

**PART 573 Defect and Noncompliance Report**

On June 27, 2007, Thule, Inc. determined that a defect which relates to motor vehicle safety exists in items of motor vehicle equipment listed below, and is furnishing notification to the National Highway Traffic Safety Administration in accordance with 49 CFR Part 573 Defect and Noncompliance Reports.

Date this report was prepared: June 29, 2007

Furnish the manufacturer's identification code for this recall (if applicable): N/A

1. Identify the full corporate name of the fabricating manufacturer/brand name/trademark owner of the recalled item of equipment. If the recalled item of equipment is imported, provide the name and mailing address of the designated agent as prescribed by 49 U.S.C. §30164.

**THULE, INC., 42 Silvermine Road, Seymour, CT 06483**


Identify the corporate official, by name and title, whom the agency should contact with respect to this recall.

**Noel Roberts, Director of Quality**

Telephone Number: 203-881-4875 Fax No.: 203-888-4252

Name and Title of Person who prepared this report.

**Noel Roberts, Director of Quality**

Signed: 

RECEIVED  
2007 JULY -3 P2:30  
DEFECTS INVESTIGATION  
RECALL MGMT DIV.

**CONFIDENTIAL INFORMATION**

**Identify the Recalled Items of Equipment**

2. Identify the Items of Equipment Involved in this Recall, for each make and model or applicable item of equipment product line (provide illustrations or photographs as necessary to describe the item of equipment), provide

Generic name of the item: \_\_\_\_\_

Make: \_\_\_\_\_ Model: \_\_\_\_\_

**[SEE ATTACHED EXHIBIT A]**

Part Number: \_\_\_\_\_ Size: \_\_\_\_\_

Function: \_\_\_\_\_

Model Years Involved: \_\_\_\_\_

Other information which characterizes/distinguishes the items of equipment to be recalled:

\_\_\_\_\_

Make: \_\_\_\_\_ Model: \_\_\_\_\_

Part Number: \_\_\_\_\_ Size: \_\_\_\_\_

Function: \_\_\_\_\_

Model Years Involved: \_\_\_\_\_

Other information which characterizes/distinguishes the items of equipment to be recalled:

\_\_\_\_\_

Make: \_\_\_\_\_ Model: \_\_\_\_\_

Part Number: \_\_\_\_\_ Size: \_\_\_\_\_

Function: \_\_\_\_\_

Model Years Involved: \_\_\_\_\_

Other information which characterizes/distinguishes the items of equipment to be recalled:

\_\_\_\_\_

Make: \_\_\_\_\_ Model: \_\_\_\_\_

Part Number: \_\_\_\_\_ Size: \_\_\_\_\_

Model Years Involved: \_\_\_\_\_

Function: \_\_\_\_\_

Other information which characterizes/distinguishes the items of equipment to be recalled:

\_\_\_\_\_

**CONFIDENTIAL INFORMATION**

Identify the approximate percentage of the production of all the recalled models manufactured by your company between the inclusive dates of manufacture provided above, that the recalled model population represents. For example, if the recall involved Widgets equipped with certain items of equipment from January 1, 1997 through April 1, 1997, then what was the percentage of the recalled Widgets of all Widgets manufactured during that time period.

**ONE HUNDRED PERCENT (100%)**

**II. Identifying the Recall Population**

3. Furnish the total number of items of equipment recalled potentially containing the defect or noncompliance.

<u>Model</u>	<u>Year</u>	<u>Number of Items Potentially Involved</u>

**[SEE ATTACHED EXHIBIT A]**

Total Number Potentially Affected by the Recall:

**[ ]**

4. Furnish the approximate percentage of the total number of items of equipment estimated to actually contain the defect or noncompliance: **ONE HUNDRED PERCENT (100%)**

Identify and describe how the recall population was determined - in particular how the recalled models were selected and the basis for the beginning and final dates of manufacture of the recalled items of equipment:

**Thule-manufactured "hitch" style bicycle racks with "fold down" style bike arms did not contain the identified defect prior to the 2003 model year. All Thule-manufactured "hitch" style bicycle racks with fold-down style bike arms sold during the 2003-2007 period are covered by this recall. The number of units sold by model and model year were determined from company sales records.**

**III. Describe the Defect or Noncompliance**

5. Describe the defect or noncompliance. The description should address the nature and physical location of the defect or noncompliance. Illustrations should be provided as appropriate.

