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U.S. CONSUMER PRODUCT SAFETY COMMISSION  
WASHINGTON, DC 20207

Todd A. Stevenson  
Director • Office of the Secretary

Tel: 301-504-7923  
Fax: 301-504-0127 • Email: [tstevenson@cpsc.gov](mailto:tstevenson@cpsc.gov)

February 1, 2005

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION  
Department of Transportation / Office of General Counsel  
400 7th Street, S.W.  
Washington, DC 20590

The U.S. Consumer Product Safety Commission cannot process the enclosed request or letter. The products or matters that are the subject of the correspondence do not fall within our jurisdiction. As a result we do not maintain any records responsive to the request and cannot respond to the concerns of the correspondent.

We are forwarding the request or letter for whatever action your agency deems appropriate. We have notified the correspondent about the referral.

If you have any questions or concerns, please contact us.

Sincerely,

Todd A. Stevenson

Enclosure

Maria  
3/2/05



U.S. CONSUMER PRODUCT SAFETY COMMISSION  
WASHINGTON, DC 20207

Todd A. Stevenson  
Director • Office of the Secretary

Tel: 301-504-7823  
Fax: 301-504-0127 • Email: [tstevenson@cpsc.gov](mailto:tstevenson@cpsc.gov)

February 1, 2005

[REDACTED]  
Rye NH [REDACTED]

Re: Inquiry about your tires purchased from Wal-mart

Dear [REDACTED]

Thank you for your inquiry to the U.S. Consumer Product Safety Commission (Commission). The matter about which you are corresponding does not fall within our jurisdiction. As a result, we do not maintain any records responsive to your inquiries and cannot respond to your concerns. We are sending your letter to the National Highway Traffic Safety Administration (NHTSA). The NHTSA may maintain the information you are seeking.

You can contact them at their website, [www.nhtsa.gov](http://www.nhtsa.gov), or at this address:

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION  
Department of Transportation / Office of General Counsel  
400 7th Street, SW  
Washington, DC 20590

The Commission is an independent regulatory agency of the federal government. Its mission is to protect the consumer from unreasonable risks of injury associated with consumer products, such as home appliances, clothing and toys. It has jurisdiction over more than 15,000 consumer products, and administers the following safety laws: The Consumer Product Safety Act, the Federal Hazardous Substances Act, the Flammable Fabrics Act, the Poison Prevention Packaging Act, the Refrigerator Safety Act and the Cigarette Safety Act. Our records usually concern issues of safety and compliance with existing regulations for specific manufacturers and their consumer products.

Sincerely,

  
Todd A. Stevenson



*App: Norman Truck*

FAX/MEMO

FAX: 228-26202

TO: NH Consumer Protection and Antitrust Bureau, Tel. 271-3641

From: [Redacted], Rye [Redacted]

*rel to NH TSA*

Date: Dec. 28/2004

*Attachment: 1st p., 9.05.04 HSH*

Re: Our correspondence to you of Sept. 05, 2004, re: file 200427862, two defective, new tires purchased from Wal-Mart just prior to our West-coast bound trip, August 2004, and which blew in Canada, twice, 60 miles apart, the latter time on the 401 Hwy. towards Toronto, from Cornwall, ONTARIO, in the Wal-Mart tire repair yard (Cornwall).

The problem: Your office forwarded our complaint to the appropriate Federal Consumer Protection Department. We promptly also contacted them, per your advice.

Please contact them and advise them our "Yankee Patience" is wearing thin, and we would appreciate having a copy of your correspondence, in the event further action is needed, e.g. contacting our elected congressional representative.

May the Blessings of the New Year be upon your agency, and the good work you do. Thank you.

## FAX/MEMO

To: NH Consumer Protection and Antitrust Bureau T271-3641F

FROM [REDACTED]

Date: Sept. 05 2004 :number pp. incl. cover \_\_\_ 02

Thank you for your recent correspondence (File [REDACTED])

This is additional info re: that CP file. Our house sitter called us in Fargo, ND on Aug. 11<sup>th</sup> to say that "Dan" of the Wal-Mart Tire/Lube had left a "nasty" note on our ans. machine stating he didn't know why we had contacted the W\_M Hdqtrs. about our tire problem. (Aug. 05 fm Canada at their 1-800 number). (Apparently, he was the "acting mgr." of the tire dept. in mgr. "Bill's" absence—a claim he also made when my husband, [REDACTED] visited W-M on Sept. 03, when "Bill" was also present and whom my husband sought out ( he also went there on Sept. 02, to speak with Bill about his post Aug. 11<sup>th</sup> and pre-Aug. 28<sup>th</sup> msg. he left on our answering machine, in which he indicated our tire problems most likely were due to "road hazard" and not "tire failure". (We from our returned from our trip to Seattle on August 28<sup>th</sup>).

