



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

Michelin Americas Research Company

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515 Michelin Road, P.O. Box 1987  
Greenville, South Carolina 29605-1987



August 21, 2020

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

Re: Petition for Exemption for Inconsequential Noncompliance with FMVSS 139 S5.5(f)  
Tire Markings: Number of plies in the sidewall and tread area

Ref: 49 CFR Part 573 Noncompliance Report  
NHTSA ID: 20T014

Dear Sir or Madam:

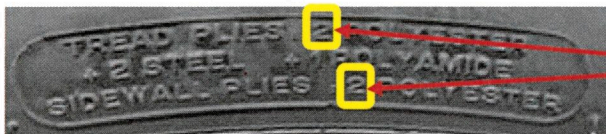
Pursuant to 49 U.S.C. § 30118(d) and 49 U.S.C. § 30120(h) and in accordance with the requirements of 49 CFR 556, Michelin North America, Inc. (“MNA”), a New York Corporation, hereby requests exemption from the notification and remedy requirements of the Motor Vehicle Safety Act, 49 U.S.C., Chapter 301, with respect to a noncompliance with Federal Motor Vehicle Safety Standard (FMVSS) 139 S5.5(f) – Tire Markings: Number of plies in the sidewall and tread area.

This petition concerns a noncompliance of 884 Michelin CrossClimate SUV 235/55R17 99V tires produced in Bamberg, Germany between October 20, 2019 and November 30, 2019. The subject tires do not fully comply with 49 CFR 571.139 S5.5(f) Tire Markings: Number of plies in the sidewall and tread area.

Pursuant to 49 CFR 573, Michelin North America, Inc. submitted a Noncompliance Report, NHTSA ID 20T014, on July 31, 2020. As indicated in the July 31, 2020 filing, this petition is being submitted for exemption from the notification and remedy requirements on the basis that the noncompliance is inconsequential with respect to motor vehicle safety.

### **Background**

A total of 884 Michelin 235/55R17 99V CrossClimate SUV tires had been produced in a mold with the incorrect ply marking. The marking showed 2 plies when the correct marking should have been 1 ply. The ply in question is a body ply which extends from bead to bead and therefore the ply marking for both tread and sidewall is impacted (see photo below). The mis-marking occurred due to an error in the mold specification drawing. The mis-marking was detected during a mold check at the time when the mold was being transferred between manufacturing sites.



Marking should be 1 polyester

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## Analysis

1. Operational Safety
  - a. Tire performance – The subject tire has been designed as a single ply construction. The mismarked tires have been manufactured according to the design specification. These tires fully comply with Michelin performance requirements as well as with all applicable FMVSS tire safety performance standards and related requirements.
  - b. Tire application – The mismarked ply information has no direct impact on tire application. The tires are properly marked with all other FMVSS required information including the tire size designation, maximum load and maximum inflation pressure. These markings provide both dealers and consumers with the necessary information to ensure proper selection and application of the tires.
  - c. Tire repair and retread – Concerns related to the safety of tire repair and retread personnel have been previously raised for filings involving steel carcass ply tires. The CrossClimate SUV is a passenger car, sport utility and light truck tire line with a polyester carcass. The tire is not intended for retreading. The concern for service personnel related to steel carcass construction is not relevant for this tire line.
2. Corrective Measures
  - a. Upon identification of the mismarking Michelin instituted a block on the affected sku. A total of 782 tires were captured and retained in Michelin inventory. These tires will be repaired to display the correct single ply marking, or they will be scrapped.
  - b. The tire specification drawing has been corrected and the mold plate has been updated to show the correct single ply marking. All tires currently being produced have the correct marking.
3. Prior NHTSA decisions
  - a. NHTSA has concluded in other petitions related to the number of plies marking that this type of noncompliance is inconsequential to safety. Examples of prior decisions include: Sumitomo Rubber Industries Ltd., 83 FR 13002 (March 26, 2018), Continental Tire the Americas, LLC, 83 FR 36668 (July 30, 2018),; Cooper Tire & Rubber Company, 82 FR 17075 (April 7, 2017); Hankook Tire America Corp., 79 FR 30688 (May 28, 2014); Bridgestone 78 FR 47049 (August 2, 2013).

