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

1200 New Jersey Avenue SE.
Washington, DC 20590

July 20, 2020

VIA EMAIL

Mr. Michael Noah
Senior Vice President
Harmony Juvenile Products
2450 Cohen Street
Montreal, Quebec
CANADA

NEF-108ew
AQ 20-001

info@harmonyjuvenile.com

Re: NHTSA Audit Query 20-001
Information Requests to Harmony Juvenile Products

Dear Mr. Noah:

This letter is to inform you that the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA or the Agency) has opened an Audit Query (AQ 20-001) to determine whether Harmony Juvenile Products ("Harmony") has complied with the National Traffic and Motor Vehicle Safety Act and related regulations. Specifically, ODI is investigating whether Harmony has reported death and injury claims and foreign recalls, as required by 49 C.F.R. Part 579, and has otherwise complied with the requirements of that regulation.[1]

On September 25, 2019, Ms. Tanya Topka and Dr. Elizabeth Wolfe from ODI's Trends Analysis Division held an outreach telephone call with Mr. Michael Noah, Harmony's Senior Vice President, to discuss Harmony's Early Warning Reporting (EWR) obligations under Part 579 and to answer any questions or concerns from Harmony. During that call, the Agency reviewed Harmony's quarterly reporting obligation under 49 C.F.R. § 579.25 to submit a report of death and injury claims and notices, aggregate information that includes (among other things) field reports, and copies of non-dealer field reports. The Agency also reviewed Harmony's monthly obligation to submit copies of dealer communications monthly under 49 C.F.R. § 579.5 and its

[1] The Agency would normally serve a Request for Information on a foreign manufacturer via its designated agent for service of process. *See* 49 C.F.R. Part 551, Subpart D (Service of Process on Foreign Manufacturers and Importers). "Unless and until a foreign manufacturer appoints an agent in accordance with the requirements of this subpart, it may not import motor vehicles or motor vehicle equipment into the United States." *See* 49 C.F.R. § 551.46(b). Harmony has not properly appointed an agent for service of process under these regulations and should cure this noncompliance as soon as possible if it intends to continue importing equipment into the United States.

obligation under 49 C.F.R. § 579.11 to notify the Agency within 5 working days of foreign recall campaigns on substantially similar child restraint systems.

During the September 25 telephone call, the Agency noted that the last death claim reported by Harmony under its Death and Injury (D&I) reporting obligations was from Quarter 3, 2014. On behalf of Harmony, Mr. Noah stated that it had no death or injury claims to report since that quarter. NHTSA further noted that it had not received any field reports from Harmony to date and reviewed the definition of a field report under 49 C.F.R. § 579.4 and the obligation of manufacturers of child restraint systems to submit non-dealer field reports quarterly under 49 C.F.R. § 579.25. On behalf of Harmony, Mr. Noah stated that it did not have any field reports to submit.

In September 2019, NHTSA staff became aware of a fatal crash that occurred on September 14, 2016 in Pennsylvania and a resulting lawsuit that was filed in Northampton County, Pennsylvania, named Harmony as a co-defendant, and alleged a defect in a Harmony child restraint system. On November 7, 2019, NHTSA sent an email to Mr. Noah inquiring about the September 14, 2016 fatality. Mr. Noah responded via email on November 7, 2019 and stated that Harmony was not aware of the incident, but that, as of the evening of November 6, 2019, Harmony had received a notice of a pending legal action through its counsel's office in Portland, Oregon. Harmony reported this death claim in its Q4 report on January 6, 2020. NHTSA is investigating whether Harmony had notice of this incident and death claim prior to November 6, 2019, and otherwise has reported incidents involving deaths or injuries as required by 49 C.F.R. § 579.25.

NHTSA is also investigating whether Harmony reported foreign recall campaigns on substantially similar or identical child restraint systems as required by 49 C.F.R. § 579.11. Based on publicly available information from Transport Canada, Harmony initiated four recalls on child restraint systems in Canada on August 30, 2019, May 24, 2013, and April 23, 2012 without submitting reports to the Agency under 49 C.F.R. § 579.11. NHTSA needs additional information to determine whether these recalls involved identical or substantially similar child restraint systems as were being sold in the United States and, if so, whether Harmony had a reporting obligation under Section 579.11.

