

TOYOTA

Toyota Motor North America

Vehicle Safety & Compliance
Liaison Office
Mail Stop: W4-2D
6565 Headquarters Drive
Plano, TX 75024

October 7, 2019

James Owens
Deputy Administrator
National Highway Traffic Safety Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Petition for Exemption from Notification and Remedy Requirements
Inconsequential Noncompliance with FMVSS 110 - Certain 2019-2020MY Toyota Vehicles

Dear Mr. Owens:

Pursuant to 49 U.S.C. 30118(d) and 30120(h), and the provisions of 49 CFR Part 556, on behalf of Toyota Motor Corporation ["TMC"], a Japanese corporation located at 1, Toyota-cho, Toyota-city, Aichi-ken, 471-8571, Japan and the Toyota manufacturing entities identified in the attached Noncompliance Information Report dated September 18, 2019 submitted in accordance with the requirements of 49 CFR Part 573 [collectively referred to as "Toyota"], I hereby submit three copies of the enclosed petition to the National Highway Traffic Safety Administration seeking an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that a noncompliance in certain 2019-2020MY Toyota vehicles as identified in Toyota's Noncompliance Information Report is inconsequential as it relates to motor vehicle safety.

Please contact me should you have any questions about this petition.

Sincerely,



Cory Hoffman
General Manager
Toyota Motor North America, Inc.

Cc: Jeffrey Giuseppe, Otto Matheke

Enclosures

Petition for Inconsequential Noncompliance
Attachment 1 (Noncompliance Information Report)

**Petition for Exemption from Notification and Remedy Requirements
Pursuant to 49 CFR Part 556**

**Inconsequential Noncompliance with FMVSS No. 110
In Certain 2019-2020 Model Year Toyota Vehicles**

Executive Summary

Toyota submitted the attached Noncompliance Information Report concerning certain 2019-2020 model year Toyota Tundra vehicles that may not meet the requirements of FMVSS No. 110, paragraph S4.3 (d) (see Attachment 1). During a standard audit at the vehicle assembly plant, Toyota found that the spare tire size listed on the tire information placard, located on the driver's side B-pillar, did not match the installed spare tire on a vehicle with a specific tire and wheel configuration. It was found that a production change was implemented to change the spare tire size on vehicles equipped with a specific tire and wheel combination. At the time of the production change, the tire information label was not updated to reflect the new spare tire size. Approximately 1,667 vehicles are affected.

FMVSS No. 110, paragraph S4.3(d) requires that the tire information placard include certain information for originally-equipped tires, including spare tires. Because the spare tire size indicated on the placard does not match the actual spare tire size installed on the vehicle, the requirement is not met. No other portions of the label or the spare tire itself required to meet FMVSS No. 110 are affected, and there is no impact to performance, functionality, or occupant safety. Improvements have been made as of August 19, 2019 to assure new vehicles have the correct spare tire size indicated on the placard.

Based on the analysis of the nature and extent of the noncompliance described below, Toyota has determined that, with the exception of the spare tire size indicated on the label, the spare tire itself and the other portions of the label comply with FMVSS No. 110. There is no issue with the spare tire installed on the vehicle; it is a tire/wheel combination that is designed for this vehicle and meets all other applicable FMVSS. In addition, the cold tire inflation pressure specified on the placard is correct and is recommended for both spare tire sizes. There is also no issue if the installed spare tire is replaced with one of the size indicated on the incorrect placard. This spare tire wheel combination (P275/65R18) is the same size as the four main tires installed on the subject vehicles. It was used as a full-size spare tire on the prior model year Tundra and on the 2019MY Tundra prior to the adoption of the current spare tire size (P255/70R18). It would meet all other applicable FMVSS.

In similar situations, NHTSA has granted inconsequentiality petitions in the past.

Toyota hereby provides its data, views, and arguments in support of this petition. For the reasons set forth below, Toyota believes this noncompliance is inconsequential as it relates to motor vehicle safety.

