



February 4, 2002

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

Re: Docket No. NHTSA-2001-8677; Notice 2
Notice of Proposed Rulemaking
Reporting of Information and Documents About
Potential Defects;
Retention of Records that Could Indicate Defects

To Whom It May Concern:

On December 21, 2001, NHTSA published a Notice of Proposed Rulemaking (NPRM) regarding the "early warning reporting requirements" of the Transportation Recall Enhancement Accountability and Documentation (TREAD) Act (Public Law 106-414). The International Tire & Rubber Association (ITRA) and the Tire Association of North America (TANA) are submitting comments on the NPRM on behalf of our members.

ITRA is an international nonprofit trade association representing 1,800 companies worldwide that manufacture, sell, service and recycle tire and rubber

products, as well as companies that provide equipment and services for the tire industry. ITRA members include companies with 20 or fewer employees as well as large organizations, such as Bridgestone/Firestone, Goodyear, Michelin, Cooper Tire & Rubber Company, Continental North America, Bandag and many others. ITRA has members in over 50 countries; 20 percent of its members are located outside the United States.

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.

ITRA and TANA are scheduled to merge into a single association on July 1, 2002, and today the two associations are submitting joint comments. Our comments support two recommendations made by the Rubber Manufacturers

Association (RMA) regarding the treatment of retreaded tires and medium radial truck tires, as well as issues about the reporting requirements for manufacturers and the impact on tire dealers.

1) MEDIUM RADIAL TRUCK TIRES SHOULD BE TREATED SEPARATELY FROM PASSENGER AND LIGHT TRUCK TIRES FOR PURPOSES OF AN EARLY WARNING REPORTING SYSTEM.

At the time the TREAD Act was passed, the focus of Congress was to develop an early warning system for passenger and light truck tires. NHTSA's proposed regulation does not state that medium radial truck tires will be included in this call for an early warning system, but it does not exclude them either. RMA, ITRA and TANA therefore assume that it is NHTSA's intent to include medium radial truck tires in the final rule. We believe that medium radial truck tires must be treated differently from passenger and light truck tires due to the variance in uses. Truck tires are utilized in a commercial environment by trained professionals, not by the average consumer.

We concur with RMA that NHTSA should postpone the requirement to report warranty adjustments, property damage claims, and injuries for all tires other than passenger and light truck tires (including medium radial truck tires and motorcycle tires) until at least one year from the effective date of the regulation as it pertains to passenger and light truck tires. The additional time

will allow the Agency and the industry to explore in sufficient detail the best methodology for reporting with respect to tires that fall outside the passenger and light truck context.

2) FATALITY REPORTING IS THE ONLY ESSENTIAL DATA FOR AN EARLY WARNING REPORTING SYSTEM ON RETREADED TRUCK TIRES.

In the process of retreading a tire, the original casing manufacturer is most likely different from the manufacturer retreading the tire. More time is needed to determine if the original casing manufacturer and the retreader both receive reports of injuries, fatalities, property damage claims and warranty adjustments. This will help the industry and the agency determine who is better suited to report that information to the Agency. Currently, our members tell us that user information reported to and recorded by manufacturers and retreaders to them is inconsistent. This is unlike the passenger and light truck tire market. If both the original casing manufacturer and the retreader receive the information, it is necessary to avoid double-reporting an incident, as well.

ITRA and TANA agree with RMA that, "The consequences of a retread workmanship or material problem are minimized due to how retreaded tires are used. Commercial trucks use 99% of the retreads on drive and trailer axles,

99% of the time in dual assembly. Moreover, actual workmanship and material claims are less than one percent industry wide."

ITRA and TANA also agree with RMA's statement that, "the safety risk associated with retreaded truck tires is relatively minor. The conditions under which commercial truck tires operate are very different from passenger car and light truck tires principally used by consumers. As a result, the durability of these commercial tires and potential causes of failure are very different. So, too, then is the analysis under an early warning reporting system." The Agency's resources would be better focused on the creation and implementation of an early warning reporting system for new passenger and light truck tires at this time.

ITRA and TANA therefore support RMA's recommendation that original tread truck tire manufacturers and retreaders report fatalities only at this time.

3) MANUFACTURERS REQUIRED REPORTS -

In this NPRM, NHTSA is asking the manufacturers to report injuries, property damage, consumer complaints, warranty claims information and field reports. We would ask again that these reports be limited to the passenger and light truck tire market. Beyond that, ITRA and TANA have two concerns: The first concern is over "consumer complaints" and ties into "warranty claims." While some consumers may have valid complaints, many times those complaints

do not take into account abuse of a tire by a consumer or the actions of a dissatisfied consumer. Many tires fail due to severe driving conditions such as under-inflation, excessive speed, impact damage, not rotating tires, overloading, vehicle condition, and the failure of a tire to live up to its mileage warranty. Consumers see uneven treadwear on their tires but do not realize that can come from a misaligned car. Many small tire businesses will accept a warranty adjustment simply to keep their customers satisfied. Therefore, customer complaints and warranty claims information will not be an accurate way of determining if there is a real safety problem with a tire. Often times this data reflects the level of customer service a business offers its customers. If the government is going to expect reports on all claims and adjustments, many small dealers will be inclined not to make any, and customer satisfaction will decrease.

In any system developed NHTSA must allow the manufacturer to determine if there is a legitimate safety problem or if the consumer has abused their tires, whether it is intentional or unintentional. ITRA and TANA strongly believe that non-safety related claims should not be included in reports to the government for the purpose of an early warning system.

The matter of "field reports" is also of concern to ITRA and TANA. This seems to be duplicative with injury, warranty and property damage claims.

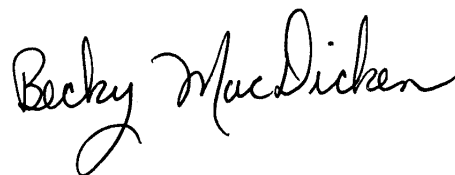
Anything collected from the field other than the information already requested would in our opinion be hearsay and not be beneficial to the Agency. We strongly urge NHTSA to create a uniform, written system, based on quantifiable safety issues, not a system based on stories within a company.

If you have any questions about our comments please call Roy Littlefield at 301/577-4956 x. 108 or Becky MacDicken at 703/736-8082. ITRA and TANA look forward to continuing to work with NHTSA on these important issues.

Respectfully submitted,



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