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COLUMBUS
TRADING · PARTNERS
Columbus Trading Partners

225 Byers Road, Suite 2

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937-415-3300

September 20, 2021

Chief Bruce B. York
Dr. Samuel Wilson
VDD-B Division
Office of Defects Division
NHTSA
1200 New Jersey Avenue SE
Washington, D.C. 20590
Samuel.Wilson2@dot.gov
ODI_IRResponse@dot.gov

Re: NEF 0102SW/PE-21-014 Cybex Sirona M

Dear Messrs. York and Wilson:

Columbus Trading-Partners USA, Inc. ("CTP"), the United States distributor of the subject Cybex Sirona M child restraint, responds to the above-referenced information request, which was directed to Tony Bruzzese at Goodbaby International Holdings, Ltd.[1] As CTP has previously explained to the National Highway Traffic Safety Administration ("NHTSA"), although a limited number of children have gained access to the foam under the headrest pad of the Sirona M and have ingested (or possibly ingested) the foam, that issue was addressed in August 2018 and is not a safety issue reportable under Part 566. The company maintains this position in connection to this current series of requests from NHTSA.

Nevertheless, CTP responds to each information request below by restating verbatim the request, followed by its response. As a preface to those requests and responses, however, CTP responds to some of the introduction and definitions set forth in NHTSA's inquiry:

- NHTSA states that it has received two consumer complaints and multiple *death and injury claims* related to foam picking on the Sirona M. CTP is not aware of any such fatality reports in the documents provided by the agency with its inquiry letter or in the company's records. ***There have been no death claims associated with this condition****, and although medical attention was sought for one incident, no serious injuries have occurred in connection with this rectified condition.*

- NHTSA defines "Subject child seat" as "[a]ll Cybex Sirona M child seats, manufactured for sale in the United States during the 2016-2019 calendar years, including, but not limited to, the District of Columbia, and current U.S. territories and possessions." The Sirona M was not marketed in the U.S. until 2018 and feedback regarding child access to the foam under the seat

[1] Goodbaby International Holdings, Ltd. ("GIHL") is CTP's parent and a holding company only. GIHL plays no role in the manufacturing and distribution of the Sirona M.

[redacted]

pad of the Sirona M in the headrest area was quickly reviewed and addressed, as such child access was eliminated with a modification to the design in August 2018. None of the consumer reports of this issue relate to products manufactured after this change. Accordingly, CTP limits its responses herein to the population of seats impacted by the issue of foam picking *before* the modification was made to the seat to eliminate child access.

By doing this they have eliminated our peer group we wanted.

NHTSA defines "Cybex," as Goodbaby International Holdings Ltd., all of their past and present officers and employees . . . engaged directly or indirectly (e.g., employee of a consultant) by or under
the control of Cybex (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 [activities] related to the alleged defect in the subject child seat . . . ."

As explained above, GIHL is a holding company and CTP's ultimate parent. It is not involved in the design or manufacture of child restraints. CTP is the entity responsible for the compliance of the Sirona M to the requirements of Federal Motor Vehicle Safety Standard ("FMVSS") No. 213, and will, therefore, be the entity responding to the requests. Finally, the Sirona M was not introduced into the U.S. market until 2018, so business units and persons involved in any activities related to the design of the Sirona M in connection with the foam do not date back to 2010. Accordingly, CTP's response will be limited to the relevant date range.

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

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

Response:

CTP is the entity responsible for the compliance of the Sirona M to FMVSS 213. CTP states that the issue raised by NHTSA regarding child access to foam under the Sirona M headrest pad is limited to this model alone. Accordingly, CTP is not providing production data in this response about all Cybex-designed seats it has sold in the United States. CTP does provide the information requested about the Sirona M. That information is included in the Excel file included with this response as Exhibit A, Production Data.[2] Because the Exhibit A, Production Data contains confidential and proprietary business information, CTP is seeking confidential treatment through the Office of Chief Counsel. A drive with the Exhibit has been sent to that office.

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[2] *Serial numbers while provided are non-sequential, factory traceability identifiers and are not intended for consumer communications. Model name, model number, and Date of Manufacture are the data intended for consumer communication about Cybex child restraints.*

[redacted]

Source: CTP electronic production records.

Date information was last gathered: September 20, 2021.

2. State the number of each of the following, received by Cybex, or of which Cybex 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 Cybex is or was a party to the arbitration; and
f. Lawsuits, both pending and closed, in which Cybex is or was a defendant or codefendant.

Response:

CTP states as follows:

a. CTP has received a total of 52 complaints alleging that a child has been able to access the foam under the headrest pad of the Sirona M.
b. CTP does not have any retailer reports involving an allegation of a child accessing the foam under the headrest pad of the Sirona M. Accordingly, the total number of field reports is the same as consumer complaints, 52.
c. None.
d. None.
e. None.
f. None.

Source:

CTP's consumer services database and claims database

Date information was last gathered: September 20, 2021.

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. Cybex'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."

Response:

CTP files with this response Exhibit B, Request No. 2 Data, which includes the requested data. Notably, there have been no fatalities or serious injuries associated with this allegation.[3] Because Exhibit B, Request No. 2 Data, contains confidential consumer information, CTP is seeking confidential treatment through the Office of Chief Counsel. A drive with the Exhibit has been sent to that office.

Source: CTP's consumer services database and claims database

Date information was last gathered: September 20, 2021

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 Cybex used for organizing the documents. Describe in detail the search methods and search criteria used by Cybex to identify the items in response to Request No. 2.

