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

NHTSA

MAY 16, 2024

VIA EMAIL

Steve Gerhart
Product Development Vice President
NUNABABY Essentials
70 Thousand Oaks BLVD
Morgantown, PA 19543

Subject: Information Request ID DP24003

Dear Mr. Gerhart:

This letter is to inform you that the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) has opened Defect Petition (DP24-003) to evaluate a petition requesting a defect investigation of the seat harness straps coming loose in certain production year (PY) NUNA RAVA Child Seats manufactured by NUNABABY Essentials (NUNA), and to request certain information to assist in deciding whether to grant or deny the petition.

This office has received a defect petition alleging that NUNA RAVA Child seats contain a defect that may result in the harness straps coming loose without the harness release button being pressed. The petitioner alleges the car seat harness can be loosened completely without pressing on the harness release button and that the harness would not be able to restrain a child in case of a crash. The petitioner goes on to say that NHTSA currently has 24 complaints in its database describing how the car seat harness can be loosened without pressing on the harness release button. At this time, ODI has identified 26 complaints related to the alleged defect as stated by the petitioner. Within these 26 complaints there have been no alleged crashes, injuries, or fatalities reported that relate to the alleged defect. A copy of the petition and supporting data will be provided to you electronically for your information and review.

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

- **Subject equipment:** all NUNA RAVA 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.

- **Subject component:** all Harness straps and harness release buttons manufactured on the subject Equipment.

- **Alleged defect:** the harness straps may come loose without the harness release button being pressed.

- **NUNA:** NUNABABY Essentials, [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 its/their past and present officers and employees, whether assigned to its/their principal offices or any of its/their field or other locations, including all of its/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 NUNA (including all business units and persons previously referred to), who are or were involved in any way since January 1st, 2002 with any of the following related to the alleged defect in the subject equipment:

  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, lawsuits or arbitrations; 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 NUNA, 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 NUNA 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 C.F.R. § 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 NUNA has previously provided a document to ODI, NUNA 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 NUNA'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 subject Equipment NUNA has manufactured for sale or lease in the United States. Separately, for each piece of Subject equipment manufactured to date by NUNA, state the following:
   a. Equipment identification number (Serial Number/Model Number);
   b. Make;
   c. Model;
   d. Production Year;
   e. Subject component part number and design version installed as original equipment;
   f. Date of manufacture (MM/DD/YYYY);
   g. Date warranty coverage commenced (MM/DD/YYYY); and

h. The State in the United States where the equipment was originally sold, or delivered for sale (postal abbreviation).

Provide the table in Microsoft Access 2010, or a compatible format, entitled "PRODUCTION DATA." A pre-formatted data collection file, which provides further details regarding this submission, will be provided to you.

2. State the number of each of the following, received by NUNA, or of which NUNA is otherwise aware, which relate to, or may relate to, the alleged defect in the Subject equipment:

   a. Consumer complaints, including those from fleet operators;
   b. Field reports, including retailer reports;
   c. Reports involving a crash, injury or fatality;
   d. Property damage claims;
   e. Third-party arbitration proceedings, both pending and closed, where NUNA is or was a party to the arbitration; and
   f. Lawsuits, both pending and closed, in which NUNA is or was a defendant or codefendant.

   For subparts "a" through "f" state the total number of each item (e.g., consumer complaints, field reports, etc.) separately. Multiple incidents involving the same equipment 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 a crash occurred are to be counted as a crash report, a field report and a consumer complaint).

   In addition, for items "c" through "f" provide a summary description of the alleged problem and causal and contributing factors and NUNA's assessment of the problem, with a summary of the significant underlying facts and evidence. For items "e" and "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. NUNA'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. Equipment owner, email address and telephone number (please use distinct fields for each data type);
   d. Equipment owner street address, city, state (postal abbreviation), and ZIP code (please use distinct fields for each data type);
   e. Equipment's serial number
   f. Equipment's Model Number;
   g. Equipment's make, model and Production year (please use distinct fields for each data type);
   h. Age of Equipment at time of incident (numeric data type in months);

i. Incident date (MM/DD/YYYY);
j. Report or claim date (MM/DD/YYYY);
k. Whether a crash is alleged;
l. Whether property damage is alleged;
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." A pre-formatted data collection file, which provides further details regarding this submission, will be provided to you.

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

5. State, by model and production year, a total count for all of the following categories of claims, collectively, that have been paid by NUNA to date that relate to, or may relate to, the alleged defect in the subject equipment: warranty claims; extended warranty claims; claims for good will services that were provided; field, zone, 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 similar service action.

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

   a. NUNA's claim number;
   b. Equipment owner, email address and telephone number (please use distinct fields for each data type);
   c. Equipment owner street address, city, state (postal abbreviation), and ZIP code (please use distinct fields for each data type);
   d. Equipment's Serial Number
   e. Equipment's Model Number;
   f. Repair date (MM/DD/YYYY);
   g. Age of equipment at time of claim (numeric data type in months);
   h. Replacement part number(s) and description(s);
   i. Concern stated by customer;
   j. Cause as stated on the repair order or similar document;
   k. Correction as stated on the repair order or similar document; and
   l. Additional comments, if any, by technician relating to claim and/or repair.

   Provide this information in Microsoft Access 2010, or a compatible format, entitled "WARRANTY DATA." A pre-formatted data collection file, which provides further details regarding this submission, will be provided to you.

