



September 20, 2019

**SUBMITTED VIA REGULATIONS.GOV TO DOCKET# NHTSA-2019-0074**

David Jasinski  
Office of the Chief Counsel  
National Highway Traffic Safety Administration (NHTSA)  
U.S. Department of Transportation  
1200 New Jersey Avenue SE  
Washington, DC 20590

RE: Notice of Proposed Rulemaking: Technical Corrections and Clarifications Related to Tires and Rims, 84 FR 43563, RIN 2127-AL87 (August 21, 2019).

Dear David:

On behalf of the U.S. Tire Manufacturers Association (USTMA), I am pleased to submit this letter commenting on the above-captioned rulemaking. As the national trade association for tire manufacturers that produce tires in the U.S., USTMA has a direct interest in this rulemaking. USTMA members operate manufacturing facilities in 17 states, employ nearly 100,000 workers and generate annual sales of more than \$27 billion. Our member companies include Bridgestone Americas; Continental Tire the Americas, LLC; Cooper Tire & Rubber Company; Giti Tire (USA) Ltd.; The Goodyear Tire & Rubber Company; Hankook Tire America Corp.; Kumho Tire U.S.A., Inc.; Michelin North America, Inc.; Pirelli Tire LLC; Sumitomo Rubber Industries; Toyo Tire Holdings of Americas Inc. and Yokohama Tire Corporation.

We appreciate and support NHTSA's publication of this notice proposing action on a petition by the Tire & Rim Association and several other technical amendments and corrections to FMVSS 109, 119 and 139. We recommend that NHTSA immediately finalize the changes proposed in this notice, since they will add clarity to FVMSS and correct inadvertent errors and omissions in important safety standards. USTMA agrees with NHTSA that this rulemaking "will not result in any costs nor with it have any impact on safety."<sup>1</sup> Nevertheless, USTMA believes that this rulemaking represents an important deregulatory action, since it increases regulatory certainty for regulated entities – tire manufacturers – and improves

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<sup>1</sup> 84 Fed. Reg. 43563, 43566 (August 21, 2019).

NHTSA's ability to effectively enforce its regulations. Together, actions like these are important components of the Trump Administration's deregulatory agenda, truly "alleviat[ing] unnecessary regulatory burdens placed on the American people," consistent with the spirit of Executive Order 13777.<sup>2</sup>

The Tire & Rim Association petition seeks to amend the applicability section of FMVSS No. 119 in order to clarify that specialty tires, including Special Trailer (ST) and Farm Implement (FI) tires and small dimension tires with rim diameters of 12 inches or less are subject only to FMVSS No. 119 because these tires are not used on passenger vehicles. As NHTSA outlines, while its previous regulatory actions indicated that specialty tires are subject to FMVSS No. 109 or FMVSS No. 119, FMVSS No. 109 does not contain provisions appropriate for Specialty Tires. USTMA appreciates NHTSA's proposal to remove the references to specialty tires from FMVSS No. 109 and add references to specialty tires in FMVSS No. 119. Likewise, USTMA appreciates the changes and corrections NHTSA proposes to FMVSS No. 119, Table III. USTMA continues to support these changes, as USTMA outlined in its comments to the 2010 Notice of Proposed Rulemaking proposing updates to FMVSS No. 119. These changes correct errors and omissions in Table III that had inadvertently been made in the Code of Federal Regulations and replicated in a rulemaking amending FMVSS No. 119, which was finalized in 2003. USTMA also supports the related clarification to FMVSS No. 110, which corrects an earlier statement in a notice of proposed rulemaking and removes any references to Specialty Trailer tires for light trailers being subject to FMVSS No. 109.

USTMA supports the other technical corrections proposed in this notice. None of these corrections affect how the subject tests are conducted but provide additional specificity, clarity and certainty to entities conducting compliance tests, including manufacturers, testing firms and the Agency itself. USTMA supports the clarification that FMVSS No. 109 applies to tires made for vehicles manufactured in 1975 as well as those made before 1975. However, USTMA notes that the heading in section III.A. of the notice, entitled "Date of Manufacture of *Tires* Subject to FMVSS No. 109"<sup>3</sup> (emphasis added) is inaccurate. The applicability of FMVSS No. 109 hinges on *the date of manufacture of the vehicle* upon which a tire is intended to be installed, *rather than the date of manufacture of the tire itself*. Yet, the text of the paragraph following the

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<sup>2</sup> Executive Order No. 13777, Fed.Reg. 12285 (February 24, 2017).

<sup>3</sup> 84 Fed.Reg at 43565.

referenced heading is correct. Consequently, FMVSS No. 109 would apply to those tires made for vehicles manufactured in or before 1975, while FMVSS No. 139 would apply to those tires made for vehicles manufactured after 1975. Notably, FMVSS No. 109 should apply to bias-ply tires, while FMVSS No. 139 clearly applies only to radial pneumatic tires. Additionally, USTMA supports the following corrections and improvements:

- (1) Replacing a footnote to Table II of FMVSS No. 119 that was inadvertently removed from the standard as printed in the Code of Federal Regulations, which provides breaking energy specifications for rayon cord tires;
- (2) Reformatting of Table II of FMVSS No. 119 to provide additional explanation and grouping by tire category;
- (3) Correcting an error in the formula for calculating the breaking energy of a tire in metric units that inaccurately provided a unit of kJ (kilojoules) instead of J (joules); and
- (4) Correcting a conversion error of total test hours to tire revolutions in Table III of FMVSS No. 119.
- (5) Clarifying that FMVSS No. 139 does not apply to deep tread tires, which reflects a 2006 NHTSA action and mirrors a change already made in FMVSS No. 119 to indicate that it applies to deep tread tires;
- (6) Correcting typographical or formatting errors in the tables in FMVSS No. 139;
- (7) Updating NHTSA's mailing address in FMVSS No. 110 and No. 139; and
- (8) Fixing a typographical error in FMVSS No. 110.

Again, we appreciate that the Agency is moving forward with proposing these corrections and clarifications. Thank you for the opportunity to provide these comments. Should you have any questions or require further information, please contact me at 202-682-4839 or [tnorberg@ustires.org](mailto:tnorberg@ustires.org).

Sincerely,



Tracey Norberg  
Senior Vice President & General Counsel  
U.S. Tire Manufacturers Association