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

1200 New Jersey Avenue SE.
Washington, DC 20590

September 2, 2021

Lisa LeBlanc, Director Quality and Compliance
Director
UPPAbaby
276 Weymouth Street
Rockland MA 02370
lleblanc@uppababy.com

NEF-0102sw
PE21-015

Dear Ms. LeBlanc:

This letter is to inform you that the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) has opened a Preliminary Evaluation (PE21-015) to investigate "lateral movement" despite secure installation in rear-facing 2020 UPPAbaby Knox Convertible car seats, and to request certain information.

This office has received three documents from UPPAbaby related to the alleged defect, including two letters addressed to purchasers of the KNOX Convertible car seat and a report titled "CX KNOX report detail.pdf." One letter, in which UPPAbaby discusses its "voluntary effort," requested owners to refrain from using the car seat specifically because it could "exhibit lateral movement despite secure installation" (and noting that if owners of the seat do not comply, use of the seat is at their own risk). The other letter provided instructions for owners on how to disable the seat from further use and receive a monetary refund.

As noted below, this request is being sent to UPPAbaby 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. 49 U.S.C. § 30166(b), (e).

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

- **Subject child seat:** All Knox Convertible child seats, manufactured for sale in the United States during the 2019-2020, (including those subject to the Knox Convertible Child seat retrieval program conducted in Spring of 2020) calendar years, including, but not limited to, the District of Columbia, and current U.S. territories and possessions.

- **Alleged defect:** Lateral movement of the subject child seat despite secure installation.

- **UPPAbaby**: UPPAbaby's 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 UPPAbaby (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 UPPAbaby, 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 UPPAbaby 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 UPPAbaby has previously provided a document to ODI, UPPAbaby 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 UPPAbaby'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 seats UPPAbaby has manufactured for sale in the United States. Separately, for each subject child seat manufactured to date by UPPAbaby, state the following:

   a. Brand name;
   b. Model name;
   c. Model number;
   d. Serial number
   e. Other names under which this seat is sold; and
   f. 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 UPPAbaby, or of which UPPAbaby 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 "non dealers " 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. Third-party arbitration proceedings where UPPAbaby is or was a party to the arbitration; and

e. Lawsuits, third party arbitration proceedings, or other proceedings (closed or pending) in which UPPAbaby sought or is seeking indemnification from any third party or seller.

For subparts "a" through "e", 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 items "c" through "e", provide a summary description of the alleged problem and causal and contributing factors and UPPAbaby's assessment of the problem, with a summary of the significant underlying facts and evidence. For item "e", 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. UPPAbaby'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. Installation method used to secure the child seat to the vehicle;
   h. Incident date;
   i. Report or claim date;
   j. Concern stated by the customer;
   k. Number of alleged injuries, if any; and
   l. 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 UPPAbaby used for organizing the documents. Describe in detail the search methods and search criteria used by UPPAbaby to identify the items in response to Request No. 2.

5. State a total count for all of the following categories of claims, collectively, that have been paid by UPPAbaby that relate to, or may relate to, the alleged defect in the subject child seats: warranty claims; extended warranty claims; claims for good will services that were provided; or similar adjustments and reimbursements; and warranty claims or repairs made in

accordance with a procedure specified in a technical service bulletin, customer satisfaction campaign, or other such activity.

Separately, for each such claim, state the following information:

a. UPPAbaby's claim number;
b. Child seat owner's name and telephone number;
c. Child seat model name;
d. Child seat model number;
e. Child seat model Year
f. Child seat date of manufacture;
g. Repair date;
h. Repairing facility's name, telephone number, city and state or ZIP code;
i. Labor operation number;
j. Problem code;
k. Replacement part number(s) and description(s);
l. Concern stated by the customer; and
m. Comment, if any, by the technician or person(s) making the repair, and/or the person(s) processing the claim that relate to the claim and/or repair.

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

6. Describe in detail the search criteria used by UPPAbaby to identify the claims identified in response to Request No. 5, including the labor operations, problem codes, part numbers and any other pertinent parameters used. Provide a list of all labor operations, labor operation descriptions, problem codes, and problem code descriptions applicable to the alleged defect in the subject child seats.

7. State the terms of the standard new child seats warranty coverage offered by UPPAbaby on the subject child seats (i.e., the number of months for which coverage is provided and the child seats systems that are covered). Describe any extended warranty coverage option(s) related to the alleged defect that UPPAbaby offered for the subject child seats and state by option, model, and model year, the number of child seats that are covered under each such extended warranty. State the recommended usage period (life time) for the subject child seats.

