

APPENDIX L

CANVASS DRAFT 9/19/2006

American National Standard

for

Four Wheel All-Terrain Vehicles

ANSI / SVIA - 1 - 200X



Standards Developer
Specialty Vehicle Institute of America



Approved XXXXXXXXX
American National Standards Institute, Inc.

Rev. 9/19/2006

CANVASS DRAFT 9/19/2006

Foreword (This Foreword is not part of American National Standard ANSI / SVIA - 1 – 200X)

This standard for four wheel all-terrain vehicles (ATVs) is a revision of American National Standard ANSI/SVIA 1-2001 and has been developed by members of the Specialty Vehicle Institute of America (SVIA).

Work on the original standard was undertaken by the SVIA in 1985 and completed with the publication of ANSI/SVIA 1-1990. The standard was revised and published in 2001. Building on these prior efforts, this revised voluntary standard addresses design, configuration and performance aspects of ATVs, including, among other items, requirements for mechanical suspension; throttle, clutch and gearshift controls; engine and fuel cutoff devices; lighting; tires; operator foot environment; service and parking brake/parking mechanism performance; and pitch stability. New areas covered by this revision include: defining Type I and Type II ATVs; new Y-10 and T category ATVs; requirements for Type II ATV passenger handholds and footrests; new requirements for labels, owner's manuals, hang tags; and a compliance certification label. This revision also modifies certain definitional language and adds several provisions to enhance and clarify the standard.

The standard reflects positively on the high degree of government-industry cooperation that contributed significantly to the development of this standard.

Consensus for this standard was developed by use of the Canvass Method. Suggestions for improvement of this standard will be welcome. They should be addressed to the Specialty Vehicle Institute of America, 2 Jenner Street, Suite 150, Irvine, California 92618-3806.

CANVASS DRAFT 9/19/2006

Contents

SECTION	PAGE
1. Scope	5
2. Referenced Standards	5
3. Definitions	6
4. Vehicle (ATV) Equipment and Configuration	9
4.1 Service Brakes	
4.2 Parking Brake/Parking Mechanism	
4.3 Mechanical Suspension	
4.4 Engine Stop Switch	
4.5 Manual Clutch Control	
4.6 Additional Clutch Control	
4.7 Throttle Control	
4.8 Drive Train Controls	
4.9 Neutral Indicator	
4.10 Reverse Indicator	
4.11 Electric Start Interlock	
4.12 Passenger Handholds	
4.13 Flag Pole Bracket	
4.14 Manual Fuel Shutoff Control	
4.15 Handlebars	
4.16 Foot Environment	
4.17 Lighting Equipment	
4.18 Spark Arrester	
4.19 Tire Marking	
4.20 Tire Pressure Gauge	
4.21 Security	
4.22 Owner's Manual/Operator's Manual	
4.23 ATV Identification Number	
4.24 Labels	
4.25 Hang Tags	
5. Maximum Speed Capability Measurement	19
5.1 Test Conditions	
5.2 Test Procedure	
6. Category Y and Category T ATV Speed Capability Requirements	20
6.1 Maximum Unrestricted Speed Capability	
6.2 Maximum Limited Speeds	
6.3 Speed Limiting Devices	
6.4 Delivery of ATV from Manufacturer	

CANVASS DRAFT 9/19/2006

7.	Service Brake Performance	20
	7.1 Test Conditions	
	7.2 Test Procedure	
	7.3 Performance Requirements	
8.	Parking Brake/Mechanism Performance	22
	8.1 Test Conditions	
	8.2 Test Procedure	
	8.3 Performance Requirements	
9.	Pitch Stability	23
	9.1 Test Conditions	
	9.2 Test Procedure	
	9.3 Performance Requirements	
10.	Electromagnetic Compatibility	24
11.	Sound Level Limits	24
	11.1 Newly Manufactured ATVs	
	11.2 Test Procedure	
12.	Certification Label	24
	12.1 ATV Certification Label	
	Figures	25
	Figure 1: Operator Foot Environment - Plan View	
	Figure 2: Operator Foot Environment - Front View	
	Figure 3: Operator and Passenger Foot Environment - Plan View	
	Figure 4: Operator and Passenger Foot Environment - Front View	
	Figure 5: Type I General Warning Label	
	Figure 6: Type I Age Recommendation Warning Label – Category Y-6	
	Figure 7: Type I Age Recommendation Warning Label – Category Y-10	
	Figure 8: Type I Age Recommendation Warning Label – Category Y-12	
	Figure 9: Type I Age Recommendation Warning Label – Category T	
	Figure 10: Type I Age Recommendation Warning Label – Category G or S	
	Figure 11: Type I Tire Pressure Warning Label	
	Figure 12: Type I Passenger Warning Label	
	Figure 13: Type II General Warning Label	
	Figure 14: Type II Age Recommendation Warning Label	
	Figure 15: Type II Tire Pressure Warning Label	
	Figure 16: Type II Passenger Warning Label	
	Appendix	41

CANVASS DRAFT 9/19/2006

American National Standard for Four Wheel All-Terrain Vehicles

1. Scope

This standard establishes minimum requirements for four wheel all-terrain vehicles, effective for models produced after the date this standard is approved, with the following exceptions: The provisions of the standard regarding Category Y-10 and Category T ATVs shall become effective four (4) years after the date of approval. ATVs which meet the definitions and other requirements of the standard for Category Y-10 and Category T may be produced, at the option of a manufacturer, prior to the effective date of those provisions. The definition and other requirements of the standard for Category Y-12 ATVs shall expire four (4) years after the date this standard is approved.

