pushing a conspicuous red release lever--with the child remaining in his or her harness and contained within the child restraint—*not* by releasing the harness buckle while the infant is still in the vehicle.[19]

The Embrace 35 is comprised of a car seat with a handle, called a hand-held carrier, and a convenience base, which generally remains in the motor vehicle once installed via the vehicle's LATCH or seat belt system. The two-piece Embrace 35 is designed to allow caregivers a convenient way to transport their infants in the car from point A to point B, from car to home or the pediatrician, all while the child remains safely restrained in the car seat's internal harness. The hand-held carrier detaches from the convenience base when the caregiver depresses the conspicuous red release on the backside of the seat. This convenient method of removing the car seat from the vehicle means that an infant can continue resting or sleeping (as they do in many

[19] Again, this is unlike the buckle at issue in the Jeep Liberty investigation or the Cosco Touriva investigation because those closed investigations both dealt with buckles that necessarily had to be unfastened in the vehicle.

cases) and need not be disturbed by releasing the internal harness before exiting the vehicle. [20] This two-piece design is present on many infant seats and has been a common design in the industry for many years due to its remarkable utility.

This method of removing the child from the vehicle is very different from removing an older child from one of Evenflo's convertible or booster seats with an internal harness. In order to remove a child from that kind of seat, a caregiver must unlatch the seat's internal harness via the crotch buckle, unfasten the chest clip, loosen the harness and lift the child out for carrying in his or her arms. With the Embrace 35, the subject buckle need only be depressed once inside the home, and NOT before exiting the vehicle, whether that exit is in everyday life or in an emergency situation.

Evenflo knows from its dynamic testing and consumer feedback that the carrier-base connection will withstand a broad range of motor vehicle crash forces and still allow for the carrier to be removed after a dynamic event has occurred. [21] The company has no reports that our Embrace 35 consumers have experienced difficulty in removing the carrier and child from the base after a motor vehicle collision.

Combining Graco's data with Evenflo's data, in the over 4 million infant seats sold by Graco utilizing the subject buckles and the approximately 325,000 Embrace 25 units using the subject buckles, there is not a single instance of which these two manufacturers are aware in which a caregiver had to remove an infant in an emergency and experienced problems with one of the subject buckles. (See Graco Response to Special Order at 10).

---

[20] Evenflo consumer satisfaction surveys on this issue confirm that the vast majority of respondents unbuckle the harness after the infant seat and child have been removed from the motor vehicle.

[21] Moreover, the carrier-to-base connection plays the primary roles of keeping the child restraint in place during the collision and riding down crash forces. The harness system is importantly holding the infant in place, a function which is unaffected by a sticking buckle.

Regardless, the common removal method for the Embrace 35 virtually eliminates the potential risk of injury to a child when prompt exit from the vehicle is necessary.[22] A caregiver or first responder need only activate the conspicuous red release lever on the backside of the restraint (which faces out because the restraint is installed rear-facing), and the infant can be removed from the vehicle in seconds.[23]

B. The Embrace 35, a two-piece infant restraint, by its very nature and name, is used with infants, usually under one-year of age, who have different eating and drinking habits than the older children who use convertible seats and harnessed boosters--which translates to less contamination by food and drinks.

The Embrace 35 is a two-piece rear-facing infant restraint designed to restrain and transport infants, as the name suggests. Infants, unlike toddlers, usually need assistance when eating or drinking, generally precluding such activity from occurring while a caregiver is operating a motor vehicle. In addition, if an infant in the Embrace 35 were to spit up milk, formula or other food or liquids, the caregiver would be on-hand in most instances to clean the subject buckle before contamination of the buckle's internal components occurs.

Even if the caregiver is not present at the moment such unattended eating or drinking occurs, the liquid will likely run down the child's face into the fold of his or her neck or into the seat bottom below through the natural force of gravity. The recline of the seat and the subsequent shallow angle between the mouth and the buckle would be insufficient to cause the liquid to counter gravitational pull and slide down the child's abdomen toward the harness buckle.

---

[22] The need for a time-sensitive removal after a motor vehicle collision is extremely minimal. Only .1% of all collisions even involve a fire component. Traffic Safety Facts 2011, DOT HS 811 754.

