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

NHTSA

October 24, 2024

VIA EMAIL

Steve Gerhart
Product Development Vice President
NunaBaby Essentials
70 Thousand Oaks Blvd
Morgantown PA, 19543

Subject: Information Request ID PE24-026

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 a Preliminary Evaluation (PE24026) to investigate allegations of the harness loosening without the harness release button being pressed in certain Production Year (PY) 2020-2022 Nuna Rava child seats manufactured by NunaBaby Essentials-(Nuna), and to request certain information.

This office has received 32 reports including two defect petitions regarding the harness loosening without the harness release button being pressed in certain Nuna Rava child seats. The reports allege that the harness securing the child can loosen with little effort, possibly resulting in the child not being properly restrained in the event of a crash. A copy of the reports will be provided to you electronically for your review and information.

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

- **Subject equipment:** all 2020-2022 Nuna Rava Child Seats manufactured for sale or lease in the United States, including, but not limited to, the District of Columbia, and current U.S. territories and possessions.

- **Peer equipment:** all 2020-2023 Nuna Exec Child seats and all 2023 Nuna Rava Child Seats manufactured for sale or lease in the United States, including, but not limited to, the District of Columbia, and current U.S. territories and possessions.

- **Subject component:** all harnesses, harness release buttons (A-locks), and seat covers manufactured on the subject and peer equipment.

- **Alleged defect:** The harness loosens without the harness release button (A-lock) being pressed.

***Nuna*:** NunaBaby Essentials, 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 and peer child seats Nuna has manufactured for sale or lease in the United States. Separately, for each subject and peer child seat 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 on 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 child seat was originally sold or leased, or delivered for sale or lease (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 and peer equipment:

   a. Consumer complaints, including those from fleet operators;
   b. Field reports, including dealer field 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 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 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 and peer child seats: 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 or customer satisfaction campaign.

   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. Problem code(s);
   i. Replacement part number(s) and description(s);
   j. Concern stated by customer;
   k. Cause as stated on the repair order or similar document;
   l. Correction as stated on the repair order or similar document; and
   m. 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, problem codes, part numbers and any other pertinent parameters used.

7. Provide a list of all labor operations, labor operation descriptions, problem codes, and problem code descriptions, applicable to the alleged defect in the subject and peer child seats. State whether the problem codes are automatically reported to the warranty database electronically or manually entered into the warranty database by a claims administrator.

8. State, by model and production year, the terms of the new equipment warranty coverage offered by Nuna on the subject and peer 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 and peer equipment and state by option, model, and production year, the number of equipment that are covered under each such extended warranty.

9. Produce copies of all service, warranty, and other documents that relate to, or may relate to, the alleged defect in the subject and peer equipment, that Nuna has issued to any dealers, regional or zone offices, field offices, fleet purchasers, or other entities. This includes, but is not limited to, bulletins, advisories, informational documents, training documents, or other documents or communications, with the exception of standard shop manuals. Also include the latest draft copy of any communication that Nuna is planning to issue within the next 120 days.

10. 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 and peer equipment that have been conducted, are being conducted, are planned, or are being planned by, or for, Nuna. 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.

11. Describe all modifications or changes made by, or on behalf of, Nuna in the design, material composition, manufacture, quality control, supply, or installation of the subject component, from the start of production to date, which relate to, or may relate to, the alleged defect in the subject and peer equipment. 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 equipment production;
    b. The subject or peer equipment the component is installed in;
    c. A detailed description of the modification or change;
    d. The reason(s) for the modification or change;
    e. The part number(s) (service and engineering) of the original component;
    f. The part number(s) (service and engineering) of the modified component;
    g. Whether the original unmodified component was withdrawn from production and/or sale, and if so, when;
    h. When the modified component was made available as a service component; and

i. Whether the modified component can be interchanged with earlier production components.

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

12. State the number of each of the following that Nuna has sold that may be used in the subject and peer equipment by component name, part number (both service and engineering/production), model and production year of the equipment which it is used and month/year of sale (including the cut-off date for sales, if applicable):

    a. Subject component; and
    b. Any kits that have been released, or developed, by Nuna for use in service repairs to the subject component/assembly.

    For each component part number, provide the supplier's name, address, and appropriate point of contact (name, title, and telephone number). Also identify by make, model and production year, any other equipment of which Nuna is aware that contain the identical component, whether installed in production or in service, and state the applicable dates of production or service usage.

13. Furnish Nuna's assessment of the alleged defect in the subject equipment, including:

    a. The causal or contributory factor(s);
    b. The failure mechanism(s);
    c. The failure mode(s);
    d. The risk to safety that it poses; and
    e. What warnings, if any, the operator and the other persons would have that the alleged defect was occurring, or subject component was malfunctioning; and
    f. 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). These violations include 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 with sufficient detail in the corresponding narrative the reason why it is unable to do so. Redactions within a document containing responsive information are not permitted in the normal course. 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 (CBI)

If Nuna's response contains any information that you claim is confidential business information, Nuna must submit its request for confidential treatment and any files containing CBI to NHTSA's Office of the Chief Counsel via the CBI Portal or a secure electronic file transfer link. Please see enclosure 1 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 1).

If you choose not to submit your request and files containing CBI to NHTSA's Office of the Chief Counsel via the CBI Portal, please notify the investigator referenced in this IR to ensure that the secure file transfer link for your request for confidential treatment and any files containing CBI are directed to the Office of the Chief Counsel accordingly.

In addition to submitting a request for confidential treatment and files containing CBI directly to NHTSA's Office of the Chief Counsel, Nuna must also submit its request for confidential treatment, the files containing CBI, and their corresponding redacted versions directly to ODI via the Safety Defect Investigations (SDI) Portal. The requests for confidential treatment and certification documents are not confidential so these documents should be uploaded as non-confidential files.

Please refer to PE24-026 in Nuna's response to this letter and in the request for confidential treatment that Nuna may submit.

Due Date

Nuna's response to this letter must be submitted to this office by December 6th, 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,

Bruce York

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

Enclosure 1, Information for Requests for Confidential Treatment.

Enclosure 2, 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, 11585272, 11588166, 11592554, 11602506, 11604109, 11607089

ENCLOSURE 1 – INFORMATION FOR REQUESTS FOR CONFIDENTIAL TREATMENT

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 via the Confidential Business Information (CBI) Portal or a secure file transfer link for your submission addressed to the Office of the Chief Counsel. If you are not currently registered for the CBI Portal, you may send a registration request to cbi-helpdesk@dot.gov. In addition to directly submitting the files to the Office of the Chief Counsel, you will also need to submit your request, the files containing CBI, and their corresponding redacted versions directly to ODI through the Safety Defect Investigations (SDI) Portal.**

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 submit the information or documents directly to the Office of Chief Counsel via the CBI Portal or request a secure file transfer link from the ODI contact listed in your Information Request. 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.