Bill indicated to my husband that he would contact Goodyear's Consumer Dept.

He did that and put a message (saved) onto our answering machine later on Sept. 3<sup>rd</sup> or the 4<sup>th</sup> that he had called G-Y and asked them "if there were any recalls on these tires. G-Y "No current recall on these tires." He added he "was sorry we had these problems; I do think it's ironic you had those problems...as I understand it...within a few hundred miles of each other." "Many factors can be considered :-One thing I can say if you hit a pot hole, dings to the rims, etc..."

serious, or any possible, harm is a testimony to our (husband and myself) more than 3 million miles of accumulated trouble-free driving. And, in speaking with the Goodyear Rep., I pointed out that I've been buying Goodyear tires for every vehicle we've owned collectively (that's 32) and never had this, or other manufacturing-related problems before.

Obviously, it's shifting the blame to even suggest: "Why didn't you call me- Dan's? - Where, from the 401 Hwy. in CAN?"

*Also, suggesting our car had hit pot holes, etc. or the rims had dings, is blatantly stupid! These tires, per W-M specs are 60-65000miles rated-as performance tire, with top speeds of 118 mph. However, we'll watch, ratch than be, in any races.*

We appreciate your attention, and ask that you forward this additional info to the CPSC as well.

My husband had also contacted the NHTSA and a cc of info to your office will be forwarded to it, and a cc of comment to NHTSA will accompany this information, to you, for cross-referencing purposes. possible injuries to us, that our larger purpose here, is to insure that no one else endures the same fate. Realistically, they probably have sold considerable of that "new" batch of tires received on July 8, 2004.

Ref: Tobey v. Walmart  
closed

FAX/MEMO

NH DOJ

2004 SEP -8 AM 11:30

To: NH Consumer Protection and Antitrust Bureau 271-3641 F

FROM [REDACTED]

Date: Sept. 05 2004 number pp. incl. cover 05, plus on our complaint to NHSAAdmin.

Thank you for your recent correspondence (File [REDACTED])

This is additional info re: that CP file. Our house sitter called us in Fargo, ND on Aug. 11<sup>th</sup> to say that "Dan" of the Wal-Mart Tire/Lube had left a "nasty" note on our ans. machine stating he didn't know why we had contacted the W\_M Hdqtrs. about our tire problem. (Aug. 05 fm Canada at their 1-800 number). (Apparently, he was the "acting mgr." of the tire dept. in mgr. "Bill's" absence - a claim he also made when my husband, [REDACTED] visited W-M on Sept. 03, when "Bill" was also present and whom my husband sought out ( he also went there on Sept. 02, to speak with Bill about his post Aug. 11<sup>th</sup> and pre-Aug. 28<sup>th</sup> msg. he left on our answering machine, in which he indicated our tire problems most likely were due to "road hazard" and not "tire failure". (We returned from our trip to Seattle on August 28<sup>th</sup>).

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He did that and put a message (saved) onto our answering machine later on Sept. 3rd or the 4<sup>th</sup> that he had called G-Y and asked them "if there were any recalls on these tires. G-Y "No current recall on these tires." He added he "was sorry we had these problems; I do think it's ironic you had those problems...as I understand it...within a few hundred miles of each other." "Many factors can be considered :-One thing I can say:if you hit a pot hole, dings to the rims, etc..."

page 2 Re: File [REDACTED]

These facts bear repeating, viz.:

4 new Goodyear Eagle tires were installed by W-M Portsmouth, NH on 07-09-04. Mileage 44750; re-alignment for safety's sake, at 44756.

The LF tire blew (at the Cornwall, ONT. W-M Tire/Lube Express yard at 46604. That tire had a huge bubble in the sidewall, and the gas attendant at the Hogansburg, NY Indian Reservation gas station assured us that we most likely could make it over the bridge to the W-M Tire and Lube Express. (No other repair facilities available).

The RF tire blew at 46674 (that's 70, not "hundreds of miles" later), while on the CDN. 401 hwy. at 65 mph and in the right-hand lane).