6. Describe in detail the search methods and search criteria used by NUNA to identify the claims in response to Request No. 5, including the labor operations, part numbers and any other pertinent parameters used.

7. State, by make and Production year, the terms of the new equipment warranty coverage offered by NUNA on the subject equipment (i.e., the number of months for which coverage is provided and the equipment components that are covered). Describe any extended warranty coverage option(s) that NUNA offered for the subject equipment and state by option, model, and production year, the number of equipment that are covered under each such extended warranty.

8. Furnish OEM's position on the petitioner's alleged defect in the subject equipment, including:
   a. The causal or contributory factor(s);
   b. The risk to motor vehicle safety that it poses; and
   c. The reports included with this inquiry.

Legal Authority for This Request

This letter is being sent to NUNA 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. It constitutes a new request for information.

Civil Penalties

NUNA's failure to respond promptly and fully to this letter could subject NUNA 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, 49 U.S.C. § 30165(a)(3), provides for civil penalties of up to $*27,168* per violation per day, with a maximum of $*135,828,178* for a related series of daily violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. *See* 49 C.F.R. § 578.6(a)(3). This includes failing to respond completely, accurately, or in a timely manner to ODI information requests.

If NUNA 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, NUNA does not submit one or more requested documents or items of information in response to this information request, NUNA 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 NUNA's response contains any information that you claim is confidential business information, NUNA must request two secure electronic file transfer links from Taylor Collins at Taylor.Collins@dot.gov. One secure electronic file transfer link is for your request for confidential treatment and will be directed to NHTSA's Office of the Chief Counsel. Please see enclosure 2 for additional instructions on submitting a request for confidential treatment that is compliant with 49 C.F.R. Part 512 (specifically, a request for confidential treatment must include the four required parts that are discussed in enclosure 2). The second secure electronic file transfer link is for your non-confidential response to this letter. Do not submit any confidential business information along with your non-confidential submission. Please refer to DP24-003 in NUNA's response to this letter and in a request for confidential treatment that NUNA may submit.

Due Date

NUNA's response to this letter must be submitted to this office by June 7th, 2024. If NUNA finds that it is unable to provide all of the information requested within the time allotted, NUNA must request an extension from me at (202) 366-6064 no later than five business days before the response due date. If NUNA 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 NUNA then has available, even if an extension has been granted.

If you have any technical questions concerning this matter, please call Taylor Collins of my staff at (202) 366-6064.

Sincerely,

Tanya Topka

Tanya Topka, Director
Office of Defects Investigation

Enclosure 1, The subject reports referenced in the introduction of this letter may be viewed at the NHTSA.gov website using the following ODI reference numbers: 11385809, 11408258, 11468356, 11470163, 11471273, 11473917, 11481710, 11482167, 11487232, 11499209, 11508401, 11515809, 11520629, 11526841, 11536167, 11538539, 11542071, 11544437, 11553575, 11560943, 11566035, 11578158, 11580193, 11582267, 11582948, 11583786.

Enclosure 2, Information for Requests for Confidential Treatment.

Enclosure 2:

If you believe that your response contains any material that you claim is confidential business information, submit these materials to NHTSA's Office of the Chief Counsel in accordance with 49 C.F.R. Part 512. **All requests for confidential treatment must be submitted directly to the Office of the Chief Counsel. Upon request, ODI will provide you with a secure file transfer link for your submission to the Office of the Chief Counsel.**

Requests for confidential treatment are governed by Part 512. A current version of this regulation is available on the internet at http://www.ecfr.gov by selecting Title 49 "Transportation," selecting "Parts 500 – 599" and then selecting Part 512 "Confidential Business Information."

How to request confidential treatment:

NHTSA is currently treating electronic submission as an acceptable method for submitting confidential business information to the agency under Part 512. If you claim that any of the information or documents provided in your response constitutes confidential business information 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 request a secure file transfer link from the ODI contact listed in your Information Request. ODI will copy a representative from the Office of the Chief Counsel on the secure file transfer link for your request for confidential treatment. You must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with Part 512, to the Office of the Chief Counsel. Do not send a hardcopy of a request for confidential treatment to NHTSA's headquarters.

Your request must include a request letter that contains supporting information, pursuant to Part 512.8. Your request must also include a certificate, pursuant to Part 512.4(b) and Part 512, Appendix A.

You are required to submit one unredacted "confidential version" of the information for which you are seeking confidential treatment. Pursuant to Part 512.6, the words "ENTIRE PAGE CONFIDENTIAL BUSINESS INFORMATION" or "CONFIDENTIAL BUSINESS INFORMATION CONTAINED WITHIN BRACKETS" (as applicable) must appear at the top of each page containing information claimed to be confidential. In the latter situation, where not all information on the page is claimed to be confidential, identify each item of information for which confidentiality is requested within brackets: "[ ]."

You are also required to submit one redacted "public version" of the information for which you are seeking confidential treatment. Pursuant to Part 512.5(a)(2), the redacted "public version" should include redactions of any information for which you are seeking confidential treatment (i.e., the only information that should be unredacted is information for which you are **not** seeking confidential treatment).

For questions about a request for confidential treatment, please contact Dan Rabinovitz in the

Office of the Chief Counsel at Daniel.Rabinovitz@dot.gov or (202)366-8534.