Summary of Noncompliance

This noncompliance relates to the tire information placard in approximately 1,667 Toyota Tundra vehicles. As noted in the attached Noncompliance Information Report, Toyota first identified the possible noncompliance at a Toyota manufacturing facility. During a standard audit at the vehicle assembly plant, Toyota found that the spare tire size listed on the tire information placard did not match the installed spare tire on a vehicle with a specific tire and wheel configuration. The issue was investigated, and it was found that a production change was implemented to change the spare tire size on vehicles equipped with a specific tire and wheel combination. At the time of the production change, the tire information label was not updated to reflect the new spare tire size. On September 12, 2019, Toyota determined that some vehicles may have left Toyota's control without the correct tire information placard and may not meet the requirements of FMVSS No. 110, paragraph S4.3 (d).

Root Cause of the Noncompliance

During a standard audit at the vehicle assembly plant, Toyota found that the spare tire size listed on the tire information label did not match the installed spare tire on a vehicle with a specific tire and wheel configuration. The issue was investigated, and it was found that a production change was implemented to change the spare tire size on vehicles equipped with a specific tire and wheel combination. At the time of the production change, the tire information label was not updated to reflect the new spare tire size. See Figure 1 below.

Figure 1



Correct Label

(Spare Tire Indicated P255/70R18)

Incorrect Label

(Spare Tire Indicated P275/65R18)

The Noncompliance is Inconsequential as it relates to Motor Vehicle Safety

Toyota believes that the noncompliance is inconsequential to motor vehicle safety for the following reasons:

- I. There is no issue with the spare tire installed on the vehicle; it is a tire/wheel combination that is designed for this vehicle and meets all other applicable FMVSS. In addition, the cold tire inflation pressure specified on the placard is correct and is the recommended pressure for both spare tire sizes.
- II. There is also no issue if the installed spare tire is replaced with one of the size indicated on the incorrect placard. This would also be a tire/wheel combination that is designed for this vehicle and would meet all other applicable FMVSS, because the replacement spare tire would be the same size as the spare tire originally equipped on the Tundra prior to the production change and would be the same size as the four main tires on the subject vehicles.
- III. Toyota is unaware of any owner complaints, field reports, or allegations of hazardous circumstances concerning the incorrect spare tire placard in the subject vehicles.
- IV. In similar situations, NHTSA has granted petitions for inconsequential noncompliance relating to the subject requirement of FMVSS No. 110.

Information concerning each of these reasons is discussed further below.

- I. **There is no issue with the spare tire installed on the vehicle; it is a tire/wheel combination that is designed for this vehicle and meets all other applicable FMVSS. In addition, the cold tire inflation pressure specified on the placard is correct and is the recommended pressure for both spare tire sizes.**

NHTSA has stated that the “intent of FMVSS No. 110 is to ensure that vehicles are equipped with tires appropriate to handle maximum vehicle loads and prevent overloading.”¹

The spare tire installed on the vehicle (P255/70R18) meets all applicable FMVSS. It is the appropriate temporary spare tire which was designed for the vehicle and meets the vehicle loading requirements. Only the spare tire size information indicated on the placard is incorrect and reflects the size of the spare that was used on the Tundra prior to a production change. All the other information on the placard is accurate, including the cold tire inflation pressure.

In addition, if the vehicle owner wanted to check the size of the spare tire that is installed on the vehicle, the information is in the owner’s manual and is also molded into the spare tire side wall.

Given the intent of FMVSS No. 110, S4.3(d), Toyota believes that, because the spare tire installed on the vehicle is the appropriate tire for the vehicle performance and loading requirements, there is no risk to motor vehicle safety.

¹ See, e.g., 82 Fed. Reg. 5640

II. There is also no issue if the installed spare tire is replaced with one of the size indicated on the incorrect placard. This would also be a tire/wheel combination that is designed for this vehicle and would meet all other applicable FMVSS, because the replacement spare tire would be the same size as the spare tire originally equipped on the Tundra prior to the production change and would be the same size as the four main tires on the subject vehicles.