2. Referenced Standards

This standard is intended to be used with the following standards, recommended practices and information reports:

American National Standard Institute (ANSI) Standard ANSI Z535.4-2002, American National Standard for Product Safety Signs and Labels.¹

Code of Federal Regulations², Title 49, Subtitle B, Ch. V, Part 565, Vehicle Identification Number Requirements: SAE ICS – 1000 SEP04, Recreation Off-Road Vehicle Product Identification Numbering System: Part 571, Federal Motor Vehicle Safety Standards (FMVSS) and Part 574, Tire Identification and Record Keeping: Code of Federal Regulations, Title 40, Part 205, Subpart D Motorcycles, Appendix I-1, Test Procedure for Street and Off-Road Motorcycles.

European Union Electromagnetic Compatibility Standard, Council Directive 72/245/EEC as amended; and Directive 97/24/EC Chapter 8, Electromagnetic Compatibility.³

Society of Automotive Engineers Standards⁴, Standard J585 MAR00, Tail Lamps for Use on Motor Vehicles Less Than 2032 mm in Overall Width: Recommended Practice SAE J1623 FEB94, All-Terrain Vehicle Headlamps: Standard J586 MAR00, Stop Lamps for Use on Motor Vehicles Less Than 2032 mm in Overall Width: Recommended Practice SAE J278 MAY95, Snowmobile Stop Lamp, and Information Report: SAE J1451 FEB85, A Dictionary of Terms for the Dynamics and Handling of Single Track Vehicles.

Tire Size Nomenclature Standards.⁵

United States Department of Agriculture⁶, Forest Service Standard for Spark Arresters for Internal Combustion Engines, 5100-1C, dated September 1997.

¹ Available from the National Electrical Manufacturers Association, 1300 North 17th Street, Rosslyn, VA 22209

² Available from the Superintendent of Documents, U.S. Printing Office, Washington, DC 20402

³ Available from the U.S. Dept. of Commerce, Office of EC Affairs, Rm. 3036, Washington, DC 20230

⁴ Available from the Society of Automotive Engineers, 400 Commonwealth Dr., Warrendale, PA 15096

⁵ Available from the Tire and Rim Association, 175 Montrose West Ave., Copley, OH or the Japan Automobile Tire Mfrs. Assn., Toranomon Bldg., 1-1-12, Toranomon, Minato-Ku, Tokyo 105, Japan

⁶ Available from U.S. Department of Agriculture Forest Service, Equipment Division Center, San Dimas, CA 91773

CANVASS DRAFT 9/19/2006

3. Definitions

all-terrain vehicle (ATV). A motorized off-highway vehicle designed to travel on four low pressure tires, having a seat designed to be straddled by the operator and handlebars for steering control. ATVs are subdivided into two types as designated by the manufacturer.

Type I – A Type I ATV is intended for use by a single operator and no passenger.

Type II – A Type II ATV is intended for use by an operator or an operator and a passenger. It is equipped with a designated seating position behind the operator designed to be straddled by no more than one passenger.

Type I ATVs are further identified by three intended usage categories as follows:

(1) *Category G (General Use Model) ATV.* An ATV intended for recreational or utility use by an operator age 16 or older.

(2) *Category S (Sport Model) ATV.* An ATV intended for recreational use by an experienced operator, age 16 or older.

(3) *Category Y (Youth Model) ATV.* An ATV of appropriate size intended for recreational use under adult supervision by an operator under age 16. Youth model ATVs can further be categorized as follows:

(a) *Category Y-6 ATV.* A Category Y-6 ATV is a youth model ATV that is intended for use by children age 6 or older.

(b) *Category Y-10 ATV.* A Category Y-10 ATV is a youth model ATV that is intended for use by children age 10 or older.

(c) *Category Y-12 ATV.* A Category Y-12 ATV is a youth model ATV that is intended for use by children age 12 and older.

(4) *Category T (Transition Model) ATV.* A Category T ATV is a transitional model ATV of appropriate size that is intended for recreational use by an operator age 14 or older under adult supervision, or by an operator age 16 or older.

Type II ATVs are limited to one intended usage category as follows:

(1) *Category G (General Use Model) ATV.* An ATV intended for recreational or utility use by an operator age 16 or older and a passenger.

accessory. An object or device that is affixed to the ATV after its manufacture. It is not essential to the ATV's basic operation, but it changes its styling, convenience, utility, or effectiveness.

brake lever or handle. A hand-operated control which, when actuated, causes the brakes to be applied.

brake pedal. A foot-operated control which, when actuated, causes the brakes to be applied.

brake stopping distance (S). Distance traveled by an ATV from the start of a brake application to the point at which the ATV reaches a complete stop.

braking deceleration. The rate of change of vehicle speed from the point of initial brake application to the point where the vehicle stops.

cargo area. Rack(s) or other designated area(s) where the manufacturer intends cargo to be loaded and secured on the ATV.

clutch lever. The hand control that engages and disengages a manual clutch.

