



October 21, 2022

**VIA E-MAIL**

National Highway Traffic Safety Administration  
1200 New Jersey Avenue, S.E.  
Washington D.C. 20590

Re: Petition for Inconsequential Noncompliance  
Hercules Tire & Rubber Company - NHTSA Recall 22T-018

To Whom it May Concern:

Pursuant to 49 U.S.C. § 30118(d) and 49 C.F.R. Part 556, please find a Petition for Inconsequential Noncompliance submitted by Hercules Tire & Rubber Company ("Hercules") related to NHTSA Recall 22T-018.

Hercules has identified a discrepancy with the date code portion of the Tire Identification Number ("TIN") marking. For these tires, the date code was imprinted on the tire upside down. Despite this condition, the noncompliance does not pose a risk to motor vehicle safety and Hercules requests that the agency grant this petition and relieve the company from the notice and remedy provisions of the Safety Act.

As required under Part 556, Hercules is a Connecticut corporation located at 16380 East U.S. Route 224, Findlay, Ohio 45840.

Should you have any questions or request further information, please contact me at [RToms@ATD-US.com](mailto:RToms@ATD-US.com).

Sincerely,

DocuSigned by:  
*Robert Toms*  
656B5378DCD1407...

Robert C. Toms, IV  
Director, Assistant General Counsel

Enclosures

1995 Tiffin Avenue, Suite 205 • Findlay, Ohio 45840 • Office: 419.425.6400 • Fax: 419.425.6404

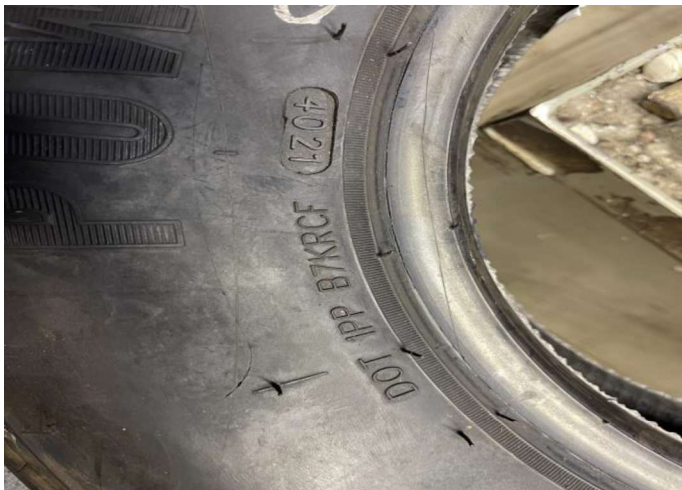
[www.herculestire.com](http://www.herculestire.com)

## Background

On October 5, 2022, Hercules Tire & Rubber Co. (“Hercules”) submitted a Noncompliance Information Report pursuant to 49 U.S.C. § 30118(c) and 49 C.F.R. § 573.6 (the “573 Report”). In the 573 Report, Hercules described that it had determined a noncompliance existed with the date code portion of the Tire Identification Number (“TIN”), affecting 700 Hercules Power ST2 radial trailer tires. The date code portion of the TIN was imprinted upside down on the subject tires. A copy of the 573 Report is provided.

The requirements of NHTSA’s regulation governing the TIN is contained at 49 C.F.R. 574 and apply to specialty trailer tires via FMVSS 119 S6.5(b). With regard to the date code portion of the TIN, the regulation states, in relevant part, “the date code, consisting of four numerical symbols, is the final group. The date code must identify the week and year of manufacture...The date code must be positioned as shown in Figures 1 or 2 for new tires and retreaded tires, respectively.” 49 C.F.R. 574.5(b)(3) (emphasis added). In the subject tires, the date code portion of the TIN was imprinted upside-down. The information contained within the date code is accurate and specifies the correct week and year of manufacture. A photo of the TIN with the upside-down imprinted date code on an exemplar subject tire is provided below.

On the exemplar tire below “4021” which accurately indicates the tire was produced in the 40<sup>th</sup> calendar week of year 2021. The date code is clearly imprinted on the portion of the TIN where it is required to be provided and meets the character height requirements of the regulation. The date code is accurate, can easily be seen by consumers, will not be misunderstood by consumers to mean some other date code and consumers are able to rotate the tire so that, if needed, the date code will appear perceptually upright.



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All of the other content within the TIN is accurate and complies with the TIN marking requirements. The tires otherwise conform to the performance requirements applicable to trailer tires. The date code discrepancy affects less than one week of tire production and the condition has been corrected in production. Hercules is not aware of any complaints, claims, or incidents related to the subject noncompliance.

