

DOCKETED

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*Comment Received From: California Automotive Business Coalition
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Tire Regulations Comments

See attached letter.

Additional submitted attachment is included below.



Our Vision Statement

Our vision is to have a positive image in the marketplace with our consumers, industry and government that creates an environment where all stakeholders benefit from our collective efforts.

March 6, 2023

California Energy Commission
715 P Street
Sacramento, CA 95814

Reference: CEC Replacement Tire Efficiency Regulations

The California Automotive Business Coalition (CalABC) is a coalition of automotive repair dealers consisting of National Corporations, Limited Liability Companies, Franchise Dealers and Independent Repair Shop Owners. The Coalition also includes members of Educational Institutions, Environmental & Safety Businesses who all work together on Regulations, Legislation, Education and Environmental & Safety to improve the marketplace for consumers, businesses and the agencies who regulate our industry.

We are collectively concerned over your proposed regulations on tires in your efforts to reduce rolling resistance. While we understand the impact tire particles and "tire dust" have on the environment, we need to keep in mind the importance of the safety aspects of tires and the motoring public. Many of us attended the Zoom hearing and heard the presenters and members of our industries' comments. The focus was on the draft regulations, what your agency is proposing to reduce the rolling resistance of tires.

What we failed to hear were comments about the concerns over your efforts to reduce rolling resistance and tire performance. The conversation never accounted for how this will affect how the tires perform. Things to consider in changing the composition of tires are traction, in all types of weather, cornering and handling and the stopping and braking characteristics when you reduce rolling resistance. Reducing rolling resistance could very well take the average tire tread depth down from the 11/32nd to something lesser just on the sake of reducing rolling resistance. In turn, consumers will potentially get less miles out of a set of tires and increase scrap tire disposal.

Now let's get into the proposed regulations that will apply to all tire retailers (tire dealers, auto repair dealers selling tires, etc.). See concerns below - highlighted in yellow.

- Pricing information on Sign – The language in section 3309(a)(1) regarding pricing is very confusing and places an unreasonable burden on businesses. Displaying pricing information for each replacement tire is unworkable for tire dealers. Some retail tire dealers have hundreds of tires in stock and prices change regularly due to economic factors. The tire dealer would literally need a sign large enough to list all the tire sizes for all vehicles they fit. This is not practical.
- Sign Placement. The sign placement requirements in section 3309 (a)(1)(A)(5)(6) are very restrictive, burdensome and provide no flexibility for the tire dealer. The goal of the sign is to be easily seen by the consumer. These sections should be deleted and replaced with other language such as "sign should be in a location where it is clearly visible to the general public." Please see Bureau of Automotive Repair regulations 16 CCR section 3307 (a) (b) (c).
- Independent Verification of Disclosure. Does the tire dealer have to independent verify every tire energy efficiency disclosure under section 3309 (a)(1) (B) to make sure its accurate or can they rely of the tire manufacturer disclosures and pass information along? Who is ultimately responsible for this information? Will tire dealers be subject to frivolous lawsuits for passing the energy information to the consumer, if inaccurate?

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- Existing Inventory of Tires. Do tire dealers have to stop selling noncompliant efficiency rated tires on January 1, 2025? How do tire dealers handle exiting tire inventory that is noncompliant after the deadline to comply? Will tires manufactured before the deadline be exempt?
- How to Identify & Confirm CA Tire Compliant Tires. How do tire dealers easily ascertain and verify that the tires are CA compliant. Will tire manufacturers be required to mark tires as CA compliant? If so, with what type of markings? If not, how will the tire dealer ascertain and verify compliance?
- Customer Tire. If a customer purchases and brings their own non-compliant tire to the dealer, can the tire dealer install tire without violating the law and incurring penalties?
- Documentation. What documentation and records will be necessary for the tire dealer to show that they comply?
- Enforcement. Will the CEC be enforcing this new law or other agencies such as the BAR enforce?
- Exemptions for Fleet work/Commercial Business Arrangements. Will there be exemptions for tire dealers who have commercial business agreements with other commercial businesses for tire replacement on a continuing basis?
- Exemptions for certain auto repair dealers that occasionally replace tires. Auto body shops, smog check test/repair shops, preventative maintenance facilities and other small mechanic shops on occasions will replace a tire upon a consumer request. The primary business of such facilities is not selling tires. Requiring these types of businesses to meet the same requirements as those that in the primarily business of selling tires is not appropriate. The CA Air Resources Board took such types of low volume businesses into consideration when they developed the “check and inflate” tire regulations and provided exemptions for certain businesses. Title 17 section 95550. As an alternative to exemptions, consider revising the definition of Tire Dealer and Tire Retailer under (Section 3302) to include only those that are primarily in the business of selling tires to consumers which would exempt the occasion tire replacement situations.

In closing, we're extremely interested in working with your agency and all the stakeholders involved to find a workable solution that address your concerns over rolling resistance While addressing the importance of tire traction, in all types of weather, cornering and handling and the stopping and braking characteristics and the safety of the motoring public.

Sincerely,

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