CANVASS DRAFT 9/19/2006

curb weight. The total weight of an ATV, including a full load of fuel, oil, and water, but without any passengers or cargo.

electric starter. The electric motor of an ATV that cranks the engine for starting. Also called the *engine starter*.

electric start interlock. A device that prevents the ATV engine from being started by electric cranking under certain conditions.

electromagnetic compatibility. The capability of an electric or electronic device to inhibit emissions that cause electromagnetic interference (EMI) or to be protected against radiated electromagnetic interference.

engine displacement. The volume swept by a piston moving from bottom dead center to top dead center, multiplied by the number of cylinders.

engine stop switch. A device used to stop engine operation.

flag pole. A long, thin, semi-rigid, vertical pole with a brightly colored pennant, usually red or orange, on the top end, which attaches at the rear of the ATV.

flag pole bracket. A rigid attachment point for mounting a flag pole.

footrests. A structural support for the operator's and/or passenger's feet. Footrests include footpegs and footboards.

gearshift control. A control for selecting among a number of sets of transmission gears.

handlebar. A device used for steering and rider support and as a place to mount hand-operated controls.

handlebar crossbar. A rigid member which attaches to and connects the left and right sides of the handlebar.

ignition system. The system in a spark-ignited internal combustion engine that ignites the mixture by producing a spark.

key-operated security system. A method of rendering an ATV inoperable unless the correct key is used.

left hand. This designation refers to the orientation of the ATV relative to the operator when seated in the operator's position facing forward.

low pressure tire. A tire designed for off-road use on all-terrain vehicles, and having a recommended tire pressure of no more than 69 kPa (10 psi).

manual clutch. A device activated by the operator to disengage the engine from the transmission. *See clutch lever.*

CANVASS DRAFT 9/19/2006

manual fuel shutoff control. A manual device designed to turn the fuel flow from the fuel tank on and off.

maximum weight capacity. The highest load, including the operator's weight, recommended by the manufacturer to be carried by an ATV in its "as manufactured" condition. This does not include the vehicle weight. Also see vehicle load capacity.

may. This word is understood to be permissive.

mechanical suspension. A system which permits vertical motion of an ATV wheel relative to the chassis and provides spring and damping forces.

neutral. A designated transmission position where there is no continuity or direct mechanical connection between transmission input and output.

neutral indicator. A light or other means of indicating when an ATV transmission is in the neutral position.

operator. The person who is exercising control over the motion of the vehicle.

owner's manual. A publication, supplied by the manufacturer as part of the ATV, which provides information and instruction regarding use, operation, care, and maintenance of the ATV.

parking brake. A brake system which, after actuation, holds one or more brakes continuously in an applied position without further action.

parking mechanism. A drive train system that locks the drive train when the transmission control is placed in a designated park position.

passenger handhold. A device grasped by the passenger to provide support and help maintain balance while riding.

PIN. Means Product Identification Number.

PTO (power take-off). An external drive mechanism on an ATV that provides rotational power to drive accessory equipment or other devices.

right hand. This designation refers to the orientation of the ATV relative to the operator when seated in the operator's position facing forward.

service brake. The primary brake system used for slowing and stopping a vehicle. ATVs may have more than one service brake.

shall. This word is understood to be mandatory.

should. This word is understood to be advisory.

CANVASS DRAFT 9/19/2006

spark arrester. An exhaust system component which limits the size of carbon particles expelled from a tailpipe.

speed limiting device. A device intended to limit the maximum speed of a vehicle.

test operator. The person who is exercising control over the ATV under test. The test operator shall be skilled at ATV operation and shall be familiar with the ATV under test and the test being conducted. The test operator, during the performance of a test, shall be seated in a normal upright position appropriate for the test being conducted.

test passenger. The person who is seated behind the test operator. The test passenger, during the performance of a test, shall be seated in a normal upright position appropriate for the test being conducted.

throttle control. A control which is located on the handlebar and is used to control engine power.

transmission. A device for transmitting power at more than one set of speed and torque ratios.

vehicle load capacity. The highest load, including the operator's weight, recommended by the manufacturer to be carried by an ATV in its "as manufactured" condition. This does not include the vehicle weight. Also see maximum weight capacity.

VIN. Means Vehicle Identification Number.

wheelbase (L). The longitudinal distance from the center of the front axle to the center of the rear axle.

wheel travel. The displacement of a reference point on the suspension (such as the wheel axle) from when the suspension is fully extended (no force applied) to when it is fully compressed.

4. Vehicle (ATV) Equipment and Configuration

4.1 Service Brakes. All ATVs shall have either independently-operated front and rear brakes, or front and rear brakes that are operated by a single control, or both. These brakes shall meet the requirements of Section 7.3.

4.1.1 Independently-Operated Front Brakes. Independently-operated front brakes shall be operated by a lever located on the right side of the handlebar, and operable without removing the hand from the handlebar.

4.1.2 Independently-Operated Rear Brakes. Independently-operated rear brakes shall be operated by either a pedal which is located near the right footrest and operable by the right foot, or if no clutch lever, by a lever located on the left side of the handlebar and operable without removing the hand from the handlebar, or by both.

4.1.3 Simultaneously-Operated Front and Rear Brakes. Simultaneously-operated front and rear brakes shall be operated by either a pedal which is located near the right footrest and operable by the right foot, or if no clutch lever, by a lever located on the left side of the handlebar and operable

CANVASS DRAFT 9/19/2006

without removing the hand from the handlebar, or by both.

4.2 Parking Brake/Parking Mechanism. All ATVs shall have a parking brake or parking mechanism capable of holding the ATV stationary under prescribed conditions. The parking brake or parking mechanism shall meet the requirements of Section 8.

