

# KING & SPALDING

King & Spalding LLP  
1700 Pennsylvania Ave, NW  
Suite 200  
Washington, D.C. 20006-4707  
Tel: +1 202 737 0500  
Fax: +1 202 626 3737  
www.kslaw.com

Jacqueline Glassman  
Partner  
Direct Dial: +1 202 626 9228  
Direct Fax: +1 202 626 3737  
Mobile: +1 202 251 2575  
jglassman@kslaw.com

November 16, 2020

## VIA E-MAIL

The Honorable James C. Owens  
Acting Administrator  
National Highway Traffic Safety Administration  
1200 New Jersey Avenue, S.E.  
West Building, Room 41-304  
Washington D.C. 20590

Re: Request for Inconsequential Noncompliance, Mercedes-Benz Recall No.: 20V-647

Dear Administrator Owens:

Mercedes-Benz AG (“MBAG”) and Mercedes-Benz USA, LLC (“MBUSA”) (collectively, “Mercedes-Benz”), submit this petition for inconsequential noncompliance pursuant to the Vehicle Safety Act, 49 U.S.C. § 30118(d) and 49 U.S.C. § 30120(h), and the related regulations at 49 C.F.R. 556. MBAG is a joint stock company headquartered in Germany, and MBUSA is a Delaware limited liability company with its principal place of business at One Mercedes-Benz Drive, Sandy Springs, Georgia 30328. Mercedes-Benz requests that the agency grant its petition exempting it from the notice and remedy requirements of the Vehicle Safety Act on the ground that the noncompliance described below is inconsequential to motor vehicle safety.

In certain Model Year 2020 and 2021 GLE-Class and GLS-Class vehicles (167 Platform) equipped with Michelin Primacy Tour A/S tires, the maximum tire pressure information printed on the tire and loading placard placed on the B-pillar is slightly higher than the maximum tire pressure information listed on the sidewall of the tire. The tire placard and information listed in the gas tank cap indicate that the maximum tire pressure is 320 kPa while the tire sidewall lists a maximum tire pressure of 300 kPa. However, there is no safety related consequence to this discrepancy. As confirmed by the tire supplier, the specific tires installed on the subject vehicles can be safely operated up to a tire pressure of 350 kPa and meet all performance requirements under FMVSS 139. Thus, if the tires were inflated based on the tire pressure listed on the placard, this would not overinflate the tires

or otherwise impair the functionality of the vehicle and would not create any adverse safety related consequence.

### **BACKGROUND**

Under FMVSS 110, S4.3, each vehicle is required to have certain information printed on the tire and vehicle loading placed on the vehicle B-pillar. Among the required information is the vehicle manufacturer's recommended cold tire inflation pressure for the front, rear and spare tires. Pursuant to FMVSS 110, S4.3.4 only the maximum tire inflation pressure may be shown on the placard unless it is a value that is less than the maximum tire inflation pressure (or meets other exceptions not relevant here).

On October 23, 2020, MBAG determined that a total of 22,439 Model Year 2020-2021 GLE-Class and GLS-Class vehicles do not meet all of the requirements of FMVSS 110, S4.3 because the maximum tire pressure listed on the vehicle placard installed on the B-pillar indicates a slightly higher tire pressure than what is indicated on the tire sidewall. The placard indicates the maximum tire inflation pressure is 320 kPa while the tire sidewall lists 300 kPa as the maximum tire inflation pressure. The tire manufacturer, however, has confirmed that the tires are designed and constructed to withstand a maximum tire inflation pressure of 350 kPa which is even higher than the value listed on the placard or on the tire sidewall. Thus, there is no potential for an increased risk to safety based on the discrepancy. Mercedes-Benz submitted a Noncompliance Information Report to NHTSA. *See* NHTSA Recall 20V-674, attached. Mercedes-Benz has corrected the condition in production.

