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Consumer Groups Sue Over Tire Pressure Monitoring Rule Rule is Arbitrary and Capricious, Groups Say

WASHINGTON - June 26 - Public Citizen, New York Public Interest Research Group (NYPIRG) and the Center for Auto Safety today sued the Secretary of Transportation over a rule issued last month addressing tire pressure monitoring systems. The groups challenge the rule as arbitrary and capricious because it allows manufacturers to choose to install either an effective system or an inferior system. The inferior system, by the agency's own admission, will fail to prevent numerous preventable accident fatalities and serious injuries.

The suit was filed in the United States Court of Appeals for the Second Circuit in New York City.

Underinflated tires are associated with hundreds of deaths and serious injuries each year and also decrease fuel efficiency. In late 2000, following the Firestone tire tragedy, Congress directed the Secretary of Transportation to issue a rule requiring vehicles to contain warning systems to alert drivers when a tire was significantly underinflated. The Secretary delegated that task to the National Highway Traffic Safety Administration (NHTSA), which issued a final rule on May 30, 2002.

In both its proposed and final regulations, NHTSA identified two types of available monitoring systems – the direct system and the indirect system. As NHTSA explicitly recognized, the direct system is far superior; in contrast to the indirect system, it can detect a lower level of underinflation in every tire, on any road surface, as soon as the vehicle is turned on.

The indirect system, although for cars with anti-lock brakes is marginally less expensive to install, does not detect underinflation if all four tires or if two tires are underinflated,

does not work on bumpy roads, and does not work until the vehicle has been driven for at least 10 minutes.

NHTSA's analysis predicted that the direct system would save more lives and prevent more serious injuries than the indirect system. Yet, under pressure from the White House's Office of Management and Budget, NHTSA weakened its final rule, allowing manufacturers to install either type of system in new vehicles indefinitely. In fact, the schedule for phasing in the warning system requirement in new cars will allow manufacturers to comply with the new regulation by using the inferior system almost exclusively for at least four years.

"Knowing whether your tires are underinflated is so important and so basic. The right system for consumers is obvious," said Joan Claybrook, president of Public Citizen, a national consumer advocacy organization. "By allowing manufacturers to install inferior monitoring systems, the government is derelict in its duty to protect the public, and the regulatory process is undermined."

As administrator of NHTSA in the late 1970s, Claybrook proposed that a tire monitoring safety system be adopted, but the idea was dropped by the Reagan administration.

"As the agency charged with making our cars and roads safer, NHTSA is supposed to put public safety, not industry interests, first," said NYPIRG legislative counsel Russ Haven. "Now it's up to the federal court to direct NHTSA to comply with Congress's tire-safety law, born of the Ford Explorer-Firestone Tire debacle, to prevent avoidable deaths and injuries."

Added Clarence Ditlow, executive director of the Center for Auto Safety, "Indirect tire pressure sensors are a second-rate solution to first-rate safety problems. American consumers deserve the best system to save lives, not the second-best system to save auto companies money."

The lawsuit was initiated by filing a petition for review. Public Citizen, NYPIRG and the Center for Auto Safety are being represented by Allison Zieve of the Public Citizen Litigation Group. [Click here](#) to view a copy of the petition.

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