NHTSA is also conducting this investigation to better understand and evaluate Harmony's process for reporting under 49 C.F.R. Part 579, and its compliance with the requirements of that regulation and the associated statutory provisions in 49 U.S.C. § 30166(f), (l), and (m).

Legal Authority for This Request

This letter is being sent to Harmony pursuant to 49 U.S.C. § 30166, which authorizes NHTSA to conduct any investigation that may be necessary to enforce Chapter 301 of Title 49 and to request reports and the production of things. It constitutes a new request for information.

Instructions

Pursuant to this authority and to assist the Agency in evaluating Harmony's compliance with 49 C.F.R. Part 579, please provide responses to the following numbered information requests, repeat the applicable information request verbatim above each response, and answer each sub-item separately.

When documents are produced, the documents shall be produced in an identified, organized manner that corresponds with each numbered information request, including the subpart. When documents are produced and the documents would not, standing alone, be self-explanatory, the production of documents shall be supplemented and accompanied by explanation. If you cannot respond to any item, please state the reason why you are unable to do so.

If on the basis of attorney-client, attorney work product, or other privilege, you withhold or redact requested documents or items of information in response to this information request, you must provide a privilege log identifying each document or item withheld or redacted, and stating the date, subject or title, the name and position of the person(s) from, and the person(s) to whom it was sent, and the name and position of any other recipient (to include all carbon copies or blind carbon copies), the nature of that information or material, and the basis for the claim of privilege and why that privilege applies.

Definitions

The following terms, whether used in the singular, plural, possessive, or nonpossessive forms, have the following definitions as used in these information requests:

"Canadian Recall No. 1" means the recall titled "Harmony Juvenile Products V7 – missing aircraft installation instructions," No. 2012-P05 E, published by Transport Canada on April 23, 2012.

"Canadian Recall No. 2" means the recall titled "Harmony Juvenile Products – v7 non-compliant lower connector system," No. 2013-P02 E, published by Transport Canada on May 24, 2013.

"Canadian Recall No. 3" means the recall titled "Harmony Juvenile Products – v7 structural failure," No. 2013-P01 E, published by Transport Canada on May 24, 2013.

"Canadian Recall No. 4" means the recall titled "Harmony Big Boost Deluxe Booster Seat – Non-compliance to Canada Motor Vehicle Safety Standards," No. 2019-P02 E, published by Transport Canada on August 30, 2019.

"Child Restraint System" means "any system that meets, or is offered for sale in the United States as meeting, any definition in S4 of § 571.213 of Chapter 49 of the Code of Federal Regulations (C.F.R.), or that is offered for sale as a child restraint system in a foreign country." *See* 49 C.F.R. § 579.4(c).

"Claim" means "a written request or written demand for relief, including money or other compensation, assumption of expenditures, or equitable relief, related to a motor vehicle crash,

accident, the failure of a component or system of a vehicle or an item of motor vehicle equipment, or a fire originating in or from a motor vehicle or a substance that leaked from a motor vehicle. Claim includes, but is not limited to, a demand in the absence of a lawsuit, a complaint initiating a lawsuit, an assertion or notice of litigation, a settlement, covenant not to sue or release of liability in the absence of a written demand, and a subrogation request. A claim exists regardless of any denial or refusal to pay it, and regardless of whether it has been settled or resolved in the manufacturer's favor. The existence of a claim may not be conditioned on the receipt of anything beyond the document(s) stating a claim. Claim does not include demands related to asbestos exposure, to emissions of volatile organic compounds from vehicle interiors, or to end-of-life disposal of vehicles, parts or components of vehicles, equipment, or parts or components of equipment." *See* 49 C.F.R. § 579.4(c).

"Dealer Field Report" means "a field report from a dealer or authorized service facility of a manufacturer of motor vehicles or motor vehicle equipment." *See* 49 C.F.R. § 579.4(c).

"Defect" means and includes "any defect in performance, construction, a component, or material of a motor vehicle or motor vehicle equipment." *See* 49 U.S.C. § 30102(a)(3); 49 C.F.R. § 579.4(a).

