



U.S. Department
of Transportation
**National Highway
Traffic Safety
Administration**

Administrator

400 Seventh Street, S.W.
Washington, D.C. 20590

OCT 28 2003

The Honorable Robert C. Byrd
Ranking Member, Committee on Appropriations
United States Senate
Washington, DC 20510

Dear Senator Byrd:

In compliance with the Conference Report for the portion of the Consolidated Appropriations Act of FY 2003 (P.L. 108-7) dealing with the National Highway Traffic Safety Administration (NHTSA), this document constitutes NHTSA's report to the House and Senate Committees on Appropriations detailing the methods the agency will adopt to ensure that all tires imported and sold in the United States comply with NHTSA's early warning reporting (EWR) regulations. At the request of Senator Richard Shelby, Chairman of the Subcommittee on Transportation, Treasury and General Government, Committee on Appropriations, we have addressed several other issues related to NHTSA's implementation of the EWR regulations.

Actions that NHTSA Will Take to Ensure that All Tire Manufacturers Provide EWR Information

Under NHTSA's EWR regulations (49 CFR Part 579), all tire manufacturers (including importers and brand name owners) that sell tires in the United States, or import tires into the United States for resale, are required to report certain data to NHTSA on a quarterly basis to help the agency to promptly identify possible safety defects. As set forth in the regulations, the term "manufacturer" means a person manufacturing or assembling motor vehicle equipment or importing motor vehicle equipment for resale, and includes any parent corporation, any subsidiary or affiliate, and any subsidiary or affiliate of a parent corporation of a manufacturer (49 CFR 579.4(c)). Reports to NHTSA under the EWR regulations may be made by the fabricating manufacturer, the importer, the brand name owner, or a parent or United States subsidiary of the fabricator, importer, or brand name owner of the motor vehicle equipment (49 CFR 579.3(b)). Tire manufacturers that operate solely outside the United States are not subject to the EWR requirements.

To ensure compliance with the reporting requirements, NHTSA's Office of Defects Investigation (ODI) will review the list of all tire manufacturers, importers, and brand name owners identified in the "Who Makes It and Where Tire Directory," published by Tire Guides, Inc. ODI will also review previous tire recalls and NHTSA's registry of designated agents for

service of process in an effort to identify additional tire manufacturers. In addition, NHTSA will consult with the Bureau of Customs and Border Protection to see if that agency has records of any other tire importers. ODI will assign a unique EWR User Identification Number to each tire manufacturer and will also attempt to contact each tire manufacturer to advise it of its responsibilities under the EWR regulations. At the conclusion of each reporting period, the NHTSA data system, known as ARTEMIS, will generate a report identifying any late or nonresponsive manufacturers.

Actions that NHTSA Will Take to Ensure that EWR Information Submitted to the Agency is Accurate and Complete

NHTSA's ODI will routinely review the submissions of all manufacturers, including tire manufacturers, to ensure that they are providing the information required under the EWR regulations. Among other things, ARTEMIS will automatically conduct validation checks to ascertain whether the submitted data is complete and in an acceptable form, and it will reject improper submissions. ODI will also compare the manufacturers' submissions on a quarter-by-quarter basis to identify possible anomalies in the data. If we find that a manufacturer is not complying with the EWR regulations, we will invoke our enforcement authority, as appropriate, to compel production of the required information and to obtain appropriate civil penalties.

Identify the NHTSA Office Responsible for Enforcing the EWR Regulations

ODI is responsible for the receipt, storage, and analysis of EWR data. That office, in conjunction with the agency's Office of the Chief Counsel, will be responsible for the enforcement of the EWR requirements, including the requirement to submit timely and complete information in accordance with the regulations.

List NHTSA's Plans, Approaches, Protocols, Methods, Documents, etc. that Address These Actions

ODI has prepared numerous documents that will guide its implementation of the EWR regulations and will assist the industry in complying with those regulations. Some of the items are listed below.

- Manufacturer Reporting Templates and Instructions on Reporting
- File Naming Conventions for Aggregate Data Submissions and for Copies of Field Reports
- ODI Workflow Plan Incorporating Review of EWR Information
- EWR Compendiums for Manufacturers -- There are separate compendiums for manufacturers of vehicles, tires, and child restraint systems (these are currently available on the NHTSA Website and will be sent to identified manufacturers by the end of September 2003)

In addition, ODI's Defects Assessment Division Control Plan is under development and will be completed prior to the end of the third quarter of this year, which is the first calendar quarter for which EWR is required.

