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09E-011
(10 pages)

March 31, 2009



VIA FEDERAL EXPRESS

Daniel Smith, Associate Administrator for Enforcement
Office of Defects Investigation
National Highway Traffic Safety Administration
1200 New Jersey Avenue S.E. – Room W46421
NVS-200
Washington, DC 20590

Re: Thule, Inc.
Models 3068 & 3069
Fit Kits
Part 573 Defect and Noncompliance Report
Our File: 10339.00004

RECEIVED
2009 APR -2 P 1:18
OFFICE OF DEFECTS
INVESTIGATION

Dear Mr. Smith:

Our client, Thule, Inc., has been informed that a condition exists which relates to motor vehicle safety in its Models 3068 and 3069 Fit Kits, as defined in the National Highway Traffic Safety Administration's (NHTSA) regulations relevant thereto. Accordingly, on behalf of Thule, Inc., we are hereby furnishing the attached Defect and Noncompliance Report in accordance with 49 CFR Part 573. [See **Exhibit 1** attached.] We look forward to receiving NHTSA's acknowledgement of receipt of the attached Defect and Noncompliance Report and receiving notification of NHTSA's campaign number.

In conjunction with its submission of the attached Defect and Noncompliance Report to NHTSA, please be advised that Thule, Inc. has notified, or is in the process of notifying, via a Stop Sale letter, its dealers and distributors of this situation and has requested that its dealers and distributors immediately stop all sales of the affected product. A copy Stop Sale letter is attached hereto as **Exhibit 2**.

The following is attached to this letter:

Exhibit 1: The original and two (2) complete copies of Thule, Inc.'s Defect and Noncompliance Report.

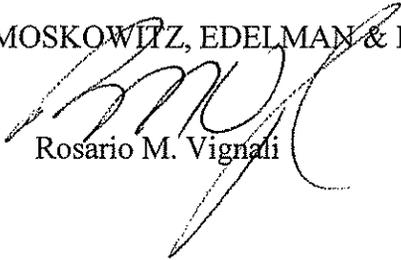
Exhibit 2: A copy of Thule, Inc.'s Stop Sale letter.

Please direct any questions to Noel Roberts, Director of Quality of Thule, Inc., at 42 Silvermine Road, Seymour, Connecticut, 06483. Mr. Roberts' phone number is 203-881-4875. In the alternative, feel free to contact this office as well.

Thank you in advance for your cooperation and assistance in this matter.

Very truly yours,

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP



Rosario M. Vignali

cc: Ms. Kelly Schuler

via Email Only

PART 573 Defect and Noncompliance Report

Thule, Inc. has been informed that a condition exists which relates to motor vehicle safety 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: March 31, 2009

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.

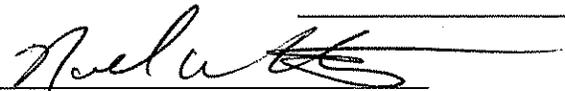
Noel Roberts, Director of Quality

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: 

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: Threaded Bolt(s)

Make: Thule Model: 3068

Part Number: 8523723002 Size: M6 x 60mm

Function: Mounts Fit Kit to vehicle's roof

Model Years Involved: 2008—March 2009

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

Black-colored bolts used on various models of Subaru and Mazda vehicles

Make: Thule Model: 3069

Part Number: 8523723002 Size: M6 x 60mm

Function: Mounts Fit Kit to vehicle's roof

Model Years Involved: 2008—March 2009

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

Black-colored bolts used on various models of Subaru and Mazda vehicles

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:

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.

		Number of Items Potentially Involved	
Model	3068	Year 2008 – March 2009	829
Model	3069	Year 2008 – March 2009	1494

Total Number Potentially Affected by the Recall: **[2,323]**

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:

The affected condition existed since the inception of the product's distribution, which began with the 2008 model year. Models 3068 & 3069 are the only models that use the affected part number (8523723002).

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.

Thule, Inc. was recently informed that the bolt(s) which secure the foot to the vehicle was manufactured to a hardness that may cause the bolt(s) to be brittle and potentially break under stress.

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

Over-hardening of the bolt(s) by the manufacturer.