"Document(s)" is used in the broadest sense of the word and shall mean all original written, printed, typed, recorded, or graphic matter whatsoever, however produced or reproduced, of every kind, nature, and description, and all non-identical copies of both sides thereof, including, but not limited to, papers, letters, memoranda, correspondence, communications, electronic mail (e-mail) messages (existing in hard copy and/or in electronic storage), faxes, mailgrams, telegrams, cables, telex messages, notes, annotations, working papers, drafts, minutes, records, audio and video recordings, data, databases, other information bases, summaries, charts, tables, graphics, other visual displays, photographs, statements, interviews, opinions, reports, newspaper articles, studies, analyses, evaluations, interpretations, contracts, agreements, jottings, agendas, bulletins, notices, announcements, instructions, blueprints, drawings, as-builts, changes, manuals, publications, work schedules, journals, statistical data, desk, portable and computer calendars, appointment books, diaries, travel reports, lists, tabulations, computer printouts, data processing program libraries, data processing inputs and outputs, microfilms, microfiches, statements for services, resolutions, financial statements, governmental records, business records, personnel records, work orders, pleadings, discovery in any form, affidavits, motions, responses to discovery, all transcripts, administrative filings and all mechanical, magnetic, photographic and electronic records or recordings of any kind, including any storage media associated with computers, including, but not limited to, information on hard drives, floppy disks, backup tapes, and zip drives, electronic communications, including but not limited to, the Internet and shall include any drafts or revisions pertaining to any of the foregoing, all other things similar to any of the foregoing, however denominated by Harmony, any other data compilations from which information can be obtained, translated if necessary, into a usable form and any other documents. For purposes of this request, any document which contains any note, comment, addition, deletion, insertion, annotation, or otherwise comprises a non-identical copy of another document shall be treated as a separate document subject to production. In all cases where original and any non-identical copies are not available, "document(s)" also means any identical copies of the original and all non-identical copies thereof. Any document, record, graph, chart, film or

photograph originally produced in color must be provided in color. Furnish all documents whether verified by Harmony or not. If a document is not in the English language, provide both the original document and an English translation of the document.

"Field Report" means "a communication in writing, including communications in electronic form, from an employee or representative of a manufacturer of motor vehicles or motor vehicle equipment, a dealer or authorized service facility of such manufacturer, or an entity known to the manufacturer as owning or operating a fleet, to the manufacturer regarding the failure, malfunction, lack of durability, or other performance problem of a motor vehicle or motor vehicle equipment, or any part thereof, produced for sale by that manufacturer and transported beyond the direct control of the manufacturer, regardless of whether verified or assessed to be lacking in merit, but does not include any document covered by the attorney-client privilege or the work product exclusion." *See* 49 C.F.R. § 579.4(c).

"Harmony" means Harmony Juvenile Products, all of its past and present officers and employees, whether assigned to their principal offices or any of their field or other locations, including all of their divisions, subsidiaries (whether or not incorporated) and affiliated enterprises and all of their headquarters, regional, zone and other offices and their employees, and all agents, contractors, consultants, attorneys and law firms and other persons engaged directly or indirectly (e.g., employee of a consultant) by or under the control of Harmony, including any agent(s) designated for service of process.

"Identical or Substantially Similar" An item of motor vehicle equipment sold or in use outside the United States is identical or substantially similar to equipment sold or offered for sale in the United States if such equipment and the equipment sold or offered for sale in the United States have one or more components or systems that are the same, and the component or system performs the same function in vehicles or equipment sold or offered for sale in the United States, regardless of whether the part numbers are identical. *See* 49 C.F.R. § 579.4(d).

"Identify," when used with respect to a document, means to state (1) the type of document (e.g. letter, memorandum, hand-written note, facsimile, e-mail); (2) its date of origin or creation; (3) its author and addressee(s); (4) a brief description of its subject matter and size; and (5) any unique number, mark, or other designation (e.g., Bates number).

"Minimal Specificity" means, for a child restraint system, "the manufacturer and the model (either the model name or model number)." *See* 49 C.F.R. § 579.4(d).

"Model" means "the name that the manufacturer uses to identify child restraint systems with the same seat shell, buckle, base (if so equipped) and restraint system." *See* 49 C.F.R. § 579.4(c).

"Notice" means "a document, other than a media article, that does not include a demand for relief, and that a manufacturer receives from a person other than NHTSA." *See* 49 C.F.R. § 579.4(c).

