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

1200 New Jersey Avenue SE.
Washington, DC 20590

April 17, 2020

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Scott Tassinari, Vice President of Quality
Britax Child Safety, Inc.
4140 Pleasant Road
Fort Mill, SC 29708

NEF-0102
DP20-003

Dear Mr. Tassinari:

This letter is to inform you that the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) has received a petition and opened Defect Petition (DP) 20-003 to investigate the crashworthiness, and/or the structural failure of certain Britax car (child) seats during a crash event, and to request certain information.

This office has received a report of a child seat allegedly failing structurally during a frontal collision and thereby contributing to the injury and death of the child occupant. The occupant was seated in a Britax Frontier Click Tight XE child seat which was manufactured in 2015. The report constitutes the basis for this petition. A copy of the report and related materials will be sent to you electronically for your review and information.

Unless otherwise stated in the text, the following definitions apply to these information requests:

- **Subject child seat:** All Britax Frontier Click Tight, manufactured for sale in the United States, including, but not limited to, the District of Columbia, and current U.S. territories and possessions.

- **Alleged defect:** Allegations (e.g., consumer complaints, field reports, law suits, etc.) of the subject child seat failing structurally during, or otherwise incurring structural damage as a result of, a vehicular crash event.

- **Britax Child Safety Incorporated (Britax):** and, expand to include foreign parent company where design, engineering and/or manufacturing are undertaken in a foreign country, also expand to include predecessor company if warranted], all of their 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 Britax (including all business units and persons previously referred to), who are or, in or after January 1, 2010, were involved in any way with any of the following related to the alleged defect in the subject child seat:

a. Design, engineering, analysis, modification or production (e.g. quality control);
b. Testing, assessment or evaluation;
c. Consideration, or recognition of potential or actual defects, reporting, record-keeping and information management, (e.g., complaints, field reports, warranty information, part sales), analysis, claims, or lawsuits; or
d. Communication to, from or intended for zone representatives, fleets, dealers, or other field locations, including but not limited to people who have the capacity to obtain information from dealers.

- **Document:** "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 Britax, 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 Britax or not. If a document is not in the English language, provide both the original document and an English translation of the document.

- **Other Terms:** To the extent that they are used in these information requests, the terms "claim," "consumer complaint," "dealer field report," "field report," "fire," "fleet," "good will," "make," "model," "model year," "notice," "property damage," "property damage claim," "rollover," "type," "warranty," "warranty adjustment," and "warranty claim," whether used in singular or in plural form, have the same meaning as found in 49 CFR 579.4.

In order for my staff to evaluate the alleged defect, certain information is required. Pursuant to 49 U.S.C. § 30166, please provide numbered responses to the following information requests. Insofar as Britax has previously provided a document to ODI, Britax may produce it again or identify the document, the document submission to ODI in which it was included and the precise location in that submission where the document is located. When documents are produced, the documents shall be produced in an identified, organized manner that corresponds with the organization of this information request letter (including all individual requests and subparts). 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.

Please repeat the applicable request verbatim above each response. After Britax's response to each request, identify the source of the information and indicate the last date the information was gathered.

1. State, by model and model year, the number of subject child seat Britax has manufactured for sale in the United States. Separately, for each subject child seat manufactured to date by Britax, state the following:

   a. Brand name;
   b. Model name;
   c. Model number;
   d. Serial number; and
   e. Date of manufacture.

   Provide the table in Microsoft Access 2010, or a compatible format, entitled "PRODUCTION DATA."

2. State the number of each of the following, received by Britax, or of which Britax is otherwise aware, which relate to, or may relate to, the alleged defect in the subject child seat:

   a. Consumer complaints;

b. Field reports, including retailer field reports;
c. Reports from retailers and distributors, and from seat providers and installers (including Child Passenger Seat Technician (CPST), but not limited to hospital, police department, SAFEKIDS, field reports etc.);
d. Property damage claims;
e. Third-party arbitration proceedings where Britax is or was a party to the arbitration; and
f. Lawsuits, both pending and closed, in which Britax is or was a defendant or codefendant.

For subparts "a" through "c," state the total number of each item (e.g., consumer complaints, field reports, etc.) separately. Multiple incidents involving the same child seat are to be counted separately. Multiple reports of the same incident are also to be counted separately (i.e., a consumer complaint and a field report involving the same incident in which property damage occurred are to be counted as a property damage claim, a field report and a consumer complaint).

In addition, for item "e", provide a summary description of the alleged problem and causal and contributing factors and Britax's assessment of the problem, with a summary of the significant underlying facts and evidence. For item "f", 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.

