

September 6, 2001

National Highway Traffic Safety Administration
Docket Management
Room PL-401
400 Seventh Street, S.W.
Washington, DC 20590

Re: Docket No. NHTSA-2000-8572
Notice of Proposed Rulemaking
Federal Motor Vehicle Safety Standards
Tire Pressure Monitoring Systems; Controls and
Displays

To Whom It May Concern:

On July 26, 2001, NHTSA published a Notice of Proposed Rulemaking (NPRM) regarding tire pressure monitoring systems (TPMSs). NHTSA is proposing to establish a new Federal Motor Vehicle Safety Standard No.138 as a result of a mandate in Section 13 of the Transportation Recall Enhancement Accountability and Documentation (TREAD) Act (Public Law 106-414) that requires tire warning systems be installed in new motor vehicles to indicate when a tire is significantly under-inflated. The Tire Association of North America (TANA) is submitting comments on the NPRM on behalf of our members.

TANA is the tire industry's largest association representing approximately 3,500 independent tire dealers – and the tire industry at large – in North America. TANA members are primarily small businesses (averaging \$3 million to

\$5 million in annual sales) that sell, service and install new, used and retreaded tires on all vehicles, from passenger cars to heavy equipment and trucks. The majority of TANA members are independent tire dealers, and that group – independent tire dealers – sold 59.5% of the passenger tires in the United States last year. In short, TANA members represent the market that sells almost two-thirds of the replacement passenger and light truck tires in the U.S. each year. Many of our members also perform automotive service and repair work.

TANA members are dedicated to educating consumers. Consumer education will play a large role in the upcoming TPMS standard and we will be happy to work with NHTSA and our members to disseminate information about tire safety and proper maintenance.

TANA supports the intent of the TREAD Act and the need for a TPMS standard. The following are TANA's comments on the NPRM:

1) System Calibration and Resetting

TANA would like to ensure that in the rulemaking process, NHTSA writes a rule that allows TPMS service and maintenance work regarding calibration and resetting of TPMSs to be available to all automotive businesses. TANA asks NHTSA to ensure that when a consumer chooses any wheel and rim combination that is suitable for his/her car, any mechanic be able to recalibrate the TPMS to

the new minimum air pressure. Original Equipment Manufacturers (OEMs) and their wholly-owned or endorsed stores should not be the only businesses with the ability to service or reset these systems, restricting the ability of consumers, tire dealers, aftermarket specialists and others to service these TPMSs by requiring codes, special equipment, computer software, or other methods of restricting automotive service.

NHTSA writes:

H. Replacement Tires and Rims

NHTSA believes that it is important that a TPMS be able to function properly when the vehicle's original tires are replaced. Thus, the agency is proposing to require that each TPMS be able to meet the requirements of the new standard when any of the vehicle's original tires or rims are replaced with any optional or replacement tire/rim size(s) recommended for use on the vehicle by the vehicle manufacturer.

And in the sections detailing the first and second alternatives for S.1 - S.6, NHTSA writes:

S4.3 Replacement tires/rims. Each tire pressure monitoring system must continue to meet the requirements of this standard when the vehicle maker's original tires or rims are replaced with any other optional or replacement tire/rim size(s) recommended for the vehicle by the vehicle manufacturer.

It is critically important to businesses in the replacement tire industry that vehicle manufacturers are not allowed to mandate specific tire and wheel

combinations on any vehicle. This would effectively end the freedom of choice that today's consumer enjoys when choosing tire and wheel combinations. By determining which tire and wheel combinations can be used with a TPMS on a given vehicle, vehicle manufacturers will change the very operational fabric of the replacement tire market – a \$20.9 billion dollar business in the United States alone in 2000. The vast majority of TANA members would be affected, and the average TANA member is a family-owned business averaging \$3-\$5 million in annual sales. In simple terms, a regulation that narrows consumer's choice of tire and wheel sizes would have a significant negative impact on small businesses across the United States.

TANA recommends changing the language found in the NPRM Section H and S4.3 to read, "...Thus, the agency is proposing to require that each TPMS be able to meet the requirements of the new standard when any of the vehicle's original tires or rims are replaced with any appropriate optional or replacement tire/rim size(s)," and omitting "recommended for use on the vehicle by the vehicle manufacturer."

