



July 15, 2019

Via Regulations.gov

Thomas Healy
Trial Attorney, Office of the Chief Counsel
National Highway Traffic Safety Administration
U.S. Department of Transportation
1200 New Jersey Ave., SE
Washington, DC 20590

**RE: Record Retention Requirement; Notice of Proposed Rulemaking
[Docket No. NHTSA-2019-0035]**

Dear Mr. Healy:

The Motor & Equipment Manufacturers Association (“MEMA”) writes in response to the National Highway Traffic Safety Administration (“NHTSA”) *Federal Register* notice entitled “Record Retention Requirement; Notice of Proposed Rulemaking” (NPRM).¹ MEMA represents over 1,000 companies that manufacture motor vehicle parts for use in the light- and heavy-duty vehicle original equipment and aftermarket industries.² MEMA’s members play a key role in developing the components and systems that improve vehicle safety, efficiencies and emissions.

MEMA represents a broad spectrum of motor vehicle equipment manufacturers, including some tire manufacturers. Therefore, we share an interest with our colleagues at the U.S. Tire Manufacturers Association in responding to NHTSA’s proposal to implement the congressional mandate stipulated in the FAST Act of 2015 to extend, to a period of “not less than 10 calendar years,”³ the amount of time that manufacturers of motor vehicles, tires and child restraint systems are required to maintain records required under 49 CFR Part 576.

MEMA shares NHTSA’s interest in ensuring motor vehicles and motor vehicle equipment are safe for the driving public. We also appreciate, and support, NHTSA’s use of the NPRM to strike a balance between ensuring public safety while avoiding unnecessary burdens on manufacturers. Moreover, we applaud the agency for duly recognizing in its NPRM the cost burden differences between manufacturers of vehicles and manufacturers of tires and child restraints.⁴

MEMA appreciates NHTSA confirming that the NPRM is limited to a narrow revision of 49 CFR 576.5(a) — extending only the record retention period for records required to be maintained under 49 CFR 576.6 by manufacturers of motor vehicles, tires, and child restraints — as well as the agency’s proper recognition that “there is currently [no] justification to extend ... beyond the length

¹ 84 *Fed. Reg.* 217741 (May 15, 2019).

² MEMA represents its members through four divisions: Automotive Aftermarket Suppliers Association (AASA); Heavy Duty Manufacturers Association (HDMA); Motor & Equipment Remanufacturers Association (MERA); and, Original Equipment Suppliers Association (OESA).

³ Fixing America’s Surface Transportation Act of 2015, Public Law 114-94, Sec. 24403(a)

⁴ “While Congress did not provide discretion to establish a shorter records retention period for child restraint system and tire manufacturers, the manner in which these items differ from motor vehicles means that the costs and burdens of extending the records retention period in Part 576 for manufacturers of child restraints and tires will be different than the costs and burdens to motor vehicle manufacturers.” 84 *Fed.Reg.* at 21742-43.



required by the FAST Act.”⁵ Similarly, MEMA supports NHTSA’s decision to not extend the part 576 record retention period for manufacturers of motor vehicle equipment who do not manufacture child restraints or tires, based on its correct determination that the costs of extending the retention period for these manufacturers outweighs any potential safety benefits.⁶

MEMA also supports the comments submitted by the U.S. Tire Manufacturers Association (USTMA).

Thank you for your consideration of MEMA’s comments. Please contact me for any questions or additional information.

Regards,



Leigh S. Merino
Vice President, Regulatory Affairs

⁵ 84 Fed. Reg. at 21743.

⁶ *See id.* (“NHTSA does not anticipate that the benefits to NHTSA’s programs of extending the record retention requirements for the motor vehicle equipment manufacturers that do not have record retention responsibilities under 49 CFR 576.6 would outweigh the added burdens to these manufacturers of retaining records.”).