

Toyota Motor North America

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

August 12, 2022

Dr. Steven Cliff
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 MY 2023 Toyota and Subaru Vehicles

Dear Dr. 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 July 21, 2022 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 in certain MY 2023 Toyota and Subaru 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 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 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: Anne Collins, Otto Matheke, Maurice Hicks
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 2023 Model Year Toyota and Subaru Vehicles**

Executive Summary

Toyota submitted the attached Noncompliance Information Report concerning certain 2023 Toyota bZ4X and Subaru Solterra vehicles that do not meet the requirements of FMVSS No. 110, paragraph S4.3(a) (See Attachment 1). During an internal audit at a vehicle manufacturing plant, it was found that the vehicle capacity weight shown on the tire information placard is different from the actual value based on design intent. The Owner's Manual has the intended value. The issue was investigated, and it was found that the vehicle capacity weight value had been incorrectly specified for the placard. The total number of vehicles affected is 661.

FMVSS No. 110, paragraph S4.3(a) requires that the tire information placard include certain information for vehicle capacity weight. Because the vehicle capacity weight indicated on the placard is not correct, this requirement is not met. No other requirements of FMVSS No. 110 are affected by this issue. Toyota has corrected the placard for current production bZ4X and Solterra vehicles.

In this document, Toyota 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.

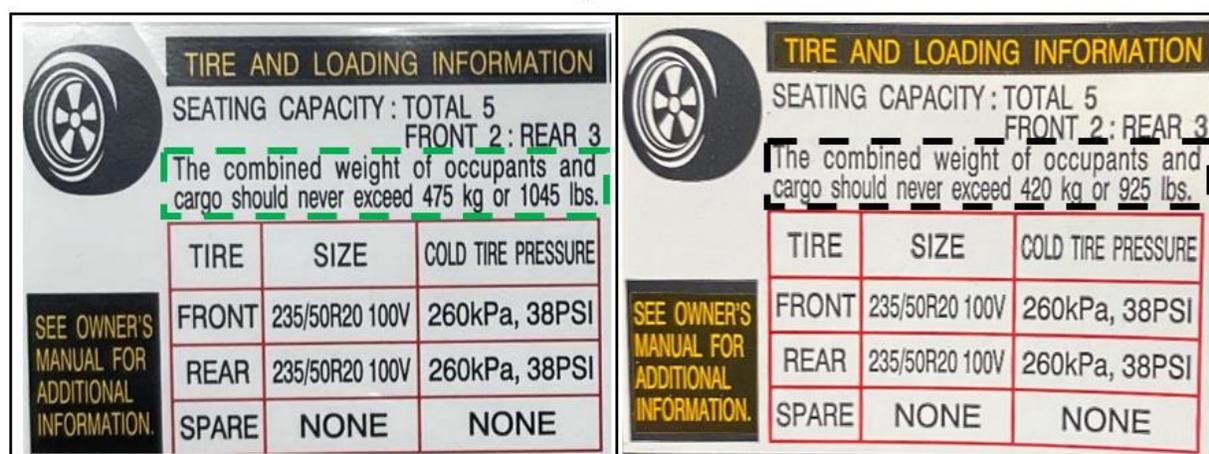
Toyota believes that the noncompliance is inconsequential to motor vehicle safety for the following reasons:

- I. The vehicle capacity weight expressed on the tire information placard of subject vehicles is understated compared to the actual design intent. As such, when owners rely upon the placard, they are not at risk of overloading the vehicle beyond the actual vehicle capacity weight. In addition, all other information on the tire information placard is accurate.
- II. The tire information placard contains the text "See Owner's Manual for additional information", and the correct vehicle capacity weight is specified in the Owner's Manual.
- III. In a similar situation, NHTSA has granted a petition for inconsequential noncompliance relating to the subject requirement of FMVSS No. 110.

Summary of Noncompliance

This noncompliance relates to the tire information placard in 661 Toyota bZ4X and Subaru Solterra vehicles. As noted in the attached Noncompliance Information Report, on July 15, 2022, Toyota decided that the subject vehicles were sold with tire information placards that do not meet certain requirements in FMVSS No. 110, paragraph S4.3(a). Toyota's investigation had identified that the vehicle capacity weight shown on the tire information placard is different from the actual value based on design intent. See Figure 1 below.

