TOYOTA

**Toyota Motor North America**

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

February 26, 2021

Steve Cliff
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 2020-2021 Toyota Vehicles

Dear Mr. Cliff:

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 February 3, 2021 submitted in accordance with the requirements of 49 CFR Part 573 [collectively referred to as "Toyota"], I hereby submit the attached 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 with certain 2020-2021MY Toyota C-HR vehicles as identified in Toyota's Noncompliance Information Report is inconsequential as it relates to motor vehicle safety.

Toyota understands that, due to the ongoing COVID-19 situation, NHTSA staff will not be present in the office to receive the attached materials that are normally submitted through mail. Thus, Toyota is electronically submitting this petition through email in accordance with NHTSA's past instructions for submitting inconsequentiality petitions during this time. Included in the email submission is (1) a copy of this cover letter; (2) a copy of the petition; and (3) a copy of the Noncompliance Information Report relating to the petition. Based on the past instructions, it is understood that submission through this method will be considered in conformance with 49 CFR Part 556.4(b)(2) and (6) and will not prejudice the agency's evaluation of the substance of the petition. Toyota is willing to send a duplicate copy of this submission via mail according to the normal process in the future upon NHTSA's request.

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 2020-2021 Model Year Toyota Vehicles**

## Executive Summary

Toyota submitted the attached Noncompliance Information Report concerning certain 2020-2021 model year Toyota C-HR vehicles that did not meet the requirements of FMVSS No. 110, paragraph S4.3(d) (see Attachment 1). During an internal audit at a specific vehicle manufacturing plant, team members found, on certain C-HRs equipped with 215/60R17 tires and steel wheels, that the front and rear tire sizes listed on the tire information placard did not match the tires installed on the vehicle. Toyota investigated the issue and found that the part number for the tire information placard for C-HRs equipped with 225/50R18 tires had been incorrectly specified in the parts list for certain C-HRs equipped with 215/60R17 tires and steel wheels produced at this manufacturing facility. The total number of vehicles affected is 3,981.

FMVSS No. 110, paragraph S4.3(d) requires that the tire information placard include certain information for originally equipped tires. Because the front and rear tire size indicated on the placard does not match the actual tire size installed on the vehicle, this requirement is not met. No other requirements of FMVSS No. 110 are affected by this issue. Toyota has corrected the part number used for current production C-HR vehicles.

As discussed below, Toyota believes that the noncompliance is inconsequential to motor vehicle safety for the following reasons:

I. The tire/wheel combination installed on the subject vehicles is designed for this vehicle and with it, the subject vehicles meet all other applicable FMVSS. In addition, the cold tire inflation pressure specified on the placard is correct and is the recommended pressure for the tires installed on the vehicle.
II. The correct tire or wheel size is specified in other locations such as in the vehicle owner's manual, on the side wall of the tires, and the marking on the wheels.
III. The 18-inch replacement tires specified on the incorrect placard cannot be physically installed on the originally equipped 17-inch wheels.
IV. If both the original tires and wheels are replaced with ones of the size indicated on the incorrect placard, the result would be a tire/wheel size combination that is appropriate for the vehicle maximum loads. The replacement tire/wheel combination would be the same size that is originally equipped on other C-HR grades.

Toyota notes that NHTSA has previously granted petitions in similar situations and Toyota provides its data, views, and arguments in support of this petition, below.

## Summary of Noncompliance

This noncompliance relates to the tire information placard in 3,981 Toyota C-HR vehicles. As noted in the attached Noncompliance Information Report, on January 28, 2021 Toyota decided that the subject vehicles, equipped with 215/60R17 tires and steel wheels, were sold with the wrong tire information placard and do not meet certain requirements in FMVSS No. 110, paragraph S4.3(d). Toyota's investigation had identified that the part number for the tire information placard for C-HRs equipped with 225/50R18 tires had been incorrectly specified in the parts list for certain C-HRs equipped with 215/60R17 tires and steel wheels produced at a certain manufacturing facility. See Figure 1 below.

Figure 1


Correct Placard
(Tire Size Indicated 215/60R17)

Incorrect Placard
(Tire Size Indicated 225/50R18)

## The Noncompliance is Inconsequential as it relates to Motor Vehicle Safety

As stated above, Toyota believes this noncompliance is inconsequential as it relates to motor vehicle safety for the following reasons:

**I. The tire/wheel combination installed on the subject vehicles is designed for this vehicle and with it, the subject vehicles meet all other applicable FMVSS. In addition, the cold tire inflation pressure specified on the placard is correct and is the recommended pressure for the tires installed on the vehicle.**

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] Also, the purpose and scope section of FMVSS No. 110 indicates that the requirements for tire selection are to "prevent tire overloading."[2]

[1] *See e.g.*, 81 *Fed. Reg.* 88728
[2] *See* 49 CFR Part 571.110, paragraph S1.