### **ANALYSIS**

Manufacturers may be exempted from the notification and remedy provisions of the Safety Act if NHTSA determines that the noncompliance is inconsequential to motor vehicle safety. *See* 49 U.S.C. §§ 30118(d), 30120(h). The basis upon which NHTSA evaluates an inconsequentiality petition is "whether the occupant who is affected by the noncompliance is likely to be exposed to a significantly greater risk than an occupant in a compliant vehicle." *See* 69 Fed. Reg. 19897, 19900 (April 14, 2004). This matter is appropriate for a decision that the noncompliance is inconsequential to motor vehicle safety as it does not present any increased risk to vehicle occupants.

Under FMVSS 110, S4.3, each vehicle is required to have a placard that references, among other things, the "vehicle manufacturer's recommended cold tire inflation pressure for front, rear and spare tires." The placard containing this information is to be permanently affixed to the vehicle's B-pillar or similar location and only the maximum tire inflation pressure information is to be listed on the placard. For the vehicles at issue in this petition, the placard lists the maximum tire inflation pressure as 320 kPa while the tire sidewall indicates that the maximum tire inflation pressure is 300 kPa. Tire pressure information located on the inside of the gas tank flap also indicates that the maximum tire pressure is 320 kPa. The difference in information between the tire sidewall and what is included on the vehicle and placard does not present any risk of over-inflation since, per

the tire manufacturer, the tires were actually designed to a maximum permissible inflation pressure of 350 kPa.

The stated purpose of FMVSS 110 is to implement specifications for tire selection and to reduce the potential for tire overloading. There is no risk of tire overloading here, even if the consumer were to inflate the tires based on the 320 kPa inflation pressure listed on the placard or the gas tank flap. The tire manufacturer in this instance, Michelin, has confirmed that the Primacy Tour A/S tires are designed and manufactured to withstand a maximum tire pressure of 350 kPa which is even higher than what is listed on the placard or on the tire sidewall. The supplier has confirmed that there are no effects on vehicle performance and there would be no adverse safety consequences if the tires were inflated to the 320 kPa limit indicated on the placard or to the 300 kPa limit listed on the sidewall. The tires otherwise meet or exceed all applicable FMVSS performance requirements.

In similar situations evaluating the effect of a noncompliance with FMVSS 110, the agency has recognized that slight discrepancies in the listed tire pressure and deviations in the information listed in the placard do not have a consequential effect on motor vehicle safety. For example, the agency granted a petition where the placards incorrectly identified the size of the tires installed on the vehicles. The agency reasoned that the noncompliance was inconsequential because, among other reasons, the tires installed on the vehicles are appropriate to handle the vehicle maximum loads when inflated to the maximum tire pressure. *See Grant of Petition of Chrysler Group, LLC*, 78 FR 38443 (August 26, 2013). This has also been the agency's rationale when specific information was missing from the vehicle placard. *See General Motors, LLC, Grant of Petition for Decision of Inconsequential Noncompliance*, 84 FR 25117 (May 30, 2019) ("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.") Further, the agency has recognized that the maximum tire inflation pressure indicated on the tire sidewall have somewhat limited safety value and that NHTSA ultimately decided to retain maximum inflation pressure labeling requirements simply "as an aid in preventing over-inflation." *See Grant of Petition of Michelin North America*, 70 FR 10161 (March 2, 2005).

There is no risk of over inflation in this case because the tires have been designed and engineered to a higher maximum inflation pressure. The tires are sufficiently robust to accommodate the additional 20 kPa of pressure should the consumer rely on the information listed on the placard or under the gas tank flap. There is also no risk of under-pressurizing the tire if the consumer relied upon the value listed on the tire sidewall because 300 kPa is also a sufficient maximum pressure for the tires installed on these vehicles. Inflating the tires at either 300 kPa or 320 kPa is appropriate for the GVWR of the vehicle. Inflating the tires to the pressure listed on either the tire sidewall or the value listed on the placard would not impact the operation of the tire pressure monitoring system and the vehicle's load carrying capacity would not be impacted or reduced if the tire is inflated to 320 kPa (up to 350 kPa) if the consumer followed the inflation level on the placard or under the gas tank flap. Overall, from a vehicle performance perspective, 20

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kPa in tire pressure difference is of no consequence, particularly where, as here, there is no effect on vehicle performance or load capacity.