In early 2005, after a year of experience receiving and reviewing EWR data submissions, NHTSA plans to submit another report to the Committees on the status of information submissions by manufacturers, what procedures were followed in identifying noncomplying manufacturers, and what actions, if any, have been initiated to enforce the EWR regulations.

An identical report has been sent to Chairman of the Senate Committee on Appropriations; Chairman of the Senate Subcommittee on Transportation, Treasury and General Government, Committee on Appropriations; Ranking Member of the Senate Subcommittee on Transportation, Treasury and General Government, Committee on Appropriations; Chairman of the House Committee on Appropriations; Ranking Member of the House Committee on Appropriations; Chairman of the House Subcommittee on Transportation, Treasury, and Independent Agencies, Committee on Appropriations; and Ranking Member of the House Subcommittee on Transportation, Treasury, and Independent Agencies, Committee on Appropriations.

Sincerely yours,



Jeffrey W. Runge, M.D.



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400 Seventh Street, S.W.
Washington, D.C. 20590

OCT 28 2003

The Honorable Ernest Istook
Chairman, Subcommittee on Transportation, Treasury,
and Independent Agencies
Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

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Jeffrey W. Runge, M.D.



U.S. Department
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400 Seventh Street, S.W.
Washington, D.C. 20590

OCT 28 2003

The Honorable Patty Murray
Ranking Member, Subcommittee on Transportation,
Treasury and General Government
Committee on Appropriations
United States Senate
Washington, DC 20510

Dear Senator Murray:

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Sincerely yours,

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Jeffrey W. Runge, M.D.



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400 Seventh Street, S.W.
Washington, D.C. 20590

OCT 28 2003

The Honorable David R. Obey
Ranking Member, Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Obey:

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U.S. Department
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400 Seventh Street, S.W.
Washington, D.C. 20590

OCT 28 2003

The Honorable John W. Olver
Ranking Member, Subcommittee on Transportation,
Treasury, and Independent Agencies
Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Olver:

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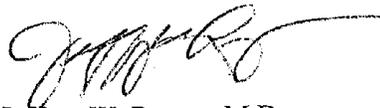
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OCT 28 2003

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An identical report has been sent to Chairman of the Senate Committee on Appropriations; Ranking Member of the Senate Committee on Appropriations; Ranking Member of the Senate Subcommittee on Transportation, Treasury and General Government, Committee on Appropriations; Chairman of the House Committee on Appropriations; Ranking Member of the House Committee on Appropriations; Chairman of the House Subcommittee on Transportation, Treasury, and Independent Agencies, Committee on Appropriations; and Ranking Member of the House Subcommittee on Transportation, Treasury, and Independent Agencies, Committee on Appropriations.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Jeffrey W. Runge", with a long horizontal flourish extending to the right.

Jeffrey W. Runge, M.D.



U.S. Department
of Transportation

**National Highway
Traffic Safety
Administration**

Administrator

400 Seventh Street, S.W.
Washington, D.C. 20590

OCT 28 2003

The Honorable Ted Stevens
Chairman, Committee on Appropriations
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

In compliance with the Conference Report for the portion of the Consolidated Appropriations Act of FY 2003 (P.L. 108-7) dealing with the National Highway Traffic Safety Administration (NHTSA), this document constitutes NHTSA's report to the House and Senate Committees on Appropriations detailing the methods the agency will adopt to ensure that all tires imported and sold in the United States comply with NHTSA's early warning reporting (EWR) regulations. At the request of Senator Richard Shelby, Chairman of the Subcommittee on Transportation, Treasury and General Government, Committee on Appropriations, we have addressed several other issues related to NHTSA's implementation of the EWR regulations.

Actions that NHTSA Will Take to Ensure that All Tire Manufacturers Provide EWR Information

Under NHTSA's EWR regulations (49 CFR Part 579), all tire manufacturers (including importers and brand name owners) that sell tires in the United States, or import tires into the United States for resale, are required to report certain data to NHTSA on a quarterly basis to help the agency to promptly identify possible safety defects. As set forth in the regulations, the term "manufacturer" means a person manufacturing or assembling motor vehicle equipment or importing motor vehicle equipment for resale, and includes any parent corporation, any subsidiary or affiliate, and any subsidiary or affiliate of a parent corporation of a manufacturer (49 CFR 579.4(c)). Reports to NHTSA under the EWR regulations may be made by the fabricating manufacturer, the importer, the brand name owner, or a parent or United States subsidiary of the fabricator, importer, or brand name owner of the motor vehicle equipment (49 CFR 579.3(b)). Tire manufacturers that operate solely outside the United States are not subject to the EWR requirements.