The spare tire size indicated on the incorrect placard was also designed for the subject vehicles and meets all applicable FMVSS. This spare tire wheel combination (P275/65R18) is the same size as the four main tires installed on the subject vehicles. It was used as a spare tire on the prior model year Tundra and on the 2019MY Tundra prior to the adoption of the current spare tire size (P255/70R18).

In addition, the recommended spare tire inflation pressure and wheel size (R18) are the same for the subject vehicles as the prior model year Tundra.

Because both spare tire sizes are appropriate for the vehicle loading specifications, were designed for the subject vehicles, meet all applicable FMVSS, and the wheel size and recommended tire pressure are the same, Toyota believes there is no risk to occupant safety should a P275/65R18 tire be used in place of the one equipped on the vehicle.

III. Toyota is unaware of any owner complaints, field reports, or allegations of hazardous circumstances concerning the incorrect tire placard in the subject vehicles.

Toyota has searched its records for reports or other information concerning the tire placard and spare tire in the subject vehicles. No owner complaints, field reports, or allegations of hazardous circumstances concerning the placard or tire were found.

IV. In similar situations, NHTSA has granted petitions for inconsequential noncompliance relating to the subject requirement of FMVSS No. 110.

NHTSA has previously granted at least five similar petitions for inconsequential noncompliance for inaccurate tire placards. A brief summary of each decision is provided below:

- *DaimlerChrysler Corporation (73 Fed. Reg. 11462, March 3, 2008)*

DaimlerChrysler submitted a petition for inconsequential noncompliance on certain Dodge Dakota pickup trucks because the spare tire size indicated on the placard did not match the size of the spare tire installed on the vehicle. NHTSA

determined that the noncompliance with the tire information placard was inconsequential as it relates to motor vehicle safety, because both the spare tire size indicated on the placard and the spare tire size installed on the vehicle meet the FMVSS No. 110 loading requirements when inflated to the psi indicated on the placard. Similarly, for the Toyota Tundra, both the spare tire size installed on the vehicle and the size indicated on the placard meet the requirements of FMVSS No. 110 loading requirements when inflated to the cold tire pressure indicated on the placard.

- *Mercedes-Benz USA, LLC (MBUSA), (78 Fed. Reg. 43967, July 22, 2013)*

MBUSA explained that the vehicle placard on the affected vehicles incorrectly identifies the tire size designation of the spare tire in the vehicle. NHTSA accepted MBUSA's analyses that the noncompliance is inconsequential to motor vehicle safety, stating that MBUSA provided sufficient documentation that, other than the vehicle placard error, the vehicles comply with all other safety performance requirements of FMVSS No. 110. Since the correct information is provided in other locations, MBUSA has met its burden of persuasion. The Toyota Tundra vehicles also meet all other safety performance requirements of FMVSS No. 110, and the tire size information is molded onto the side wall of the tire and is specified in the owner's manual.

- *Volkswagen Group of America, Inc., (81 Fed. Reg. 88728, December 8, 2016)*

In the petition, Volkswagen stated that the subject vehicles have a tire placard label that is misprinted with an incorrect tire size as compared to the tires the vehicle was equipped with and therefore does not fully conform to paragraph S4.3(d) of FMVSS No. 110. NHTSA confirmed that the incorrectly listed size tires would still have a load capacity sufficient to support the listed weight limitation of occupants and cargo which is printed on the vehicle placard label. Both the installed original equipment manufacturer (OEM) tires on the vehicle and the installation of the incorrect sized tires listed on the subject vehicle's vehicle placard (tire and loading information label) when inflated to the label's recommended cold inflation pressure are appropriate to handle the vehicle maximum loads. Consequently, the subject noncompliance should not cause any unsafe conditions associated with the incorrect tire size listed on the vehicle placard label. Similarly, for the Toyota Tundra, the installation of the incorrect sized tires listed on the subject vehicle's vehicle placard when inflated to the label's recommended cold inflation pressure are appropriate to handle the vehicle maximum load.