2) Definition of "Significantly Under-Inflated" and Minimum Tire Pressures

NHTSA is proposing two alternative definitions of "significantly under-inflated." The first would define "significantly under-

inflated" as a tire pressure in one, two, three or four tires that is 20 percent or more below the vehicle manufacturer's recommended cold inflation pressure for the vehicle's tires, or a minimum level of pressure to be specified in the new standard, whichever pressure is higher. The second would define "significantly under-inflated" as a tire pressure in one, two, or three tires that is 25 percent or more below the vehicle manufacturer's recommended cold inflation pressure for the vehicle's tires, or a minimum level of pressure to be specified in the new standard, whichever pressure is higher.

TANA believes that each TPMS should be calibrated for a specific car model and the tire on that car. The debate between 20 and 25 percent vastly oversimplifies tire pressure and the way it affects performance and safety of a tire. TANA recommends changing from an "across-the-board" approach to tire pressure levels to an individual study of each vehicle's proper tire inflation levels.

Section C - Definition of "Significantly Under-Inflated." In general, the tire manufacturers believe that "significantly under-inflated" should be defined as any pressure below the minimum pressure specified by the tire industry's standard-setting bodies for a vehicle's gross vehicle weight rating (GVWR) or gross axle weight rating (GAWR). They argue that any tire with an inflation pressure below the pressure specified by those bodies as necessary to carry the vehicle's GVWR or GAWR creates a potential safety problem. They are concerned that tires with a pressure even 1 PSI below this level will experience

increased temperatures and be more likely to fail.

The vehicle manufacturers would like the agency to leave the definition of "significant under-inflation" to them. They argue that there are too many vehicle-tire-load combinations for the agency to set one standard, and that the vehicle manufacturers can best determine at what inflation pressure a particular tire on a particular vehicle is significantly under-inflated. They suggest that the agency give them the flexibility to determine the level of significant under-inflation for the tires on each vehicle.

NHTSA believes that the tire manufacturers' definition is overly strict.

TANA does not believe that the tire manufacturers' definition is overly strict. Tire manufacturers know their products and how to utilize them for optimum, safe performance. Last fall the Ford/Firestone issue thrust the tire industry into the spotlight. One of the main debates in trying to uncover what happened with the tragic loss of life in Explorer roll-overs was that Ford and Firestone didn't agree on the minimum PSI for the Wilderness tires found on the vehicles. Firestone recommended 30 PSI while Ford recommended 26. If public safety is the question NHTSA is addressing, TANA believes that it is better to be safe than sorry and follow the recommended PSI of the tire manufacturers. TANA supports the Rubber Manufacturers Association's definition of "significantly under-inflated."

NHTSA would like to set a minimum tire pressure level to ensure that tires are not operated at pressures the agency believes are too low.

TANA does not advise setting minimum levels across the board. There is too wide a variety of tires, rims, vehicles and vehicle uses to set a minimum standard. Also allowing the OEMs to set a standard takes away consumer choice as to how they want to utilize their vehicles. If OEMs mandate what tire and wheel combinations are allowable, it will eliminate consumer choices in the aftermarket.

3) Regulatory Flexibility Act

In the document outlining the proposed regulations, NHTSA cites the Regulatory Flexibility Act as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996, writing:

NHTSA has considered the effects if this proposed rule under the Regulatory Fairness Act. I certify that this proposed rule would not have a significant economic impact on a substantial number of small entities. The rationale for this certification is that currently there are only four small motor vehicle manufacturers in the United States that would have to comply with this proposed rule. These manufacturers would have to rely on suppliers to provide the TPMS hardware, and then they would have to integrate the TPMS into their vehicles.

TANA formally requests that NHTSA consider tire and wheel dealers when applying this Act to the proposed regulations. An OEM-mandated tire and wheel combination on a vehicle would have a significant negative impact on small businesses in the tire industry. In TANA's opinion, these new regulations – and the effects these regulations would have on small businesses and tire dealers – are not in concert with the intent or the purpose of the TREAD Act. The Regulatory Flexibility Act analysis does not go far enough as TANA believes the TPMS regulation will affect more than the businesses NHTSA cites – “four small motor vehicle manufacturers.”