## Summary

Based on the information presented, the tires produced with an incorrect ply count marking do not present a risk for motor vehicle safety or for the safety of tire service, repair, retread or recycling personnel. The subject tires have been produced with a single ply construction according to the design specification. These tires perform as designed and are fully compliant with applicable FMVSS regulations. The subject tires contain all other regulatory markings which are sufficient to ensure proper selection and application of the tires. As mentioned in previous, similar decisions the tire ply marking is not essential information for consumers to make informed tire purchase or vehicle operation decisions. Concerns expressed in other petitions related to safety for tire service personnel are not pertinent in this petition since the subject tire is a polyester carcass passenger car design. Considering these points, Michelin North America, Inc. believes the subject noncompliance is inconsequential as it relates to safety. Michelin North America, Inc. respectfully requests that NHTSA grant the petition for exemption from notification requirements of 40 U.S.C. § 30118 and the remedy provisions of 49 U.S.C. § 30120.

If you or your staff has any questions regarding this petition, please contact me.

Sincerely,



June Satterfield,  
Director, Industry Standards & Government Regulations  
Michelin North America, Inc.

**Michelin Americas Research Company**

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# Part 573 Safety Recall Report

# 20T-014

**Manufacturer Name :** Michelin North America, Inc.**Submission Date :** JUL 31, 2020**NHTSA Recall No. :** 20T-014**Manufacturer Recall No. :** NR**Manufacturer Information :**

Manufacturer Name : Michelin North America, Inc.

Address : One Parkway South

Greenville SC 29615

Company phone : 864-422-4985

**Population :**

Number of potentially involved : 884

Estimated percentage with defect : 100 %

**Tire Information :**

Tire Brand 1 : Michelin

Tire Line : CrossClimate SUV

Tire Size : 235/55R17 99V

**Descriptive Information :** Replacement market tires primarily intended for application on passenger cars, sport utility vehicles and light trucks. Subject tires have marking error in number of plies marking.

Production Dates : OCT 20, 2019 - NOV 30, 2019

**TIN (Tire Identification Number)**

Plant ID	Size code	Optional Code	Begin M Code	End M Code
FU	JJ	06BX	4219	4719

**Description of Noncompliance :**

**Description of the Noncompliance :** 49 CFR 571.139 S5.5 states tire markings, except as specified in paragraphs (a) through (i) of S5.5, each tire must be marked on each sidewall with the information specified in S5.5(a) through (d) and on one sidewall with the information specified in S5.5(e) through (i) according to the phase-in schedule specified in S7 of this standard. S5.5(f) requires the actual number of plies in the sidewall, and the actual number of plies in the tread area, if different be marked on the tire sidewall. The subject tires are designed and produced with polyester 1 ply in the sidewall and tread area. The sidewall ply marking incorrectly shows 2 polyester plies in the sidewall and tread area.

FMVSS 1 : 139 - New pneumatic radial tires for light vehicles

FMVSS 2 : NR

**Description of the Safety Risk :** No safety risk has been identified with the incorrect ply marking. The subject tires have been designed and tested as single ply construction and are fully compliant with all FMVSS 139 tire performance requirements. The incorrect

ply information on the sidewall of the tire does not impact the performance of the tire and does not create a safety concern for tire owners or tire service, repair, retread or recycling personnel.

**Description of the Cause :** The specification drawing for the mold marking incorrectly stated 2 plies when the correct marking should have been 1 ply. Initial mold drawing check by tire design failed to detect the incorrect marking in advance of the sku's first production run. Marking error was detected by the tire design group during a mold check related to transfer of the tire between manufacturing sites.

**Identification of Any Warning that can Occur :** Not applicable

## Involved Components :

**Component Name :** NR  
**Component Description :** NR  
**Component Part Number :** NR

## Supplier Identification :

### Component Manufacturer

**Name :** NR  
**Address :** NR  
NR  
**Country :** NR

## Chronology :

July 7: Tire designer detected marking discrepancy while performing a mold check related to transfer of tire between manufacturing sites.

July 10, 2020: Quality department in France issued block on all tires of the subject sku.

July 22, 2020: Review of inventory and sales data confirmed that tires had entered the US market.

July 24, 2020: MNA determined the mis-marking was a regulatory non-compliance and initiated action to inform NHTSA.

**Description of Remedy :**

Description of Remedy Program : Not applicable pending inconsequential filing.

How Remedy Component Differs from Recalled Component : Not applicable pending inconsequential filing.

Identify How/When Recall Condition was Corrected in Production : A correct ply marking plate was installed in the mold.

**Recall Schedule :**

Description of Recall Schedule : Not applicable pending inconsequential filing.

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