Additionally, Mercedes-Benz owners may seek guidance on the appropriate tire pressure inflation value through its Roadside Assistance program which is available 24 hours a day and complementary during the vehicle warranty period. Alternatively, any Mercedes-Benz customer may obtain information on tire pressure and other service related information from trained representatives by calling the Mercedes-Benz Customer Assistance Center. All of the remaining information on the vehicle placard is accurate, including the vehicle loading capacity and tire size and dimensions, which further confirms that the vehicle is not susceptible to overloading even if the tires are inflated to 320 kPa.

NHTSA has “historically granted petitions for inconsequentiality for inaccurate tire placards where the grantee has supplied sufficient reasoning to support... a conclusion [that there is no adverse safety impact.]” *See Grant of Petition of Kia Motors, Inc.* 85 FR 39676 (July 1, 2020). Based on the above information, there is no increased safety risk as a result of the noncompliance with the maximum tire pressure information listed on the placard and Mercedes-Benz requests that the agency exempt it from the notification and remedy provisions under the Safety Act.

Sincerely,

A handwritten signature in cursive script that reads "Jacqueline Glassman".

Jacqueline Glassman

Enclosure



Mercedes-Benz USA, LLC.

## Vehicle Report

NHTSA ID: 20V674 Transaction ID: 20-00855-25220-10 (Original Report)

Required fields indicated with \*

**Manufacturer: Mercedes-Benz USA, LLC.**

13470 International Parkway  
Jacksonville FL 32218

[Bibi Analij](#)  
741-9608,

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

### Vehicle Information

#### Mercedes-Benz GLE350 2020 - 2021

\* **Model Yr. Start:** 2020      \* **Model Yr. End:** 2021  
\* **Make:** Mercedes-Benz  
\* **Model:** GLE350

**Type:** LIGHT VEHICLES  
**Body Style:** SUV  
**Powertrain:** GAS

**Production Dates**    Begin: 07/07/2018  
                                  End: 10/16/2020

**Descriptive Information:**

Mercedes-Benz MY20-21 GLE350 10175 vehicles. The recall population was determined through production records. Vehicles outside of the recall population are equipped with labels with consistent values for maximum permissible tire pressure.

**VIN Range(s):**    Begin:    End:

#### Mercedes-Benz GLE450 2020 - 2021

\* **Model Yr. Start:** 2020      \* **Model Yr. End:** 2021  
\* **Make:** Mercedes-Benz  
\* **Model:** GLE450

**Type:** LIGHT VEHICLES  
**Body Style:** SUV  
**Powertrain:** GAS

**Production Dates**    Begin: 07/07/2018  
                                  End: 10/16/2020

**Descriptive Information:**

Mercedes-Benz MY20-21 GLE450 2307 vehicles. The recall population was determined through production records. Vehicles outside of the recall population are equipped with labels with consistent values for maximum permissible tire pressure.

**VIN Range(s):**    Begin:    End:

#### Mercedes-Benz GLE580 2020

\* **Model Yr. Start:** 2020      \* **Model Yr. End:** 2020  
\* **Make:** Mercedes-Benz  
\* **Model:** GLE580

**Type:** LIGHT VEHICLES  
**Body Style:** SUV  
**Powertrain:** GAS

**Production Dates**    Begin: 07/07/2018  
                                  End: 10/16/2020

**Descriptive Information:**

Mercedes-Benz MY20 GLE580 213 vehicles. The recall population was determined through production records. Vehicles outside of the recall population are equipped with labels with consistent values for maximum permissible tire pressure.

**VIN Range(s):**    Begin:    End:

#### Mercedes-Benz GLS450 2020 - 2021

\* **Model Yr. Start:** 2020      \* **Model Yr. End:** 2021  
\* **Make:** Mercedes-Benz  
\* **Model:** GLS450

**Type:** LIGHT VEHICLES  
**Body Style:** SUV  
**Powertrain:** GAS

**Production Dates**    Begin: 07/07/2018  
                                  End: 10/16/2020

**Descriptive Information:**

Mercedes-Benz MY20-21 9332 vehicles. The recall population was determined through production records. Vehicles outside of the recall

population are equipped with labels with consistent values for maximum permissible tire pressure.