The tires installed on the vehicle (215/60R17) meet all other applicable requirements in FMVSS. They are the tires which were designed for this vehicle and are appropriate for the maximum vehicle loads. Only the front and rear tire size information indicated on the placard is incorrect and reflects the tire size used on other grade C-HR vehicles. All the other information on the placard is accurate, including the spare tire size, the cold tire inflation pressure, and maximum combined weight of occupants and cargo.

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

## II. The correct tire or wheel size is specified in other locations such as the vehicle owner's manual, the side wall of the tires, and the marking on the wheels.

If the vehicle owner is replacing the tires on the vehicle, the owner can notice that the tire size specified on the placard does not match the tires installed on the vehicle. Further, the 18-inch wheels are visually different because they are alloy wheels as opposed to the 17-inch wheels, which are steel. To find the correct information, the owner could check the tire size that is molded into the side wall of each tire or check the tire size listed in the owner's manual. As required in FMVSS No. 110, the tire placard also directs the owner to "SEE OWNER'S MANUAL FOR ADDITIONAL INFORMATION." The owner's manual specifies the appropriate tire and wheel sizes for the vehicle. The wheel size is also marked on the wheel itself.

## III. The 18-inch replacement tires specified on the incorrect placard cannot be installed on the originally equipped 17-inch wheels.

If the owner attempts to replace the original tires installed on the 17-inch wheel with tires of the size indicated on the incorrect placard (225/50R18), the installer would not be able to physically mount them on the 17-inch wheels and would either need to also replace the wheels with 18-inch wheels or, as specified in Section II, above refer to the tire size information from other sources. As stated above, the correct information is available in various locations such as the tire size indicated on the sidewall of the tires that are installed on the vehicle or the owner's manual.

## IV. If both the original tires and wheels are replaced with ones of the size indicated on the incorrect placard, the result would be a tire/wheel size combination that is appropriate for the vehicle maximum loads. The replacement tire/wheel combination would be the same size that is originally equipped on other C-HR grades.

In the event that the vehicle owner decided to change the tire/wheel combination to the size indicated on the incorrect placard, the replacement tires would be appropriate for the vehicle.

Other grade C-HRs, with the same maximum loading requirements, use the 225/50R18 tire/wheel combination. This tire wheel size combination is appropriate for the vehicle maximum loads.

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

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

In their petition, Volkswagen stated that the vehicles, in that case, had a tire placard that is misprinted with an incorrect tire size as compared to the tires the vehicle was originally equipped with and therefore did not fully conform to paragraph S4.3(d) of FMVSS No. 110. Utilizing the ETRTO Tire and Rim Association Manual of 2016, 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 placard. Both the installed original equipment manufacturer (OEM) tires on the vehicle and the installation of the incorrect sized tires listed on those vehicles' placard, when inflated to the placard's recommended cold inflation pressure, were identified as appropriate to handle the vehicle maximum loads. Based on that information, NHTSA determined that the noncompliance, in that case, should not cause any unsafe conditions associated with the incorrect tire size listed on the placard.

Similarly, for the Toyota C-HR, the originally installed tires and the installation of the incorrect sized tires listed on the subject vehicle's placard, when inflated to the placard's recommended cold inflation pressure, are appropriate to handle the vehicle maximum loads.

- *BMW of North America, LLC., (84 Fed. Reg. 26505, June 6, 2019)*

In their petition, BMW stated that the vehicles were equipped, as designed, with 17-inch tires but the FMVSS No. 110 tire information placard states that the vehicles were equipped with 18-inch tires. BMW also explained that the placard overstated the cold tire inflation pressure for the rear tires (it stated 240 kPa/35 psi when it should have read 220 kPa/32 psi). Instead of the information for the 17-inch tires, the placard incorrectly included the cold tire inflation pressure and tire size designation for the 18-inch tires. Therefore, BMW stated that the affected vehicles did not conform to FMVSS No. 110 Section 4.3(c) and 4.3(d). NHTSA agreed, in their response, that if the vehicle owner installed 18-inch tires on the vehicle, those tires at the listed cold inflation pressure would also be appropriate for the vehicle's front and rear GAWRs. In addition, NHTSA stated that, if a vehicle owner inflated their tires to the inflation pressure listed for the 18-inch tires, the result would be an increase to 240 kPa/35 psi for the rear tires and a net increase in load capacity for the vehicle overall. Alternatively, if the vehicle owner installed 18-inch tires on the vehicle, those tires at the listed cold inflation pressure would also be appropriate for the vehicle's front and rear GAWRs. The agency agreed with BMW that the noncompliance is inconsequential to motor vehicle safety and that there is no risk of possible underinflating or

