

**Safety Defect and Noncompliance Report Guide for Warning Devices**

**PART 573 Defect and Noncompliance Report**

Date:

This report serves as BUYERS PRODUCTS reporting party's name 's notification to the U.S.

Department of Transportation, National Highway Traffic Safety Administration that a noncompliance with Federal Motor Vehicle Safety Standards exists in certain

ERT10 / ERT01 identify the warning devices at issue (make, model, etc) warning devices. BUYERS PRODUCTS manufacturer/importer determined that a noncompliance existed in these warning devices on 08/13/2014 date

**I. Manufacturer, Designated Agent, and Other Chain of Distribution Information**

Manufacturer's corporate name:

Owner(s) of warning devices's brand or trademark (where applicable):

Designated Agent (imported equipment):

If this notification concerns equipment that was installed in new motor vehicles or new items of motor vehicle equipment, identify by name, address, and telephone number each vehicle manufacturer and/or equipment manufacturer who purchased that equipment:

If this notification concerns a defective or noncompliant component that the above identified manufacturer did not manufacture, identify that component and provide the name, address, and phone number of the manufacturer of the component (if this manufacturer is unknown, provide this information as to the supplier of the component):

Contact information for the person(s) to whom inquiries about this report should be directed:

	Contact #1	Contact #2, if applicable
Name:	SCOTT MOORMAN	
Address:	9049 TYLER BLVD MENTOR, OH 44060	
Email:	SMOORMAN@BUYERSPRODUCTS.COM	
Phone #:	440-974-8888 X207	
Fax #:	440-974-0165	

Manufacturer's assigned campaign number (where applicable):

TSB-ERT10
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## II. Identification of the Recall Population and Its Size

Complete the tables below for each item of equipment subject to this notification. Additional tables may be necessary where there are more than three items subject to a notification.

Type of equipment:	WARNING TRIANGLE, 3 PACK
Part/Model number:	ERT10
Size and function (where applicable):	
Inclusive dates of manufacture (month and year):	3/2011 - 6/2014
Other information necessary to describe this equipment:	
Total number of these items of equipment:	39,624

Type of equipment:	WARNING TRIANGLE
Part/Model number:	ERT01 - SINGLE
Size and function (where applicable):	
Inclusive dates of manufacture (month and year):	3/2011 - 6/2014
Other information necessary to describe this equipment:	
Total number of these items of equipment:	8,288

Type of equipment:	
Part/Model number:	
Size(s):	
Inclusive dates of manufacture (month and year):	
Other information necessary to describe this equipment:	
Total number of these items of equipment:	

Provide the following information as it pertains to all the items of equipment (“the recall population”) identified above:

Grand total number of warning devices in the recall population: 47,912

The percentage of the recall population you estimate actually contain the defect or noncompliance: POTENTIALLY 100%

Identify and describe how the recall population was determined (e.g., on what basis the recalled models were selected and how the inclusive dates of manufacture were determined):

RECENT TEST DATA HAS DETERMINED THAT PRODUCT MAY NOT BE COMPLIANT WITH THE DIMENSIONAL AND STABILITY PORTIONS OF FMVSS-125 S5.2.3, S5.4 AND S5.6.

Describe how the recall population is different from any similar warning devices not subject to this notification:

N/A

**III. Description of the Defect or Noncompliance and Chronology of Events**

Describe the defect or noncompliance, including a summary and detailed description of the nature and physical location (if appropriate) of the defect or noncompliance. Graphic aids should be provided where necessary.

THE TRIANGLE DEFLECTS EXCESSIVELY UNDER WIND LOAD OR CAN MOVE EXCESSIVELY. THE INNER BORDER OF ORANGE FLOURESCENT MATERIAL IS NOT OF UNIFORM WIDTH AND IS MORE THAN 1.3 INCHES WIDE.

**Describe the cause(s) of the defect or noncompliance:**

THE BASE IS NOT PROPERLY FILLED WITH BALLAST AND THE JOINT BETWEEN THE BASE AND TRIANGLE IS NOT RIGID ENOUGH TO PREVENT DEFLECTION UNDER WIND LOADS.