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

This may result in the bolt(s) snapping off during use with or without a load. The unsecured rack and load can then come loose while driving, thereby creating a hazard to the consumer and/or others on the roadway.

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.

TECHNO SKRUV I VÄRNAMO AB
BOX 627
331 26 VÄRNAMO
SWEDEN

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

Stefan Polander.

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. was recently informed by Thule Sweden AB of approximately seven (7) incidents of bolt(s) failure in Europe, none of which resulted in personal injury. Thule Sweden AB has instituted a worldwide recall. No bolt(s) failure in North America have been reported.

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.

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.

Replacement bolts will be supplied to the dealers and consumers. These bolts have been hardened to the specified standard and will be distinguishable by color (silver instead of black). In addition, all new Fit Kits and replacement kits will be clearly marked to show that the affected product has been replaced by non-affected product. All returned affected product will be recycled as scrap.

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

The replacement bolts will be distinguishable by color (silver instead of black). In addition, all new Fit Kits and replacement kits will be clearly marked to show that the affected product has been replaced by non-affected product.

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.

All bolts now received by Thule, Inc. are manufactured to the specified hardness and are being incorporated into all replacement product and all future production. Thule Sweden AB has verified that the replacement bolt meets Thule's specifications via independent third party testing.

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.

March 26: Thule Inc's determination of defect

March 31: Submission of Part 573 Report

March 30: Stop Sale Notice to dealers

¹April 3: Recall Notice letters to dealers with Point of Sale material

April 3: Notice posted on Thule, Inc. website

March 30: Establish a designated toll free 800 phone number for end-users with a call center

April 3: Press Release

April 3: 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 all end users of the affected product are not known to Thule, Inc. with the exception of those end 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 to obtain the names and addressers of the end users.

Note: The recall schedule described herein will be applied uniformly and throughout the United

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

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 and end-users as needed.

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.



NOTICE OF SAFETY RECALL

Re: Voluntary Recall of Models 3068 and 3069 Fit Kits

Dear Thule Retailer,

In voluntary cooperation with federal authorities, Thule is recalling model Fit Kits **3068** and **3069** that are used with model 460 Podium foot. These kits are used with the following vehicles:

Kit 3068		Kit 3069	
2009	Subaru Forester	2004-2009	Mazda 3 4DR with Fixed-Point
2008-2009	Subaru Impreza	2004-2009	Mazda 3 5DR with Fixed-Point
2008-2009	Subaru Impreza WRX	2006-2009	Mazda 5 with Fixed-Point
2008-2009	Subaru Impreza STI Wagon	2003-2009	Mazda 6 4DR with Fixed-Point
2008-2009	Subaru Outback Sport	2004-2009	Mazda 6 Hatchback with Fixed-Point
		2007-2009	Mazda CX-7
		2007-2009	Mazda CX-9

It has recently been determined that the bolt(s) used to secure the foot to the vehicle was manufactured to a hardness that may cause the bolt(s) to be brittle and potentially break under stress. This may result in the bolt(s) snapping off during use with or without a load. The unsecured rack and load can then come loose while driving creating a potential hazard to the consumer and/or others on the roadway.

Our records indicate that your company has purchased product(s) from the above list. Until the details of the recall can be arranged with the federal authorities, we request that your company do the following with any remaining product in your inventories:

- **STOP** the sale of this product immediately;
- **ISOLATE** and pull all affected inventory from the sales floor, shelves, display areas, etc., as well as from all distribution centers.

Once we receive approval from the federal authorities, we will immediately contact you with the details of the recall campaign.

In the interim, it would be greatly appreciated if you provide us with the names and addresses of any purchasers of these products to assist us in contacting them with important information regarding this recall.

If you have any questions regarding this recall please call your Dealer Services Representative at **(800) 848-5322**.

Please note that no Thule products, other than the fit kits identified above, are affected by this recall.

We recognize that the safety of our shared customers is a paramount concern. Therefore, we thank you for your cooperation and apologize for any inconveniences this may cause. We highly value you as a trusted partner and in moving forward with this voluntary recall, hope to maintain the confidence you and your customers have placed in both our company and our products.

Sincerely,

Noel Roberts
Director of Quality
Thule, Inc.

