

# JEAN PHILIP GAUTHIER LAW OFFICE

August 31<sup>st</sup>, 2007

**VIA FAX: (202) 366-7882**

George H. Person  
Chief - Recall Management Division  
Office of Defects Investigation  
National Highway Safety Administration  
400 7<sup>th</sup> Street, SW, NVS-217  
Washington, D.C. 20590

**Re: NHTSA Tire Recall No. EQ07-002 - NVS -215rw**

Dear Mr. Person:

In accordance with your request as to the recall of light truck radial tires manufactured by Hanzhou Zhongce Rubber Co. Ltd. ("HZR"), and on behalf of my client, Caribbean Rubber Corporation, I hereby submit our response to your queries as they pertain to the distribution and sales of any such tires.

Caribbean Rubber Corporation has been in the business of importing and selling tires throughout the island of Puerto Rico for over forty four (44) years. Distributing eight (8) brands of tires produced by five (5) tire manufacturers. Even when it is a fact that my client currently distributes light truck radial tires manufactured by HZR, Caribbean Rubber Co.'s commercial relation with HZR began in the month of August, 2006, more than seven (7) months after HZR stopped production on the line of subject radial tires, which safety, performance and durability have been placed in doubt by FTS.

It is our understanding that the radial tires included in the referenced recall are Phase 2 HZR light truck radial tires. The President of Caribbean Rubber Co., Mr. Carlos Gutierrez, can attest to the fact that they do not possess in inventory any such tires and the earliest manufactured light truck tires in inventory were manufactured by HZR no earlier than on the 28<sup>th</sup> week of 2006. Moreover, Mr. Gutierrez can also declare that Caribbean Rubber Co. has not distributed, nor sold, any Phase 2 HZR light truck radial tires to no person or firm in the island. All tires purchased by my client from HZR are Phase 3 HZR light truck radial tires. Statement based on the Hogan & Hartson July 11, 2007 communication which sets forth that HZR stopped production of the phase 2 line of radial tires on the 3<sup>rd</sup> week of January 2006, and from the investigation conducted by Caribbean Rubber Co. of its sale and inventory of HZR's line of tires, which did not find any of the tires subject to the recall in its records.

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On another note, Caribbean Rubber Co. has not received any complaints or allegations as to a defect, flaw or imperfection as to any of the lines of light truck radial tires manufactured by HZR, nor has any of its clients submitted a report as to any phase 3 HZR tire which has led to an accident or injury.

Caribbean Rubber Corporation is fully aware of its duty to ensure that your agency is provided all requisite information as it pertains to the protections of those who transit our highways and neighborhood streets. In light of such obligation and in order to fully comply with the investigation being conducted by your office, we hereby proceed to respond to your queries as they relate to the light truck radial tires manufactured by HZR.

- Please identify by brand, model name and size all light truck radial tires produced by HZR that are the same size as any of the tires identified on page 1 of this letter, and which were imported into the United States by your company between January 2001 to the present, that your company sold or otherwise distributed in the United States. These tires are referred hereinafter as "similar tires."*

<b>I.</b>	<b>LT 31X10.5R15</b>	<b>WESTLAKE CR861</b>
<b>II.</b>	<b>LT 31X10.5R15</b>	<b>GOODRIDE CR861</b>
<b>III.</b>	<b>LT 225/75R16</b>	<b>GOODRIDE CR861</b>
<b>IV.</b>	<b>LT235/85R16</b>	<b>GOODRIDE CR861</b>
<b>V.</b>	<b>LT235/85R16</b>	<b>WESTLAKE CR861</b>
<b>VI.</b>	<b>LT245/75R16</b>	<b>GOODRIDE CR861</b>
<b>VII.</b>	<b>LT245/75R16</b>	<b>WESTLAKE CR860</b>

- If your company does not agree with the statement made in the enclosed report by FTS that your company imported tires manufactured by HZR that are similarly constructed and of the same size as those identified by FTS, and if your company does not believe that those similar tires contain a safety-related defect, please provide an explanation for your company's position.*

**Caribbean Rubber Co. has imported and distributed lines of light truck radial tires which may be identified as being "similar" to those placed into question by FTS. However, for my client to be able to distinguish if the phase 3 radial tires acquired from HZR, are "similar" to the phase 2 radial tires impugned by FTS, would require the evaluation of technical data and specifications, coupled with the consultation of experts in the field of tire design and performance, in order to determine what similarities exist, if any, between the phase 2 & 3 tires.**

**Even when my client does not possess the requisite expertise to distinguish the "similarities" between the tires included in the phase 2 recalled radial tires to the phase 3 radial tires it distributes, Mr. Gutierrez can declare that as of today, not one client of Caribbean Rubber Co. has presented any complaints whatsoever as to the quality, durability or workmanship of the HZR light truck phase 3 radial tires sold in the island of Puerto Rico.**

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3. *Separately, for each tire line identified as similar tires above, state quantity of, and the range of TINS, for those tires that your company sold to wholesalers, retail distributors or dealers, or the general public through individual sales.*

**As previously indicated, Caribbean Rubber Co. has not distributed, sold or otherwise dealt with any of the recalled Phase 2 HZR light truck radial tires. The first batch of the light truck radial tires listed in averment one were produced by HZR in the 28<sup>th</sup> week of 2006, as such, all tires acquired by our company fall under the Phase 3 design tires.<sup>1</sup> Therefore, my client possesses no information or data as to the distribution or sales of phase 2 tires.**