"Other Safety Campaign" means "an action in which a manufacturer communicates with owners and/or dealers in a foreign country with respect to conditions under which motor vehicles or equipment should be operated, repaired, or replaced that relate to safety (excluding

promotional and marketing materials, customer satisfaction surveys, and operating instructions or owner's manuals that accompany the vehicle or child restraint system at the time of first sale); or advice or direction to a dealer or distributor to cease the delivery or sale of specified models of vehicles or equipment." *See* 49 C.F.R. § 579.4(c).

"Safety Recall" means "an offer by a manufacturer to owners of motor vehicles or equipment in a foreign country to provide remedial action to address a defect that relates to motor vehicle safety or a failure to comply with an applicable safety standard or guideline, whether or not the manufacturer agrees to pay the full cost of the remedial action." 49 C.F.R. § 579.4(c).

"Stephens Accident" means the September 14, 2016 fatal accident referred to and at issue in the Stephens Lawsuit as defined below.

"Stephens Lawsuit" means the legal action captioned as *Stephens v. Getz*, Case No. C-0048-CV-2018-8566, and venued in Northampton County, Pennsylvania.

"**You**" or **"Your"** refers to Harmony, as defined above.

Information Requests

1. State the date on which you first received a claim or notice relating to the Stephens Accident that contained minimal specificity and alleged that a death or injury was caused by a possible defect in the Harmony child restraint system, and produce a copy of that claim or notice.

2. Identify and produce all notices you received relating to the Stephens Accident prior to December 31, 2019 and, for each such notice, identify the person who received the notice, the date on which you received the notice, and the manner (e.g., mail, email, courier service, or service of process) in which you received the notice.

3. Identify and produce all claims you received relating to the Stephens Accident prior to December 31, 2019, and, for each such claim, identify the person who received the claim, the date on which you received the claim, and the manner (e.g., mail, email, courier service, or service of process) in which you received the claim.

4. Identify and produce all pleadings (including writs, summonses, complaints, and notices of depositions) you received relating to the Stephens Lawsuit prior to December 31, 2019, and, for each such pleading, identify the person who received the notice, the date on which the pleading was received, and the manner (e.g., mail, email, courier service, or process server) in which you received the notice.

5. State the date on which you reported the Stephens Accident and/or the Stephens Lawsuit to NHTSA under 49 C.F.R. 579.25, and, if you contend that your report was timely, describe in detail why your report was timely with specific reference to the regulations and requirements.

6. State the date on which Harmony determined to conduct Canadian Recall No. 1.

7. State whether Canadian Recall No. 1 was a safety recall or other safety campaign conducted by Harmony in a foreign country; and

   a. If your response to Request No. 7 is not an unqualified affirmative response, explain in detail why Canadian Recall No. 1 was not a safety recall or other safety campaign conducted by Harmony in a foreign country, and produce all documents supporting or otherwise relating to your response.

8. State whether Canadian Recall No. 1 involved child restraint systems that were identical or substantially similar to child restraint systems offered for sale in the United States; and

   a. If your response to Request No. 8 is not an unqualified affirmative response, explain in detail why Canadian Recall No. 1 did not involve child restraint systems that were identical or substantially similar to child restraint systems offered for sale in the United States, and produce all documents supporting or otherwise relating to your response.

9. State whether Harmony reported its determination to conduct Canadian Recall No. 1 to NHTSA;

   a. State the date on which Harmony reported Canadian Recall No. 1 to NHTSA and produce all documents reflecting Harmony's report of Canadian Recall No. 1 to NHTSA; and

   b. If your response to Request No. 9 is not an unqualified affirmative response, explain in detail why Harmony did not report its determination to conduct Canadian Recall No. 1 to NHTSA and produce all documents supporting or otherwise relating to your response.

10. State whether Harmony reported its determination to conduct Canadian Recall No. 1 to NHTSA within 5 working days after it determined to conduct Canadian Recall No. 1; and

    a. If your response to Request No. 10 is not an unqualified affirmative response, explain in detail why Harmony did not report Canadian Recall No. 1 to NHTSA within 5 working days after it determined to conduct Canadian Recall No. 1.

11. Produce all documents relating to or reflecting Harmony's determination to conduct Canadian Recall No. 1 or its decision to report or not report Canadian Recall No. 1 to NHTSA.

