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

1200 New Jersey Avenue SE.
Washington, DC 20590

March 23, 2021

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

NEF-0102sw
PE21-007

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 granted Defect Petition (DP20-003) and has opened Preliminary Evaluation (PE21-007) to investigate the crashworthiness, and/or the structural failure of Frontier ClickTight XE car (child) seats manufactured by Britax Child Safety Incorporated.

The subject production year 2015 Britax Frontier ClickTight XE is a booster seat commonly used for children 2-years-old and older weighing between 25-90 pounds while traveling in a vehicle. The Office of Defects Investigation (ODI) was petitioned under DP 20-003 to open a defect investigation regarding a November 2019 crash event involving a Frontier ClickTight seat. During the crash, in which a model year 2016 Nissan Rogue struck a telephone pole, a Frontier ClickTight seat installed at the driver side rear seat experienced a structural failure allowing the harness to pull through the seat back. According to a police report, this contributed to the death of a 4-year-old occupant. Notably there were two other occupants in the Rogue that survived the crash with injuries, the driver and a 3-year-old who was seated in a car seat at the rear passenger side position.

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

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

- **Peer child seats**: All Britax child seats (except the Subject child seats) that; 1) can be used in a forward-facing orientation, 2) are suitable for use by children weighing forty (40) pounds or more, 3) were manufactured between October 2014 and September 2019 (inclusive), and 4) were 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, data testing etc.) of a subject child seat failing structurally during, or otherwise incurring structural damage as a result of, a vehicular crash event.

- **Britax Child Safety Incorporated (Britax):** 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 its divisions, subsidiaries (whether or not incorporated) and affiliated enterprises and all of its 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 seats:

  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 production year, the number of Peer child seats Britax has manufactured.

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 and Peer child seats:
   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. Description of the failure mode and mechanism (which parts/systems failed and why);
    k. Incident date;
    l. Report or claim date;
    m. Number of alleged injuries, if any; and
    n. 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. For each unique type or design level of harness height adjusting system used on the Peer child seats, provide the following information:

    a. The relevant sections of the owner’s manual that discusses and describes the operation and adjustment of the harness height, including any warnings or cautions provided;
    b. Photographs, drawings, and/or diagrams that depict the componentry, design elements and the functionality of the harness height adjustment system; and,

c. Britax's assessment(s) as to any similarities and/or differences between the subject child seat harness adjusting system and that used on the Frontier ClickTight, including any shared componentry or design elements.

6. On August 19, 2020, representatives from ODI and Britax conducted an inspection of the child seat that was the subject of DP20-003, a Britax Frontier ClickTight XE, model E1A076L manufactured in 2015 (see Vehicle Owner Questionnaires 11319247 and 11317879, available at NHTSA.gov), and an inspection of the vehicle the child seat was installed in, a model year 2016 Nissan Rogue. The inspections took place in Hagerstown, MD (child seat) and Chambersburg, PA (incident vehicle) and all parties in attendance were provided the opportunity to physically inspect and photograph the child seat and vehicle. Neither Britax nor ODI took physical possession of any evidence from either inspection.

   ODI is requesting Britax provide any assessments, analyses, testing, hypotheses, theories, or other such information the company has produced that explain, or may explain the potential cause, or causes of the failure of the harness adjusting system of the subject DP20-003 Britax Frontier ClickTight XE car seat, including any design or manufacturing related causes, seat installation or usage errors, or the existence of any prior damage to the seat that may have been a factor.

7. Furnish Britax's assessment of the alleged defect in the Subject and Peer child seats, including:
   a. Any 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 reports submitted in response to this information request.

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 PE 21-007 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)). Additional information can be found here:https://www.nhtsa.gov/coronavirus/submission-confidential-business-information.

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.

Britax's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by **May 3, 2021**. 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 the information requested within the

time allotted, Britax must request an extension from me at (202) 366-6938 no later than five business days before the response due date. If Britax is unable to provide all 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,

BRUCE B YORK

Digitally signed by BRUCE B YORK
Date: 2021.03.25 06:03:03 -04'00'

Bruce York,
Chief VDD-B Division
Office of Defects Investigation