



MANUFACTURING QUALITY TIRES IN THE USA SINCE 1915

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Thomas M. Schultz
General Counsel

September 16, 019

James C. Owens
Deputy Administrator
National Highway Traffic Safety Administration **via Federal Express**
1200 New Jersey Avenue, SE
Washington, DC 20590

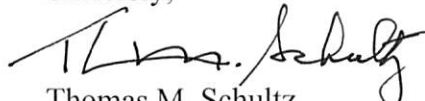
Re: Petition for Determination of Inconsequential Noncompliance:
Specialty Tires of America, Inc. Recall ID No. 19T-007.

Dear Mr. Owens:

On behalf of Specialty Tires of America, Inc. ("STA"), I am submitting the enclosed Petition for Determination of Inconsequential Noncompliance, pursuant to the National Traffic and Motor Vehicle Safety Act, 49 U.S.C. §§30118(d) and 30120(h), and 49 C.F.R. §§556.1-556.9. STA requests an exemption from the notice and remedy requirements of 49 U.S.C. §§30118 and 30120 on the ground that the noncompliance to which this petition relates - tires marked with the incorrect number of plies - is inconsequential to motor vehicle safety.

Please contact me if you have any questions or need additional information.

Sincerely,


Thomas M. Schultz
General Counsel

Enclosures

EXECUTIVE SECRETARIAT
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2019 SEP 17 P 3:23

ES/19-003352

Specialty Tires of America, Inc.
Petition for Determination of Inconsequential Noncompliance

September 16, 2019

Specialty Tires of America, Inc. ("STA"), a Pennsylvania corporation with its principal address at 1600 Washington Street, Indiana, PA 15701, submits this Petition for Determination of Inconsequential Noncompliance pursuant to the National Traffic and Motor Vehicle Safety Act (the "Act"), 49 U.S.C. § 30118(d) and 49 C.F.R. §§ 556.1-556.9, for an exemption from the notice and remedy requirements of 49 U.S.C. §30118(c), on the ground that the noncompliance to which this petition relates is inconsequential as it relates to motor vehicle safety.

I. Background

On August 22, 2019, STA discovered that a population of 1,535 Super Traxion brand light truck tires, size 8-17.5LT, manufactured from January 1, 2009, through August 18, 2019, at the STA plant in Indiana, Pennsylvania, were marked with the incorrect number of plies. On August 22, 2019, shipments of the subject tires were halted, after the company determined that the subject tires failed to comply with the tire labeling requirements of Federal Motor Vehicle Safety Standard (FMVSS) No.119, S.6.5. Specifically, the subject tires were incorrectly marked "TREAD 6 PLIES NYLON" although they should have been marked "TREAD 4 PLIES NYLON." Therefore, these tires do not conform to the marking requirements of FMVSS No. 119, S6.5.

The subject tires comply with all other marking and performance requirements of FMVSS 119. They were manufactured as designed and meet or exceed all applicable FMVSS 119 standards. The noncompliance is not a safety concern, having no affect on operation of the tire and no impact on the retreading, repairing, or recycling industries. All Super Traxion 8-17.5LT tires in inventory and the mold information are being corrected and all future production and sales by STAPA and STA of these tires will have the correct information on both sidewalls.

STA is not aware of any warranty claims, adjustments, field reports, customer complaints, legal claims, or any incidents, accidents, or injuries related to the subject condition.

STA submitted a Part 573 noncompliance report on August 27, 2019; the report was accepted by NHTSA on August 28, 2019, and designated NHTSA Campaign No. 19T-007 (a copy of STA's Part 573 report is attached). On August 22, 2019, STA ordered tires in its inventory to be rebranded with the correct number of tread plies, and new mold plates with the correct construction information were ordered.

II. Discussion

The NHTSA has granted a number of similar petitions relating to incorrectly identifying the actual number of plies in the tread area. In approving an inconsequentiality petition where the tires in question were erroneously manufactured with the sidewall marking: “TREAD 3 POLYESTER +2 STEEL” rather than the correct “TREAD 2 POLYESTER+2 STEEL + 2 POLYESTER”, NHTSA stated:

The agency believes that the true measure of inconsequentiality to motor vehicle safety in this case is that there is no effect of the noncompliance on the operational safety of vehicles on which these tire are mounted.