All documents produced in response to Request Nos. 7-11 should be produced together in chronological order. A document that is responsive to more than one request should be produced only once.

12. State the date on which Harmony determined to conduct Canadian Recall No. 2.

13. State whether Canadian Recall No. 2 was a safety recall or other safety campaign conducted by Harmony in a foreign country; and

    a. If your response to Request No. 13 is not an unqualified affirmative response, explain in detail why Canadian Recall No. 2 was not a safety recall or other safety campaign conducted by Harmony in a foreign country and produce all documents supporting or otherwise relating to your response.

14. State whether Canadian Recall No. 2 involved child restraint systems that were identical or substantially similar to child restraint systems offered for sale in the United States; and

    a. If your response to Request No. 14 was not an unqualified affirmative response, explain in detail why Canadian Recall No. 2 did not involve child restraint systems that were identical or substantially similar to child restraint systems offered for sale in the United States and produce all documents supporting or otherwise relating to your response.

15. State whether Harmony reported its determination to conduct Canadian Recall No. 2 to NHTSA;

    a. State the date on which Harmony reported Canadian Recall No. 2 to NHTSA and produce all documents reflecting Harmony's report of Canadian Recall No. 2 to NHTSA; and

    b. If your response to Request No. 15 was not an unqualified affirmative response, explain in detail why Harmony did not report its determination to conduct Canadian Recall No. 2 to NHTSA and produce all documents supporting or otherwise relating to your response.

16. State whether Harmony reported its determination to conduct Canadian Recall No. 2 to NHTSA within 5 working days after it determined to conduct Canadian Recall No. 2; and

    a. If your response to Request No. 16 is not an unqualified affirmative response, explain in detail why Harmony did not report Canadian Recall No. 2 to NHTSA within 5 working days after it determined to conduct Canadian Recall No. 2.

17. Produce all documents relating to or reflecting Harmony's determination to conduct Canadian Recall No. 2 or its decision to report or not report Canadian Recall No. 2 to NHTSA.

    All documents produced in response to Request Nos. 13-17 should be produced together in chronological order. A document that is responsive to more than one request should be produced only once.

18. State the date on which Harmony determined to conduct Canadian Recall No. 3.

19. State whether Canadian Recall No. 3 was a safety recall or other safety campaign conducted by Harmony in a foreign country; and

    a. If your response to Request No. 19 is not an unqualified affirmative response, explain in detail why Canadian Recall No. 3 was not a safety recall or other safety campaign conducted by Harmony in a foreign country and produce all documents supporting or otherwise relating to your response.

20. State whether Canadian Recall No. 3 involved child restraint systems that were identical or substantially similar to child restraint systems offered for sale in the United States; and

    a. If your response to Request No. 20 was not an unqualified affirmative response, explain in detail why Canadian Recall No. 3 did not involve child restraint systems that were identical or substantially similar to child restraint systems offered for sale in the United States and produce all documents supporting or otherwise relating to your response.

21. State whether Harmony reported its determination to conduct Canadian Recall No. 3 to NHTSA;

    a. State the date on which Harmony reported Canadian Recall No. 3 to NHTSA and produce all documents reflecting Harmony's report of Canadian Recall No. 3 to NHTSA; and

    b. If your response to Request No. 21was not an unqualified affirmative response, explain in detail why Harmony did not report its determination to conduct Canadian Recall No. 3 to NHTSA and produce all documents supporting or otherwise relating to your response.

22. State whether Harmony reported its determination to conduct Canadian Recall No. 3 to NHTSA within 5 working days after it determined to conduct Canadian Recall No. 3; and

    a. If your response to Request No. 22 is not an unqualified affirmative response, explain in detail why Harmony did not report Canadian Recall No. 3 to NHTSA within 5 working days after it determined to conduct Canadian Recall No. 3.

23. Produce all documents relating to or reflecting Harmony's determination to conduct Canadian Recall No. 3 or its decision to report or not report Canadian Recall No. 3 to NHTSA.

All documents produced in response to Request Nos. 19-23 should be produced together in chronological order. A document that is responsive to more than one request should be produced only once.