**A pinch point exists between the bike arm bracket and the upright assembly of the "hitch" style bicycle rack. When moving the bike arm bracket to its down position, this pinch point has the potential of causing a severe laceration or amputation to the user's fingertips or hand.**

**(See attached Exhibit B)**

Describe the cause(s) of the defect or noncompliance condition.

**Existence of pinch point. (see above)**

Describe the consequence(s) of the defect or noncompliance condition.

**Potential for personal injury, including severe laceration or amputation. (see above)**

Identify any warning which can (a) precede or (b) occur.

**None.**

If the defect or noncompliance is in a component or assembly purchased from a supplier, identify the supplier by corporate name and address.

**Not applicable.**

Identify the name and title of the chief executive officer or knowledgeable representative of the supplier:

**Not applicable.**

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#### **IV. Provide the Chronology in Determining the Defect/Noncompliance**

*If the recall is for a defect, complete item 6, otherwise item 7.*

6. With respect to a defect, furnish a chronological summary (including dates) of all the principle events that were the basis for the determination of the defect. The summary should include, but not be limited to, the number of reports, accidents, injuries, fatalities, and warranty claims.

**Thule, Inc. received two reports in 2005 of end users sustaining injury while using its "hitch" style bicycle racks. Two additional reports were received in 2006. Another report was received in May of 2007. (See attached Exhibit C)**

7. With respect to a noncompliance, identify and provide the test results or other data (in chronological order and including dates) on which the noncompliance was determined.

**Not applicable.**

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#### **V. Identify the Remedy**

8. Furnish a description of the manufacturer's remedy for the defect or noncompliance. Clearly describe the differences between the recall condition and the remedy.

**A rubber bumper is installed onto the bike arm bracket to eliminate the pinch point by preventing the user's finger or hand from being pinched between the bike arm bracket and the upright assembly when the bike arm bracket is moved to its down position. A label is also placed on the bike arm assembly to warn against the pinch point. [See attached Exhibit D] Comprehensive instructions in the form of a Receiver Hitch Retro Fit Kit will be provided to end-users after pre-approval from NHTSA as part of this campaign. [See attached Exhibit E] The remedy contains the rubber bumper, label and the instructions and it eliminates the pinch point, whereas the recall condition does not.**

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Clearly describe the distinguishing characteristics of the remedy component/assembly versus the recalled component/assembly.

**The remedy as applied contains a rubber bumper, warning label and instructions and eliminates the pinch point, whereas the recalled assembly does not.**

Identify and describe how and when the recall condition was corrected in production. If the production remedy was identical to the recall remedy in the field, so state. If the product was discontinued, so state.

**The production remedy is identical to the recall remedy. Production of "hitch" style bicycle racks with fold-down arms containing the remedy first occurred on or about June 15, 2007. As of June 27, 2007, production of "hitch" style bicycle racks with fold-down arms without the remedy described herein was discontinued.**

#### **VI. Identify the Recall Schedule**

Furnish a schedule or agenda (with specific dates) for notification to other manufacturers, dealers/retailers, and purchasers. Please, identify any foreseeable problems with implementing the recall.

**June 27: Thule Inc's determination of defect**

**June 29: Submission of Part 573 Report**

**June 29: Stop Sale Notice to dealers and OES Customers**

**<sup>1</sup>July 5: Recall Notice letters to dealers and OES Customers with Point of Sale material**

**July 5: Notice posted on Thule, Inc. website**

**July 5: Establish a designated toll free 800 phone number for end-users with a call center**

**July 5: Press Release**

**July 5: Thule, Inc. will be prepared to begin sending NHTSA pre-approved notice letters to end-users upon receipt of the necessary contact information and will continue to do same throughout this recall campaign.**

**Few problems with implementing the recall are foreseen. However, Thule, Inc. advises that the identity of end users of the product are not known to Thule, Inc. with the exception of those end**

<sup>1</sup> All activities and communications done on or after July 5, 2007, assumes receipt of pre-approval by NHTSA.

users who have registered warranties directly with Thule, Inc. or may be otherwise in Thule, Inc.'s database. For that reason, Thule, Inc. will work in conjunction with its dealers and OES customers to obtain the names and addressers of the end users. In addition, the logistics of the recall for a small percentage of product sold to Thule, Inc.'s OES customers will likely depend, in part, on requirements imposed on Thule, Inc. by these OES customers.