Although tire construction affects the strength and durability, neither the agency nor the tire industry provides information relating tire strength and durability to the number of plies and types of ply cord material in the tread and sidewall. Therefore tire dealers and customers should consider the tire construction information along with other information such as load capacity, maximum inflation pressure . . . to assess performance capabilities of various tires. *In the agency’s judgment, the incorrect labeling of the tire construction information will have an inconsequential effect on motor vehicle safety because most consumers do not base tire purchasers or vehicle operation on the number of plies in the tire.* Goodyear Tire & Rubber Co. Grant of Petition for Decision of Inconsequential Noncompliance, 74 Fed. Reg. 10804-10805 (March 12, 2009) (emphasis added)

In a recent Grant of Petition for Decision of Inconsequential Noncompliance for failing to comply with paragraphs S5.5 (e) and S5.5 (f) of FMVSS No. 139 for misidentifying the tread plies involving 111,500 units of eight separate models of tires, the agency again found “no effect of the noncompliance on the operational safety of the vehicles on which these tires are mounted.” Continental Tire the Americas, LLC, Grant of Petition for Decision of Inconsequential Noncompliance 83 Fed. Reg. 36668-36670 (July 30, 2019). There, the agency again stated:

In the agency’s judgment, the incorrect labeling of the tire construction information will have an inconsequential effect on motor vehicle safety because most consumers do not base tire purchases or vehicle operation parameters on the number of plies in a tire (83 Fed. Reg. 36669).

The NHTSA has concluded in response to numerous other petitions that this type of noncompliance is inconsequential to safety. For example, see Sumitomo Rubber Industries, Ltd., Grant of Petition for Decision of Inconsequential Noncompliance, 83 Fed. Reg. 13003 (March 26, 2018). “Although tire construction affects the strength and durability of tires, neither the agency nor the tire industry

provides information relating tire strength and durability to the number of plies and types of ply cord material in the tread [or] sidewall.” See also for a similar conclusion Bridgestone Americas Tire Operations, LLC, Grant of Petition for Decision of Inconsequential Noncompliance, 78 Fed. Reg. 47049 (August 2, 2013).

III. Conclusion

For the foregoing reasons, STA requests NHTSA to decide that the reported noncompliance is inconsequential as it relates to motor vehicle safety, and to grant an exemption from the notification and remedy provisions of the National Traffic and Motor Vehicle Safety Act and NHTSA’s regulations.



SPECIALTY TIRES OF AMERICA INC.

Tire Report

NHTSA ID: 19T007 Transaction ID: 19-001732-23237-10 (Original Report)

Required fields indicated with *

Manufacturer: SPECIALTY TIRES OF AMERICA INC.

1600 WASHINGTON STREET
INDIANA PA 15701

[Thomas Schultz](#) V.P. & General Counsel
838-2347,

This is a Noncompliance Report. Filing a petition pursuant to [49 CFR 556](#)

Tire Information

STA Super Traxion 8-17.5LT

* **Tire Brand:** STA
* **Tire Line:** Super Traxion
* **Tire Size:** 8-17.5LT

Descriptive Information:

The tread plies were labeled as 6; the correct number is 4. No other products are involved. The noncompliance existed since at least 2009 involving 1,535 units. Since 2016, 533 units were manufactured and sold. The mislabeled sidewall information does not create a motor vehicle safety issue.

Production Dates Begin: 01/01/2009
End: 08/18/2019

Tire Identification Number (TIN)

* Plant ID code:	* Size code:	Optional code:	* Beg. Date Code:	* End. Date Code:	CY
YJ	B565	0109	3319		

Number potentially involved: 1535

Estimated percentage of involved with defect: 100%

Defect / Noncompliance Description

For this Defect/Noncompliance:

*** Describe the defect or noncompliance:**

The affected tires were incorrectly marked on both sidewalls : 4 Ply Nylon Sidewall, 6 Ply Nylon Tread. The correct information should have been: 4 Ply Nylon Sidewall, 4 Ply Nylon Tread.

If a noncompliance, provide the applicable FMVSS:

119 - New pneumatic tires- other than passenger cars

If applicable, provide any further FMVSS affected:

Describe the cause:

Miscommunication of tire marking information at time original specification issued.

*** Describe the safety risk:**

Specialty Tires of America asserts this noncompliance is inconsequential to motor vehicle safety and plans to submit a petition in accordance with 49CFR556.

Identify any warning which can precede or occur:

N/A

This Recall affects all vehicles.

If applicable, identify the manufacturer of the defective or noncompliant component. If the manufacturer of the component is unknown, provide the information for the company that supplied the subject component.

Component manufacturer

Company Information

Company Name:

Country:

Address 1:

Address 2:

City:

State:

Zip/Postal Code:

Company Contact Information

First Name:

Last Name:

Position:

Email:

Phone:

Purchaser Information

Chronology of Defect / Noncompliance Determination

Provide the chronology of events leading up to the defect decision or test data for the noncompliance decision.:

Label issue detected upon audit of original specification on August 22, 2019. Upon this discovery, existing inventory of 40 units was ordered to be branded with the correct information, the tire specification was changed, and mold insert modifications ordered.