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. Britax's file number or other identifier used;
   b. The category of the item, as identified in Request No. 2 (i.e., consumer complaint, field report, etc.);
   c. Child seat owner, street address, email address and telephone number;
   d. Child seat's serial number and date and manufacture;
   e. Child seat's brand, model name, and model number;
   f. Child seat's age at time of incident;
   g. Child seat's location (position) in the vehicle;
   h. Installation method used to secure the child seat to the vehicle;
   i. Britax's assessment of the child seat's performance in the crash event;
   j. Incident date;
   k. Report or claim date;
   l. Number of alleged injuries, if any; and
   m. Number of alleged fatalities, if any.

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

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, field reports, etc.) and describe the method Britax used for organizing the documents. Describe in detail the

search methods and search criteria used by Britax to identify the items in response to Request No. 2.

5. Describe the standard warranty coverage period for the subject child seats, and also state the recommended usage period (life time), by model, model number and production year.

6. Describe all modifications or changes made by, or on behalf of, Britax in the design, material composition, manufacture, quality control, supply, or installation of the subject child seat, from the start of production to date, which relate to, or may relate to, the structural strength, the structural integrity, and/or the crashworthiness of the subject seat during a vehicular crash. For each such modification or change, provide the following information:

   a. The date or approximate date on which the modification or change was incorporated into child seat production;
   b. A detailed description of the modification or change;
   c. The reason(s) for the modification or change;
   d. The part number(s) (service and engineering) of the original component;
   e. The part number(s) (service and engineering) of the modified component;
   f. Whether the original unmodified component was withdrawn from production and/or sale, and if so, when;
   g. When the modified component was made available as a service component; and
   h. Whether the modified component can be interchanged with earlier production components.

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

7. Furnish Britax's assessment of the alleged defect in the subject child seat, including:

   a. The causal or contributory factor(s);
   b. The failure mechanism(s)/failure mode(s);
   c. The risk to child seat safety that it poses;
   d. What warnings, if any, the child seat owner or caregiver would have that the alleged defect was occurring; and
   e. The report related to this inquiry.

Legal Authority for This Request

This letter is being sent to Britax 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.

Civil Penalties

Britax's failure to respond promptly and fully to this letter could subject Britax 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, 49 U.S.C. § 30165(a)(3), provides for civil penalties of up to $21,780 per violation per day, with a maximum of $108,895,910 for a related series of daily violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. *See* 49 CFR 578.6 (as amended by Fixing America's Surface Transportation Act (the "FAST Act"), Pub. L. 114-94, § 24110(a)(2), 129 Stat. 1312 (Dec. 4, 2015)). This includes failing to respond completely, accurately, and in a timely manner to ODI information requests.

If Britax 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, Britax does not submit one or more requested documents or items of information in response to this information request, Britax 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

All business confidential 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 business confidential information in the body of the letter submitted to this office. Please refer to DP20-003 in Britax's response to this letter and in any confidentiality request submitted to the Office of Chief Counsel.

If Britax claims that any of the information or documents provided in response to this information request 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, Britax must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with 49 CFR Part 512, as amended, to the Office of Chief Counsel (NCC-100), National Highway Traffic Safety Administration, Room W41-326, 1200 New Jersey Avenue, S.E., Washington, D.C. 20590. Britax is required to **submit two copies of the documents containing allegedly confidential information (except only one copy of blueprints) and one copy of the documents from which information claimed to be confidential has been deleted.** 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 CFR 512.6. If you submit a request for confidentiality for all or part of your response to this IR, that is in an electronic format (e.g., CD-ROM), your request and associated submission must conform to the new requirements in NHTSA's

Confidential Business Information Rule regarding submissions in electronic formats. *See* 49 CFR 512.6(c) (as amended by 72 Fed. Reg. 59434 (October 19, 2007)).

If you have any questions regarding submission of a request for confidential treatment, contact Daniel Rabinovitz, Trial Attorney, Office of Chief Counsel at daniel.rabinovitz@dot.gov or (202) 366-8534.

Due Date

Britax's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by **May 29, 2020**. Britax's response must include all non-confidential attachments and a redacted version of all documents that contain confidential information. If Britax finds that it is unable to provide all of the information requested within the time allotted, Britax must request an extension from me at (202) 366-0139 no later than five business days before the response due date. If Britax 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 Britax then has available, even if an extension has been granted.

Please send email notification to Samuel Wilson at Samuel.wilson2@dot.gov and to ODI_IRresponse@dot.gov when Britax sends its response to this office and indicate whether there is confidential information as part of Britax's response.

If you have any technical questions concerning this matter, please call Samuel Wilson of my staff at (202) 366-9535.

Sincerely,

D SCOTT YON

Digitally signed by D SCOTT YON
Date: 2020.04.17 13:44:57 -04'00'

Scott Yon, Chief
VDD-B Division
Office of Defects Investigation