Note: The recall schedule described herein will be applied uniformly and throughout the United States. The remedy has been developed by Thule, Inc. and Thule, Inc. believes that it has sufficient parts and other resources in place to begin and conduct the recall. Follow-up notification will be transmitted to Thule, Inc.'s dealers/OES customers and end-users as needed.

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## **VII. Furnish Recall Communications**

9. Furnish a final copy of all notices, bulletins, and other communications that relate directly to the defect or noncompliance and which are sent to more than one manufacturer, distributor, or purchaser. This includes all communications (including both original and follow-up) concerning this recall from the time your company determines the defect or noncompliance condition on, not just the initial notification. *A DRAFT copy of the notification documents should be submitted to this office by Fax (202-366-7882) for review prior to mailing.*

**Note: These documents are to be submitted separately from those provided in accordance with Part 573.8 requirements.**

*The Privacy Act of 1974 – Public Law 93-579, As Amended: This information is requested pursuant to the authority vested in the National Highway Traffic Safety Act and subsequent amendments. You are under no obligation to respond to this questionnaire. Your response maybe used to assist the NHTSA in determining whether a manufacturer should take appropriate action to correct a safety defect. If the NHTSA proceeds with administration enforcement or litigation against a manufacturer, your response, or statistical summary thereof, may be used in support of the agency's action.*