24. State the date on which Harmony determined to conduct Canadian Recall No. 4.

25. State whether Canadian Recall No. 4 was a safety recall or other safety campaign conducted by Harmony in a foreign country; and

    a. If your response to Request No. 25 is not an unqualified affirmative response, explain in detail why Canadian Recall No. 4 was not a safety recall or other safety campaign conducted by Harmony in a foreign country and produce all documents supporting or otherwise relating to your response.

26. State whether Canadian Recall No. 4 involved child restraint systems that were identical or substantially similar to child restraint systems offered for sale in the United States; and

    a. If your response to Request No. 26 is not an unqualified affirmative response, explain in detail why Canadian Recall No. 4 did not involve child restraint systems that were identical or substantially similar to child restraint systems offered for sale in the United States and produce all documents supporting or otherwise relating to your response.

27. State whether Harmony reported its determination to conduct Canadian Recall No. 4 to NHTSA;

    a. State the date on which Harmony reported Canadian Recall No. 4 to NHTSA and produce all documents reflecting Harmony's report of Canadian Recall No. 4 to NHTSA; and

    b. If your response to Request No. 27 is not an unqualified affirmative response, explain in detail why Harmony did not report its determination to conduct Canadian Recall No. 4 to NHTSA and produce all documents supporting or otherwise relating to your response.

28. State whether Harmony reported its determination to conduct Canadian Recall No. 4 to NHTSA within 5 working days after it determined to conduct Canadian Recall No. 4; and

    a. If your response to Request No. 28 is not an unqualified affirmative response, explain in detail why Harmony did not report Canadian Recall No. 4 to NHTSA within 5 working days after it determined to conduct Canadian Recall No. 4.

29. Produce all documents relating to or reflecting Harmony's determination to conduct Canadian Recall No. 4 or its decision to report or not report Canadian Recall No. 4 to NHTSA.

    All documents produced in response to Request Nos. 25-29 should be produced together in chronological order. A document that is responsive to more than one request should be produced only once.

30. Describe in detail Harmony's process for identifying and submitting manufacturer communications to NHTSA under 49 C.F.R. § 579.5. State whether Harmony has made any changes to that process during the prior five years, and if yes, describe the changes;

    a. Produce copies of any written processes, policies, or procedures identified in response to Request No. 30; and

    b. Identify each manufacturer communication sent by Harmony at any time from January 1, 2013, through the present; and

        i. for each such manufacturer communication, state whether it was previously submitted to NHTSA under 49 C.F.R. § 579.5; and,

        ii. if it was submitted to NHTSA, state the date on which it was submitted to NHTSA.

31. Describe in detail Harmony's process for identifying and reporting to NHTSA safety recalls and other safety campaigns in a foreign country under 49 C.F.R. § 579.11. State whether Harmony has made any changes to that process during the prior five years, and if yes, describe the changes;

    a. Produce copies of any written processes, policies, or procedures identified in response to Request No. 31; and

    b. Identify, by initiation date, country, recall or campaign number, and the equipment, population, and defect or noncompliance at issue, each safety recall or other safety campaign in a foreign country involving Harmony child restraint systems that are or was identical or substantially similar to child restraint systems sold or offered for sale in the United States from January 1, 2013, through the present; and

        i. for each such safety recall or other safety campaign, state whether Harmony provided notice to NHTSA under 49 C.F.R. § 579.11; and

        ii. if Harmony provided notice to NHTSA under 49 C.F.R. § 579.11, state the date on which it provided that notice to NHTSA.

32. Describe in detail Harmony's process for identifying, reporting, and submitting all information (including but not limited to death and injury reports and copies of non-dealer field reports) required to be provided to NHTSA under 49 C.F.R. § 579.25. State whether Harmony has made any changes to that process during the prior five years, and if yes, describe the changes;

    a. Produce copies of any written processes, policies, or procedures identified in response to Request No. 32; and

b. Identify all claims or notices regarding any incident involving one or more deaths or injuries occurring in the United States that were received by Harmony during the period January 1, 2013, through the present; and

   i. for each such claim or notice, state whether it was referenced in a report submitted by Harmony to NHTSA under 49 C.F.R. § 579.25(b)(1); and

   ii. If the claim or notice was referenced in a report submitted by Harmony to NHTSA under 49 C.F.R. § 579.25(b)(1), state the date the report was submitted to NHTSA.

c. Identify all non-dealer field reports received by Harmony during the period January 1, 2013, through the present; and

   i. for each such non-dealer field report, state whether Harmony submitted a copy to NHTSA under 49 C.F.R. § 579.25(d); and

   ii. if Harmony submitted a copy to NHTSA under 49 C.F.R. § 579.25(d), state the date on which it submitted the copy to NHTSA.