Identify the Remedy**Describe the defect/noncompliance remedy program, including the manufacturer's plan for reimbursement.**

Tire inventory was rebranded with the correct number of plies. New mold plates with correct construction information ordered. The tire specification was corrected. Specialty Tires of America will submit a petition under 49 CFR 556 seeking an exemption from the notification and recall requirements on the grounds that the noncompliance is inconsequential to motor vehicle safety.

Describe what distinguishes the remedy component from the recalled component.

N/A

Identify and describe how and when the recall condition was corrected in production.

The tire was not in production when the error was detected. Items in inventory were rebranded, new mold plates ordered and specification updated.

Identify the Recall Schedule**Describe the recall schedule for notifications.:**

Specialty Tires of America will submit a petition under 49 CFR 556 seeking an exemption from the notification and recall requirements on the grounds that the noncompliance is inconsequential to motor vehicle safety. A recall is not planned,

Planned Dealer Notification Begin Date:**Planned Dealer Notification End Date:****Planned Owner Notification Begin Date:****Planned Owner Notification End Date:****Manufacturer's identification code for this recall (if applicable):**

Please be reminded that owner notification letters must be mailed no more than 60 days from submission of this report.

Manufacturer Comments to NHTSA Staff**Document Upload**

There are 0 documents associated with this report.

1200 New Jersey Avenue, SE, West Building Washington DC 20590 USA 1.888.327.4236 TTY 1.800.424.9153
This application works best in IE9 and above and recent versions of Firefox, Chrome and Safari

Part 573 Safety Recall Report

19T-007

Manufacturer Name : SPECIALTY TIRES OF AMERICA INC.**Submission Date :** AUG 27, 2019**NHTSA Recall No. :** 19T-007**Manufacturer Recall No. :** NR**Manufacturer Information :**

Manufacturer Name : SPECIALTY TIRES OF AMERICA INC.

Address : 1600 WASHINGTON STREET
INDIANA PA 15701

Company phone : 999

Population :

Number of potentially involved : 1,535

Estimated percentage with defect : 100 %

Tire Information :

Tire Brand 1 : STA

Tire Line : Super Traxion

Tire Size : 8-17.5LT

Descriptive Information : The tread plies were labeled as 6; the correct number is 4. No other products are involved. The noncompliance existed since at least 2009 involving 1,535 units. Since 2016, 533 units were manufactured and sold. The mislabeled sidewall information does not create a motor vehicle safety issue.

Production Dates : JAN 01, 2009 - AUG 18, 2019

TIN (Tire Identification Number)

Plant ID	Size code	Optional Code	Begin M Code	End M Code
CY	YJ	B565	0109	3319

Description of Noncompliance :

Description of the Noncompliance : The affected tires were incorrectly marked on both sidewalls : 4 Ply Nylon Sidewall, 6 Ply Nylon Tread. The correct information should have been: 4 Ply Nylon Sidewall, 4 Ply Nylon Tread.

FMVSS 1 : 119 - New pneumatic tires- other than passenger cars

FMVSS 2 : NR

Description of the Safety Risk : Specialty Tires of America asserts this noncompliance is inconsequential to motor vehicle safety and plans to submit a petition in accordance with 49CFR556.

Description of the Cause : Miscommunication of tire marking information at time original specification issued.

Identification of Any Warning that can Occur : N/A

Supplier Identification :**Component Manufacturer**

Name : NR
Address : NR
NR
Country : NR

Chronology :

Label issue detected upon audit of original specification on August 22, 2019. Upon this discovery, existing inventory of 40 units was ordered to be branded with the correct information, the tire specification was changed, and mold insert modifications ordered.

Description of Remedy :

Description of Remedy Program : Tire inventory was rebranded with the correct number of plies. New mold plates with correct construction information ordered. The tire specification was corrected. Specialty Tires of America will submit a petition under 49 CFR 556 seeking an exemption from the notification and recall requirements on the grounds that the noncompliance is inconsequential to motor vehicle safety.

How Remedy Component Differs from Recalled Component : N/A

Identify How/When Recall Condition was Corrected in Production : The tire was not in production when the error was detected. Items in inventory were rebranded, new mold plates ordered and specification updated.

Recall Schedule :

Description of Recall Schedule : Specialty Tires of America will submit a petition under 49 CFR 556 seeking an exemption from the notification and recall requirements on the grounds that the noncompliance is inconsequential to motor vehicle safety. A recall is not planned,

Planned Dealer Notification Date : NR - NR

Planned Owner Notification Date : NR - NR

Purchaser Information :

The following manufacturers purchased this defective/noncompliant equipment for possible use or installation in new motor vehicles or new items of motor vehicle equipment:

Name : NR
Address : NR
NR
Country : NR
Company Phone : NR

* NR - Not Reported