To ensure compliance with the reporting requirements, NHTSA's Office of Defects Investigation (ODI) will review the list of all tire manufacturers, importers, and brand name owners identified in the "Who Makes It and Where Tire Directory," published by Tire Guides, Inc. ODI will also review previous tire recalls and NHTSA's registry of designated agents for

service of process in an effort to identify additional tire manufacturers. In addition, NHTSA will consult with the Bureau of Customs and Border Protection to see if that agency has records of any other tire importers. ODI will assign a unique EWR User Identification Number to each tire manufacturer and will also attempt to contact each tire manufacturer to advise it of its responsibilities under the EWR regulations. At the conclusion of each reporting period, the NHTSA data system, known as ARTEMIS, will generate a report identifying any late or nonresponsive manufacturers.

Actions that NHTSA Will Take to Ensure that EWR Information Submitted to the Agency is Accurate and Complete

NHTSA's ODI will routinely review the submissions of all manufacturers, including tire manufacturers, to ensure that they are providing the information required under the EWR regulations. Among other things, ARTEMIS will automatically conduct validation checks to ascertain whether the submitted data is complete and in an acceptable form, and it will reject improper submissions. ODI will also compare the manufacturers' submissions on a quarter-by-quarter basis to identify possible anomalies in the data. If we find that a manufacturer is not complying with the EWR regulations, we will invoke our enforcement authority, as appropriate, to compel production of the required information and to obtain appropriate civil penalties.

Identify the NHTSA Office Responsible for Enforcing the EWR Regulations

ODI is responsible for the receipt, storage, and analysis of EWR data. That office, in conjunction with the agency's Office of the Chief Counsel, will be responsible for the enforcement of the EWR requirements, including the requirement to submit timely and complete information in accordance with the regulations.

List NHTSA's Plans, Approaches, Protocols, Methods, Documents, etc. that Address These Actions

ODI has prepared numerous documents that will guide its implementation of the EWR regulations and will assist the industry in complying with those regulations. Some of the items are listed below.

- Manufacturer Reporting Templates and Instructions on Reporting
- File Naming Conventions for Aggregate Data Submissions and for Copies of Field Reports
- ODI Workflow Plan Incorporating Review of EWR Information
- EWR Compendiums for Manufacturers -- There are separate compendiums for manufacturers of vehicles, tires, and child restraint systems (these are currently available on the NHTSA Website and will be sent to identified manufacturers by the end of September 2003)

In addition, ODI's Defects Assessment Division Control Plan is under development and will be completed prior to the end of the third quarter of this year, which is the first calendar quarter for which EWR is required.

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Jeffrey W. Runge, M.D.



U.S. Department
of Transportation

**National Highway
Traffic Safety
Administration**

Administrator

400 Seventh Street, S.W.
Washington, D.C. 20590

OCT 28 2003

The Honorable C.W. Bill Young
Chairman, Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

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Jeffrey W. Runge, M.D.



U.S. Department of
Transportation
Office of the Secretary
of Transportation

Memorandum

Subject: **ACTION:** Transmit Report to Congress on
Early Warning Reporting System

Date: OCT 22 2003

From: Phyllis Scheinberg *Phyllis Scheinberg*
Acting Assistant Secretary for Budget and Programs/CFO

Reply to
Attn. of: PSandy: x68539

To: Jeffrey Runge, M.D., Administrator
National Highway Traffic Safety Administration

NHTSA's report to Congress "Early Warning Reporting System," called for in the Conference Report for the Consolidated Appropriations Act (P.L. 108-7) was circulated for concurrence to OMB and other OST offices. All recommended changes and comments have been incorporated.

Once NHTSA transmits the report to Congress, we would appreciate receiving a copy of the final report and its transmittal letters.

Attachment



U.S. Department of
Transportation
Office of the Secretary
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→ADM 6-9
 XRMVP900
 XRMVP125
 XR EXT7
 B/I/M/O/S/Y

OCT 28 2003

The Honorable Robert C. Byrd
 Ranking Member, Committee on Appropriations
 United States Senate
 Washington, DC 20510

Dear Senator Byrd:

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