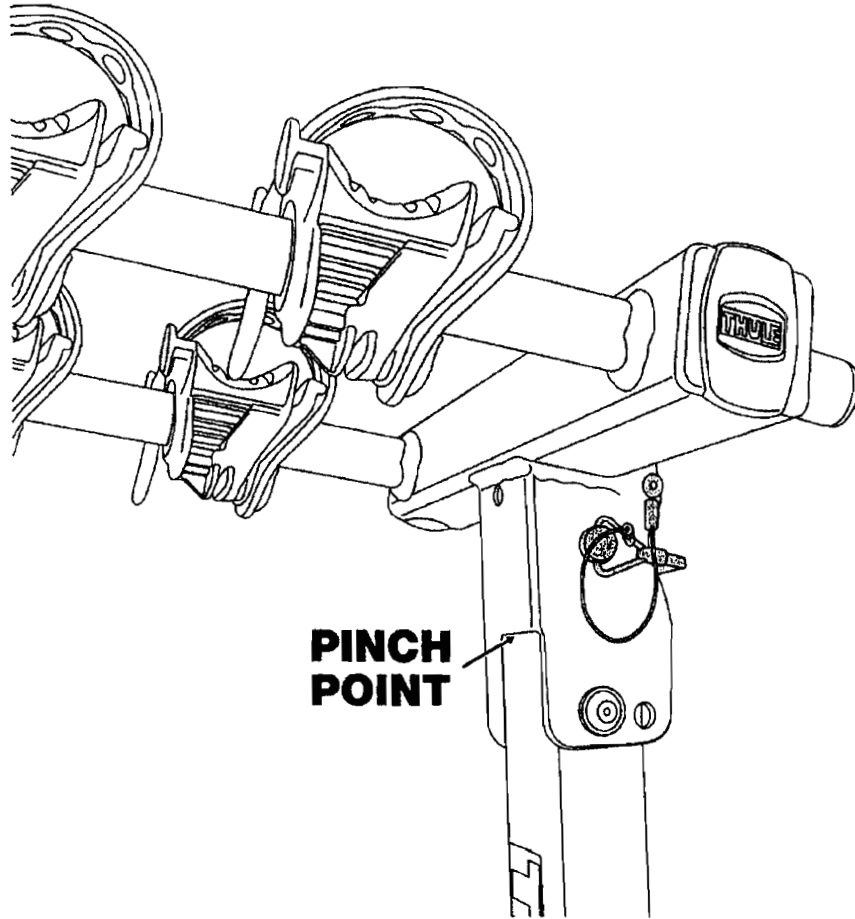
# **EXHIBIT A**





# EXHIBIT B

**Exhibit B**



# **EXHIBIT C**

## Exhibit C

<b>Date of Incident</b>	<b>Product</b>	<b>Status</b>
8/19/2005 Reported on 9/7/05	936/937 Hitching Post Pro	User required 16 stitches and a split to his left thumb when he dropped the bike arm and pinched his thumb between the upright and the bike arm.
9/6/2005 Reported 11/4/05	998XT Trailblazer	User sustained a partial amputation of her right index finger while adjusting the bike rack.
6/3/2006 Reported on 6/8/2006	934XT	User is 9 year old boy. Left middle finger at first joint was injured requiring surgery.
8/28/2006 Reported 8/28/2006	996XT	User required surgery to repair middle finger of right hand at first joint. Injury occurred on floor display.
5/13/2007 Reported on 5/14/2006 to Thule by retail store	934XT	Two children were involved. One child pulled the pin injuring the second child. Middle finger completely severed between nail and knuckle.

# **EXHIBIT D**

# Exhibit D

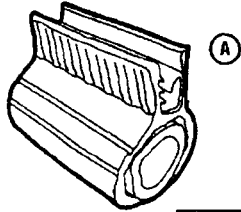


# **EXHIBIT E**



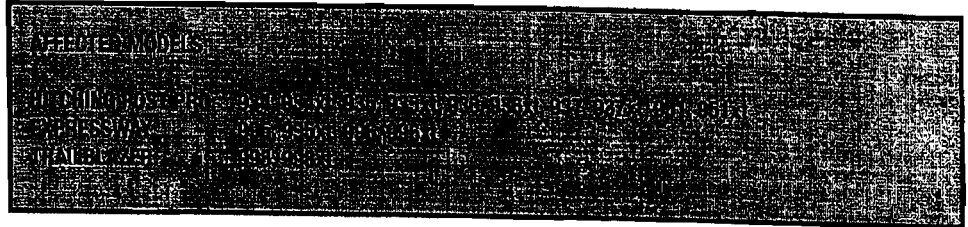
## RECEIVER HITCH RETRO FIT KIT

PARTS INCLUDED  
PIECES INCLUS  
PIEZAS INCLUIDAS

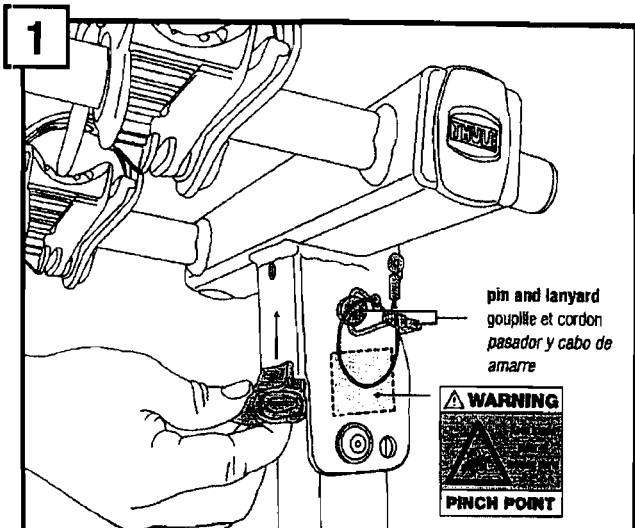


A

B



part number / numéro de pièce / número de parte	description / description / descripción	part number / numéro de pièce / número de parte	qty. / qté. / cant.
A	bumper / pare-choc / amortiguador	753-3859	1

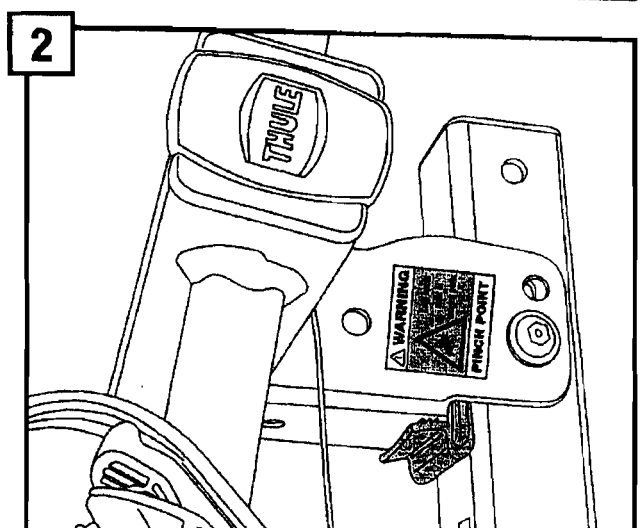


**WARNING:** Ensure pin and lanyard are secured before installing bumper and warning label.

**AVERTISSEMENT:** Assurez-vous que le piquet et le cordon sont bien fixés avant d'installer le pare-choc et l'étiquette d'avertissement.

