

Mr. Lloyd S. Guerci
U.S. Department of Transportation
National Highway Traffic Safety
Administration
400 Seventh Street, S.W.
Washington, DC 20590

Dear Mr. Guerci:

Thank you for your letter of January 12, 2001 concerning the Transportation, Recall, Enhancement, Accountability, and Documentation (TREAD) Act, signed by the President on November 1, 2000. Pub. L. 106-414. As you stated in your letter, Section 7 of this Act provides that in the case of a remedy program involving the replacement of tires, the manufacturer shall, to the extent possible, prevent replaced tires from being resold, and limit the disposal of replaced tires in landfills. Replaced tires would go instead to recycling, recovery, beneficial use, and incineration with energy recovery, where possible.

Figures from the Scrap Tire Management Council, an arm of the trade group Rubber Manufacturer=s Association, show that on average, over 270 million scrap tires are generated each year. At EPA we encourage the reuse and recycling of scrap tires and other municipal solid waste, wherever possible. In addition, many scrap tires are incinerated for energy recovery at pulp and paper plants, cement kilns, and dedicated tire-to-energy plants, while others are landfilled. Enclosed is *Summary of Markets for Scrap Tires*, which describes both recycling methods for scrap tires and their use for fuel.

The management of scrap tires, which is a form of municipal solid waste, is handled primarily at the state level. Most states have programs to regulate tire haulers to ensure that they take scrap tires to approved facilities for reuse, recycling, combustion for energy recovery, or disposal in landfills. Many states charge fees at some point in the life cycle of the tire such as at the point of disposal, or as a tax on the purchase of new tires, or as a fee when automobiles are registered. These funds are

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used to clean up scrap tire piles in the state. Enclosed is *State Scrap Tire Programs A Quick Reference Guide: 1999 Update*, which describes each state program and provides some overview figures on scrap tire management in the United States.

The general approach that you are taking to this regulation seems reasonable to us. We are interested in your progress in the rulemaking, and I will have Hope Pillsbury of my staff contact Mr. Sachs directly. If you have any particular questions please contact me at (202)260-4610. Thank you very much for keeping us informed.

Sincerely,

Michael H. Shapiro
Acting Assistant Administrator

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