4. *As to all similar tires that you have identified in response to Request No. 1 above, please provide the following information:*

*a. Identify by contact name, address and phone number each wholesaler, retail distributor or dealer, and individual member of the general public to whom your company directly sold or otherwise distributed any of the similar tires. Provide the number of tires sold or otherwise distributed to each, separately identified by brand name and size.*

*b. Provide a copy of each tire registration form (see 49 C.F.R. part 574) and comparable information (e.g., data bases and files with names of tire purchasers (not for resale).*

**Caribbean Rubber Co. has not distributed, sold or otherwise dealt with any of the recalled Phase 2 HZR light truck radial tires. Therefore, my client possesses no information or data as to the distribution or sales of phase 2 tires.**

5. *State whether or not your company imported and sold tires bearing the manufacturing code "FTS" in the TIN.*

**No tires have been imported from HZR which have include "FTS" in the TIN number.**

6. *State, with respect to the tires identified in response to Request No. 1 above, by tire brand name, model, tire size and year of manufacture, the number of each of the following, received by your company, or of which your company is otherwise aware, which relate to, or may relate to tread separation, blowout or belt to belt separation in the similar tires that you imported:*

*a. Reports involving a crash, injury, or fatality, based on claims against your company and/or HZR involving a death or injury, notices received by your company or HZR alleging or proving that a death or injury was caused by a possible defect in a subject vehicle;*  
*b. Property damage claims;*

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<sup>1</sup> See Hogan & Hartson communication dated July 11th, 2007, which sets forth that Phase 3 tires were "incorporated into production" from the 3rd through the 21st week of 2006.

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- c. Warranty adjustments;*
- d. Complaints, including those from fleet operators;*
- e. Third-party arbitration proceedings where your company is or was a party to the arbitration; and*
- f. Lawsuits, both pending and closed, in which your company is or was a defendant or codefendant.*

*For subparts "a through "f," state the total number of each item (e.g., fatality reports, property damage claims, warranty adjustments, etc.) separately. Multiple incidents involving the same tire are to be counted separately. Multiple reports of the same incident are also to be counted separately (i.e., a property damage claim and warranty adjustment involving the same incident in which a crash occurred are to be counted as a property damage claim and a warranty adjustment).*

*In addition, for items "ay' through "f," provide a summary description of the alleged problem and causal and contributing factors and your company's assessment of the problem, with a summary of the significant underlying facts and evidence. For items "em and "f," identify the parties to the action, as well as the caption, court, docket number, and date on which the complaint or other document initiating the action was filed.*

**Caribbean Rubber Co. has not distributed, sold or otherwise dealt with any of the recalled Phase 2 HZR light truck radial tires. Said notwithstanding, it has not received any crash or injury reports, property damage claims, or warranty adjustments as to any phase 2 light truck radial tires.**

7. *Produce copies of all documents related to each item within the scope of your response to Request No. 6, including, but not limited to, received complaints and warranty adjustment claims. Describe the search method used by your company in identifying these documents. Organize the documents separately by category (i.e., fatality, property damage claims, warranty adjustments, etc.) and describe the method your company used for organizing the documents.*

**Not Applicable**

8. *Describe all testing that your company conducted, arranged to have conducted (e.g., by a test laboratory) and/or that your company otherwise relied on in certifying that each of the subject tires were in compliance with the Federal Motor Vehicle Safety Standards. For each test, state the date of the test, describe the tire tested including model, size, and production date, describe the test (e.g., FMVSS No. 119 with "S" paragraph number) and state the test results. This information request covers a period prior to 2001 if the certification testing occurred before 2001.*

**Caribbean Rubber Co. has not conducted, or arranged any tests, as to the tires subject to the recall.**

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9. Describe all testing that your company conducted, arranged to have conducted (e.g., by a test laboratory) and/or about which your company otherwise had information on the subject tires, other than certification tests identified in your answer to Number 8 above. For each test, state the date of the test, describe the tire tested including model, size, and production date, describe the test and state the test results. This information request covers a period prior to 2001 if for subject tires designed and tested before 2001.

**Caribbean Rubber Co. has not conducted, or arranged any tests, as to the tires subject to the recall.**

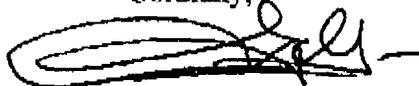
10. Provide copies of all communications with HZR related to durability and performance of the subject tires.

**Caribbean Rubber Co. has not had any communications with HZR which relate to the durability or performance of the tires subject to the recall.**

The aforementioned responses, came after a careful review of your August 3<sup>rd</sup>, 2007 letter, the Hogan & Hartson July 11<sup>th</sup> communication and the information and data related to the HZR radial tires distributed by my client. All information provided in this communication was reviewed and authorized by my client's principal, Mr. Carlos Gutierrez.

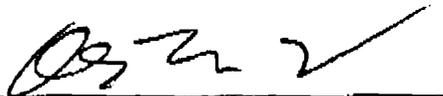
If you have any questions or doubts as to the answers and information provided herein, or there is a need for additional information, do not hesitate to contact the undersigned.

Cordially,



Jean Philip Gauthier-Iñesta

ACCEPTED IN CONFORMITY HEREWITH:



Carlos Gutierrez García  
President of Caribbean Rubber Co.

c: Ric Willard, NHTSA