**ADVERTENCIA:** Compruebe que el pasador y el cordón están bien asegurados antes de instalar el amortiguador y la etiqueta de advertencia.

- With carrier in secured upright position, press bumper onto bracket location as illustrated.  
Alors que le porte-vélos est bien fixé en position verticale, pressez le pare-choc à l'endroit du support, tel qu'illustré.  
Con el soporte ya ajustado en posición vertical, presione el amortiguador en la posición de la ménsula de la manera indicada.
- Install warning label in location as illustrated.  
Appelez l'étiquette d'avertissement au bon endroit, tel qu'illustré.  
Coloque la etiqueta de advertencia en su lugar de la manera indicada.



- Remove pin and lanyard, lower upper bike arm assembly and ensure proper function of bumper as illustrated.  
Retirez la goupille et le cordon, abaissez le bras de vélo supérieur et assurez-vous du bon fonctionnement du pare-choc, tel qu'illustré.  
Retire el pasador y su cabo de amarre, el conjunto de la parte inferior del soporte superior del portabicicletas y controle el buen funcionamiento del amortiguador de la manera indicada.

## THULE RACK GUIDELINES

When using Thule Load Carriers and accessories, the user must understand the precautions. The points listed below will assist you in using the rack system and will encourage safety.

- For quality fits and safety, use only the recommended rack or accessory as stated in Thule's current Fit Guide. Do not assume a rack will fit, always check the current Fit Guide when obtaining a new vehicle.
- Unless stated otherwise in these instructions, do not carry more than 75 kg (165 lbs.) on Thule Load Carriers. Thule Load Carriers do not increase gutter or roof strength. Thule can not warranty loads that exceed this limit. Total load = cargo weight plus weight of accessories used to carry cargo.
- Always make sure all doors are open when mounting a roof rack system. Make sure all knobs, bolts, screws, straps, and locks are firmly attached, tightened and locked before every trip. Knobs, bolts, screws straps and locks must be periodically inspected for signs of wear, corrosion, and fatigue. Check your load at stops during the trip to ensure continued fastening security.
- Check local and state laws governing projection of objects beyond the perimeter of a vehicle. Be aware of the width and height of your cargo since low clearance branches, bridges, and parking garages can affect the load. All cargo will affect the vehicle's driving behavior. Never drive with any lock, knob or rack in an open or unlocked position. All long loads such as, but not limited to, sailboards, surfboards, kayaks, canoes, and lumber must be tied down front and rear to the bumpers or tow hooks of the vehicle.
- Remove your Thule rack and accessories when they are not in use and before entering automatic car washes.
- All locks must be turned and moved periodically to ensure smooth operation. Use graphite or dry lubricant to help this. Thule locks are designed to deter vandalism and theft but should not be considered theft proof. Remove valuable gear if your vehicle is unattended for an extended period. Place at least one key in the glove compartment.
- For safety to your vehicle and rack system, obey all posted speed limits and traffic cautions. Adapt your speed to the conditions of the road and the load being carried.
- Do not use Thule load carriers and accessories for purposes other than those for which they were designed. Do not exceed their carrying capacity. Failure to follow these guidelines or the product's instructions will void the warranty.
- Consult with your Thule dealer if you have any questions regarding the operations and limits of Thule products. Review all instructions and warranty information carefully.
- Not for use on trailers or towed vehicles.
- Not for offroad use.
- Keep bicycle tires away from hot exhaust.

## DIRECTIVES POUR SUPPORT THULE

Lorsque vous utilisez les supports et accessoires Thule pour voiture, vous devez observer les précautions suivantes. Les conseils ci-dessous visent à faciliter l'emploi de votre galerie et à l'utiliser en toute sécurité.