**VIN Range(s):** Begin: End:

#### Mercedes-Benz GLS580 2020 - 2021

\* **Model Yr. Start:** 2020

\* **Model Yr. End:** 2021

**Type:** LIGHT VEHICLES

\* **Make:** Mercedes-Benz

**Body Style:** SUV

\* **Model:** GLS580

**Powertrain:** GAS

**Production Dates** Begin: 07/07/2018

End: 10/16/2020

**Descriptive Information:**

Mercedes-Benz MY20-21 GLS580 412 vehicles. The recall population was determined through production records. Vehicles outside of the recall population are equipped with labels with consistent values for maximum permissible tire pressure.

**VIN Range(s):** Begin: End:

**Number potentially involved:** 22439

**Estimated percentage of involved with defect:** 100%

#### Defect / Noncompliance Description

For this Defect/Noncompliance:

**\* Describe the defect or noncompliance:**

Mercedes-Benz AG ("MBAG"), the manufacturer of Mercedes-Benz vehicles, has determined that on certain Model Year ("MY") 2020-2021 GLE-Class (167 platform) and GLS-Class (X167 platform) vehicles equipped with Michelin Primacy Tour A/S tires, the maximum tire pressure specified on the tire placard located on the B-pillar and on the fuel filler door is inconsistent with the maximum permissible tire pressure listed on the side wall of the tire. In this case, the requirements of FMVSS 110, S4.3 might not be fulfilled.

**If a noncompliance, provide the applicable FMVSS:**

110 - Tire selection and rims

**If applicable, provide any further FMVSS affected:**

**Describe the cause:**

A deviation in the notification to MBAG on documentation that the tire supplier submitted to MBAG for the maximum tire pressure and that labeled on the tire sidewall led to the discrepancy.

**\* Describe the safety risk:**

The equipped Michelin Tour A/S tires can be operated safely up to a tire pressure of 50 psi (350 kPa). Thus, operation of the tires with a tire pressure according to the tire pressure listed on the placard 46 psi (320 kPa) or according to the tire pressure specified on the tire sidewall 43 psi (300 kPa) would have no adverse safety consequences or affect the performance of the vehicle. Therefore Mercedes Benz AG intends to file a petition for "inconsequential noncompliance".

**Identify any warning which can precede or occur:**

A customer may notice the discrepancy when comparing the maximum permissible tire pressure values on the B-pillar and tire side wall.

**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:** Michelin Reifenwerke  
AG & Co. KGaA

**Country:** Germany

**Address 1:** The Squire 17 – Am Flughafen

**Address 2:**

**City:** Frankfurt

**State:** FOREIGN STATES

**Zip/Postal Code:** 60549

Company Contact Information

**First Name:** Jacques

**Last Name:** de Giacconi

**Position:** Global Account Manager - Technical

**Email:** jacques.de-giacconi@michelin.com

**Phone:** 14901622824863

#### Involved Components

If the defect or noncompliance involves a specific component(s), identify that component(s) below.

#### Chronology of Defect / Noncompliance Determination

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

In July 2020, MBAG received an authority report from the Canadian market that a customer had observed a difference between the maximum tire pressure listed on the tire sidewall of the Michelin Primacy Tour A/S tires and the tire pressure specified on the placard on the B-pillar and on the gas tank cap. The Mercedes Benz AG initiated an investigation, including the potential impact of operating the vehicle with the tire inflated to the pressure specified on the tire placard on the B-pillar and on the gas tank cap. It was found that due to a deviation in the documentation the tire sidewall listed a maximum pressure of 43 psi (300 kPa), while the tire placard and the instructions inside the gas tank cap listed a maximum tire pressure of 46 psi (320 kPa). Analysis showed that even inflating the tire to the higher tire pressure of 46 psi (320 kPa) would have no adverse safety consequences or affect the performance of the vehicle as

the tire was designed to be inflated to a maximum pressure of 50 psi (350 kPa). On October 23, 2020, Mercedes Benz AG determined that there was a potential technical noncompliance regarding FMVSS 110 without presenting a safety risk. Mercedes Benz AG intends to file a petition for inconsequential treatment with regard to this noncompliance.

