



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, D.C. 20590

MAR 08 2016

Ms. Laura Jones  
Manager – Customs  
Lear Corporation – Guilford Mills  
21557 Telegraph Road  
Southfield, MI 48071

Ref. No. 16-0038

Dear Ms. Jones:

This responds to your March 4, 2016 email concerning exceptions accorded to safety devices that are installed in completed vehicle components under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Your company imports completed seat frames from Mexico with approved safety devices (i.e., air bags) attached. Upon importation, the seat frames are shipped to your company's plant in Arlington, Texas for assembly into seats. In your email, you inquire whether a completed seat frame assembly containing an approved air bag module is excepted from the requirements of the HMR under 49 CFR 173.166(d)(1).

The answer is yes. As prescribed in 49 CFR 173.166(d)(1), a safety device that is classed as a Class 9 (UN3268) under the terms and conditions specified in 49 CFR 173.166(b)(1), and is installed in a motor vehicle, aircraft, boat or other transport conveyance or its completed components, such as steering columns, door panels, or seat assemblies, is not subject to the requirements of the HMR. Further, the conditional exception from further regulation for completed components containing approved safety devices is recognized globally.

I hope this information is helpful. If you have any more questions, please do not hesitate to contact this office.

Sincerely,

T. Glenn Foster  
Chief, Regulatory Review and Reinvention Branch  
Standards and Rulemaking Division

Stevens  
§ 173.166(d)(1)  
Air Bags

**Dodd, Alice (PHMSA)**

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16-0038

**From:** Betts, Charles (PHMSA)  
**Sent:** Friday, March 04, 2016 12:45 PM  
**To:** Dodd, Alice (PHMSA)  
**Cc:** Foster, Glenn (PHMSA); Stevens, Michael (PHMSA); Nickels, Matthew (PHMSA)  
**Subject:** FW: Lear Corporation - Urgent Issue - Seat Frames with Air Bags  
**Attachments:** IMG\_0170.JPG; IMG\_0171.JPG; IMG\_0173.JPG; IMG\_0174.JPG  
**Importance:** High

Alice –

Please log and assign this letter to Michael Stevens. Please ask Mike to expedite a response as I would like to have a response crafted by COB Monday.

Thanks,  
Charles

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**From:** Jones, Laura [mailto:LJones@lear.com]  
**Sent:** Friday, March 04, 2016 8:33 AM  
**To:** Betts, Charles (PHMSA)  
**Cc:** Gardon, Steven  
**Subject:** Lear Corporation - Urgent Issue - Seat Frames with Air Bags  
**Importance:** High

Mr. Betts,

Thank you for taking the time to speak with me yesterday regarding the urgent issue that we have been having. Lear Corporation (“Lear”) is importing automotive metal seat frames into the US from Mexico. The seat frames along with other components are assembled into seat assemblies that are then installed in motor vehicles at vehicle assembly plants. In this case, the seat frames are shipped to Lear’s seat assembly plant in Arlington, TX for assembly into seats. The seats are then shipped to the nearby General (“GM”) vehicle assembly plant.

At the time of importation, seat the frames have air bags attached. They air bags are class 9 (UN3268) air bags that Lear purchases from Autoliv. We have attached photos of the seat frames at issue.

For your information, Lear is a Tier 1 automotive supplier of seats, seat parts, electrical distribution and electronic parts. We participate in the US Customs C-TPAT and Importer Self Assessment programs. We are also a member of US Customs Automotive and Aerospace Center of Excellence and Expertise.

It is our understanding that the frames are not subject to the Department of Transportation’s (“DOT”) hazardous materials regulations due to the exemption set out in 49 C.F.R. 173.166(d)(1). This regulation exempts class 9 (UN3268) air bags that are in completed vehicle components from the hazardous material regulations. Lear has been shipping the frames as non-hazardous materials as the frames are a complete vehicle component and the air bags from Autoliv are class 9 (UN 3268) air bags. As such, the frames with the air bags fall within this exception. We also spoke to Dave Madsen from Autoliv about this issue. Mr. Madsen also agreed that frames would be considered a complete vehicle component and should be exempt from the hazardous materials requirements.

Lear recently had a shipment that was being imported inspected by the DOT at the Port of Laredo, TX. We were informed that frames are subject to the hazardous materials regulations and must be declared as such at the time of

entry. As a result, we immediately began declaring the frames as hazardous materials to US Customs. For new shipments of hazardous materials, US Customs at the Port of Laredo imposes a mandatory 24 hour hold. The importer must prefile information with Customs 24 hours prior to arrival at the Port. This has greatly constrained our supply chain and led to us almost shutting down the GM Arlington, TX plant. Laredo Customs is now allowing Lear to operate under a 6 hour hold period (a waiver provided by the Port to approved importers). However, we continue to have a very restricted supply chain to the US destination.

We are finding that the both the Customs and DOT personnel at the Port are unclear as to whether or not the frames are hazardous materials and are not aware of the exemption. A DOT inspector at the Colombia Bridge in Laredo requested a physical sample to make a determination. A US Customs Supervisor at the same facility also informed us that the mandatory 24 hour hold would apply even if the exemption applied.

As this is having a large impact on our manufacturing operations, Lear is seeking to quickly obtain a definitive answer in writing from the DOT as to whether or not the frames are subject to the hazardous materials regulations or whether they fall under the exception in 49 C.F.R. 173.166(d)(1). We are looking for written guidance from DOT headquarters so we may resolve this issue we are having at the port level. We appreciate your agreeing to try and expedite a response to our question on the frames. This would enable us to have certainty as to whether or not the frames fall within the exception or not.

We are aware that the normal process is to submit a Request for Interpretation and we will be happy to submit a formal request if you wish us to do so. However, it is our understanding that it may take up to 8 weeks to receive a response. What we are seeking with this request, if possible, is clarification from the DOT on the appropriate treatment of the shipments during this interim period, until a formal Interpretation is obtained. This would provide us with a predictable environment for the next 8 weeks and permit us to establish our supply chain and resolve any issue with US Customs.

If you have any questions or need additional information please let me know. Your assistance with this matter is greatly appreciated.

Laura Jones

Manager - Customs  
Lear Corporation - Guilford Mills  
248-447-5915

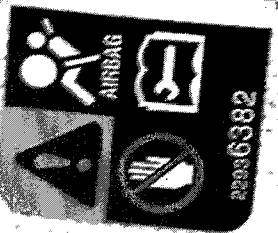
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