We were towed several miles to Brockville, ONT. W-M Tire/Lube Express. Both there and at Cornwall, the opinion was rendered by the tire changing staff, that the tires were "defective" and to get the back two off as reasonably soon as possible

*Back 2 tires were NOT available, however, at either the Cornwall or Brockville, ONT. W-M Tire/Lube Express.*

That opportunity was in Fargo, ND, where the two back tires were replaced at 48114. Again, no questions about any road hazards, pot holes, "dings" to the rims. We both observed and personally went over the rim business with the tire staffs.

Likewise, on my initial call to W-M on Aug. 05, I was advised the tires "probably" were defective, and that W-M Ark. would e-mail the Ports Tire/Lube Express. (Hence "Dan's" ire at contacting them).

In all of our contacts with W-M, and Goodyear, there has been NO indication that any of these agencies is interested in protecting the consumer from possible irrevocable harm. The fact that we avoided

serious, or any possible, harm is a testimony to our (husband and myself) more than 3 million miles of accumulated trouble-free driving. And, in speaking with the Goodyear Rep., I pointed out that I've been buying Goodyear tires for every vehicle we've owned collectively (that's 32) and never had this, or other manufacturing-related problems before.

Obviously, it's shifting the blame to even suggest: "Why didn't you call me- *Dan's* ?- *Where, from the 401 Hwy. in CAN?* "

*Also, suggesting our car had hit pot holes, etc. or the rims had dings, is blatantly stupid! These tires, per W-M specs are 60-65000 miles \_rated as a performance tire, with top speeds of 118 mph. However, we'll watch, rather than be, in any races.*

We appreciate your attention, and ask that you forward this additional info to the CPSC as well.

My husband had also contacted the NHTSA and a cc of info to your office will be forwarded to it, and a cc of comment to NHTSA will accompany this information, to you, for cross-referencing purposes. In spite of possible injuries to us, our larger purpose here, is to insure that no one else endures the same fate. Realistically, they probably have sold considerable of that "new" batch of tires received on July 8, 2004.



U.S. Department of Transportation  
National Highway Traffic Safety Administration

DOT Auto Safety Hotline  
**Vehicle Owner's Questionnaire**  
To Report Vehicle Safety Defects  
1-888-DASH-2-DOT  
(1-888-327-4236)  
INTERNET: www.nhtsa.dot.gov/hotline

FOR AGENCY USE ONLY 10079

Date Received

Repository

13-AUG-2004

Reference No.  
10087862

OWNER INFORMATION (Type or Print)

Name: [Redacted]  
Address: [Redacted]  
City: RYE State: NH Zip Code: [Redacted]

Daytime Telephone Number

E-mail Address

Evening Telephone Number

Do you authorize NHTSA to provide a copy of this report to the manufacturer of your vehicle?  
In the absence of an authorized signature, your name or address to the vehicle manufacturer.  
Signature of Owner: [Redacted] Date: 9/15/04

VEHICLE INFORMATION

17 digit Vehicle Identification Number located on bottom of windshield on driver's side: 2831104CR72H [Redacted]  
Make: CHRYSLER Model: INTREPID Model Year: 2002  
Date Purchased: Feb 03 Dealer's Name and Telephone Number: Port City Dodge 603-436-1243  
Original Owner: [Redacted] Dealer's City: Portsmouth, NH Zip Code: 03801  
Transmission Type: AUTOMATIC  Antilock Brakes  Powertrain: FRONT WHEEL DRIVE  
 Cruise Control Vehicle Component Code: 180000 TIRES  
Multiple Failure: 2

FAILED COMPONENT(S)/PART(S) INFORMATION

Incident Date(s): 13-AUG-2004 Failure Mileage: NA Failure Speed: 65  
2 Goodyear American Eagle tires

ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A TIRE FAILURE

Tire Make: GOODYEAR Tire Model (Name or Number): EAGLE American Eagle Tire Size (Example P215/65R15): 225/60R16  
DOT No. (Example: DOTM183BC036)  Original Equipment  Prior Repair Failure Location: 1. Highway near [Redacted] 2. Brockfield, NH Canada  
Tire Component Code: 182000 TIRES, SIDEWALL Tire Failure Type: [Redacted]

ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A CHILD SEAT FAILURE

Make: [Redacted] Date Manufactured: [Redacted] Model No./Name: [Redacted]  
Seat Type: [Redacted] Installation System: [Redacted]  
Child Seat Component Code: [Redacted] Failed Part: [Redacted]

APPLICABLE INCIDENT INFORMATION

(Please describe in detail the incident, failure(s), crash(es), and injury(ies).)