4.3 Mechanical Suspension. All ATVs shall have mechanical suspension for all wheels. Each wheel shall have a minimum wheel travel of 50 mm (2 inches). Springing and damping properties shall be provided by components other than the tire.

4.4 Engine Stop Switch. All ATVs shall have an engine stop switch which is mounted on the left handlebar and is operable by the thumb without removing the hand from the handlebar.

4.4.1 Operation. This switch shall not require the operator to hold it in the off position to stop the engine.

4.4.2 Color of Device. The switch-operating device shall be orange or red.

4.5 Manual Clutch Control. All ATVs equipped with a manual clutch shall have a clutch lever, which is located on the left side of the handlebar and operable without removing the hand from the handlebar.

4.6 Additional Clutch Control. All ATVs that have a power take-off (PTO) or other device requiring fixed engine or vehicle speed, and a clutch control for engagement and disengagement of the PTO or other device, shall have the control located convenient to the operator. Control movement shall be forward or upward, or both, for engagement, and rearward or downward, or both, for disengagement. A durable label clearly identifying the positions for engagement and disengagement for the PTO or other devices shall be provided.

4.7 Throttle Control. All ATVs shall be equipped with a means of controlling engine power through a throttle control. The throttle control shall be located on the right side of the handlebar and shall be operable without removing the hand from the handlebar.

4.7.1 Operation. The throttle control shall be self-closing to an idle position upon release of the operator's hand from the control.

4.7.2 Options for ATVs With PTO or Other Device. All ATVs that have a PTO or other device requiring fixed engine or vehicle speed, and a clutch control for engagement and disengagement of the PTO or other device, may be equipped with an additional throttle control which does not meet the location requirements of 4.7 or the return to-idle requirement of 4.7.1, provided that it meets the requirements of 4.7.2.1. through 4.7.2.4.

4.7.2.1 Operation of Engine Speed Control. An engine speed control for the PTO or other device shall be operable only when the PTO or other device is in operation.

4.7.2.2 Direction of Motion. The direction of motion for such throttle control for the PTO or other device shall be forward or upward, or both, to increase speed, and rearward or downward, or both, to decrease speed or to stop.

CANVASS DRAFT 9/19/2006

4.7.2.3 Automatic Stopping. A means shall be provided to automatically stop the PTO or other device, or to stop the engine, when the operator leaves the normal seated operating position of the ATV while the PTO or other device is operating and the transmission is in gear.

4.7.2.4 Stationary Operation. A means may be provided to allow use of the PTO or other device while the ATV is stationary and the operator is not in the normal seated operating position. Such means shall automatically return to the operational mode of 4.7.2.3 when the transmission is placed in gear.

4.8 Drive Train Controls

4.8.1 Manual Transmission Gearshift Control. All ATVs equipped with a manual transmission gearshift control shall have the control located so as to be operable by the operator's left foot or left hand.

4.8.1.1 Operation of a Foot Gearshift Control. If equipped with a foot gearshift control, an upward motion of the operator's toe shall shift the transmission towards higher (lower numerical gear ratio) gears, and a downward motion towards lower gears. If equipped with a heel-toe (rocker) shifter, an upward motion of the toe or a downward motion of the heel shall shift the transmission towards higher gears and a downward motion of the toe towards lower gears.

4.8.1.2 Operation of a Hand Gearshift Control. If equipped with a hand gearshift control, moving a control upward or depressing the upper portion of the control shall shift the transmission towards higher (lower numerical gear ratio) gears, and moving the control downward or depressing the lower portion of the control shall shift the transmission towards lower gears.

4.8.1.3 Gear Selection. If three or more gears are provided, it shall not be possible to shift from the highest gear directly to the lowest gear, or vice versa.

4.8.2 Other Controls. Controls for selecting forward, neutral, reverse, or park or for selecting overall transmission ranges, or for selecting the differential drive (2-wheel or 4-wheel), or other drive train controls, may be located and operated differently, and shall have a defined pattern marked for the operator.

4.9 Neutral Indicator. All ATVs with a neutral position, except those equipped with a manual clutch, shall have either a neutral indicator readily visible to the operator when seated on the ATV or a means to prevent starting of the ATV unless the transmission is in the neutral or park position. The indicator, if provided, shall be activated whenever the ignition system is on and the transmission is in neutral.

4.10 Reverse Indicator. All ATVs with a reverse position shall have a reverse indicator readily visible to the operator when the operator is seated on the ATV. The indicator shall be activated whenever the engine is running and the transmission is in reverse.

4.11 Electric Start Interlock. An interlock shall be provided to prevent the ATV engine from being started by electric cranking unless the clutch is disengaged, the transmission is in neutral or park, or the brake is applied.

4.12 Passenger Handholds. All Type II ATVs shall have two handholds that are located on each side of

CANVASS DRAFT 9/19/2006

the passenger seating area in a symmetrical manner. These handholds shall be designed in such a way that each is able to withstand, without failure or permanent deformation, a vertical force of 1000 N (224 lbf) applied statically to the center of the surface of the handhold. Handholds shall be designed to allow the passenger to dismount without interference from the handholds.

4.13 Flag Pole Bracket. All ATVs shall have a flag pole bracket at the rear of the ATV that provides a rigid mounting location for a flag pole having a 12.7 mm (0.5 inch) diameter mounting shaft.

