

December 07, 2015

VIA EMAIL AND FIRST CLASS MAIL

Administrator
National Highway Traffic Safety Administration
1200 New Jersey Avenue, SE
Room W42-302
Washington, DC 20590

**RE: Petition for Determination of Inconsequential Noncompliance with FMVSS 213;
Graco Milestone Car Seat (models 191013, 1923980, 1926538 and 1926539)**

Dear Dr. Rosekind,

On November 9, 2015, Graco Children's Products, Inc. ("Graco") submitted a Noncompliance Information Report to notify the National Highway and Traffic Safety Administration ("Agency") of a noncompliance with FMVSS 213 relating to an on-product label on 8,240 Milestone child restraints.

On November 9, 2015, Graco notified retailers not to sell any affected child restraints remaining in their inventory. The units at retail will be reworked to provide a corrected label.

Graco believes the technical noncompliance described below is minor. Collectively, the labels and printed instructions provided by Graco contain the necessary messages, and do so in both English and Spanish, and with the same amount of or more specificity than required by FMVSS 213. The purpose and spirit of the regulation was fulfilled. Graco does not believe that the technical omission detracts from the safety purpose of the label or results in the child restraint being used in an improper or unsafe manner. Accordingly, Graco respectfully requests a finding that the noncompliance is inconsequential to motor vehicle safety and that it be exempt from the consumer notification and remedy provisions of the Vehicle Safety Act.

I. Applicant's Name and Address:

Graco Children's Products, Inc.
6655 Peachtree-Dunwoody Road NE
Atlanta, Georgia 30328

II. Description of the Product and Noncompliance

The affected product is an infant / toddler / belt-positioning booster child restraint that can be used rear-facing (5-40 lbs.), forward-facing (20-65 lbs.), and as belt-positioning booster (30-100 lbs.). Graco has

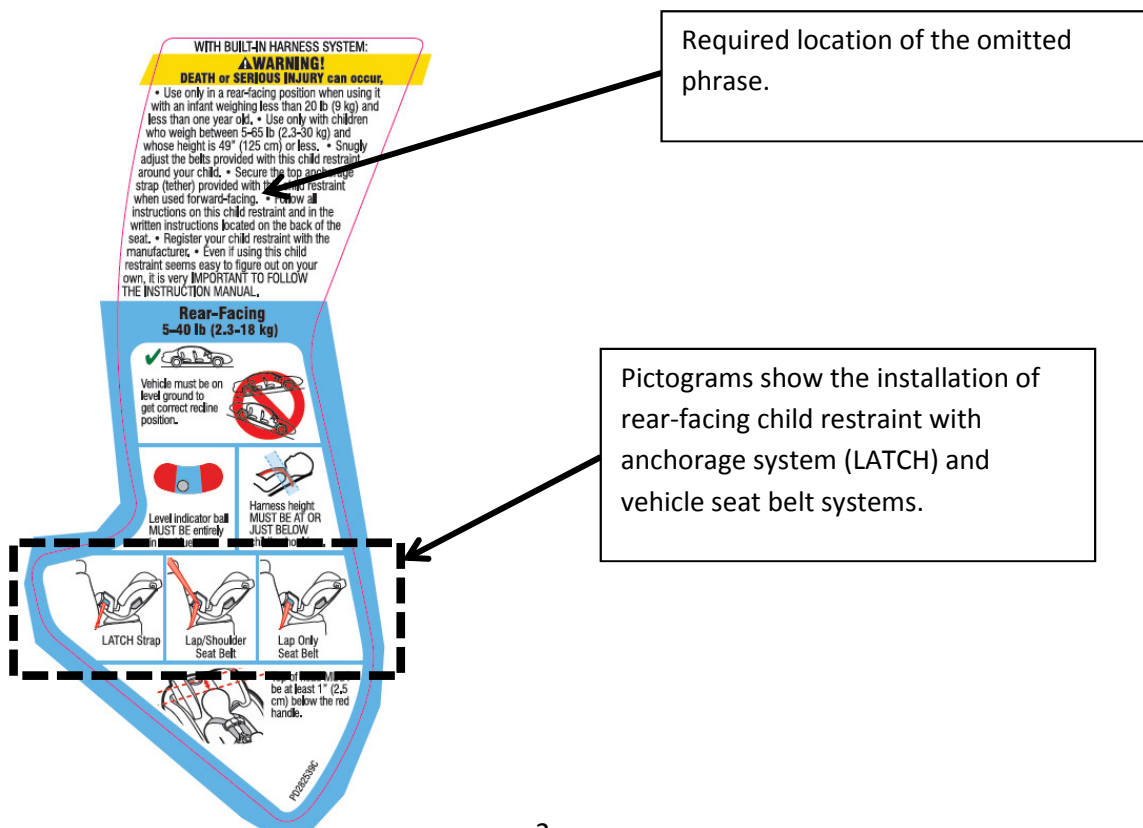
determined that 8,240 car seats fail to comply with FMVSS 213 S5.5.2(g)(1)(ii) in that the label does not state the message “Secure this child restraint with the vehicle’s child restraint anchorage system if available or with a vehicle belt”. The affected models were manufactured from July 9, 2015 through October 6, 2015.

