



**U.S. Department  
of Transportation**

**Federal Motor Carrier  
Safety Administration**

**Office of the Administrator**

**1200 New Jersey Ave, SE  
Washington, DC 20590**

Mr. Collin B. Mooney  
Executive Director  
Commercial Vehicle Safety Alliance  
99 M Street SE, Suite 1025  
Washington, DC 20003

Dear Mr. Mooney:

This letter is in response to the Commercial Vehicle Safety Alliance's (CVSA) March 12, 2019, petition for rulemaking requesting that the Federal Motor Carrier Safety Administration (FMCSA) amend 49 CFR 393.86(a)(6) to remove the rear impact guard labeling requirement. For the reasons provided below, FMCSA denies your request.

FMCSA acknowledges the CVSA's argument that the purpose of the certification label is to confirm that the rear impact guard met the Federal Motor Vehicle Safety Standards (FMVSS) manufacturing requirements at the time of production. However, the Agency notes that when a rear impact guard has become damaged beyond repair and is replaced, the FMVSS label requirement ensures that the replacement rear impact guard complies with all applicable FMVSS 223 and FMVSS 224 requirements.

FMCSA also considered the National Highway Traffic Safety Administration's (NHTSA) response to CVSA's petition to amend FMVSS No. 223 to eliminate the certification label requirement. In its January 30, 2023, denial of the CVSA petition (see 88 FR 5844), NHTSA stated that the certification labels are needed both to identify compliant impact guards (regardless of the manufacturer of the guards) and enable crash investigators to determine if an impact guard contains any safety-related defects.

Further, NHTSA stated in its denial notice that damaged or worn labels during regular operation of the vehicle on the original equipment would compromise the overall safety to the motoring public but would not represent a compliance issue with the requirements of FMVSS No. 223. NHTSA notes that, for compliance purposes, a label is considered "permanent" if it satisfies the requirements in 49 CFR 567.4(b). As such, the permanence and placement of the label are left to the discretion of the manufacturer of the rear impact guard. FMCSA agrees with NHTSA's analysis and denies the CVSA petition for rulemaking.

I hope this information is helpful. Should you need additional information or assistance, please contact David Sutula, Chief, Vehicle and Roadside Operations Division, at (202) 366-9209 or [David.sutula@dot.gov](mailto:David.sutula@dot.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Vincent G. White", with a long horizontal flourish extending to the right.

Vincent G. White  
Deputy Administrator