- *Mercedes-Benz USA, LLC, (82 Feb. Reg. 5640, January 18, 2017)*

MBUSA explains in its petition that the noncompliance is due to a labeling error. The tire information placard affixed to the vehicles' B-pillar incorrectly identifies the spare tire size. The agency analyzed the load rating specifications of both spare tire sizes and confirmed that either tire could be used and are appropriate for the subject vehicle's maximum loaded weight conditions. The agency verified that both spare tire sizes at the labeled recommended inflation pressure are appropriate for the maximum loaded weight of the subject vehicles. Similarly, for the Toyota Tundra, both the spare tire size installed on the vehicle and the size indicated on the placard meet the requirements of FMVSS No. 110 loading requirements when inflated to the cold tire pressure indicated on the placard.

- *General Motors, LLC, (84 Feb. Reg. 25117, May 30, 2019)*

GM explains that the noncompliance is that the subject vehicles were equipped with tire placards that incorrectly state the spare tire size and cold tire pressure. Specifically, the tire placards state that the spare tire size is "None" when in fact it should have been "T125/70R17" and omitted the cold tire pressure for the spare tire when it should have read "420 kPa, 60 psi," as required by paragraph S4.3 of FMVSS No. 110. NHTSA concluded that, even though the subject vehicles have erroneously marked tire placard labels, the subject vehicles are equipped with the appropriate matched spare tire and rim combination, and that, when properly mounted on the subject vehicles, would allow the vehicles to be operated safely within the manufacturer's specified performance and loading limits. The Toyota Tundra vehicles are also equipped with the appropriate spare tire/rim combination and allow the vehicle to be operated safely within Toyota's specified capability limits.

Conclusion

For the reasons set forth above, Toyota believes this noncompliance is inconsequential as it relates to motor vehicle safety and seeks an exemption from the notice and remedy requirements of 49 U.S.C. Chapter 301 for the subject vehicles.



Toyota Motor North America, Inc.

Vehicle Safety & Compliance
Liaison Office
Mail Stop: W4-2D
6565 Headquarters Drive
Plano, TX 75024

September 18, 2019

NONCOMPLIANCE INFORMATION REPORT

1. Vehicle Manufacturer Name:

Toyota Motor Manufacturing, Texas, Inc. [“TMMTX”]
1 Lone Star Pass, San Antonio, TX 78264

Affiliated U.S. Sales Company

Toyota Motor North America, Inc. [“TMNA”]
6565 Headquarters Drive, Plano, TX 75024

2. Identification of Involved Vehicles:

Based on production records, we have determined the involved vehicle population to be the vehicles listed in the table below.

Make/Car Line	Model Year	Manufacturer	Production Period
Toyota / Tundra	2019-2020	TMMTX	March 28, 2019 through August 19, 2019

- Note: (1) Although the involved vehicles are within the above production period range, not all vehicles in this range were sold in the U.S.
(2) This issue only involves certain 2019-2020MY Tundra vehicles equipped with a specific spare tire assembly that were produced after a spare tire size change but before the tire information label was updated.

3. Total Number of Vehicles Involved:

Total : 1,667

4. Percentage of Vehicles Estimated to Actually Experience Noncompliance:

100%

5. Description of Noncompliance:

FMVSS No. 110, paragraph S4.3(d) requires that the tire information placard include certain information for originally-equipped tires, including spare tires.

The involved vehicles have tire information labels that contain tire size information that does not match the installed spare tire assembly. As a result, the subject vehicles may not meet the requirements of FMVSS No. 110, paragraph S4.3 (d). If the incorrect tire label information is followed when a new spare tire is applied to the spare wheel, the equipment would match a spare tire/wheel combination used before a production change and would have no effect on driving performance.