4.14 Manual Fuel Shutoff Control. If an ATV is equipped with a manual fuel-shutoff control, the device shall be operable as prescribed in 49 CFR, Ch.V Part 571 (FMVSS) Subpart B at 571.123, Table 1.

4.15 Handlebars. The handlebar and its mounting shall present no rigid materials with an edge radius of less than 3.2 mm (0.125 inch), that may be contacted by a probe in the form of a 165 mm (6.5 inch) diameter sphere. The probe shall be introduced to the handlebar mounting area. It shall not be possible to touch any part of any edge that has a radius of less than 3.2 mm (0.125 inch) with any part of the probe. Handlebar crossbar, if provided, shall be padded.

4.16 Foot Environment. All Type I ATVs shall have a foot support structure or other design feature for the operator and shall meet the requirements of section 4.16.1. All Type II ATVs shall have a foot support structure or other design feature for the operator and passenger and shall meet the requirements of section 4.16.2.

4.16.1 Type I ATV Test Procedure. Compliance shall be determined by introduction of a probe, whose end is a rigid flat plane surface 75 mm (3 inches) in diameter, in the prescribed direction to the zones as described in 4.16.1.3 and 4.16.1.4 as shown in Figure 1 and Figure 2.

4.16.1.1 Inserting Probe Vertically and Downward. The probe shall be introduced end-first in a vertical and downward direction to the zone described in 4.16.1.3 and shown by the shaded portion of Figure 1. The end of the probe in its entirety shall remain within the limits of the zone. It shall not penetrate the zone sufficiently to touch the ground when applied with a force of 445 N (100 lbf).

4.16.1.2 Inserting Probe Horizontally and Rearward. The probe shall be introduced end-first in a horizontal and rearward direction to the zone described in 4.16.1.4 and shown by the shaded portion of Figure 2. The end of the probe in its entirety shall remain within the limits of the zone. It shall not penetrate the zone sufficiently to touch the rear tire when applied with a force of 90 N (20 lbf).

4.16.1.3 Zone in Figure 1. The zone shown in Figure 1 is defined as bounded by:

- (1) The vertical projection of the rear edge of the footrest.
- (2) The vertical plane (line AA), parallel to the ATV's longitudinal plane of symmetry, that passes through the inside edge of the footrest.
- (3) The vertical projection of the intersection of a horizontal plane passing through the top surface of the footrest, and the rear fender or other structure.
- (4) The vertical plane passing through point D and tangent to the outer front surface of the rear tire.

(a) For footpegs, Point D is defined as the intersection of the lateral projection of the rearmost point of the footpeg and the longitudinal projection of the outermost point of the footpeg.

CANVASS DRAFT 9/19/2006

(b) For footboards, Point D is defined as the intersection of 2 lines. The first is a line perpendicular to the vehicle longitudinal plane of symmetry and one-third of the distance from the front edge of the rear tire to the rear edge of the front tire. The second is a line parallel to the ATV's longitudinal plane of symmetry and one-half the distance between the inside edge of the footboard and the outside surface of the rear tire.

4.16.1.4 Zone in Figure 2. The zone shown in Figure 2 is defined as bounded by:

- (1) The horizontal plane passing through the lowest surface of the footrest on which the operator's foot (boot) rests (plane F).
- (2) The vertical plane (line AA), parallel to the ATV's longitudinal plane of symmetry, that passes through the inside edge of the footrest.
- (3) The horizontal plane 100 mm (4 inches) above plane F.
- (4) The vertical plane (line BB), parallel to the ATV's longitudinal plane of symmetry and 50 mm (2 inches) inboard of the outer surface of the rear tire.

4.16.1.5 Requirements for ATVs with Non-Fixed Structure. In the case of ATVs equipped with a non-fixed type (for example, foldable, removable or retractable) structure intended to meet the requirements of this section, such ATVs shall be equipped with one or more of the following:

- (1) *Warning Device.* A warning device (for example, a buzzer or indicator) to indicate that the structure is not in the position needed to comply with these requirements.
- (2) *Device Preventing Operation of ATV.* A device to prevent the ATV from being operated under its own power if the structure is not in the position needed to comply with these requirements.
- (3) *Structure That Prevents Normal Use of Footrest when Structure is Folded, Retracted, or Removed.* A structure that can be folded, retracted, or removed, such that when the structure is folded, retracted, or removed, the ATV cannot be operated using the footrest in the normal manner.

4.16.2 Type II ATV Test Procedure. Compliance shall be determined by introduction of a probe, whose end is a rigid flat plane surface 75 mm (3 inch) in diameter, in the prescribed direction to the zones as described in 4.16.2.3 and 4.16.2.4 as shown in Figures 3 and 4.

4.16.2.1 Inserting Probe Vertically and Downward. The probe shall be introduced end-first in a vertical and downward direction to the zone described in 4.16.2.3 and shown by the shaded portion of Figure 3. The end of the probe in its entirety shall remain within the limits of the zone. It shall not penetrate the zone sufficiently to touch the ground when applied with a force 445 N (100 lbf).

4.16.2.2 Inserting Probe Horizontally and Rearward. The probe shall be introduced end-first in a horizontal and rearward direction to the zone described in 4.16.2.4 and shown by the shaded portion of Figure 4. The end of the probe in its entirety shall remain within the limits of the zone. It shall not penetrate the zone sufficiently to touch the rear tire when applied with a force of 90 N (20 lbf).