Civil Penalties

Harmony's failure to respond promptly and fully to this letter could subject Harmony to civil penalties pursuant to 49 U.S.C. § 30165 or lead to an action for injunctive relief pursuant to 49 U.S.C. § 30163. (Other remedies and sanctions are available as well.) The Vehicle Safety Act, as amended, provides for civil penalties of up to $22,329 per violation per day, with a maximum of $111,642,265 for a related series of daily violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. *See* 49 U.S.C. § 30165(a)(3); 49 C.F.R § 578.6(a)(3). This includes failing to respond completely, accurately, and in a timely manner to ODI information requests.

If Harmony cannot respond to any specific request or subpart(s) thereof, please state the reason why it is unable to do so. If on the basis of attorney-client, attorney work product, or other privilege, Harmony does not submit one or more requested documents or items of information in response to this information request, Harmony must provide a privilege log identifying each document or item withheld, and stating the date, subject or title, the name and position of the person(s) from, and the person(s) to whom it was sent, and the name and position of any other recipient (to include all carbon copies or blind carbon copies), the nature of that information or material, and the basis for the claim of privilege and why that privilege applies.

Confidential Business Information

If Harmony claims that any of the information it submits in response to these Requests for Information is confidential business information or is otherwise protected from public disclosure, it must make that claim and submit that material in the following manner pursuant to the Agency's regulations.

All confidential business information must be submitted directly to the Office of Chief Counsel as described in the following paragraph and should not be sent to this office. In addition, do not submit any confidential business information in the body of the letter submitted to this office. Please reference **AQ 20-001** in your response to this letter and in any confidentiality request submitted to the Office of Chief Counsel.

If Harmony claims that any of the information or documents provided in response to these Requests for Information constitute confidential commercial material within the meaning of 5 U.S.C. § 552(b)(4), or are protected from disclosure pursuant to 18 U.S.C. § 1905, you must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with 49 C.F.R. Part 512, to Jeff Eyres, Office of Chief Counsel, at jeffrey.eyres@dot.gov.[2] *See* 5 U.S.C. § 552(b)(4); 49 C.F.R. § 512.5; *Food Marketing Institute v. Argus Leader Media*, 139 S. Ct. 2356 (2019). Harmony is required to submit a copy of the documents containing allegedly confidential information and a copy containing only the portions for which no claim of confidential treatment is made and from which those portions for which confidential treatment is claimed have been redacted. *See* 49 C.F.R. § 512.5. Please remember that the phrase "ENTIRE PAGE CONFIDENTIAL BUSINESS INFORMATION" or "CONTAINS CONFIDENTIAL BUSINESS INFORMATION" (as appropriate) must appear at the top of each page containing information claimed to be confidential, and the information must be clearly identified in accordance with 49 C.F.R. § 512.6.

Due Date

Harmony's response to this letter, together with a copy of any confidentiality request, must be submitted to Jeff Eyres in the Office of Chief Counsel at jeffrey.eyres@dot.gov by ***August 10, 2020***. Harmony's response must include all non-confidential documents and a redacted version of all documents that contain confidential information.

If Harmony finds that it is unable to provide all of the information requested within the time allotted, Harmony must request an extension from me at (202) 366-9590 no later than five business days before the response due date. If Harmony is unable to provide all of the information requested by the original deadline, it must submit a partial response by the original deadline with whatever information Harmony then has available, even if an extension has been granted.

[2] You may also contact Mr. Eyres at 202.913.4307 if you would like to arrange for a method of submission other than email.

If you have any technical questions concerning this matter, please call Dr. Wolfe at (202) 366-3976.

Sincerely,

Tanya Topka

Tanya Topka, Chief
Trends Analysis Division
Office of Defects Investigation

cc: Dr. Elizabeth Wolfe
Jeff Eyres (NHTSA Office of Chief Counsel)