Crash:  Yes  No Fire:  Yes  No  
Number of Persons Injured: 0 Number of Deaths: 0 Reported to Police: N

Narrative Description of Incident(s), Crash(es), and Injury(ies).  
Please describe (1) events leading up to the failure, (2) failure and its consequences, and (3) what was done to correct the failure, i.e., parts repaired or replaced (and if old part is available).

GOODYEAR, AMERICAN EAGLE, SIZE 225/60R16 BW. WHILE DRIVING AT 65 MPH RIGHT FRONT TIRE BLEW OUT. CONSUMER CHANGED THE FRONT TIRE. ABOUT 50 MILES AFTER REPLACING THE FIRST TIRE THE LEFT-FRONT TIRE BLEW UP. WALMART REPLACED BOTH TIRES WITHOUT ANY CHARGE. \*AK  
RF tire developed first-sized blister in sidewall causing loss of air. 2nd tire, RF, blew suddenly about 50 miles later. Before starting on trip all four tires replaced with Wal-Mart Goodyear American Eagle tires. All tires replaced by Wal-Mart.

Include, if available: Police/Fire Department Report, Photos, and Repair Invoice. ATTACH ADDITIONAL SHEETS IF NECESSARY

The Privacy Act of 1974-Public Law 93-579 This information is requested pursuant to authority vested in the National Highway Traffic Safety Act and subsequent amendments. You are under no obligation to respond to this questionnaire. Your response may be used to assist the NHTSA in determining whether a manufacturer should take appropriate action to correct a safety defect. If the NHTSA proceeds with administrative enforcement or litigation against a manufacturer, your response, or a statistical summary thereof, may be used in support of the agency's action.

OVER ↓

Narrative Description of Incident(s), Failure(s), Crash(es), and Injury(ies)

Although that there, less & most of participants all  
Keep saying we hit something in the road at time  
Additional information enclosed - Copy of Aug 19, 2004 complaint for  
Dr. Alt Consumer Protection & Substantive Bureau, copy of their  
Sep 1, 2004 letter and additional 3 pages of information sent to  
NHTSA Bureau and Sep 4, 2004, to be forwarded to the case,  
which Alt had already contacted

ATTACH ADDITIONAL SHEETS IF NECESSARY

US Department  
of Transportation

National Highway  
Traffic Safety  
Administration

400 Seventh St., S.W.  
Washington, D.C. 20590

Official Business  
Penalty for Private Use \$300



NO POSTAGE  
NECESSARY  
IF MAILED  
IN THE  
UNITED STATES

**BUSINESS REPLY MAIL**  
FIRST CLASS PERMIT NO 78178 WASHINGTON, D.C.

POSTAGE WILL BE PAID BY NATL. HWY. TRAFFIC SAFETY ADMIN.

U.S. Department of Transportation  
National Highway Traffic Safety Administration  
Office of Defects Investigation, NVS-216  
400 7th Street, SW  
Washington, DC 20590



U.S. Department of Transportation  
National Highway Traffic Safety  
Administration  
<http://www.nhtsa.gov>

DOT Auto Safety Hotline  
(DASH) 2 DOT

**1-888-DASH-2-DOT**  
**1-888-327-4236**

**DASH2DOT**  
and dial toll free at

TO REPORT VEHICLE SAFETY DEFECTS  
COMPLETE THIS FORM  
OR

**DOT AUTO SAFETY HOTLINE**

**VEHICLE  
OWNER'S  
QUESTIONNAIRE**

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

KELLY A. AYOTTE

~~PETER W. HERR~~  
ATTORNEY GENERAL

MICHAEL A. DELANEY

~~KELLY A. AYOTTE~~  
DEPUTY ATTORNEY GENERAL



September 1, 2004

[REDACTED]  
Rye, NH [REDACTED]

Re: Our File No. [REDACTED]  
Wal-Mart Corporate Headquarters

Dear [REDACTED]

The Consumer Protection and Antitrust Bureau has received your recent letter informing our office of your concerns regarding the above-named business.

Given the nature of your concerns and the location of the business, your complaint is being referred to the Consumer Product Safety Commission. If they are able to assist you, they will contact you directly.

