

November 15, 2004

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

**RE: NHTSA Docket 2004-19054
Federal Motor Vehicle Safety Standards;
Tire Pressure Monitoring Systems; Controls & Displays**

On September 16, 2004, NHTSA published a Notice of Proposed Rulemaking (NPRM) regarding tire pressure monitoring systems (TPMSs). The National Highway Traffic Safety Administration (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 underinflated.

On behalf of the 5,000 plus members of the Tire Industry Association (TIA), I am submitting comments regarding the NPRM.

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.



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Position

The TREAD Act was enacted in 2000 by Congress to protect the drivers on our country's roads. This proposed regulation 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 proposal on Tire Pressure Monitoring Systems because we believe it to be fatally flawed.**

Trigger Threshold

First and foremost TIA does not believe that this rule as proposed will keep the motoring public safe. We believe that the proposed 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 proposal falls far short of the mark.

As an example, a car with a GAWR of 1885 lbs on the front axle has a recommended cold inflation pressure of 32 psi, which can support 1058 lbs per tire. If the 25-percent threshold is used, the resulting air pressure is 24 psi, so the carrying capacity of the tire will be less than 900 lbs per tire thereby creating a potentially overloaded assembly. As soon as the inflation pressure drops below 26 psi, the tire can no longer support the GAWR, or the maximum weight on the front axle. If the new proposed threshold of 25 percent is adopted, the driver could be driving on an overloaded tire for a significant period of time. This is not in line with the Congressional intent to keep our nation's drivers safe.

Also, if you look back at the Ford/Firestone problems in 2000 with the Wilderness tires on Explorers, Firestone recommended a cold inflation pressure of 30 psi while Ford recommended 26 psi. Applying today's NPRM to this previous situation, the TPMS would not have had to trigger until 20 psi according to Ford (25% would have set off the system at 19.5 psi so the 20 psi is higher). But if Firestone's recommended psi was utilized, the TPMS would have triggered at 22.5 psi (25% of 30 psi). Obviously there is a problem when the automobile manufacturer doesn't take the recommendation of the tire manufacturer especially since the 2.5 pounds of difference in air pressure possibly could have helped save many more drivers from catastrophic results in 2000. But even so, we believe the trigger point should occur sooner to save lives. As proposed, this NPRM would not have prevented the Ford/Firestone situation. **TIA strongly believes the threshold should be tied to each vehicle's placard and trigger 1 to 2 psi below the recommended cold inflation pressure or at an inflation level where the tires can no longer carry the vehicle weight, whichever is higher.**

Drivers of vehicles with TPMS will naturally have an improved sense of security as long as the sensors do not indicate an underinflated tire. The question is whether or not it should trigger before or after the unsafe condition occurs. **TIA believes the TPMS should engage BEFORE there is a serious problem, especially taking into account that drivers may not immediately**

seek service when the warning light goes on. Using 1-2 psi below the recommended cold psi as the TPMS trigger would keep drivers safe.

It should be stated in a vehicle's owner's manual that even with a TPMS, tires should be checked regularly for proper inflation, tread depth and rotated every 6,000 miles for optimum performance and fuel economy.

Reserve Load

TIA also believes the concept of reserve load must be resolved and the current NPRM does not adequately address the issue. Even though tire manufacturing organizations in Japan and the United States expressed concern over the need for an inflation reserve in the placard pressure, NHTSA still does not recognize it in the proposed rulemaking. NHTSA refers to a 1981 study of tire failures and reserve loads that did not show any correlation but adds, "If new data indicate a sufficiently strong correlation, NHTSA will propose appropriate amendments to its standards."

Originally, TPMSs were intended to protect the motorist from the dangers of operating a vehicle with underinflated tires. Given the serious concerns over the threshold where the system notifies the driver and the lack of current information on the importance of reserve load, we feel that the current proposal does not take all of the factors into consideration and will still result in vehicles being operated with tires that cannot support the load.

The Rubber Manufacturers Association (RMA) has a Petition for a Rulemaking to Amend FMVSS 110 pending with NHTSA and TIA fully supports that petition. NHTSA should grant RMA's pending "Petition for Rulemaking to Amend 49 C.F.R. §571.110: To Establish a Reserve Pressure Requirement for Tires Selected for Use on Motor Vehicles with a GVWR of 10,000 Pounds or Less," filed July 19, 2002. This reserve load issue is one more reason TIA feels we cannot support the current NPRM on Tire Pressure Monitoring Systems.

Replacement Tires/Service TPMS

TIA is surprised that in this NPRM, NHTSA reversed itself and is proposing 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 NPRM.