### Identify the Remedy

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

None - MBAG is submitting a petition for inconsequential noncompliance

**Describe what distinguishes the remedy component from the recalled component.**

None - MBAG is submitting a petition for inconsequential noncompliance

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

A change in the information exchange process between the supplier and Mercedes Benz AG ensures that this issue can no longer occur from October 16, 2020 onwards.

### Identify the Recall Schedule

**Describe the recall schedule for notifications.:**

Dealers will be notified of the pending voluntary recall campaign on November 6, 2020. Owners will be notified of the voluntary recall campaign approximately one week after launch to the dealers on December 29, 2020. A copy of all communications will be provided when available.

**Planned Dealer Notification Begin Date:** 11/06/2020

**Planned Dealer Notification End Date:**

**Planned Owner Notification Begin Date:** 12/29/2020

**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

For any questions, please contact Gregory Gunther at gregory.gunther.com

### Document Upload

There are 1 documents associated with this report.

# Part 573 Safety Recall Report

# 20V-674

**Manufacturer Name :** Mercedes-Benz USA, LLC.**Submission Date :** OCT 30, 2020**NHTSA Recall No. :** 20V-674**Manufacturer Recall No. :** NR**Manufacturer Information :****Population :**

Manufacturer Name : Mercedes-Benz USA, LLC.

Number of potentially involved : 22,439

Address : 13470 International Parkway

Estimated percentage with defect : 100 %

Jacksonville FL 32218

Company phone : 1-877-496-3691

**Vehicle Information :**

Vehicle 1 : 2020-2021 Mercedes-Benz GLE350

Vehicle Type : LIGHT VEHICLES

Body Style : SUV

Power Train : GAS

Descriptive Information : Mercedes-Benz MY20-21 GLE350 10175 vehicles. The recall population was determined through production records. Vehicles outside of the recall population are equipped with labels with consistent values for maximum permissible tire pressure.

Production Dates : JUL 07, 2018 - OCT 16, 2020

VIN Range 1 : Begin :

NR

End : NR

 Not sequential

Vehicle 2 : 2020-2021 Mercedes-Benz GLE450

Vehicle Type : LIGHT VEHICLES

Body Style : SUV

Power Train : GAS

Descriptive Information : Mercedes-Benz MY20-21 GLE450 2307 vehicles. The recall population was determined through production records. Vehicles outside of the recall population are equipped with labels with consistent values for maximum permissible tire pressure.

Production Dates : JUL 07, 2018 - OCT 16, 2020

VIN Range 1 : Begin :

NR

End : NR

 Not sequential

Vehicle 3 : 2020-2020 Mercedes-Benz GLE580

Vehicle Type : LIGHT VEHICLES

Body Style : SUV

Power Train : GAS

Descriptive Information : Mercedes-Benz MY20 GLE580 213 vehicles. The recall population was determined through production records. Vehicles outside of the recall population are equipped with labels with consistent values for maximum permissible tire pressure.

Production Dates : JUL 07, 2018 - OCT 16, 2020

VIN Range 1 : Begin : NR End : NR  Not sequential

Vehicle 4 : 2020-2021 Mercedes-Benz GLS450

Vehicle Type : LIGHT VEHICLES

Body Style : SUV

Power Train : GAS

Descriptive Information : Mercedes-Benz MY20-21 9332 vehicles. The recall population was determined through production records. Vehicles outside of the recall population are equipped with labels with consistent values for maximum permissible tire pressure.

Production Dates : JUL 07, 2018 - OCT 16, 2020

VIN Range 1 : Begin : NR End : NR  Not sequential

Vehicle 5 : 2020-2021 Mercedes-Benz GLS580

Vehicle Type : LIGHT VEHICLES

Body Style : SUV

Power Train : GAS

Descriptive Information : Mercedes-Benz MY20-21 GLS580 412 vehicles. The recall population was determined through production records. Vehicles outside of the recall population are equipped with labels with consistent values for maximum permissible tire pressure.

