

OCT 30 2003

Mr. Norman L. Helmke  
Director of Administration  
Featherlite, Inc.  
P.O. Box 320  
Cresco, IA 52136

Dear Mr. Helmke:

This is in reply to your letter of September 15, 2003, with regard to the reporting of property damage claims under the early warning reporting (EWR) regulation (Subpart C of 49 CFR Part 579).

You advised us that Featherlite, Inc. manufactures a wide variety of trailers, including horse and livestock trailers. You indicated that the company receives property damage claims involving injuries to horses hauled in horse trailers, but that the injuries are not caused by failed components of the trailer. You explain that the injuries, in almost every case, are caused by the actions of the horse itself. With this background you ask whether an injury to a horse, not attributable to a failed component of the trailer, is a reportable property damage claim, and, if so, what is the proper code to use.

Under 49 CFR 579.24(c), a manufacturer of 500 or more trailers per year is required to make

[s]eparate reports on the number of those property damage claims, consumer complaints, warranty claims and field reports which involve the systems and components that are specified in codes 02 through 21 in paragraph (b)(2) of this section, or a fire (code 23). . . . No reporting is necessary if the system or component involved was not specified in such codes, and the incident did not involve a fire.

Property damage is defined as physical injury to tangible property. See 49 CFR 579.4(c).

A horse is tangible property. However, based on your premise that the claim did not refer to a system or component set forth in section 579.24(b)(2) or a fire, no report is necessary under the EWR regulations. The last sentence of section 579.24(c) specifically

confirms that no reporting is necessary in this instance as does the preamble to the final rule where we stated that “we will require reporting of property damage claims only when one or more specified vehicle components or systems has been identified as giving rise to the incident or damage, or there was a fire . . . .” 67 FR 45822, 45846. Please note that in the event that a system or component referred to in Section 579.24(b)(2) was identified in the claim, you would have to report it even if it is disputed.

If you have any questions, you may call Andrew DiMarsico of this Office (202-366-5263).

Sincerely,

**Original Signed By**

Jacqueline Glassman  
Chief Counsel