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November 23, 2015

The Honorable Cory Booker
359 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Cory Booker
One Gateway Center
23rd Floor
Newark, NJ 07102

Dear Senator Booker,

Some of my members have forwarded me your recent response to their concerns regarding mandatory tire registration, and I wanted to write you myself and respond in depth. After reading your response I am both disappointed and encouraged.

The disappointment comes from the fact that it sounds as if you support the provision to require mandatory tire registration. Yet I am also encouraged because you say that you support “reasonable and necessary initiatives to strengthen the recall processes”. Before I proceed further, let me be clear: I, and I am positive that I speak for all tire dealers in this sentiment, also support initiatives to improve tire safety. But mandatory tire registration, as it would be structured in this bill, is unreasonable, burdensome, and horribly ineffective.

NJGCA and the Tire Industry Association (TIA), which represents tire dealers throughout the nation, have put together a fair and reasonable compromise, one that is less burdensome and much more effective. Unfortunately, the tire manufacturers are not interested in even having a discussion of the issue. This mandate was slipped into the Highway Bill without a single committee hearing in either house of Congress.

Yes, our compromise would still place a certain amount of responsibility, as well as some level of burden on independent small business owners, but we are willing to do our part in enhancing the safety of vehicles on the road today.

In order to accomplish a truly effective tire registration process, it’s important that you understand what the actual burdens of the proposed mandate are. For one, it will require the small business’s personnel to manually read the molded imprint of the twelve digit alphanumeric Tire Identification Number (TIN) and then manually transcribe it without error. The process is tedious, time consuming (for both employee and waiting customer), and seriously error prone.

Repair shop owners and tire dealers, although not presently equipped, would be agreeable to utilizing scanning equipment that would be capable of reading a chip that has been embedded into the tire during the manufacturing process. The technology presently exists to make such a system a reality, and at a low cost; yet the manufacturers have not found the will to do it. While maintaining and actually using that scanning equipment would be a small burden in itself, we would consider it our fair share in the effort to remove improperly manufactured tires from the roads.

Additionally, tires that have been embedded with these scannable computer chips will have the ability to be scanned any time that vehicle is in for any service, anywhere in the country. This will allow alert technicians to scan a vehicles tires even if it is in the shop simply for an oil change, and notify the customer right on the spot, that the tires on the vehicle have been recalled. How much more effective can this be? Will using the outdated mandatory tire registration process that will be implemented in the current Highway Bill ever be able to accomplish this benefit?

Along with the burden of mandatory tire registration, there is the fact that it has a built in ineffectiveness that will make the burden not worth the benefit. The proposed system would be ineffective because once the tire is registered, there is no way of tracking the tire once the original customer sells or transfers the ownership of the vehicle. Scanning equipment would solve this because it would be capable of also scanning the Vehicle Identification Number (VIN) that every vehicle already has attached to it in several locations, making it already set up for easy scanning.

The database would not only list the owners of the tire, but it would also match the TIN to the VIN. Since every state already requires VIN numbers when a vehicle is registered by a resident, any tire that was improperly manufactured and is recalled could be much more easily tracked down. The contact information would then not be the person who purchased the tire, but the person who presently owns the tire, which in the end is the only person who actually matters, because contacting the previous owner of a tire accomplishes nothing.

One of the biggest issues with the mandatory tire registration provision currently in the Highway Bill is the requirement that all of this customer data be given to the big tire manufacturers. Tire manufacturers have already begun to aggressively market their products directly to motorists through email and direct mail, and giving them the valuable contact info that small businesses are collecting, including information about the types of tires they have already purchased, will be opening the gate of the henhouse for the fox.

I have attached an example of such marketing that was recently received by a member after registering a tire. This small business owner registered a tire as a test, listing his shop as the

business that sold the tire and his own name and email address as the customer's. It was not long before he received a coupon from the manufacturer offering a discount on future tires purchased directly from the manufacturer.

Independent small business owners, in order to do their part in helping recall improperly manufactured tires, would be agreeable to sending the TIN and VIN data to a neutral third party, like the National Highway Traffic Safety Administration (NHTSA).

NHTSA could store the data and send affected motorists the necessary recall notifications. If the notification has the imprimatur of a government safety agency, it will be more likely that motorists will take note and take action. Any cost involved could be covered by the manufacturer, which is truly the responsible party for improperly manufacturing the tire in the first place. Such a process would successfully shield the proverbial hens from the fox. Since the tire companies improperly manufactured the tire, it is they who should bear the burden of the recall without passing the burden to small business owners who are caught in the middle.

Further, the federal government should not require small businesses to provide the personal information, including name, email address, and home address of millions of consumers to huge corporations, many of them based in foreign countries, some of which are partly owned by foreign governments. Approximately 100 million foreign made tires are sold every year in the U.S. A majority of these are imported from China, which subsidizes its rubber companies. After so much personal data was stolen by hackers based in China, the federal government should not pass a mandate to make it so that theft will no longer be required for China to obtain much of this information.

If the Highway Bill is passed as currently drafted, it means that NHTSA will promulgate regulations with all the burdens I have described. Tire manufacturers are supporting this process because it lets them off the hook for products that they manufactured improperly and which pose a danger to public safety because of their errors. By forcing small business auto repair shops and tire dealers to do the laborious and costly work of helping to track down the tires, they are able to lessen the costs they must pay for their mistakes.

There are many manufacturers in other industries who find themselves having to recall their products, including children's toys, furniture, and child safety seats. No one would deny the importance of recalling these products, yet retailers are not required to register toys and car seats when they sell them. How often do we hear of various food products being recalled? Imagine the burden and the outcry that would ensue if the tens of thousands of grocery stores in the country had to register every package of meat they sold to consumers.

All of these producers bear the burden of their own mistakes and it is on them to notify the public when some of their products are unsafe for use or consumption by the general public and need to be returned. Tire manufacturers should be held to the same fair standard.

Please note that mandatory tire registration had been required up until 1982, but was repealed due to its burdensome and ineffective nature. Also please remember that both email and the internet did not exist back then, creating the worry about allowing the fox in to the henhouse. We should have a tire registration system that embraces modern technology rather than bringing back an antiquated system. As someone who makes a point of being on the cutting edge of technology, I think you would agree.

I hope that you will use your leadership to convince the conferees working on the Highway Bill right now to strip the mandatory tire registration provision.

I also ask that you further use your leadership by introducing a standalone piece of compromise legislation that will not only authorize NHTSA to create a tire registration process, but instead will specify exactly how the process should be implemented, and maintain a database as specified in this letter. I am asking that you strive to pave the way for a truly effective tire registration process that will be far less burdensome on small businesses, not let the fox into the henhouse, and not turn over consumer data to foreign manufacturers.

For your convenience here is the list of your colleagues who have been named conferees: Chuck Schumer (D-NY), Barbara Boxer (D-CA), Sherrod Brown (D-OH), Bill Nelson (D-FL), Ron Wyden (R-OR), Dick Durbin (D-IL), Jim Inhofe (R-OK), John Thune (R-SD), Orrin Hatch (R-UT), John Cornyn (R-TX), John Barrasso (R-WY), Lisa Murkowski (R-AK), and Deb Fischer (R-NE). There are also two House members from New Jersey on the conference committee: Albio Sires (D-8) and Frank Pallone (D-6). We have been in touch with both on this issue.

I hope that we will be able to work together on this issue soon, and I am happy to meet with you to discuss this further either in your Washington D.C. office or here in your district office.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sal Risalvato". The signature is fluid and cursive, with a large initial "S" and "R".

Sal Risalvato
Executive Director

Sent via email & U.S. Mail