4.16.2.3 Zone in Figure 3. The zone shown in Figure 3 is defined as bounded by:

- (1) The vertical projection of the rear edge of the footrest.
- (2) The vertical plane (line AA), parallel to the Type II ATV's longitudinal plane of symmetry, that passes through the inside edge of the footrest.
- (3) The vertical projection of the intersection of a horizontal plane passing through the

CANVASS DRAFT 9/19/2006

top surface of the footrest, and the rear fender or other structure.

(4) The vertical plane passing through point D and tangent to the outer front surface of the rear tire.

(a) For footboards, Point D is defined as the intersection of 2 lines. The first is a line perpendicular to the vehicle longitudinal plane of symmetry and one-third of the distance from the front edge of the rear tire to the rear edge of the front tire. The second is a line parallel to the Type II ATV longitudinal plane of symmetry and one-half the distance between the inside edge of the footboard and the outside surface of the rear tire.

4.16.2.4 Zone in Figure 4. The zone shown in Figure 4 is defined as bounded by:

(1) The horizontal plane passing through the lowest surface of the footrest on which the passengers foot (boot) rests (plane G).

(2) The vertical plane (line AA), parallel to the Type II ATV's longitudinal plane of symmetry, that passes through the inside edge of the footrest.

(3) The horizontal plane 100 mm (4 inches) above plane G.

(4) The vertical plane (line BB) parallel to the Type II ATV's longitudinal plane of symmetry and 50 mm (2 inches) inboard of the outer surface of the rear tire.

4.17 Lighting Equipment

4.17.1 Headlamps, Tail Lamps and Stop Lamps. All ATVs, except Category Y, shall have and Category Y may have at least one headlamp projecting a white light to the front of the ATV, and at least one tail lamp projecting a red light to the rear. All ATVs may be optionally equipped with a stop lamp or combination tail-stop lamp, and such lamp(s) shall be illuminated by the actuation of any service brake control.

4.17.1.1 Specifications. Headlamps except Category Y, shall conform to Recommended Practice, SAE J1623 FEB94; and tail lamps shall conform to Standard, SAE J585 MAR00. Category Y models if equipped with a headlamp shall meet the minimum illumination requirements listed in SAE J1623 FEB94, Table 2. If the ATV is equipped with a stop lamp, such lamp(s) shall conform to Standard, SAE J586 MAR00 or Recommended Practice, SAE J278 MAY95.

4.18 Spark Arrester. All ATVs shall have a spark arrester of a type that is qualified according to the United States Department of Agriculture, Forest Service Standard for Spark Arresters for Internal Combustion Engines, 5100-1c, Sept. 1997.

4.19 Tire Marking. All ATV tires shall carry the following markings:

(1) *Inflation Pressure.* Both tire sidewalls shall be marked with the operating pressure or the following statement, or an equivalent message: "SEE VEHICLE LABEL OR OWNER'S MANUAL FOR OPERATING PRESSURE." The messages required by this section shall be in capital letters not less than 4 mm (0.156 inch) in height.

(2) *Bead Seating Pressure.* Both tire sidewalls shall be marked with the following statement, or an equivalent message: "Do Not Inflate Beyond **psi (**kPa) When Seating Bead."

(3) *Other Markings.* Both tire sidewalls shall have the following information, except where noted:

(a) The manufacturer's name or brand name.

(b) On one tire sidewall, the four digit week and year of manufacture in accordance with Title 49 CFR, Chapter V, Part 574.5(d), fourth grouping.

CANVASS DRAFT 9/19/2006

(c) The size nomenclature of the tire (for example, AT 22x10-9*) as standardized by the Tire and Rim Association, Inc. or the Japan Automobile Tire Manufacturers Association, Inc.

(d) The word "tubeless" for a tubeless tire.

(e) The phrase or abbreviation "Not For Highway Use," "Not For Highway Service," or "NHS."

(4) *Letter Sizes.* The information required by 4.19(2) and (3) shall be in letters or numerals no less than 2 mm (.078 inch) in height.

4.20 Tire Pressure Gauge. All ATVs shall be provided with a tire pressure gauge appropriate for the recommended operating tire pressure. All ATVs shall have a means of carrying the tire pressure gauge.

4.21 Security. All ATVs shall have a means to deter unauthorized persons from using the ATV. A key-operated or equivalent system (with a minimum of 300 exclusive combinations) shall be provided for all ATVs except Category Y ATVs, which may use a security system without multiple exclusive combinations.

4.22 Owner's Manual/Operator's Manual. All ATVs shall be provided with a manual at the point of sale. All ATVs shall be equipped with a means of carrying the manual that protects it from destructive elements while allowing reasonable access. The manual shall meet the following minimum requirements:

4.22.1 General Requirements.

(1) Every owner's manual shall be written and designed in a manner reasonably intended to convey information regarding safe operation and maintenance of the vehicle.

(2) Manuals shall be consistent with other safety messages contained in warning labels, advertising and promotional materials, and point-of-purchase safety materials.

4.22.2 Information Requirements. The manual shall contain the following:

(1) A statement on the outside front cover stating the age recommendation for the particular ATV model in question.

(2) Definitions for "Warning" and "Caution" which are consistent with the definitions for those terms contained in the current American National Standards Institute (ANSI) Z535.4 standard, along with an introductory statement alerting the reader to the significance of the safety alert symbol and the signal words.