Figure 1



Correct Placard

(Vehicle Capacity Weight Accurate)

Incorrect Placard

(Vehicle Capacity Weight Understated)

The Noncompliance is Inconsequential as it relates to Motor Vehicle Safety

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

- I. **The vehicle capacity weight expressed on the tire information placard of the subject vehicles is understated compared to the actual design intent. As such, when owners rely upon the placard, they are not at risk of overloading the vehicle beyond the actual vehicle capacity weight. In addition, all other information on the tire information placard is accurate.**

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 states that the requirements for tire selection are to “prevent tire overloading.”²

¹ See, e.g., Volkswagen Group of America, Inc., Grant of Petition for Decision of Inconsequential Noncompliance, 81 Fed. Reg. 88728, 88729 (December 8, 2016)

² See 49 CFR § 571.110, paragraph S1.

The noncompliance in this case is that the vehicle capacity weight is *understated*. The correct weight capacity is 1045 pounds for occupants and cargo, but the incorrect placard indicates that the capacity is 925 pounds. When an owner views the placard and loads it to the stated capacity of 925 pounds, the vehicle has an additional 120 pounds of weight capacity. Therefore, there is no risk of overloading the vehicle.

The understated vehicle capacity weight does not directly relate to the tires equipped on the vehicle, which can easily accommodate the incorrect load specified on the placard and the correct load capacity specified in the Owner’s Manual. All other information on the placard is accurate, including the tire size, spare tire information, and format. Additionally, the noncompliance in this case only involves a label; the Agency has stated that the burden of establishing the inconsequentiality of a labeling requirement with no performance implications is less than if a performance noncompliance is involved.³

Given the intent of FMVSS No. 110, S4.3(a) and the nature of the noncompliance, because the vehicle capacity weight is understated, there is no risk to motor vehicle safety.

II. The tire information placard contains the text: “See Owner’s Manual for additional information.” The correct vehicle capacity weight is specified in the Owner’s Manual.

If the vehicle owner questions the vehicle capacity weight listed on the tire information placard, they can follow the direction on the placard stating: “SEE OWNER’S MANUAL FOR ADDITIONAL INFORMATION.” The Owner’s Manual specifies the correct vehicle capacity weight on page 550. See Figure 2 below.

Figure 2

Dimensions and weights		pg. 550
Overall length		184.6 in. (4690 mm)
Overall width		73.2 in. (1860 mm)
Overall height*		65.0 in. (1650 mm)
Wheelbase		112.2 in. (2850 mm)
Tread	Front	63.0 in. (1600 mm)
	Rear	63.4 in. (1610 mm)
Vehicle capacity weight (Occupants + luggage)		1045 lb. (475 kg)

³ See Letter of October 29, 2021 from Otto Matheke, Director of the Office of Vehicle Safety Compliance, to multiple companies entitled “Guidance on Submitting Petitions for Inconsequential Noncompliance to NHTSA.”

III. In a similar situation, NHTSA has granted a petition for inconsequential noncompliance relating to the subject requirement of FMVSS No. 110.

Mercedes-Benz USA, LLC, (82 Fed. Reg. 33547, July 20, 2017)

In their petition, MBUSA stated that their vehicles had a tire information placard that incorrectly identified the maximum combined weight of occupants and cargo and, therefore, did not fully conform to paragraph S4.3(a) of FMVSS 110. MBUSA explained the vehicle capacity weight (VCW) was overstated from the intended value, but that the subject vehicles' tires and load carrying capabilities exceed that of the value listed on the label. Utilizing the European Tire and Rim Technical Organization (ETRTO) manual, NHTSA verified the tire load ratings specified by MBUSA. NHTSA agreed that the tire capacities were more than adequate to handle the additional weight of the higher VCW values, and the vehicles can safely accommodate the higher VCW loads without overload concerns.

In the MBUSA case, NHTSA found the risk to safety to be inconsequential when the placard *overstated* the VCW. For the Toyota bZ4X and Subaru Solterra vehicles, the incorrect VCW listed on the tire information placard is *understated*, making the risk even less. The incorrect placard subject of this petition does not pose a risk of vehicle overloading. The vehicle and its tires can safely accommodate even more than the VCW on the placard.