Production Dates : JUL 07, 2018 - OCT 16, 2020

VIN Range 1 : Begin : NR End : NR  Not sequential

## Description of Noncompliance :

Description of the Noncompliance : Mercedes-Benz AG ("MBAG"), the manufacturer of Mercedes-Benz vehicles, has determined that on certain Model Year ("MY") 2020-2021 GLE-Class (167 platform) and GLS-Class (X167 platform) vehicles equipped with Michelin Primacy Tour A/S tires, the maximum tire pressure specified on the tire placard located on the B-pillar and on the fuel filler door is inconsistent with the maximum permissible tire pressure listed on the side wall of the tire. In this case, the requirements of FMVSS 110, S4.3 might not be fulfilled.

FMVSS 1 : 110 - Tire selection and rims

FMVSS 2 : NR

Description of the Safety Risk : The equipped Michelin Tour A/S tires can be operated safely up to a tire

**Description of the Safety Risk :** pressure of 50 psi (350 kPa). Thus, operation of the tires with a tire pressure according to the tire pressure listed on the placard 46 psi (320 kPa) or according to the tire pressure specified on the tire sidewall 43 psi (300 kPa) would have no adverse safety consequences or affect the performance of the vehicle.

Therefore Mercedes Benz AG intends to file a petition for "inconsequential noncompliance".

**Description of the Cause :** A deviation in the notification to MBAG on documentation that the tire supplier submitted to MBAG for the maximum tire pressure and that labeled on the tire sidewall led to the discrepancy.

**Identification of Any Warning that can Occur :** A customer may notice the discrepancy when comparing the maximum permissible tire pressure values on the B-pillar and tire side wall.

## Involved Components :

Component Name 1 : NR

Component Description : NR

Component Part Number : NR

## Supplier Identification :

### Component Manufacturer

Name : Michelin Reifenwerke AG & Co. KGaA

Address : The Squire 17 – Am Flughafen  
Frankfurt FOREIGN STATES 60549

Country : Germany

## Chronology :

In July 2020, MBAG received an authority report from the Canadian market that a customer had observed a difference between the maximum tire pressure listed on the tire sidewall of the Michelin Primacy Tour A/S tires and the tire pressure specified on the placard on the B-pillar and on the gas tank cap.

The Mercedes Benz AG initiated an investigation, including the potential impact of operating the vehicle with the tire inflated to the pressure specified on the tire placard on the B-pillar and on the gas tank cap.

It was found that due to a deviation in the documentation the tire sidewall listed a maximum pressure of 43 psi

(300 kPa), while the tire placard and the instructions inside the gas tank cap listed a maximum tire pressure of 46 psi (320 kPa). Analysis showed that even inflating the tire to the higher tire pressure of 46 psi (320 kPa) would have no adverse safety consequences or affect the performance of the vehicle as the tire was designed to be inflated to a maximum pressure of 50 psi (350 kPa).

On October 23, 2020, Mercedes Benz AG determined that there was a potential technical noncompliance regarding FMVSS 110 without presenting a safety risk. Mercedes Benz AG intends to file a petition for inconsequential treatment with regard to this noncompliance.

## Description of Remedy :

Description of Remedy Program : None - MBAG is submitting a petition for inconsequential noncompliance

How Remedy Component Differs from Recalled Component : None - MBAG is submitting a petition for inconsequential noncompliance

Identify How/When Recall Condition was Corrected in Production : A change in the information exchange process between the supplier and Mercedes Benz AG ensures that this issue can no longer occur from October 16, 2020 onwards.

## Recall Schedule :

Description of Recall Schedule : Dealers will be notified of the pending voluntary recall campaign on November 6, 2020. Owners will be notified of the voluntary recall campaign approximately one week after launch to the dealers on December 29, 2020.  
A copy of all communications will be provided when available.

Planned Dealer Notification Date : NOV 06, 2020 - NR

Planned Owner Notification Date : DEC 29, 2020 - NR

\* NR - Not Reported