



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

AUG 09 2012

1200 New Jersey Avenue SE
Washington, DC 20590

Via USPS Certified Mail and email

Mr. David Roberts
Vice President
Norcold, Inc.
600 S. Kuther Road
Sidney, OH 45365

NVS-215aa
02E-044

Subject: Safety Recall 02E-044 (Refrigerator Fires)

Dear Mr. Roberts:

In June 2012 you contacted Alex Ansley of my staff to inform us that your company was unable to continue to discharge its obligations under Federal law to provide a free remedy to owners of certain recreational vehicles equipped with refrigerators your company manufactured and that were subject to the above-referenced recall. Specifically, you informed us that gas valves used for this recall remedy are no longer available and no new source of the parts has been found. We understand Norcold has over 130 requests for this recall's remedy that it cannot fulfill.

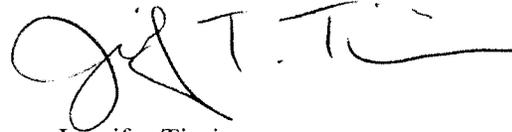
This recall involves 180,455 Norcold refrigerators that may experience a gas valve leak which can lead to a fire. Under 49 USC §30120(a)(1)(B), a manufacturer of replacement equipment must offer a safety recall remedy by repairing the equipment or replacing the equipment with identical or reasonably equivalent equipment. Section 30120(c)(2) specifies that failure to remedy a piece of replacement equipment no later than 60 days after its presentation is prima facie evidence of failure to repair within a reasonable time frame. We understand this 60 day timeframe is close to being reached for some of Norcold's outstanding recall claims.

Accordingly, the onus remains on you to identify and provide owners a free remedy that will adequately discharge your obligations. Please supply a revised remedy plan that meets the requirements of 49 USC §30120. In this revised remedy plan, provide in detail the means by which Norcold intends to notify owners of the new remedy and when it will do so. Please provide this information within seven (7) days of the date of this letter.



We appreciate your prompt response. For any questions regarding this matter, please contact Alex Ansley of my staff on (202) 493-0481. For any interpretations regarding the applicable statutes or regulations governing motor vehicle equipment recalls, please contact John Piazza of NHTSA's Office of the Chief Counsel on (202) 366-8853.

Sincerely,

A handwritten signature in black ink, appearing to read 'J.T. Timian', with a long horizontal flourish extending to the right.

Jennifer Timian
Chief, Recall Management Division
Office of Defects Investigation



Ms. Jennifer Timian
Chief, Recall Management Division
Office of Defects Investigation
U.S. Department of Transportation
National Highway Traffic Safety Administration
1200 New Jersey Avenue SE
Washington, DC 20590

Subject: Safety Recall 02E-044 (Refrigerator Fires)

Dear Ms. Timian:

In response to your letter of August 9, 2012, after several conversations and e-mails with Alex Ansley of your staff, and since the gas valves which are under recall are no longer available it appeared that the only remedy available to Norcold was to begin to supply complete replacements of comparable refrigerators to satisfy this recall. Accordingly, since the end of July, Norcold has been supplying complete new refrigerators as the remedy for this recall. To date Norcold has shipped out 81 refrigerators to satisfy recall requests and has made offers to 100 additional consumers to replace their refrigerators.

The 180,455 refrigerators covered under recall 02E-044 were manufactured over the period 1987-May 1995 with 104,118 produced in the period 1987-1991, 10 years prior to the announcement of recall 02E-044. For those refrigerators manufactured before 1992, Norcold would request consideration under non-application section of 49 USC § 30120 (g) (1), so that the no-charge remedy requirement would not apply to this revised remedy plan.

Norcold's proposal for a revised remedy plan would be two fold. Owners of refrigerators that are 20 to 25 years old would be receiving an extraordinary windfall if they were to now receive a brand new refrigerator including installation at no charge. Norcold's proposal to amend the recall remedy would be for those original refrigerators purchased prior to 1992, to replace refrigerators and the owner pay for the installation and for those original refrigerators purchased from 1992 to May 1995, Norcold would provide a no charge remedy of a new refrigerator including installation. This revised remedy plan would be communicated to owners and service centers when they call our recall center to obtain the recall remedy.

Please let me know as soon as possible if the revised recall remedy plan meets the requirements of the statute.

Sincerely,

A handwritten signature in cursive script that reads "J. David Roberts".

J. David Roberts
Manager of Finance and Administration

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From: Ansley, Alexander (NHTSA)
To: DRoberts@norcold.com; GStrasburg@thetford.com
Subject: NHTSA/Norcold Conference Call Summary
Date: Wednesday, August 29, 2012 1:09:00 PM
Attachments: [image001.png](#)

Dave/George,

This is to confirm our discussion from yesterday. We understand Norcold is no longer able to offer the original remedy outlined in recall 02E-044 due to a shortage of gas valves that are no longer being manufactured. Accordingly, the company reported it will be adjusting the recall remedy as follows:

- Norcold will be replacing refrigerators, recalled under 02E-044 and manufactured on or after January 1, 1992, with new, like-size refrigerators at no charge, along with vehicle installation at no charge to owners.

- Norcold will be replacing refrigerators, recalled under 02E-044 and manufactured before January 1, 1992, with new, like-size refrigerators at no charge, but will not offer a no-charge installation to owners.

- Norcold noted that consumers receiving replacement refrigerators under recall 02E-044 should receive a similar-sized refrigerator as the unit being replaced, but that the sizes may not always be an exact match. Norcold noted that these small size differences can likely be addressed by the equipment installers while rebuilding the refrigerator's enclosure area.

- Norcold stated that it would provide RMD with an up-to-date 02E-044 quarterly report in the coming days.

- Norcold agreed that if it should need to change its remedy program in the future, it will promptly notify this office.

Thank you,

Alex Ansley
US DOT- NHTSA
Office of Defects Investigation

Recall Management / W46-412

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