**Describe the consequence(s) of the defect or noncompliance:**

THE TRIANGLE MAY MOVE FROM INTENDED POSITION UNDER HIGH WINDS.

**Identify any warning(s) that may precede the defect or noncompliance:**

N/A

***For defects, provide a dated, chronological summary of all the principle events that were the basis for the determination that the defect is related to motor vehicle safety, including a summary of all warranty claims, field or service reports, and other information such as numbers of crashes, injuries and fatalities.***

**For noncompliances, identify the test results and other information considered in determining the existence of the noncompliance, and provide the date of each test and observation indicative of that noncompliance.**

UPON RECEIPT (OA-125-140505) ON JUNE 26TH FROM NHTSA OF TEST RESULTS SHOWING THE FAILURE OF A TORCH TO-502 MODEL COMPARABLE TO OUR ERT10, WE SENT A PRODUCTION SAMPLE OUT FOR TESTING. RESULTS WERE RECEIVED ON 8/13/14. THAT SAMPLE, WHILE PASSING ALL PHOTOMETRIC TESTING, FAILED THE STABILITY TESTING. AFTER FOLLOW UP INQUIRIES, BUYERS DETERMINED A RECALL IS NECESSARY.

**IV. The Remedy Program and Schedule**

**Describe the program for remedying the defect or noncompliance, including the plan for reimbursing those owners and purchasers who may have incurred costs to remedy the defect or noncompliance before receiving the manufacturer's notification concerning that defect or noncompliance. Also include, where applicable, details with dates concerning any production remedy that was conducted or will be conducted.**

NOTIFICATIONS WILL BE SENT TO ALL CUSTOMERS THAT HAVE PURCHASED ERT10 OR ERT01. ALL PRODUCT IN THE FIELD CAN BE RETURNED FOR REFUND OF ORIGINAL PURCHASE COST. THE PRODUCT WILL NOT BE REPLACED AS THERE IS NO COMPLIANT REPLACEMENT DEVICE.

**Provide the estimated date(s) on which owner and purchaser notifications will be issued and the estimated date(s) for completion of those notifications:**

ALL NOTIFICATIONS WILL GO THROUGH DEALERS - THIS IS NOT A REGISTERED PRODUCT.

**Provide the estimated date(s) on which dealer and distributor notifications will be issued and the estimated date(s) for completion of those notifications:**

08/26/2014

**Describe the distinguishing characteristics of the remedy/replacement warning device versus the recalled warning device:**

THERE IS NO REPLACEMENT DEVICE AT THIS POINT. PURCHASE COST WILL BE REFUNDED.

\*\*\*\*\* IMPORTANT REMINDERS \*\*\*\*\*

A DRAFT version of the letter that the manufacturer intends to mail to owners and purchasers notifying them of the defect and/or noncompliance must be submitted to NHTSA at least five Federal Government business days before those letters are issued. In addition, it is recommended that the draft version of the letter that the manufacturer intends to send to its dealers and distributors concerning the defect and/or noncompliance also be submitted for review. For prompt receipt and review, drafts may be submitted to the attention of the Recall Management Division (NVS-215) via facsimile at (202) 366-7882 or emailed to [RMD.ODI@dot.gov](mailto:RMD.ODI@dot.gov).

A representative 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, dealer, or purchaser, must be submitted to NHTSA no later than five days after they are initially sent. This requirement applies both to the final version of the notification letter that is sent to owners and purchasers, as well as the final version that is sent to dealers and distributors. It also includes any follow-up notifications issued concerning a recall. The representative copies of the letters sent to owners and purchasers, and dealers and distributors, must be submitted via certified mail. It is strongly recommended, however, that additional representative copies be submitted via facsimile at (202) 366-7882 or emailed to [RMD.ODI@dot.gov](mailto:RMD.ODI@dot.gov) so that the submission can be more promptly reviewed. All submissions should be conspicuously labeled with the appropriate NHTSA-assigned recall number.