Sincerely,

The Consumer Protection and Antitrust Bureau  
(603) 271-3641

cc: Consumer Product Safety Commission  
10 Causeway Street  
Boston, MA 02222-1047

OFFICE OF THE ATTORNEY GENERAL  
CONSUMER PROTECTION AND  
ANTITRUST BUREAU  
33 CAPITOL STREET  
CONCORD NH 03301  
(603) 271-3641

COMPLAINT CODE

Ref

NH DOJ

COMPLAINT NO.

2004 AUG 23 AM 10:40

CONSUMER COMPLAINT FORM

Please type or print neatly, answer all questions as completely as possible, attach copies of relevant documents to the complaint.

Your Name

Mailing Address Apt #

City State Zip

Home tel. Work tel.

Complaint Against

Business: GOODYEAR TIRES - agt. WAL-MART, PORTS, NH STORE # 2130

Address:

City: State: Zip: Tel:

1. Have you complained to the company?  Yes  No

Please enclose copy of complaint sent to the business, and the business's reply, if applicable. *The complaint is that the 2 front tires purchased 07.09.04 for Wal-Mart both "blow" on Aug. 04 @ Cornwall, ONT @ 60 miles later on the 401 Hwy towards Toronto, RF fire*

2. Describe the product or service purchased: 4 6000 mi. rated Goodyear AMERICAN EAGLE 225 60R16W

3. Cost of product or service: 359.32 Date of purchase: 09 July 04

4. Was a contract signed? Yes No Customer signature - yes - "DISCLAIMER"

5. Did you receive a warranty? Yes No RF blow out - tire had ~ 1,000 mi. on it

6. Did you purchase an extended warranty or service plan? Yes No

7. Payment method: cash check credit card debit card loan

8. Was the product or service advertised? Yes No  
Radio TV Newspaper Internet Mail Other  
*HOWEVER, THE TIRE SPECS. CONTAINED IN THE STORE'S MATERS, FM GOODYEAR WERE REVIEWED AS HIGH PERFORMANCE 60,000 MILE RATED... 118 MPH TOP SP.*

## 3. Cont'd.

Aug. 5 at 6:05 pm. (There was no practical way for us to contact Ports W-M as we were in the CDN. barracks with the 14d. tel. svc.). Our stated concern is that W-M should know these were probably defective tires + to take appropriate action. W-M said it would send an e-mail to DAN/BILL (MGR) at Ports store, & advised we should probably get all remaining (back 2) tires changed as well.

4. Subsequently, on Aug. 09/04 we were able to get the 2 rear tires replaced at Sam's CWS - an adjacent W-M, which referred us to their TIRE EXPRESS service.

5. I did speak <sup>on 8-11</sup> with Dan, salesperson at W-M with whom I completed the tire purchase. He gave me the Goodyear # 1.800.997.8890 which his store had. I reached a Goodyear rep. who said he would call Dan with my concerns - but offered no insight (assurance that Goodyear would recall this batch of tires). I noted that Dan had left a msg. on my ans. mach. questioning why we didn't call W-M directly (on 4th Aug.). I also addressed this with Dan as a highly impossible scenario that we'd call W-M while standing at the roadside of HWY. 401?

6. Bottom line: it is our understanding that this type of blow-out - potentially lethal - should be reported to insure the infr. - Goodyear - takes appropriate attention/action. So far, at least for now - and lost vacation time - probably one day total, are painful - however, we had to NOT only tell about it, but report it to you for justice's action - to benefit someone else.  
Thanks

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-8897

KELLY A. AYOTTE  
ATTORNEY GENERAL



MICHAEL A. DELANEY  
DEPUTY ATTORNEY GENERAL

December 30, 2004

[REDACTED]  
Rye, NH [REDACTED]

Re: Our File No. [REDACTED]  
Wal-Mart Corporate Headquarters

Dear [REDACTED]

The Consumer Protection and Antitrust Bureau has received your recent letter informing our office of your concerns regarding the above-named business.

Given the nature of your concerns and the location of the business, your complaint is being referred to the Consumer Product Safety Commission. If they are able to assist you, they will contact you directly.

Sincerely,

The Consumer Protection and Antitrust Bureau  
(603) 271-3641

cc: Consumer Product Safety Commission  
10 Causeway Street  
Boston, MA 02222-1047

**THE ATTACHMENTS TO THIS  
DOCUMENT HAVE BEEN REMOVED  
TO PROTECT UNWARRANTED  
INVASION OF PERSONAL PRIVACY  
PURSUANT TO EXEMPTION 6 OF  
THE FREEDOM OF INFORMATION  
ACT (FOIA), 5 U.S.C. 552(b)(6).**