III. Why the Noncompliance is Inconsequential to Motor Vehicle Safety

FMVSS 213 S5.5.2(g)(1)(ii) requires the statement “Secure this child restraint with the vehicle’s child restraint anchorage system if available or with a vehicle belt” be present in a prescribed order and is located in the middle of a series of other statements located on the label. Although this particular phrase has been omitted on the label, the intended message of the omitted phrase, to secure the child restraint in the vehicle, is communicated to the consumer in various other ways as described below, including on the same label.

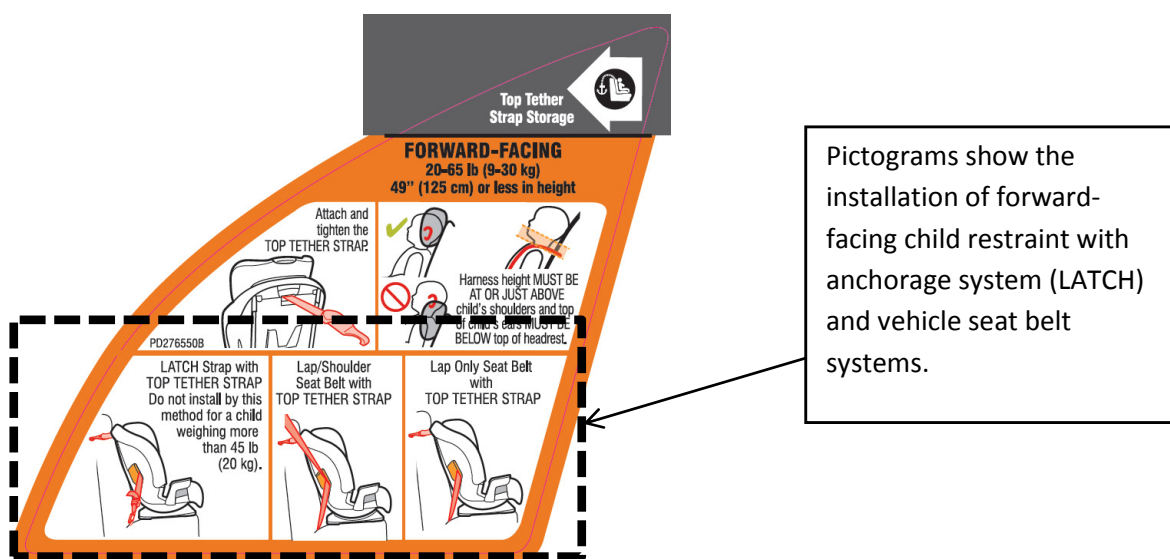
1. Non-compliant Label

The noncompliant label with the omitted phrase (shown below) provides visual pictograms showing the rear-facing child restraint being secured using the child restraint anchorage system and using a vehicle belt (both with a lap only seat belt and lap/shoulder seat belt). This visual message, located immediately below and on the same label as the omitted phrase, provides the same substance of the language required by FMVSS 213 S5.5.2(g)(1)(ii).



2. Forward-Facing Label

Also included on the child restraint is another label (shown below) that communicates the need to secure a forward-facing child restraint.¹ This label uses pictograms of the forward-facing child restraint being secured by using the child restraint anchorage system and by using a vehicle belt (both with a lap only seat belt and lap/shoulder seat belt). This visual message on yet another label affixed to the child restraint communicates the essential message of FMVSS 213 S5.5.2(g)(1)(ii) that the child restraint should be secured in the vehicle. The label below explains by using both words and visual aids, several different ways to secure the child restraint in the vehicle.