During the previous phase of TPMS comments to NHTSA, TIA (then known as the Tire Association of North America or TANA) implored the Agency to make sure that the Original Equipment Manufacturers (OEMs) gave affordable access to TPMS service information to all tire dealers and service providers. TANA stated, "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 did not address this issue in the regulations that followed and **TIA stands by the request that NHTSA ensures information is available to any and all tire dealers, whether independent or affiliated retailers.**

TIA members know that with a wide variety of monitoring systems on the market it will be very difficult for an independent tire dealer to know how to install, repair, or reset each type of TPMS. Tire rotation will become a major problem if telltales are used that indicate each individual wheel, as opposed to a TPMS telltale that simply warns of a problem. To help with these issues, TIA is currently in the process of developing a comprehensive training program for the tire industry on TPMS training along with Delphi Integrated Service Solutions, a world leader in mobile electronics and transportation components and systems technology. We plan to bring the OE and aftermarket TPMS manufacturers together to gather all necessary information on servicing each system for the benefit of any individual performing tire service. All of the tire manufacturers are also working with TIA on this endeavor and we hope to have this program out in the first quarter of 2005. Because of this program, TIA believes it is unnecessary for the TPMS rule to exempt replacement tires from being monitored by a TPMS. **TIA feels strongly that a TPMS should be required to function after OE tires are replaced, and this is another reason we cannot support this NPRM.**

Test Conditions

TIA also strongly urges NHTSA to reexamine the NPRM’s testing conditions for TPMSs. TIA believes the tests for these systems *exclude* several “real world” examples that drivers will most certainly encounter including functioning:

- At speeds above 63 mph;
- At temperatures below freezing;
- On wet, snow or ice-covered roads; and
- At temperatures above 104° F.

If the TPMS is not mandated to be tested in these and other dangerous conditions, how can we ensure the safety of the motoring public? **This is another reason TIA cannot support this NPRM.**

Malfunction Telltale

TIA is concerned over the NPRM’s TPMS malfunction telltale options. The first option is to create yet another telltale on a driver’s dashboard. The second option is to have the TPMS telltale flash for a minute at startup if the system is malfunctioning. TIA feels that both of these options are confusing for the driver. Option one threatens to crowd the dashboard with extra lights. There are already so many new “bells & whistles” on vehicles that TIA can’t imagine yet another light. There are no other dashboard indicators that have a separate telltale to go off if the system isn’t working properly.

Regarding option two, if the driver doesn’t notice the initial flashing they will just see the illuminated light and think their tires are underinflated, when perhaps they wouldn’t be. Even if

they do see the flashing telltale upon starting their car, they may think that's part of the startup. The vehicle's owner's manual will certainly explain either of these telltale options, but many consumers don't take the time to read these important materials. Of these two options, option two is better, but neither one is perfect. Option two works in a "perfect world" scenario where consumers actually read their owner's manual. The owner's manual may need additional language stating that if the indicator light is on and the tires are not underinflated, and the tires are compatible with the car and TPMS, that the TPMS must then be malfunctioning.

Types of TPMSs

TIA commends NHTSA for coming out with an NPRM that uses tire pressure monitoring systems that can identify one underinflated tire or up to four underinflated tires while leaving room for technological growth in the TPMS industry.

Direct TPMS Sensor Warning

While this is not addressed in the NPRM, TIA strongly recommends that NHTSA require the tires or wheels be coded to let automotive professionals, such as tire dealers, know if a direct TPMS sensor is in place. This should be accomplished in a way that does not impose unnecessary burdens and costs on the tire and wheel industry (ex: a permanent marking that would require retooling, new molds, etc.) and/or a warning on the placard. The Specialty Equipment Market Association (SEMA) has suggested a unique (yet standardized) valve stem retaining nut where the nut could be distinctive by a special color or design. TIA supports this suggestion. Identification that these TPMS sensors are in place would alert employees who are about to demount or mount a tire and help avoid damaging the sensors and negating the TPMS rule. It would also be helpful if the TPMS sensors were consistent in their location on a tire or wheel.

Conclusion/Summary

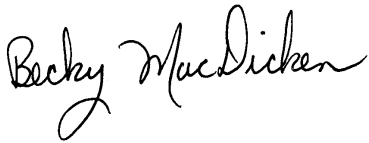
NHTSA had a second chance to implement a TPMS regulation for the benefit of public safety and TIA feels strongly that the Agency has published a fatally flawed NPRM. TIA is therefore opposing the entire rule.

- The Association strongly urges the Agency to rethink the threshold issue as we believe that a 25-percent trigger threshold or 20 psi (whichever is higher) does not keep drivers safe. TIA recommends tying the trigger to the vehicle's placard using 1-2 psi below the recommended cold pressure or the pressure that can safely sustain the GAWR, whichever is higher.
- TIA fully supports the RMA's Petition for a Rulemaking on reserve pressure.
- TIA strongly opposes the proposal that a TPMS does not have to function if replacement tires are put on a vehicle. TPMSs should always function on a vehicle if we are to keep our drivers safe.
- NHTSA should ensure that all individuals who service vehicles have access to the information necessary to fix, install and recalibrate TPMSs.
- The required TPMS test conditions should reflect "real world" driving so that drivers do not have a false sense of security.
- NHTSA should explore ways that individuals servicing a vehicle are aware a TPMS sensor is in place and that location of the TPMS sensor should also be standardized.

This could be the first time in the history of rule-making that the industries impacted by a proposed regulation do not think that the proposal is stringent enough. Like RMA, TIA respectfully requests that NHTSA issue a supplemental notice of proposed rulemaking (SNPRM) in order to satisfy Congressional intent of the TREAD Act to mandate a TPMS regulation that will keep the motoring public safe. TIA will follow this proposal 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