



March 19, 2021

*Submitted via electronic submission*

Meredith Williams, Director  
Department of Toxic Substances Control  
California Environmental Protection Agency  
P.O. Box 806, Sacramento, CA  
95812-0806

Re: Stakeholder Discussion Draft: Three Year Priority Product Work Plan (2021-2023)

Dear Ms. Williams:

The Alliance for Automotive Innovation (Auto Innovators) appreciates the opportunity to provide comments on the Department of Toxic Substances Control's (DTSC) "Stakeholder Discussion Draft: Three Year Priority Product Work Plan (2021-2023)" ("Work Plan").

We support DTSC's decision to remove two previous product categories from this draft plan: (1) carpets and rugs containing perfluoroalkyl and polyfluoroalkyl substances (PFASs), which are already regulated under the EPA's significant new use rule process; and (2) Lead-Acid Batteries. We agree with DTSC's determination that listing lead-acid batteries is not likely to enhance protection to human health given ongoing research for newer technologies.

We do, however, have serious concerns about the proposal to list zinc in tires as a proposed Priority Product. Auto Innovators' member companies and the automobiles that we manufacture need a reliable and sustainable source of tires. The tires that we purchase are highly engineered products that are required by law to certify to strict National Highway Transportation Safety Administration ("NHTSA") Federal Motor Vehicle Safety Standards (FMVSS). In addition, tires must meet durability, quality, and fuel efficiency standards prior to their sale. Zinc oxide is crucial to the manufacture of these safe and durable tires, because it imparts strength, stability, and other essential properties in a finished tire. All tires contain zinc oxide and cannot be manufactured without its use. DTSC should make clear in its description of this product category that there are no feasible alternatives, and that zinc is necessary to meet federal and state safety and fuel economy requirements.

We question the utility of listing this potential Priority Product when there are no feasible alternatives and where removal of the listed chemical, zinc, would result in non-compliance with other state and Federal statutes. For example, The Safety Act, 49 U.S.C. §§ 30103-30105 et seq., explicitly preempts any state law or regulation that conflicts with a NHTSA regulation relating to "safety." We are also concerned about the scope of this potential product category. Defaulting to the term "tires" encompasses a wide array of tire/use combinations, each of which represents different use patterns, exposure scenarios and costs and benefits assessments. If DTSC proceeds with a listing, and we do not recommend this course of action, DTSC should clarify which groups/classes of tires are of concern.

In closing, we would like to add our support to comments submitted by the U.S. Tire Manufacturers Association (USTMA), and we urge DTSC to defer further consideration of zinc in tires as a Priority Product.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Rege', written in a cursive style.

Julia M. Rege  
Vice President, Environment & Energy

