



August 20, 2002

National Highway Traffic Safety Administration
Docket Management
Room PL-401
400 7th Street, SW
Washington, DC 20590

RE: Docket Number NHTSA-2001-10856; Notice 2
Motor Vehicle Safety; Disposition of Recalled Tires

To Whom It May Concern:

On July 26, 2002, the National Highway Traffic Safety Administration (NHTSA) published a Supplemental Notice of Proposed Rulemaking (SNPRM) on Motor Vehicle Safety; Disposition of Recalled Tires. The Tire Industry Association (TIA) is submitting comments regarding the SNPRM on behalf of our members.

TIA was formed July 1 of this year when the International Tire & Rubber Association (ITRA) and the Tire Association of North America (TANA) merged into a single entity. Our membership is comprised of tire dealers, wholesalers and distributors, manufacturers and retreaders, businesses that sell, service and recycle tire and rubber products, as well as companies that provide equipment and services for the tire industry.

In the SNPRM, NHTSA is requesting input into the Rubber Manufacturers Association's May 9, 2002 comments regarding the disposition of tires that RMA submitted following a meeting between RMA and NHTSA. TIA fully supports the regulatory language that RMA proposed in its May 9 comments.

Because every recall involves a different set of circumstances, TIA believes that NHTSA should allow manufacturers to determine the best course of action during a recall of their tires, so long as the manufacturers' plans do not impose an undue burden on tire dealers or recyclers.

Return Recalled Tires to Manufacturers

RMA's May 9 comments propose that, "all recalled tires be returned to the manufacturer during a recall." This will allow manufacturers to be responsible for the recalled tires, giving them opportunities to inspect, test and, where applicable (in the case of voluntary recalls), resell tires that comply with Department of Transportation (DOT) regulations. RMA's proposal would also allow the manufacturers to dispose of the tires as they see fit, in compliance with applicable state laws. TIA supports this position.

TIA recommends that the regulatory language include a requirement that manufacturers seek the highest and best recycling/reuse opportunities for recalled tires when it is practical and safe to do so.

Out of Service Tires

NHTSA's December 18, 2001 proposal would require tire dealers to render a recalled tire "out of service" the day it is removed from a vehicle by drilling a hole or slashing the sidewall. TIA agrees with RMA's comments that destroying these tires could be a needless waste of fully compliant, non-defective tires. Consumer or dealer error could lead to the removal of a tire that is not subject to the recall. Even tires subject to a recall are not always "defective" and can be resold. Therefore TIA supports RMA's proposal that, in the event of a recall, the tires should be returned to the manufacturer.

Typically during smaller recalls, the manufacturer asks the dealers and distributors to return the tires to a central location for testing and inspection. A tire dealer collects the recalled tires to return them, and the manufacturer usually pays the freight costs. Dealers voluntarily comply with this practice so that they receive a per tire credit from the manufacturer. There is no need to create regulations that deviate from this sound industry practice.

TIA would, however, recommend that NHTSA include language in the final disposal regulation to prevent large stockpiles of tires during a recall by ensuring the timely shipping of tires to the manufacturers. Stockpiles of tires can be a safety and/or health risk, and also pose the danger of theft of tires that – in the case of recalled tires – are potentially dangerous to the motoring public. While manufacturers typically ask dealers to send tires into a location

and pay the freight, manufacturers will often impose minimum weight requirements (e.g. 2,000 pounds) on these shipments. If a small tire dealer does not reclaim enough tires to reach the designated weight for shipping, it cannot return the tires it has. In the tire industry the "passenger tire equivalent" is:

1 passenger tire = 20 pounds of scrap. For a 2,000-pound shipping requirement, many small dealers may not collect the 100 tires needed to send the tires into the manufacturers.

TIA members agree that the manufacturers can certainly set weight guidelines, but suggest that the manufacturers be required to accept a shipment every 30 days, or once the minimum weight is reached, whichever comes first. TIA recommends to NHTSA that language imposing this requirement be added to the regulations.

Manufacturer Guidance

The RMA's comments of May 9 also state that, "If a manufacturer decides to allow dealers and distributors to deal with recalled tires directly then the manufacturer could file an exception plan laying out the details of that specific recall." RMA suggested that if manufacturers do not ask for recalled tires to be returned to them, that the manufacturers should be required to provide written guidance to tire dealers and distributors to ensure that the tires are permanently rendered out of service. Knowing that our dealer and distributor members work closely with manufacturers on a day-to-day basis, TIA supports this proposal.

Landfills and Recycling Options

In the event of a recall, if the manufacturer does not want the tires returned to a central location, but instead have them rendered out of service, each individual tire dealer will follow current practices to comply with its local and state laws regarding disposal and other recycling options. TIA urges NHTSA to allow individual dealers and distributors to make arrangements with their own disposal companies and/or take advantage of recycling opportunities in their regions. The manufacturers should not be required to specify the proper disposal of tires.

During the second recall that Ford initiated of the Firestone ATX Wilderness tires, Ford hired what it claimed to be a national collector to recycle the recalled tires. The company was not truly national and could not meet the demands of the recall. As a result, tires were not collected from the dealers in a timely fashion, many were placed in unsecured storage areas where they were exposed

to pilfering, and a very high percentage of the recalled tires were disposed in landfills rather than recycled to their fullest extent.

According to the Recycling Research Institute, the cost of putting a tire in a landfill averages about \$1 per tire on the East Coast and about \$.65 on the West Coast. A conservative estimate for recycling is between \$1-\$1.20 per passenger tire. However, if a company claims it can handle a recall but instead creates a stockpile of tires, cleanup of that stockpile is about \$1.50 per tire, and if a fire were to result, \$2.00 per tire. TIA reiterates that the regulatory language should include a requirement that encourages manufacturers, distributors and dealers to seek the highest and best recycling/reuse opportunities for recalled tires when it is practical and safe.

Exceptions Reporting

Business owners face tremendous paperwork burdens imposed by government in their day-to-day operations. In the event of a recall, TIA believes that "exceptions reporting" is only necessary if a company – whether it is the manufacturer, distributor, dealer etc. – deviates from the recall plan laid out by the manufacturers. TIA encourages NHTSA to adopt this limited version of exceptions reporting to reduce the paperwork burdens on companies, particularly the many tire dealers that are small businesses.

TIA strongly believes that the RMA proposal will fulfill the requirements of the TREAD Act. This proposal will remove recalled tires from the streets and take them out of potentially dangerous storage facilities, which is the intent of the TREAD Act.

If you have any questions, please feel free to call us at 800-876-8372. We look forward to working with NHTSA on this important issue.

Respectfully submitted,



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