overloading of the tires as a result of this issue. Further, should a vehicle owner question the correct tire size or corresponding recommended cold tire inflation pressures for their vehicle, this information is available in other locations such as the sidewall markings and the owner's manual.

Similarly, for the Toyota C-HR, the installation of the incorrect sized tires listed on the subject vehicle's placard when inflated to the placard's recommended cold inflation pressure are appropriate to handle the vehicle maximum loads. In addition, as in the BMW petition, the tire size information is available in other locations such as the sidewall markings and the owner's manual. Unlike the BMW issue, however, the cold tire inflation pressure listed on the placard for the Toyota C-HR is correct.

- *DaimlerChrysler Corporation (73 Fed. Reg. 11462, March 3, 2008); Mercedes-Benz USA, LLC (MBUSA), (78 Fed. Reg. 43967, July 22, 2013); Mercedes-Benz USA, LLC, (82 Feb. Reg. 5640, January 18, 2017);* General Motors, LLC, *(84 Feb. Reg. 25117, May 30, 2019)*

NHTSA has also previously granted at least four similar petitions for inconsequential noncompliance for the incorrect spare tire size indicated on the placard, such as those listed above.

In those cases, NHTSA determined that the noncompliance was inconsequential to motor vehicle safety for reasons that included the following: (1) 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 pressure indicated on the placard; and (2) other than the vehicle placard error, the vehicles comply with all other safety performance requirements of FMVSS No. 110. These reasons also apply to the subject Toyota C-HR front and rear tires.

## 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

**Toyota Motor North America, Inc.**

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

February 3, 2021

# NONCOMPLIANCE INFORMATION REPORT

1. Vehicle Manufacturer Name:

Toyota Motor Manufacturing Turkey ["TMMT"]
Toyota Caddesi No:2 54580 Arifiye, Sakarya, Turkey

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 / C-HR | 2020-2021 | TMMT | September 16, 2019 through November 30, 2020 |

| Applicability | Part Number | Part Name | Component Description |
|---|---|---|---|
| Toyota / C-HR | 42661-F4021 | Label, Tire Pressure Information | Tire Information Placard |

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) Only certain vehicles in the above production range, produced at a specific manufacturing facility with 215/60R17 tires and steel wheels are involved in this recall. Other C-HRs were not produced using a parts list that specified an incorrect tire placard.

3. Total Number of Vehicles Involved:

Total : 3,981

4. Percentage of Vehicles Estimated to Actually Contain the Noncompliance:

100%

5. Description of Noncompliance:

The involved vehicles have a tire information placard which contains tire size information, for the front and rear tires, that does not match the originally equipped tires. As a result, the subject vehicles do not meet the requirements of FMVSS No. 110, paragraph S4.3(d). Toyota believes this noncompliance is inconsequential to motor vehicle safety and intends to petition NHTSA for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301.

6. Test Results and Other Information:

During an internal audit at a specific vehicle manufacturing plant, team members found, on certain C-HRs equipped with 215/60R17 tires and steel wheels, that the front and rear tire sizes listed on the tire information placard did not match the tires installed on the vehicle. Toyota investigated the issue and found that the part number for the tire information placard for C-HRs equipped with 225/50R18 tires had been incorrectly specified in the parts list for certain C-HRs equipped with 215/60R17 tires and steel wheels produced at this manufacturing facility. Based on this information, on January 28, 2021 Toyota decided that the subject vehicles, equipped with 215/60R17 tires and steel wheels, were sold with the wrong tire information placard and do not meet certain requirements in 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 20V-674

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

NHTSA
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

**Manufacturer Information :**

Manufacturer Name : Mercedes-Benz USA, LLC.
Address : 13470 International Parkway
Jacksonville FL 32218
Company phone : 1-877-496-3691

**Population :**

Number of potentially involved : 22,439
Estimated percentage with defect : 100 %

**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.<br><br>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 Squaire 17 – Am Flughafen<br>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