[23] Indeed, NHTSA recommends transportation of children in emergency situations while allowing the infant to remain in his or her child restraint. See NHTSA publication: "Working Group Best-Practice Recommendations for Safe Transportation of Children in Emergency Ground Ambulances," DOT HS 811 677. Given that best practice is to leave an infant in its carrier, absent the need for supine support or immediate medical attention, a first responder will tend to remove the carrier from the vehicle before removing the child.

On the other hand, older children often eat or drink in their seats. In fact, many of the seats previously recalled include features designed to accommodate such in-vehicle consumption. Harnessed boosters, like the Maestro, Chase and Secure Kid, all include cup holders, to allow children easy access to drinks in the vehicle. Certainly, most parents can recall instances in which their toddler was eating or drinking on-the-go in the family vehicle. This increased consumption in toddler seats, without immediate caregiver supervision, increases the likelihood that food, drinks and other debris will enter the subject buckle housing and accumulate over time. This contamination, as we know from our data review in connection with PE14-003, is the root cause of the difficulty in unlatching the subject buckle.

C. The reclined design of the Embrace 35, aimed at keeping a child-occupant peaceful and, often, sleeping, makes the subject buckle much less susceptible to contamination than in a convertible or harnessed booster seat.

The design of the Embrace 35 incorporates a reclined back angle, in contrast to the upright back angle of the convertible and harnessed booster seats. [redacted]

[redacted]

[redacted] This design difference is in keeping with the activities commonly occurring in these types of seats. Toddlers tend to eat and drink in their convertible car seats and harnessed booster seats. Moreover, they read, play games, talk with other occupants of the vehicle and like to look out the window. These activities usually occur and often require an upright seated position closer to a horizontal 90 degrees. This position places the subject buckle in the toddler's lap, more directly underneath the head and mouth. In the event of spills, the subject buckle is directly in line to become contaminated. Indeed, the data confirms that this is how the subject buckles become difficult to unlatch over time.

The Embrace 35 is designed to keep infants in the prone position. It is a rear-facing child restraint, so the child is literally facing the vehicle seat back. The infant typically is not eating or drinking without supervision in the seat; nor is he reading, playing games, talking with other vehicle occupants or looking out the window. In most cases, the child-occupant is resting or sleeping, and the design of the Embrace 35 encourages this use by positioning the infant in a reclined fashion. This reclined position means that even when food or drink is introduced into the restraint environment, there is little chance of contaminants entering the buckle housing because the child's mouth is not directly over the buckle (and the caregiver is normally present to clean up any messes).

D. The Embrace 35 is in service with an infant for a short period of time.

Infant seats typically have a brief utility period compared to convertible or harnessed booster seats. Infant seats are generally just used only during a child's first year (usually up to nine months), while toddler seats are commonly used four or more years (up to eight times longer than an infant seat). See "A Look Inside American Family Vehicles: National Study of 79,000 Car Seats, 2009-2010," at pages 9-13 by SafeKids USA (Sept. 2011).

This brief usage period is attributable to several factors: (a) due to the handled design of the infant seat, many mothers, who are often the primary caregivers, are ready to transition to a convertible seat because the child becomes heavy to move from car to home in his or her seat; (b) children are often size-appropriate and developmentally ready to move to a forward-facing child restraint after the age of one; and (c) children generally are ready to feed themselves at the age of approximately 9 months to one year, as they move from an infant seat to a convertible seat, which will accommodate them well into their toddler years. The brief service period means that the subject buckle is not subjected to contamination over time in an Embrace 35.

Moreover, the Embrace 35 units utilizing the QT1 buckle have not been manufactured since May 2013; hence, these seats have been in the market for approximately a year and most have fulfilled their typical service life—or soon will be reaching that point. If consumers were going to experience issues with this buckle, they would have already.

Source of Information:

To respond to this Request No. 6, Evenflo reviewed its complaint data, NHTSA data and publicly available documents on the NHTSA website, as well as related publications.

Last Date Information was Gathered:

The information upon which this response is based is current through July 31, 2014.