4) Written Instructions

J. Written Instructions - NHTSA is proposing that the vehicle's owner's manual provide an image of the TPMS symbol with the following information, in English: "When the TPMS warning light is lit, one of your tires is significantly under-inflated. You should stop and check your tires as soon as possible, and inflate them to the proper pressure as indicated on the vehicle's tire inflation placard. Driving on an under-inflated tire causes the tire to overheat and can eventually lead to tire failure. Under-inflation also reduces fuel efficiency and tire tread life, and may affect the vehicle's handling and stopping ability." Each vehicle manufacturer may, at its discretion, provide additional information about the significance of the low tire pressure warning telltale illuminating and description of corrective action to be undertaken.

The agency believes that drivers would need this information so that they would know what to do if the low tire pressure warning telltale illuminates. The agency also believes that more drivers will inflate their tires, and thus experience the benefits associated with properly inflated tires, if they understand the potential consequences of significantly under-inflated tires. The agency requests comments addressing this issue. Is this information sufficient, or should the agency require additional information in the owner's manual?

TANA recommends that the owner's manual educate the driver about the importance of repeated warnings from the TPMS system. In addition to the requirements of NHTSA's NPRM, language could resemble: "If your TPMS continues to activate the pressure warning telltale, take your car to an automotive service professional for assistance."

Also, TANA encourages additional material describing how heat and tire use affect inflation and pressure in a tire. For instance, after being driven for as few as two miles, a tire's air pressure can change substantially.

TANA recommends another addition to the instructions to include a statement similar to the following: "Consumers should take their vehicles to automotive professionals to determine the appropriate tire air pressure for the conditions under which the vehicle may be driven." For example, if an individual wants to under-inflate their tires for going off-road or for a heavy load, the consumer should have that choice and any mechanic should be able to recalibrate the TPMS accordingly.

5) Direct vs. Indirect TPMS

TANA supports the use of direct TPMSs over indirect TPMSs for the numerous safety benefits that far outweigh the costs. Direct TPMSs can detect loss of air pressure if all four tires lose pressure; small pressure losses; under-inflated tires while a vehicle is stationary; and which tire is under-inflated. Direct systems are also less likely to give false indications of a significantly under-inflated tire.

6) Temperature Compensation

K. Temperature Compensation – The Agency requests comments on whether the standard should include a temperature compensation requirement and what the safety benefits and costs would be.

TANA recommends that any TPMS system include a temperature compensation requirement as tires heat up quickly once on the road. Temperature plays an important role in tire safety and maintenance as evidenced by the fact that tire manufacturers recommend tire pressure be measured when the tire is cold.

TANA also asks NHTSA to require that TPMSs measure the temperature of a tire and warn the vehicle's operator when a tire is becoming too hot. Tires

will increase in temperature as they flatten because heat cannot disperse through normal channels. Many direct TPMSs can monitor temperature as well as air pressure and TANA suggests that this fact be included in the final regulation.

7) Tire Sensor Warning

TANA recommends that if a direct TPMS standard is used, NHTSA require that the tires or wheels be coded to let automotive professionals, such as tire dealers, know if a TPMS sensor is in place. This could be done through a sticker at the site of the sensor or by color-coding the valve stem. Identification of these TPMS sensors would alert employees who are about to demount or mount a tire and help avoid damaging the sensors. It would also be helpful if the sensors were consistent in their location on a tire, perhaps at or directly across from the valve stem.

Conclusion

TANA supports the TREAD Act and efforts that improve safety in the automotive and tire industries. TANA's main concerns regarding the TPMS regulations relate to fair competition. First, that all automotive service businesses – whether they are a manufacturer or an independent business – have a right to service TPMS systems. And secondly, allowing an OEM to

choose tire and wheel combinations for a given vehicle will negatively affect many businesses in the automotive aftermarket. This would result in decreased competition in the marketplace to the detriment of the consumer, and would regulate the industry in a manner inconsistent with the intent of the TREAD Act.

In closing, NHTSA has the opportunity to implement TPMS systems for the benefit of public safety. At the same time, TANA recommends that care be taken to preserve competition by ensuring all businesses have equal access to the ongoing service of these systems and the automobiles themselves.

Regulations should allow consumers the full freedom of choice of tire and wheel combinations for their vehicles.

If you have any questions about our comments please call me at 703/736-8082. TANA looks forward to continuing to work with NHTSA on these important issues.

Respectfully submitted,

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