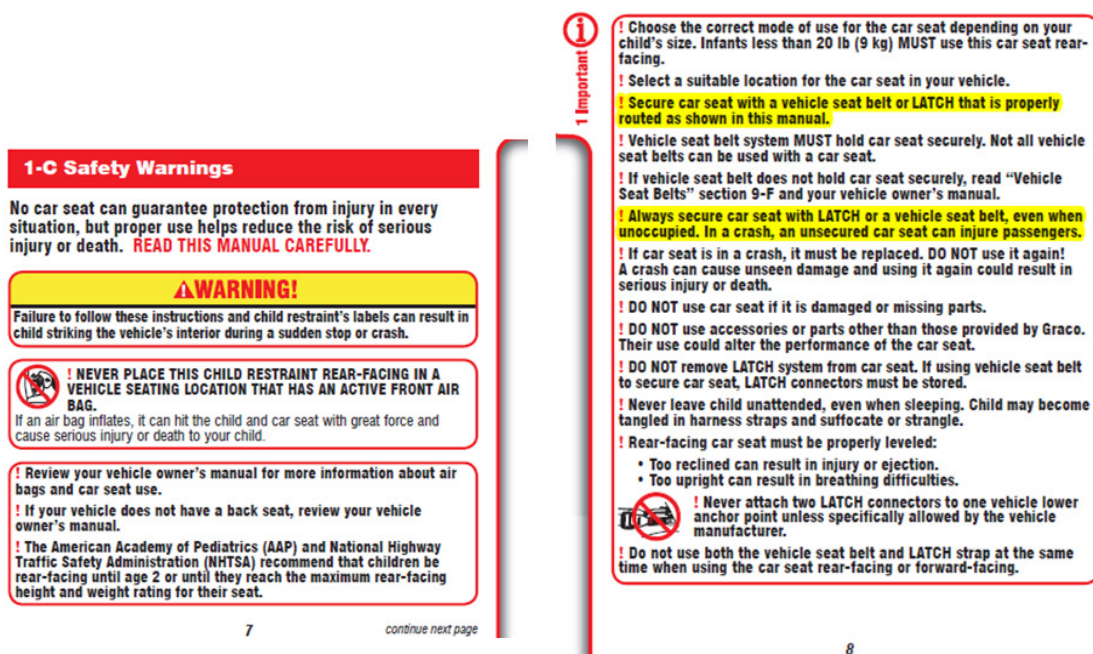


3. Instruction Manual

In addition to the label information on the child restraint described above that visually communicates to secure the child restraint in the vehicle using the child restraint anchorage system and the vehicle belt, the printed instruction manual goes into great detail in a step-by-step written procedure of both the need to secure and how to secure the child restraint in rear-facing and forward-facing modes using the child restraint anchorage system and the vehicle seat belt systems. **Attachment A** is an excerpt from the printed instruction manual's step-by-step instructions that shows the step-by-step procedures for securing the child restraint in the vehicle.

¹ As described above, the Graco Milestone child restraint is a 3 in 1 child restraint that converts to a belt-positioning booster seat. FMVSS 213 S5.5.2(g)(ii) provides that "[f]or...belt-positioning seats, the first part of the statement regarding attachment by the child restraint anchorage system is optional." And "the second part of the statement regarding attachment by vehicle belt does not apply." Consequently, there is no risk to motor vehicle safety for this labeling noncompliance when the child restraint is used as a belt-positioning booster seat.

Also included in the printed instruction manual is a prominently placed Safety Warning that further communicates, in multiple locations, the need to secure the child restraint with the child restraint anchorage system or the vehicle seat belt. See yellow highlighted phrases on page 7-8 of the included manual below.



For those consumers who obtain the child restraint second-hand and without a hard copy of the instruction manual, as described in detail above, the pictograms on the labels explain both visually and with words, how to secure the child restraint in the vehicle. Further, complete copies of all Graco child restraint user manuals are available, without cost, at Graco's website, www.gracobaby.com.

4. Consumer knowledge

Graco believes that the consumer knowledge base includes the general understanding that child restraints must be installed/secured in a vehicle to the vehicle seat to be effective. Also, with respect to labels and instructions, consumers are often drawn first to illustrations and pictograms. Therefore, even though the written statement "Secure this child restraint with the vehicle's child restraint anchorage system if available or with a vehicle belt" is required by FMVSS 213, Graco believes that consumers generally understand that the child restraint needs to be secured to the vehicle seat and will be visually drawn to the illustrations showing the child restraint being secured in the vehicle. Further, the absence of this phrase from the label does not affect the crashworthiness of the child restraint system.

Graco does not believe the noncompliance with FMVSS 213 S5.5.2(g)(1)(ii) creates a risk to motor vehicle safety requiring a recall. The required information is present in various other formats as described above. Graco will revise the label to be compliant to FMVSS 213 S5.5.2(g)(1)(ii). For the above stated reasons, Graco believes the noncompliance of the on-product label will have no impact on child passenger safety. Thank you for your time and attention to this matter and please contact us should you require any additional information.

Sincerely,

A handwritten signature in blue ink that reads "David Galambos".

David Galambos
Senior Regulatory Manager
Newell Rubbermaid Inc.

CC: Sean Beckstrom - VP Legal Affairs – Baby & Parenting Essentials