(3) An introductory safety message emphasizing the importance of reading and understanding the manual prior to operation, the importance of and availability of a training course, and the importance of the age recommendation for the particular model.

(4) For Y-category and T category ATVs, an introductory notice to parents emphasizing that an ATV is not a "toy," the importance of adult supervision for operators under age 16, the importance of children completing a training course, and the importance of children understanding and following the instructions and warnings contained in the manual.

(5) An introductory safety section.

(6) An appropriate table of contents identifying the major sections of the manual.

(7) Descriptions of the location of warning labels on the ATV and an introductory statement emphasizing the importance of understanding and following the labels, and the importance of keeping the labels on the ATV. The introductory statement shall also contain instructions on how to obtain a replacement label in the event any label becomes difficult to read or comes off.

CANVASS DRAFT 9/19/2006

- (8) A pre-operating inspection procedure and a statement emphasizing the importance of this procedure.
- (9) A description of proper operating procedures and of potential hazards associated with improper operation of the vehicle. The section of the manual devoted to describing proper operating procedures shall address all of the topics included in the warning statements.
- (10) Descriptions of proper maintenance, storage and transportation procedures.
- (11) On the outside back cover, the contents of the general warning label.

4.23 ATV Identification Number. All ATVs shall have an appropriate identification number using either a PIN that is assigned by the manufacturer as prescribed in SAE ICS – 1000 SEP04, Recreation Off-Road Vehicle Product Identification Numbering System or a VIN as prescribed in Title 49 CFR, Ch. V Part 565.

4.24 Labels.

4.24.1 All ATVs shall be equipped with appropriate labels described as follows:

4.24.2 Format. Labels must comply with the requirements of American National Standards Institute (ANSI) Standard *ANSI 535.4-2002, Product Safety Signs and Labels*.

4.24.3 Durability. These labels shall meet the expected life requirements of American National Standards Institute (ANSI) Standard *ANSI 535.4-2002, Product Safety Signs and Labels*.

4.24.4 Contents of Labels – Type I ATVs

4.24.4.1 General Warning Label. Manufacturers will affix to every ATV a general warning label as shown in Figure 5.

4.24.4.1.1 Location. This label shall be affixed to the left front fender so as to be easily read by the operator when seated in the proper operating position.

4.24.4.2 Age Recommendation Warning Labels. Manufacturers shall affix a label describing the applicable age recommendation for the ATV, warning against underage usage, and a requirement for adult supervision of operators under age 16 for Category Y and T, as shown in Figures 6 - 10.

4.24.4.2.1 Location. This label shall be affixed to the ATV so as to be easily read by the operator when seated in the proper operating position.

4.24.4.3 Tire Pressure Warning Label. Manufacturers shall affix to every ATV a label warning about maintaining proper air pressure in the ATV's tires and a label warning about overloading. These labels may be combined as shown in Figure 11. Every label warning about improper tire pressure shall contain a statement indicating the recommended tire pressure(s). Tire pressure information may be stated on the label itself or provided by reference to the owner's manual or the tires. Every label warning against overloading shall contain a statement indicating the maximum weight capacity for the ATV model.

4.24.4.3.1 Location. The label (or labels) warning about improper tire pressure and overloading shall be affixed to the left rear fender above the axle, facing outward in such a position

CANVASS DRAFT 9/19/2006

that it (they) can be read by the operator when mounting the vehicle.

4.24.4.4 Passenger Warning Label. Manufacturers shall affix to every Type I ATV a label warning against riding as a passenger on the ATV as shown in Figure 12.

4.24.4.4.1 Location. This label shall be affixed either to the body of the vehicle to the rear of the seat, on a flat surface, and toward the center of the vehicle, or to the seat of the vehicle, at the rear of the seat, so as to be easily read by a potential passenger. If neither of these locations is appropriate for a particular vehicle, the label shall be affixed to the left rear fender or left side of the body so as to be easily read by a potential passenger.

4.24.5 Contents of Labels – Type II ATVs

4.24.5.1 General Warning Label. Manufacturers will affix to every ATV a general warning label as shown in Figure 13.

4.24.5.1.1 Location. This label shall be affixed to the left front fender so as to be easily read by the operator when seated in the proper operating position.

4.24.5.2 Age Recommendation Warning Label. Manufacturers shall affix a label describing the applicable age recommendation for the ATV and warning against underage usage as shown in Figure 14.

4.24.5.2.1 Location. This label shall be affixed to the ATV so as to be easily read by the operator when seated in the proper position.

4.24.5.3 Tire Pressure Warning Label. Manufacturers shall affix to every ATV a label warning about maintaining proper air pressure in the ATV's tires and overloading as shown in Figure 15. Every label warning about improper tire pressure shall contain a statement indicating the recommended tire pressure(s). Tire pressure information may be stated on the label itself or provided by reference to the owner's manual or the tires. Every label warning against overloading shall contain a statement indicating the maximum weight capacity for the ATV model.

4.24.5.3.1 Location. The label (or labels) warning about improper tire pressure and overloading shall be affixed to the left rear fender above the axle, facing outward in such a position that it (they) can be read by the operator when mounting the vehicle.

4.24.5.4 Passenger Warning Label. Manufacturers shall affix to every Type II ATV a label with warnings for a passenger on the ATV as shown in Figure 16.

