

Petitioners have supplied ODI with 44 separate submissions numbering over 6,000 pages, the most recent of which arrived on June 5, 2003.

The subject Steeltex tires are large light truck radials that are produced as both original equipment and replacement tires. Firestone produced approximately 39 million of these tires in three different lines (R4S, R4S II, and A/T), 12 different sizes, and 3 different load ranges. Most of the subject tires are in the highest load range for light vehicles ($\leq 10,000$ lb Gross Vehicle Weight Rating) Load Range E (LRE). The original equipment tires have been used on Ford and General Motors vehicles, as well as by a wide range of motorhome manufacturers.

In general, light truck radial tires are constructed with thicker gauges of rubber and heavier steel belts and are designed to hold significantly greater inflation pressures than passenger tires. These tires are more sensitive to impact damage and to variations in speed, load, and inflation pressure than passenger tires.

After reviewing information submitted in support of the Petition and analyzing additional complaint and claims information obtained from Firestone, ODI has decided to deny the request to reopen the Steeltex investigation. This decision is based on the fact that an enormous population of tires is at issue whose failure rate is lower than that of peer tires used in similar applications and has changed little since PE00-040 was closed. ODI has not identified a defect trend in any of the tires in question.

Petitioners' Allegations

The Petitioners have made numerous allegations in 44 separate submissions including over 6,000 pages of materials. These allegations include:

1. That there were 2,972 VOQs in ODI's database (as accessed via the NHTSA public Web site) as of November 2002, most of which existed when ODI closed PE00-040 but were not considered during the investigation;
2. That additional complaints gathered by the Petitioners strongly suggest a safety defect trend; and
3. That all Steeltex tires contain a safety-related defect that could lead to a catastrophic tread separation.

ODI Analysis of Petitioners' Allegations

First Allegation: VOQs in NHTSA's Web site Not Noted in Closing of PE00-040

The Petitioners allege that they identified 2,972 VOQs on the subject tires on NHTSA's Web site in October 2002. They further allege that most of

these VOQs existed at the time that PE00-040 was closed. More recently, they have been quoted in the media as claiming that as of May 2003, the NHTSA Web site contained 4,000 records concerning "Steeltex-related accidents."³

The Petitioners provided hard copy summaries of the 2,972 VOQs they identified. A review of these VOQs, however, demonstrates that a majority are duplicate records. In addition, a significant number do not involve the Steeltex tires at issue. For instance, the Petitioners included VOQs that pertain to tires such as Firestone 721 tires and Steeltex ASR tires last produced in 1992, as well as VOQs reporting issues unrelated to tread separation, such as wear and vibration. Also included in their submissions were VOQs that do not pertain to tires at all (e.g., complaints about vehicle stalling and brake malfunction).

ODI has conducted a thorough review of its complaint database to assess the Petitioners' claims. This review found that as of April 2002, when PE00-040 was closed, the database contained 930 VOQs related to a Steeltex tire failure. These include complaints about tires that were properly identified as Steeltex models or contained the word "Steeltex," or all reasonable misspellings of the word, in the complaint description field. About 60% of these (550) cited tread separations. The numbers of VOQs alleging crashes, injuries, and deaths from tread separation failures are consistent with those reported in PE00-040.

Furthermore, ODI's review determined that as of November 2002, when the petition was submitted, the database contained 1,118 unique VOQs relating to Steeltex tire failures, less than 40% of the total asserted by the Petitioner. Of these, 672 alleged tread separations. Finally, as of May 2003, the ODI database contained 1,163 unique VOQs relating to Steeltex tire failures, 701 of which allege tread separation. These include 24 injury crashes for all tire failure modes, resulting in a total of six (6) deaths and 46 injuries. Tread separation was alleged as the failure mode in 14 of these crashes, which were responsible for all of the deaths and 30 of the injuries.

In summary, the Petitioners overstated the number of relevant VOQs received by ODI when PE00-040 was closed, when the petition was submitted, and in May 2003. Many of these discrepancies are apparently due to the Petitioners' inclusion of duplicate

complaints, complaints that do not involve the tires at issue, and complaints that do not allege a tire failure.

Second Allegation: The Number of VOQs and the Number of Additional Complaints Establishes a Safety Defect Trend

The Petitioners characterize the VOQs in the ODI database and a purported 7,000 additional complaints that they have collected as evidence of a safety defect trend. This material has been furnished to ODI in 44 different submissions throughout the petition analysis period. Their submissions contain a mixture of consumer complaints, subrogation claims, police accident reports, and court filings.

The Petitioners have attributed most of their purported 7,000 complaints to certain unidentified insurance companies in the United States who have added their policyholders to the Petitioners' class action lawsuit. However, the Petitioners have stated that the majority of these remain anonymous, and therefore have not furnished details concerning these allegations to ODI. Instead, they furnished an Internet listing of 1,150 insurance companies. In view of the incomplete nature of this information, we have been unable to evaluate these complaints. Subsequently, the Petitioners submitted some insurance claim information from companies that have responded to their solicitations. In the cases reviewed by ODI, the events described are those in which the companies chose not to pursue a subrogation claim against Firestone. In one case, a submitted claim pertained to a non-subject Firehawk R4S tire.

Of those reports and complaints that ODI was able to examine, many were merely completed copies of the Petitioner's Class Action Initial Claim forms. Other "complaints" consist of excerpts from Internet chat room discussions and what appear to be handwritten notes of names and telephone numbers. In addition, the content of many of the "complaints" was of questionable value, and included complaints concerning dissatisfaction over the wear or ride of the subject tires and complaints pertaining to tires not at issue. Of note, many of these complaints originated from consumers whose claims for reimbursement had been denied by Firestone. After excluding VOQ summaries and duplicate records, ODI was able to identify 560 complaints. These included 161 complaints alleging a Steeltex tire failure, of which 99 alleged a tread separation.

³ Rubber & Plastics News, *Lawyer: Document Shows BFS Skipped on Steeltex*, May 12, 2003.