

To: Otto Matheke
From: Edward Thomas
Re: Docket No. NHTSA-2019-0098; Notice 1
Date: February 3, 2020

Dear Mr. Matheke

I strongly urge NHTSA to deny Toyota's Petition for Decision of Inconsequential Noncompliance involving the missing seat belt marking or labeling required by FMVSS 209. I believe that by granting this petition NHTSA would establish a terrible precedent going forward.

Toyota states in its Petition that for certain 2019 model year Tacoma double cab vehicles:

the label containing certain labeling or marking requirements of FMVSS No. 209, which is sewn to the rear center seat belt, may have been mistakenly removed while scanning the code on the label, resulting in a potential noncompliance. A maximum of 70 vehicles may be affected.

The petition should be denied for the following reasons:

First, Toyota claims that *"In similar situations, NHTSA has granted petitions for inconsequential noncompliance relating to the subject requirement of FMVSS No. 209."* and cites four petitions that NHTSA granted. However, arguably the situations cited aren't equivalent or all that similar to Toyota's case. In only one of the cited cases was the label missing, and that case (Bombardier) involved a low speed vehicle which was the only vehicle sold by that company in the U.S. market. In the cited case involving Oreion, another low speed vehicle, in that instance only the production date was missing from the label. In TRW's case, about 40 vehicles had labels with model numbers for the front right and front left reversed. Only the Chrysler case involved a substantial number of vehicles, and there, the correct part number appeared on the belt assembly, the only missing information is information that is no longer required by FMVSS 209.

Second, in addition to content, S4.1(j) of FMVSS 209 requires that seat belt assembly be "permanently" marked or labeled. If a label can be mistakenly removed then it probably wasn't all that difficult to remove, and if so, did it really meet the permanency requirement? It doesn't seem so.

Third, some consideration should be given to the fact that at some point many of the subject vehicles will end up in a salvage yard where the belts will be removed and offered for sale. Without the labels, the chances of them being installed in different seating positions and vehicles is increased.

Fourth, the number of vehicles involved (70 maximum) were manufactured over a six-day period (July 25-30, 2019). A recall to correct the noncompliance should not pose an undue hardship on the world's largest and wealthiest auto manufacturer. The seat belt assemblies do not need to be replaced, a simple label with the required information could be applied to the retractor housing in order to bring the vehicles into compliance.