6. Test Results and Other Information:

During a standard audit at the vehicle assembly plant, Toyota found that the spare tire size listed on the tire information label did not match the installed spare tire on a vehicle with a specific tire and wheel configuration. The issue was investigated, and it was found that a production change was implemented to change the spare tire size on vehicles equipped with a specific tire and wheel combination. At the time of the production change, the tire information label was not updated to reflect the new spare tire size. On September 12, 2019, Toyota determined that some vehicles may have left Toyota's control without the correct tire information label and may not meet the requirements of FMVSS No. 110, paragraph S4.3 (d).

7. Description of Corrective Repair Action:

Pursuant to 49 U.S.C. 30118(d) and 30120(h), and the provisions of 49 CFR Part 556, Toyota intends to petition NHTSA for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

Part 573 Safety Recall Report

19V-660

Manufacturer Name : Toyota Motor Engineering & Manufacturing**Submission Date :** SEP 18, 2019**NHTSA Recall No. :** 19V-660**Manufacturer Recall No. :** NR**Manufacturer Information :**

Manufacturer Name : Toyota Motor Engineering & Manufacturing

Address : 6565 Headquarters Drive

Plano TX 75024

Company phone : 1-800-331-4331

Population :

Number of potentially involved : 1,667

Estimated percentage with defect : 100 %

Vehicle Information :

Vehicle 1 : 2019-2020 Toyota Tundra

Vehicle Type :

Body Style :

Power Train : NR

Descriptive Information : (1) Although the involved vehicles are within the above production period range, not all vehicles in this range were sold in the U.S.

(2) This issue only involves certain 2019-2020MY Tundra vehicles equipped with a specific spare tire assembly that were produced after a spare tire size change but before the tire information label was updated.

Production Dates : MAR 28, 2019 - AUG 19, 2019

VIN Range 1 : Begin : NR End : NR

 Not sequential**Description of Noncompliance :**

Description of the Noncompliance : FMVSS No. 110, paragraph S4.3(d) requires that the tire information placard include certain information for originally-equipped tires, including spare tires.

The involved vehicles have tire information labels that contain tire size information that does not match the installed spare tire assembly. As a result, the subject vehicles may not meet the requirements of FMVSS No. 110, paragraph S4.3 (d). If the incorrect tire label information is followed when a new spare tire is applied to the spare wheel, the equipment would match a spare tire/wheel combination used before a production change and would have no effect on driving performance.

FMVSS 1 : 110 - Tire selection and rims

FMVSS 2 : NR

Description of the Safety Risk : If the incorrect tire label information is followed when a new spare tire is applied to the spare wheel, the equipment would match a spare tire/wheel combination used before a production change and would have no effect on driving performance.

Pursuant to 49 U.S.C. 30118(d) and 30120(h), and the provisions of 49 CFR Part 556, Toyota intends to petition NHTSA for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

Description of the Cause : NR

Identification of Any Warning that can Occur : NR

Supplier Identification :

Component Manufacturer

Name : NR

Address : NR

NR

Country : NR

Chronology :

During a standard audit at the vehicle assembly plant, Toyota found that the spare tire size listed on the tire information label did not match the installed spare tire on a vehicle with a specific tire and wheel configuration. The issue was investigated, and it was found that a production change was implemented to change the spare tire size on vehicles equipped with a specific tire and wheel combination. At the time of the production change, the tire information label was not updated to reflect the new spare tire size. On September 12, 2019, Toyota determined that some vehicles may have left Toyota's control without the correct tire information label and may not meet the requirements of FMVSS No. 110, paragraph S4.3 (d).

Description of Remedy :

Description of Remedy Program : Pursuant to 49 U.S.C. 30118(d) and 30120(h), and the provisions of 49 CFR Part 556, Toyota intends to petition NHTSA for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

How Remedy Component Differs from Recalled Component : Not Applicable

Identify How/When Recall Condition was Corrected in Production : NR

Recall Schedule :

Description of Recall Schedule : Pursuant to 49 U.S.C. 30118(d) and 30120(h), and the provisions of 49 CFR Part 556, Toyota intends to petition NHTSA for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

Planned Dealer Notification Date : NR - NR

Planned Owner Notification Date : NR - NR

* NR - Not Reported