- Pour respecter les règles de sécurité et obtenir un ajustement de qualité, utilisez uniquement le produit ou l'accessoire recommandé dans le guide actuel de correspondance de Thule. Ne présumez pas qu'un produit sera adapté; consultez toujours ce guide de correspondance lorsque vous achetez un nouveau véhicule.
- Sauf indication contraire, ne dépassez pas la capacité maximale de 75 kg (165 lb) permise pour les porte-charge de Thule. Ne transportez pas plus de 75 kg (165 lb) sur les galeries Thule. Ces dernières ne renforcent pas votre toit ni les points de fixation. Les charges dépassant cette limite ne peuvent pas être garanties. Charge totale = poids du chargement + poids des accessoires utilisés pour le transporter.
- Assurez-vous toujours que les portes de la voiture sont ouvertes lors de l'installation d'une galerie. Avant de prendre la route, assurez-vous que les molettes, les boulons et les vis sont bien serrés, les sangles bien attachées et les dispositifs de verrouillage fermés à clés. Examinez régulièrement ces éléments afin de déceler tout signe d'usure, de corrosion ou de fatigue. Vérifiez votre chargement à tous les arrêts pendant votre voyage pour vous assurer qu'il est bien attaché.
- Vérifiez les lois locales ou provinciales sur le dépassement d'objets sur les côtés d'un véhicule. Soyez conscient de la largeur et de la hauteur de votre chargement pour passer sous les branches basses, les ponts et les plafonds de stationnement couverts. Tout chargement modifie la tenue de route du véhicule. Ne conduisez jamais avec une serrure, une barre ou un écrou ouverts ou non bloqués. Tous les chargements longs, de type surfs, planches à voile, kayaks, canoës, bois, etc. doivent être attachés à l'avant et à l'arrière aux pare-chocs ou aux crochets de remorquage du véhicule.
- Retirez votre galerie et vos accessoires Thule lorsque vous ne les utilisez pas et avant de passer au lave-auto.
- Faites fonctionner régulièrement toutes les serrures afin qu'elles ne se grippent pas. Employez du graphite ou un lubrifiant sec pour conserver leur souplesse. Les antivol Thule sont conçus pour dissuader les voleurs et éviter les actes de vandalisme. Retirez tout matériel de valeur de votre véhicule s'il doit rester sans surveillance pendant une période prolongée. Gardez au moins une clé dans la boîte à gants. Pour protéger votre véhicule et votre galerie, respectez les vitesses limites et le code de la route. Adaptez votre vitesse aux conditions de la route et à la charge transportée.
- N'utilisez pas de galerie et d'accessoires Thule à d'autres fins que celles pour lesquelles ils ont été conçus. Ne dépassez pas leur capacité de charge maximale. Le non-respect de ces consignes et des instructions spécifiques au produit annulera la garantie.
- Consultez votre revendeur pour toute question sur le fonctionnement et les limites des produits Thule. Lisez attentivement toutes les instructions et les informations de la garantie.
- Ne pas utiliser sur une remorque ou un véhicule remorqué.
- Ne pas utiliser pour la conduite hors route.
- Garder les pneus de vélo éloignés du tuyau d'échappement chaud.

## PAUTAS PARA BASTIDORES THULE

Cuando use portacargas y accesorios Thule, debe asegurarse de entender todas las precauciones. Los puntos indicados a continuación le ayudarán a usar el sistema de bastidor y fomentarán su seguridad.