CONCLUSION:

Evenflo respectfully requests that NHTSA's engineering analysis, EA14-003, be closed. as use of the subject buckles in connection with the Embrace 35 does not present an unreasonable safety risk. The QT3 buckle in the Embrace 35 is a non-issue, as the complaint rate is zero during the relevant time period. As for the QT1 subject buckle in the Embrace 35, the complaint rate for not being able to unbuckle is 25 per million. This QT1 rate is well below the complaint rates for the same issue about which NHTSA investigated and ultimately concluded the data did not support a

safety recall, i.e., Jeep and Cosco. Evenflo renews its proposal to allow it to continue providing exceptional service to consumers who contact the company with a buckle concern—by troubleshooting or sending a new buckle—on a case-by-case basis. No further action by company or agency is warranted.

In the event that NHTSA has questions or would like to discuss this response further, Evenflo welcomes the opportunity to discuss in person the issues raised in this investigation and will make arrangements to visit NHTSA's offices to do so.

EA14-003

EVENFLO

8/29/2014

REQUEST NO 4 RECORDS

safercar.gov
U.S. Department of Transportation

EVENFLO EMBRACE

Recalls	Investigations	Complaints	Service Bulletins
0	1	3	0

Below is a list of safety-related complaints received for this product. Complaints are entered into our complaint database and are used to determine if a safety-related defect trend exists.

Do you have a safety-related complaint? Let us know by going to our File a Safety Complaint page

COMPLAINTS: Displaying 1 - 3 out of 3

Date Complaint Filed: 07/31/2014 **Date of Incident:** 04/05/2014
Component(s): CHILD SEAT **NHTSA ID Number:** 10617909

All Products Associated with this Complaint

Details 0 Associated Documents

Crash: No **Fire:** No **Number of Injuries:** 0 **Number of Deaths:** 0
Manufacturer: Evenflo Company, Inc.
Vehicle Identification No. (VIN):

SUMMARY:
TL- THE CONTACT OWNS AN EVENFLO EMBRACE 35 CHILD SEAT, MODEL NUMBER 31511400 AND MANUFACTURED FEBRUARY 12, 2012. THE CONTACT STATED THAT THE HARNESS BUCKLE WOULD BECOME DIFFICULT TO RELASE WHEN ATTEMPTING TO REMOVE THE CHILD FROM THE SEAT. THE MANUFACTURER WAS NOT NOTIFIED OF THE FAILURE. KW

Date Complaint Filed: 07/13/2014 **Date of Incident:** 07/10/2014
Component(s): CHILD SEAT **NHTSA ID Number:** 10610141

All Products Associated with this Complaint

Details 0 Associated Documents

Crash: No **Fire:** No **Number of Injuries:** 0 **Number of Deaths:** 0
Manufacturer: Evenflo Company, Inc.
Vehicle Identification No. (VIN):

SUMMARY:
EVENFLO EMBRACE 35 MODEL 3151198 THE CARSEAT AND THE BASE IS NOT LOCKING TOGETHER TO KEEP MY CHILD SECURE. I HAVE CLEANED THE BASE AND THE BOTTOM OF THE CARSEAT AND IT STILL WILL NOT STAY LATCHED TOGETHER AND WHEN ATTEMPTING TO PUT CARSEAT IN THE CAR THE CARSEAT WON'T STAY LATCHED TOGETHER AT ALL.

Date Complaint Filed: 05/02/2014 **Date of Incident:** 03/01/2014
Component(s): CHILD SEAT **NHTSA ID Number:** 10586163

All Products Associated with this Complaint

Details 0 Associated Documents

Crash: No **Fire:** No **Number of Injuries:** 0 **Number of Deaths:** 0
Manufacturer: Evenflo Company, Inc.
Vehicle Identification No. (VIN):

SUMMARY:
TL* THE CONTACT OWNS AN EVENFLO EMBRACE 35 CHILD SEAT, MODEL NUMBER 31511576 AND MANUFACTURED NOVEMBER 11, 2013. THE CONTACT STATED THAT THE CHILD SEAT WOULD NOT LOCK INTO THE BASE CORRECTLY. THE SEAT WAS REMOVED FROM THE BASE WITHOUT THE CONTACT HAVING TO PUSH THE RELEASE BUTTON. THE MANUFACTURER WAS NOT NOTIFIED OF THE FAILURE.