Response:

CTP only has one category type—consumer complaints. CTP has organized the documents in chronological order, starting with the oldest report date and ending with the most recent report date. Exhibit B, which summarizes this data, is also sorted in this same manner for ease of review. Because all of the reports are confidential, CTP is seeking confidential treatment through the Office of Chief Counsel. A drive with the reports has been sent to that office.

Source: CTP's consumer services database and claims database

Date information was last gathered: September 20, 2021

5. State a total count for all of the following categories of claims, collectively, that have been paid by Cybex 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

[3] CTP does note there is one claim listing a date of manufacture (DOM) of 1/2/2019, which is after the date CTP made a production modification to prevent children from picking the headrest foam. CTP's production records indicate that no seats were produced on 1/2/2019. Additionally, a photo provided by the consumer shows there is no tape on the headrest foam. CTP refers to Exhibit E for additional information regarding the placement of tape on the headrest foam to prevent picking. CTP concludes that the DOM of 1/2/2019 was input in error.

technical service bulletin, customer satisfaction campaign, or other such activity. Separately, for each claim, state the following information:

a. Cybex's claim number;
b. Car seat owner's name and telephone number;
c. Car seat model name;
d. Car seat model number;
e. Car seat model Year
f. Car 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."

Response:

The only new information requested here can be located in column R, Remedy, of Exhibit C, Warranty Data. Requests (a)-(f) and (l) are duplicative of Request No. 2. Requests (g)-(j) and (m) are inapplicable here, as CTP does not complete repairs on products under warranty. Consequently, column K states whether there was a replacement seat sent to the consumer, a refund provided, or a claim amount paid, and if so, in what amount. Because Exhibit C, Warranty Data, contains confidential consumer information, CTP is seeking confidential treatment through the Office of Chief Counsel. A drive with the Exhibit has been sent to that office.

Source: CTP's consumer services database and claims database

Date information was last gathered: September 20, 2021

6. Describe in detail the search criteria used by Cybex 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.

Response:

Complaints received are categorized by complaint type so that reports can be run based on complaint type. The search for complaints identified in response to Request No. 5 used the complaint type: Product Information; Related What: "foam", with all Sirona M model numbers, with no date limitations.

[redacted]

Source: Interviews with managers of consumer services and product claims about how search was completed for reports generated alleging a consumer concern about child foam picking on the Sirona M.

Date information was last gathered: September 20, 2021

7. State the terms of the standard new child seat[s] warranty coverage offered by Cybex 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 Cybex 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 (lifetime) for the subject child seats.

Response:

CTP attaches as Exhibit D, the warranty page from the instruction manual of the Sirona M, which states the warranty coverage. There is no extended warranty coverage related to any allegation of foam picking from a consumer. As for recommended use period, the Sirona M has an expiration date of 8 years after date of manufacture.

Source: The Sirona M instruction manual, packaging and product labeling

Date information was last gathered: September 9, 2021

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 Cybex 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 Cybex customer service representatives, or consumers. Also include the latest draft copy of any of the above described documents that Cybex is planning
to issue within the next 120 days.

Response:

CTP states that no such documents have been sent to the entities described in this request and none are planned.

Source: Not applicable

Date information was last gathered: Not applicable

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, Cybex. 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. 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.

Response:

CTP attaches hereto Exhibit E, its July 22, 2020, response to a prior NHTSA inquiry on this issue. This exhibit explains the timing, objective, conclusions and resolution associated with CTP's inquiry into the small number of complaints the company received after launch of the Sirona M in the U.S. in early 2018. As the agency is aware, a change was made on August 24, 2018, which alleviated the concern. CTP has not received any calls related to foam picking on products produced after the change was implemented on August 24, 2018.[4]

Source: Exhibit E

Date information was last gathered: September 9, 2021

10. Describe all modifications or changes made by, or on behalf of Cybex 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.
Also, provide the above information for any modification or change that Cybex is aware of which may be incorporated into child seat production within the next 120 days.

Response:

CTP refers NHTSA to Exhibit E, its July 22, 2020, response to a prior NHTSA inquiry on this issue in response (a)-(c) of this request. CTP states that the part numbers are Headrest EPS L C401_256, Headrest EPS R C401_257, and Headrest EPS Central C401_25. Those part numbers did not change when the remedy for this quality concern was addressed. In response to (f), CTP states that the Sirona M was not removed from the market for this quality issue. Requests (g) and (h) are inapplicable here. Moreover, CTP is not planning a modification in the next 120 days.

Source: Exhibit A, B, or C

Date information was last gathered: September 20, 2021

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

4 See Footnote No. 3.

[redacted]

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

Response:

While CTP acknowledges that a limited number of consumers have reported a concern about their child accessing the foam behind the headrest of the Sirona M, CTP remains resolved that this condition does not represent a substantial hazard to children. No child who accessed the foam under the headrest suffered serious injury or death. When CTP learned that children were accessing the foam under the headrest pad of the Sirona M, it quickly implemented a modification. There have been no consumer complaints of children accessing the foam under the headrest pad on Sirona M child restraint produced after the implementation date, August 24, 2018.[5] Moreover, because it has been three years since the change was made, consumers who purchased the seat are well into the use period for the product and would likely know if their children had a propensity for reaching into the headrest area to attempt to gain access to the foam already. The downward trend in the receipt of consumer contacts on this issue suggests this as well. CTP expects the trend will continue downward, as the modified seat has been sold for years now.

Source: Exhibit E

Date information was last gathered: September 20, 2021

CTP acknowledges that NHTSA generously approved CTP's request for an extension to October 8, 2021 to fully respond to this request. However, CTP believes that it has fully responded to the request with this letter and attached exhibits.

Kind regards,

[redacted]

Jessica L. S. Kimes

General Counsel

[5] See Footnote No. 3.