### **Request for Determination of Inconsequential Noncompliance**

NHTSA has previously granted requests for a determination of inconsequential noncompliance involving TIN date codes that have been imprinted upside down. For example, NHTSA has previously granted petitions where the date code portion of the TIN was imprinted upside down, finding that the discrepancy was inconsequential to motor vehicle safety and on the following bases:

- Grant of Petition of Hankook Tire, 87 FR 6941, February 7, 2022, (finding the “noncompliance is inconsequential to motor vehicle safety because the nature of the labeling error would not prevent the correct identification of the tires, should the tires be recalled for a performance related noncompliance.”)
- Grant of Petition of Hankook Tire, 86 FR 49411, September 2, 2021 (“[the date code] is properly located in the right-most position and shows the correct week and year of manufacture but has been imprinted upside-down, and the upside-down font cannot be confused with right-side up font. If a consumer reads the label as it is, the fact that the date code is inverted would become self-evident. In such a case, it would not be difficult to rotate the tire to a position where the code could be read and deciphered.”)
- Grant of Petition of Cooper Tire & Rubber Company, 81 FR 43708, July 5, 2016, date code that was imprinted upside-down and backwards “does not prevent the correct identification of the affected tires.”

Just as with the above previously granted petitions, the date code portion of the TIN on the subject tires is properly located in the right-most position, where it is clearly imprinted on the tire. It would be evident to a consumer simply by looking at the tire that the date code is upside-down. The tire can be rotated by the consumer so that appears perceptually upright. If the consumer did not rotate the tire, a consumer reading the upside-down date code could not confuse the date code with any other numbers.

Importantly, even though the date code is imprinted upside-down, this does not prevent Hercules from tracking the tire or notifying consumers in the event that a recall of the tire was to occur in the future. The date code portion of the TIN is required so that purchasers can identify the week and year of the tire's manufacture in the event the tire is subject to a safety

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recall. (See 49 C.F.R. § 574.2). The fact of the date code having been imprinted upside-down does not impact Hercules' ability to identify or contact consumers in the event of a recall of the subject tires.

### **Conclusion**

Based on the foregoing, Hercules requests that the agency grant this petition and relieve it from the notification and remedy provisions of the Vehicle Safety Act.

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# Part 573 Safety Recall Report

# 22T-018

**Manufacturer Name :** Hercules Tire & Rubber Company**Submission Date :** OCT 05, 2022**NHTSA Recall No. :** 22T-018**Manufacturer Recall No. :** NR**Manufacturer Information :**

Manufacturer Name : Hercules Tire &amp; Rubber Company

Address : 16380 EAST U.S. ROUTE 224

SUITE 200 FINDLAY OH 45840

Company phone : 419-425-6400

**Population :**

Number of potentially involved : 700

Estimated percentage with defect : 100 %

**Tire Information :**

Tire Brand 1 : Hercules

Tire Line : Power ST2

Tire Size : ST175/80R13

Descriptive Information : The Hercules Power ST2 Radial Trailer tire with the size of ST175/80R13

Production Dates : OCT 04, 2021 - OCT 10, 2021

**TIN (Tire Identification Number)**

Plant ID	Size code	Optional Code	Begin M Code	End M Code
1PP	B7	KRCF	4021	4021

**Description of Noncompliance :**

**Description of the Noncompliance :** The date code portion of the Tire Identification Number (TIN) in the subject tires has been imprinted upside-down. The date code is located in the correct position within the TIN and accurately states the correct week and year of manufacture.

FMVSS 1 : 119 - New pneumatic tires- other than passenger cars

FMVSS 2 : NR

**Description of the Safety Risk :** There is no safety risk, the Tire Identification Number (TIN) has been imprinted upside-down but otherwise accurately states the correct week and year of manufacture. Hercules intends to submit a petition for inconsequential noncompliance related to this issue.

**Description of the Cause :** The slug containing the date code was incorrectly placed upside-down during manufacturing.

**Identification of Any Warning that can Occur :** None

**Involved Components :**

Component Name : Hercules Power ST2

Component Description : Trailer Tire ST175/80R13

Component Part Number : 94749

**Supplier Identification :****Component Manufacturer**

Name : SHANDONG GUOFENG RUBBER & PLASTIC CO.,LT

Address : Industry Zone of Zhendong Dawang Town,Gu  
Shandong Foreign States 257335

Country : China

**Chronology :**

On September 22, 2022, Hercules' exclusive distributor received a report that the date code imprinted on one of the subject tires was imprinted upside-down. A photograph of the subject tire was later received and confirmed that the date code was imprinted upside-down. Hercules initiated an investigation in which it was found that tires produced during week 40 of year 2021 had been molded with an upside-down date code, but that the date code imprinted on the tire was accurate and was located in the correct position within the TIN. Hercules conducted a review to understand whether there was any compliance related effect on the subject tires due to upside down date code. Upon the conclusion of Hercules' analysis, on September 29, 2022, it decided that the subject tires do not conform to the requirements of FMVSS 119, S6.5(b), but that there was no effect on motor vehicle safety.

**Description of Remedy :**

Description of Remedy Program : Hercules will be submitting a Petition for Inconsequential Noncompliance under 49 C.F.R. 556.

How Remedy Component Differs from Recalled Component : NR

Identify How/When Recall Condition was Corrected in Production : According to the Fabricating Manufacturer, SHANDONG GUOFENG RUBBER & PLASTIC CO.,LTD., the mold with the incorrect orientation of the serial week and year was removed from production at the beginning of the 41st week on October 10, 2021 at the completion of the prior week's production run.

**Recall Schedule :**

Description of Recall Schedule : NR

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