- Por seguridad y para obtener un ajuste correcto, use solamente el bastidor o accesorio Thule recomendado según en la Guía de ajuste Thule más actual. No suponga el ajuste del bastidor, siempre verifique la Guía de ajuste más actual cuando compre un nuevo vehículo.
- Salvo instrucción contrario, no se debe superar la capacidad máxima de 75 kg (165 lb) designada para los portacargas de Thule. No transporte más de 75 kg (165 lb.) en los portacargas Thule. Los portacargas Thule no incrementan la resistencia de las canaletas ni del techo. Thule no garantiza cargas que excedan este límite. Carga total = el peso de la carga + el peso de los accesorios usados para el transporte.
- Siempre asegúrese que las puertas del automóvil estén abiertas cuando monte un sistema de bastidor para techo. Cerciórese de que las perillas, los pernos, los tornillos, las correas y las cerraduras estén firmemente sujetos, apretados y asegurados con llave antes de cada viaje. Debe revisar periódicamente que las perillas, los pernos, los tornillos, las correas y los seguros no tengan señales de desgaste, corrosión o fatiga. Revise su carga en las paradas durante su viaje para garantizar la seguridad continua de la sujeción.
- Verifique las leyes estatales y locales que rigen la proyección de objetos más allá del ancho del vehículo. Esté al tanto de la anchura y altura de su carga, ya que las ramas, los puentes, los estacionamientos de baja altura pueden dañar su carga. Toda carga afectará el comportamiento de manejo del vehículo. Nunca conduzca con alguno de los seguros, las perillas o los bastidores abiertos o sin seguro. Todas las cargas largas, como tablas a vela, tablas de surf, kayacs, canoas y madera, deben atarse al frente y atrás los parachoques o ganchos de remolque del vehículo.
- Quite su bastidor y accesorios Thule cuando no se usen y antes de entrar a establecimientos para lavado automático de vehículos.
- Todas las seguros deben girarse y moverse periódicamente para garantizar que no se atasquen. Use grafito u otro lubricante en seco similar para este fin. Los seguros Thule están diseñados para disuadir el vandalismo y los robos. Saque todo equipo valioso si su vehículo no tendrá vigilancia por largo tiempo. Ponga por lo menos una llave en la guantera.
- Como seguridad para su vehículo y sistema de bastidor, obedezca todos los límites de velocidad y avisos de tráfico. Adapte su velocidad a las condiciones del camino y de la carga transportada.
- No use portacargas y accesorios Thule con otra función para la que fue destinada. No exceda su capacidad de carga. Se anulará la garantía si no sigue estos lineamientos o las instrucciones del producto.
- Consulte a su distribuidor Thule si tiene alguna pregunta sobre el funcionamiento y los límites de los productos Thule. Repase cuidadosamente todas las instrucciones y la de garantía.
- No use en trailers o vehículos de remolque.
- No conduzca fuera del camino.
- Mantenga las ruedas de las bicicletas lejos del tubo de escape caliente.

**THULE**<sup>®</sup>  
SWEDEN


THULE INC., 42 SILVERMINE RD.  
SEYMOUR, CT 06483  
www.thule.com  
800-238-2388

## **EXHIBIT 4**

**Certificate in Support of Request for Confidentiality**

Noel Roberts, pursuant to the provisions of 49 CFR 512, state as follows:

- 1) I am Director of Quality of Thule, Inc. and am authorized to execute this certificate on its behalf.
- 2) I have examined Thule, Inc.'s Part 573 Defect and Noncompliance Report of June 29, 2007 and hereby certify that certain information contained in the Part 573 Defect and Noncompliance Report and Exhibit A thereof constitutes confidential business information and is therefore entitled to confidential treatment under 5 USC 552 (b)(4) and 49 CFR 512 et seq.
- 3) I hereby request that the information contained in Thule, Inc.'s Part 573 Defect and Noncompliance Report be protected from public disclosure under 5 USC 552(b)(4) and 49 CFR 512 et seq. indefinitely.
- 4) I have received information from those individuals at Thule, Inc. with responsibility and authority in the normal course of Thule, Inc.'s business to release the information contained in the Part 573 Defect and Noncompliance Report and Exhibit A of June 29, 2007, and hereby certify that, based upon the information so received, to the best of my knowledge and upon information and belief, the information contained in Exhibit A of Thule, Inc.'s Part 573 Defect and Noncompliance Report of June 29, 2007, has never been released or become available outside Thule, Inc. and authorized dealer representatives.
- 5) I make no representations beyond those contained in this certificate and, in particular, I make no representations as to whether this information may become available outside Thule, Inc. because of unauthorized or inadvertent disclosure.
- 6) I certify under penalties of perjury that the foregoing is true and correct.

  
\_\_\_\_\_  
Noel Roberts

Subscribed and sworn to before me in Stamford, Connecticut on this 29<sup>th</sup> day of June 2007.

  
\_\_\_\_\_  
Commissioner of the Superior Court