

THE FLANIGAN LAW FIRM

January 20, 2010

Mr. James Goldstene
Executive Director
c/o Clerk of the Board
California Air Resources Board
1001 "I" Street
Sacramento, CA 95814

Re: Response to the January 12, 2010, Second 15-Day Notice of Public Availability of Modified Text Regarding the Proposed Regulation for Under Inflated Tires to Adopt New Section 95550 of New Sub-Section 8 of Article 1, Chapter 1, Division 3, Title 17, of the California Code of Regulations.

Dear Mr. Goldstene:

Our remaining concern regarding these proposed regulations has to do with section 95550 (c) Definitions, (14) "Unsafe Tires." The regulation proposes to include "age" when applying "...standard industry practices..." for determining the safety of a tire. There are no industry standards regarding the age of a tire and safety.

The fact of the matter is that no reliable scientific data has yet to be produced on the issue. Over the last several years, Congress has been urged to fund a National Highway Traffic Safety Administration (NHSTA) study on tire aging. However, no definitive study has yet to authorized or funded. Along with there being no standard industry practice, there also is no agreement on the matter among tire manufacturers, auto manufactures, or the Tire Industry Association (which has no position on aging but does suggest that a qualified technician remove the tires and examine them if they are over ten years old). Finally, even NHTSA has stated that definitive research on tire aging is needed before the issue can be resolved.

Therefore, until definitive scientific data is produced, we respectfully request that "age" be removed as an element for determining "unsafe tires."

Respectfully submitted,



Mike Flanigan
Legislative Advocate
On Behalf of Les Schwab Tire Centers

cc: Jodie Hueske, Vice President Human Resources,
Director of Legal Services, Les Schwab Tire Centers
Paul Fiore, Tire Industry Association
Terry Leveille, California Tire Dealers