8. Produce copies of all service, warranty, and other documents that relate to, or may relate to, the alleged defect in the subject car seats that UPPAbaby has issued to any retailers or distributors, regional or zone offices, or other such entities. This includes, but is not limited to, bulletins, advisories, informational documents, training documents, or other documents or communications to or for UPPAbaby customer service representatives, or consumers. Also include the latest draft copy of any of the above described documents that UPPAbaby is planning to issue within the next 120 days.

9. Describe all assessments, analyses, tests, test results, studies, surveys, simulations, investigations, inquiries and/or evaluations (collectively, "actions") that relate to, or may

relate to, the alleged defect in the subject child seats that have been conducted, are being conducted, are planned, or are being planned by, or for, UPPAbaby. For each such action, provide the following information:

a. Action title or identifier;
b. The actual or planned start date;
c. The actual or expected end date;
d. Brief summary of the subject and objective of the action;
e. Engineering group(s)/supplier(s) responsible for designing and for conducting the action; and,
f. What was the specific cause of the failure;
g. What design changes were made to correct the problem,
h. What testing, verification, and validation was performed on the new design; and
i. A brief summary of the findings and/or conclusions resulting from the action.

For each action identified, provide copies of all documents related to the action, regardless of whether the documents are in interim, draft, or final form. Organize the documents chronologically by action.

10. Describe all modifications or changes made by, or on behalf of UPPAbaby 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 alleged defect. 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; and
    i. The date the subject defect was discovered.

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

11. Provide copies of all external and internal email communications, meeting minutes, electronic and handwritten comments and edits of draft documents, notes, presentations, briefing documents and reports regarding the alleged defect in the subject child seats, including communications relating to:
    a. The potential safety consequences of the alleged defect;
    b. The process used to make the safety assessment;
    c. Potential options for addressing the alleged defect, including by safety recall; and

d. The review and editing of the subject owner letter, including an explanation of the reason for the caution about using the seat at the owner's own risk.

12. Describe and provide copies of all bulletins, notices, and other correspondence filed by UPPAbaby with Transport Canada that relate or may relate to the alleged defect on Knox Convertible child seats sold in the Canadian market from the beginning of production to the present.

13. Furnish UPPAbaby'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 UPPAbaby 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

UPPAbaby's failure to respond promptly and fully to this letter could subject UPPAbaby 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 $22,992 per violation per day, with a maximum of $114,95,525 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 UPPAbaby 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, UPPAbaby does not submit one or more requested documents or items of information in response to this information request, UPPAbaby 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 PE21-015 in UPPAbaby's response to this letter and in any confidentiality, request submitted to the Office of Chief Counsel.

UPPAbaby is required to **submit a copy of the documents containing allegedly confidential information (except only one copy of blueprints) and a copy of the documents from which information claimed to be confidential has been deleted.** Please remember that documents must be appropriately marked as confidential in accordance with 49 CFR 512.6.

To facilitate social distancing due to COVID-19, NHTSA is treating electronic submission as an acceptable method for submitting confidential business information (CBI) to the agency under 49 CFR Part 512. https://www.nhtsa.gov/coronavirus/submission-confidential-business-information. Since Part 512 submissions are handled by NHTSA's Office of Chief Counsel, any Part 512 submission should be sent to Alexandra Cohen in the Office of Chief Counsel. Specifically, any CBI submissions sent via email should be sent to Ms. Cohen at Alexandra.Cohen@dot.gov. Likewise, for CBI submissions via a secure file transfer application, Ms. Cohen must be set to receive a notification when files are submitted and have access to retrieve the submitted files. At this time, regulated entities should not send a duplicate hardcopy of their electronic CBI submissions to DOT headquarters.

Please note that these modified submission procedures are only to facilitate continued operations while maintaining appropriate social distancing due to COVID-19. Regular procedures for Part 512 submissions will resume upon further notice, when NHTSA and regulated entities discontinue operating primarily in telework status.

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

Due Date

UPPAbaby's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by **October 14, 2021**. UPPAbaby's response must include all non-confidential attachments and a redacted version of all documents that contain confidential information. If UPPAbaby finds that it is unable to provide all of the information requested within the time allotted, UPPAbaby must request an extension from me at (202) 366-6938 no later than five business days before the response due date. If UPPAbaby 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 UPPAbaby then has available, even if an extension has been granted.

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

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

Sincerely,

BRUCE B YORK Digitally signed by BRUCE B YORK
Date: 2021.09.02 08:25:02 -04'00'

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