Conclusion

For the reasons set forth above, Toyota believes this noncompliance is inconsequential as it related 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

July 29, 2022

AMENDED NONCOMPLIANCE INFORMATION REPORT

1. Vehicle Manufacturer Name:

Toyota Motor Corporation, [“TMC”]
1, Toyota-cho, Toyota-city,
Aichi, 471-8571, Japan

Affiliated U.S. Sales Company

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

Subaru of America, Inc. [“SOA”]
One Subaru Drive, Camden, NJ 08103

Manufacturer of the Tire Information Placard

Tsuchiya CO., Ltd.
9-29 Kamimaezu 2-chome, Naka-ku, Nagoya-city,
Aichi, 460-8330, Japan
Phone: +81-52-331-5451

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/bZ4X	2023	TMC	March 30, 2022 through April 21, 2022
Subaru/SOLTERRA			March 30, 2022 through June 3, 2022

Applicability	Part Number	Part Name	Component Description
Toyota bZ4X	42661-42D70	Label, Tire Pressure Information	Tire Information Placard
Subaru SOLTERRA	42661-42D80		

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.

3. Total Number of Vehicles Involved:

Toyota bZ4X : 258
Subaru SOLTERRA : 403
Total : 661

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

100%

5. Description of Noncompliance:

The subject vehicles have a tire information placard with a vehicle capacity weight value that is incorrectly stated as lower than intended. As a result, the subject vehicles do not meet the requirements of FMVSS No. 110, paragraph S4.3(a). As the indicated weight capacity is understated, the purpose of FMVSS is fulfilled, and there is no risk that a vehicle will be loaded beyond capacity based on the incorrectly stated placard. 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:

In late-June 2022, during an internal audit at a vehicle manufacturing plant, it was found that the vehicle capacity weight shown on the tire information placard is different from the actual value based on design intent. The Owner’s Manual has the intended value. The issue was investigated, and it was found that the vehicle capacity weight value had been incorrectly specified for the placard.

Based on the foregoing, on July 15, 2022, Toyota decided that the subject vehicles do not meet the requirement of FMVSS No. 110, paragraph S4.3.

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

22V-557

Manufacturer Name : Toyota Motor Engineering & Manufacturing**Submission Date :** JUL 29, 2022**NHTSA Recall No. :** 22V-557**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 : 661

Estimated percentage with defect : 100 %

Vehicle Information :

Vehicle 1 : 2023-2023 Subaru Solterra

Vehicle Type :

Body Style :

Power Train : NR

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

Production Dates : MAR 30, 2022 - JUN 03, 2022

VIN Range 1 : Begin :

NR

End : NR

Not sequential

Vehicle 2 : 2023-2023 Toyota bZ4X

Vehicle Type :

Body Style :

Power Train : NR

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

Production Dates : MAR 30, 2022 - APR 21, 2022

VIN Range 1 : Begin :

NR

End : NR

Not sequential

Description of Noncompliance :

Description of the Noncompliance : The subject vehicles have a tire information placard with a vehicle capacity weight value that is incorrectly stated as lower than intended. As a result, the subject vehicles do not meet the requirements of FMVSS No. 110, paragraph S4.3(a). As the indicated weight capacity is understated, the purpose of FMVSS is fulfilled, and there is no risk that a vehicle will be loaded beyond capacity based on the incorrectly stated placard. 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.

FMVSS 1 : 110 - Tire selection and rims

FMVSS 2 : NR

Description of the Safety Risk : 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

Involved Components :

Component Name 1 : Label, Tire Pressure Information

Component Description : Tire Information Placard

Component Part Number : 42661-42D70

Component Name 2 : Label, Tire Pressure Information

Component Description : Tire Information Placard

Component Part Number : 42661-42D80

Supplier Identification :**Component Manufacturer**

Name : Tsuchiya Co., Ltd.

Address : 9-29 Kamimaezu 2-chome

Naka-ku, Nagoya-city, Aichi, Japan Foreign States 460-8330

Country : Japan

Chronology :

In late-June 2022, during an internal audit at a vehicle manufacturing plant, it was found that the vehicle capacity weight shown on the tire information placard is different from the actual value based on design intent. The Owner's Manual has the intended value. The issue was investigated, and it was found that the vehicle capacity weight value had been incorrectly specified for the placard. Based on the foregoing, on July 15, 2022, Toyota decided that the subject vehicles do not meet the requirement of FMVSS No. 110, paragraph S4.3.

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