

May 23, 2005

Dr. Jeffrey Runge
Administrator
National Highway Traffic Safety Administration
Room 5220
400 Seventh Street, S.W.
Washington, DC 20590

RE: Petition for Reconsideration

**NHTSA Docket 2005-20586
Federal Motor Vehicle Safety Standards;
Tire Pressure Monitoring Systems; Controls & Displays**

Dear Dr. Runge:

On April 8, 2005, NHTSA published a Final Rule regarding tire pressure monitoring systems (TPMSs). The National Highway Traffic Safety Administration (NHTSA) is re-establishing 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 underinflated.

On behalf of the 5,000 plus members of the Tire Industry Association (TIA), I am submitting a petition for reconsideration regarding the final rule.

Position

The TREAD Act was enacted in 2000 by Congress to protect the drivers on our country's roads. This final rule published by the National Highway Traffic SAFETY Administration fails to keep the motoring public safe. In fact, this rule will make drivers more apathetic to their tires, not less. Therefore, **TIA must oppose NHTSA's final rule on Tire Pressure Monitoring Systems because we believe it to be fatally flawed.** TIA is very disappointed that most of our comments regarding tire safety were ignored during the comment period. This final rule will NOT keep the motoring public safe and we ask the Agency to reconsider the rule based on several key points.



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TIA Background

TIA is an international association representing all segments of the tire industry, including those that manufacture, repair, recycle, sell, service or use new or retreaded tires, and also those suppliers or individuals who furnish equipment, material or services to the industry. TIA was formed by the July 2002 merger of the International Tire & Rubber Association (ITRA) and the Tire Association of North America (TANA).

TIA 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 TIA members are independent tire dealers and TIA 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.

Trigger Threshold

First and foremost TIA remains convinced that this final rule will not keep the motoring public safe. We believe that the trigger point of 25 percent below the tire's recommended cold inflation pressure or 20 psi, whichever is higher, will keep the public at risk. TIA believes the TPMS trigger point should be tied to the vehicle's placard and Gross Axle Weight Rating (GAWR). While the courts have ruled that NHTSA was not "arbitrary and capricious" in setting a 25-percent threshold and that NHTSA argued cost as the reason to not go any lower than 25 percent, TIA has serious concerns about the threshold where the system would notify the driver of an underinflated tire. If the true intent of the Agency and the TREAD Act is to keep the motoring public safe, this final rule falls far short of the mark yet again.

In the final rule, the Agency stated, "Vehicle manufacturers did not comment on the under-inflation detection level, which suggests that they do not object to that aspect of the NPRM." TIA respectfully reminds the Agency that if a tire fails the consumer will point to, and often sue, the tire companies, not the automobile manufacturer. It therefore becomes clear to TIA that this is why the auto manufacturers have no objections to less stringent regulations. They are easier to implement...but do not keep consumers safe and the tire industry will bear the burden of those failures. When the TPMS fails to notify a driver in a timely fashion, the safety of every driver is at risk.

Telltale Illumination

In this final rule, NHTSA has made what TIA believes to be a huge mistake and is moving backwards on the timeframe in which the telltale must illuminate upon sensing underinflation in a tire. NHTSA's original proposal was that the telltale must go off within ten minutes of sensing a problem with a tire's inflation. The final rule has moved BACKWARDS to 20 minutes. TIA is very concerned that this additional ten minutes will allow an underinflated tire to further deflate, overheat and potentially fail. TIA sees no reason to move backwards to a 20-minute threshold and STRONGLY urges the Agency to move back to 10 minutes, if not an even shorter period of time. The Agency stated in the final rule, "Regarding the NPRM's proposed 10-minute time period for low tire pressure detection, vehicle manufacturers generally recommended extending that time period..." TIA once again reminds the Agency that when tires fail and consumers are injured, it will be the tire industry that bares the brunt of the repercussions from

the injured parties. We do not trust the motives of the automotive manufacturers asking for more time, not less. For the safety of America's drivers, TIA asks that NHTSA reconsider this provision.

MIL Options

TIA is in favor of the first Malfunction Indicator Lamp (MIL) option that calls for a dedicated telltale in clear view of the driver. The second option of using a combined telltale for the low pressure and malfunction with the flashing for one minute to signify a malfunction is confusing. Once the telltale is illuminated, the driver may not know if a tire is low or the system is malfunctioning. Assuming that the driver will recognize and understand that the 90 seconds where the telltale flashes when the ignition is turned to the "on" position signifies a malfunction is not as clear as a dedicated MIL that only represents a malfunction. For the safety of the motoring public we strongly urge NHTSA to only allow a dedicated MIL to indicate a TPMS malfunction.

"Design Restrictions" and Cost Estimates for Sensors

TIA agrees with the Specialty Equipment Market Association's suggestion that NHTSA require vehicle manufacturers to comply with SAE and EU standards governing the design of the wheel mounting pockets so that sensors can be transferred to replacement tires/wheels. We do not believe that compliance with SAE and EU standards constitute "design restrictions." The second option of utilizing a strap to secure the sensor to the wheel will likely cost more than the \$4 estimate for four straps in the NPRM. First, none of the current valve stem sensors have the necessary design to be easily secured to the rim using a standard strap. Such attachments would require a place for the strap to attach to the sensor, which none of the valve stem sensors currently have. Second, the strap would need to have a wide range of "pockets" to accommodate the various dimensions of sensors. None of these devices are currently available so it's unlikely they will only cost \$4 for four straps. TIA feels that the cost estimates have been underestimated.

Replacement Tires/Service TPMS

TIA remains perplexed by NHTSA's final rule that a TPMS does not have to function if replacement tires are put on a vehicle. According to *Modern Tire Dealer* magazine, in 2003 there were 194 million replacement passenger tires shipped and only 54 million original equipment (OE) tires. In the light truck arena there were 34.5 million replacement tires and only 8.3 OE tires shipped. The number of replacement tires is about 4 times greater than the number of OE tires in the market.

If the Agency is serious about public safety and the Congressional intent of the TREAD Act, it is unacceptable to allow a TPMS to not function after a vehicle's tires are replaced. This is another reason TIA cannot support this final rule. TIA finds the option of the second MIL confusing to the public and we believe that since the TPMS will operate in most circumstances after wheel replacement, the TPMS should be functioning. In light of this final rule, TIA will probably recommend to our dealers to not ever allow a driver to leave a shop without their TPMS functioning. The liability is too great for the tire industry to allow that to happen.

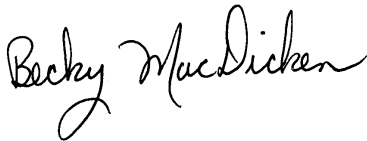
Conclusion/Summary

NHTSA had three chances to implement a TPMS regulation for the benefit of public safety and TIA feels strongly that the Agency has published a fatally flawed final rule. TIA is therefore opposing the entire rule.

TIA will follow this rule to whatever extent necessary to see that motorists are in fact more safe and secure due to their tire pressure monitoring systems.

If you have any questions about our comments please call me at 800-876-8372 x 112. TIA looks forward to continuing to work with NHTSA on these important issues.

Respectfully submitted,

A handwritten signature in black ink that reads "Becky MacDicken". The signature is written in a cursive, flowing style.

Becky MacDicken
Director of Government Affairs
Tire Industry Association