4.24.5.4.1 Location. This label shall be affixed either to the body of the vehicle to the rear of the seat, on a flat surface, and toward the center of the vehicle, or to the seat of the vehicle, at the rear of the seat, so as to be easily read by a potential passenger.

4.25 Hang Tags. Every ATV shall be offered for sale with a hang tag that provides the appropriate age recommendation and information on the category of intended usage. The hang tag must be attached to the ATV and only removed by the first purchaser. Lost or damaged hang tags should be replaced.

4.25.1 Size. Every hang tag shall be at least 4 inches by 6 inches.

CANVASS DRAFT 9/19/2006

4.25.2 Content. At a minimum, every hang tag shall contain the following: On one side of the hang tag a reproduction of the general warning label as described in section 4.24.4.1 for Type I ATVs or 4.25.5.1 for Type II ATVs.

4.25.2.1 For Type I ATVs, the opposite side of the hang tag must include the following:

4.25.2.1.1 The category description, the intended use and the appropriate age recommendation for that category. The following must be included:

- For Category G:
GENERAL USE VEHICLE,
This ATV is for RECREATIONAL or UTILITY USE.
NO OPERATOR UNDER AGE 16
- For Category S:
SPORT MODEL,
This ATV is for RECREATIONAL USE BY EXPERIENCED OPERATORS ONLY,
NO OPERATOR UNDER AGE 16
- For Category Y:
Y-6, Y-10, or Y-12, (whichever is appropriate)
YOUTH MODEL,
This ATV is for RECREATIONAL USE BY YOUNG OPERATORS UNDER ADULT SUPERVISION,
NO OPERATOR UNDER AGE (use appropriate age 6, 10, or 12).
- For Category T:
TRANSITIONAL MODEL,
This ATV is for RECREATIONAL USE BY ADULTS or YOUNG OPERATORS UNDER ADULT SUPERVISION,
NO OPERATOR UNDER AGE 14.

4.25.2.1.2 The statement – “OPERATOR ONLY – NO PASSENGERS”

4.25.2.1.3 The statement – “Training courses to teach ATV riding are available. For information contact your dealer.”

4.25.2.1.4 The statement – “Check with your dealer to find out about state or local laws regarding ATV operation.”

4.25.2.1.5 The statement – “This hang tag is not to be removed before sale.”

4.25.2.2 For Type II ATVs, the opposite side of the hang tag must include the following:

4.25.2.2.1 The intended use and the appropriate age recommendation for the operator. The following must be included:

- Category G:
GENERAL USE VEHICLE,
This ATV is for RECREATIONAL or UTILITY USE.

CANVASS DRAFT 9/19/2006

NO OPERATOR UNDER AGE 16.

- 4.25.2.3 The statement – “This hang tag is not to be removed before sale.”
- 4.25.2.4 The statement – “Training courses to teach ATV riding are available. For information contact your dealer.”
- 4.25.2.5 The statement – “Check with your dealer to find out about state or local laws regarding ATV operation.”

4.25.3 Attachment. Every hang tag shall be attached to the ATV in such a manner as to be conspicuous and removable only with deliberate effort.

5. Maximum Speed Capability Measurement

5.1 Test Conditions. Test conditions shall be as follows:

- (1) ATV test weight shall be the unloaded ATV weight plus the vehicle load capacity (including test operator and instrumentation), with any added weight secured to the seat or cargo area(s) if so equipped.
- (2) Tires shall be inflated to the pressures recommended by the ATV manufacturer for the vehicle test weight.
- (3) The test surface shall be clean, dry, smooth and level concrete, or equivalent.

5.2 Test Procedure. Measure the maximum speed capability of the ATV using a radar gun or equivalent method. The test operator, seated in a normal upright position, shall accelerate the ATV until maximum speed is reached, and shall maintain maximum speed for at least 30.5 m (100 ft). Speed measurement shall be made when the ATV has reached a stabilized maximum speed. A maximum speed test shall consist of a minimum of two measurement test runs conducted over the same track, one each in opposite directions. If more than two measurement runs are made there shall be an equal number of runs in each direction. The maximum speed capability of the ATV shall be the arithmetic average of the measurements made. A reasonable number of preliminary runs may be made prior to conducting a recorded test.

6. Category Y and Category T ATV Speed Capability Requirements

6.1 Maximum Unrestricted Speed Capability. When tested in accordance with Section 5, with any removable speed limiting devices removed and with any adjustable speed limiting devices adjusted to provide the ATV's maximum speed capability, the maximum speed capability of Category Y-6 ATVs shall be 24 km/h (15 mph) or less, the maximum speed capability of Category Y-10 and Category Y-12 ATVs shall be 48 km/h (30 mph) or less, and the maximum speed capability of Category T ATVs shall be 61 km/h (38 mph) or less.

6.2 Maximum Limited Speeds. Speed limiting devices for Category Y-6 ATVs shall be capable of limiting maximum speed to 16 km/h (10 mph) or less when tested in accordance with Section 5. Speed limiting devices for Category Y-10 and Category Y-12 ATVs shall be capable of limiting maximum speed to 24 km/h (15 mph) or less when tested in accordance with Section 5. Speed limiting devices for

CANVASS DRAFT 9/19/2006

Category T ATVs shall be capable of limiting maximum speed to 32 km/h (20 mph) and 48 km/h (30 mph) or less when tested in accordance with Section 5.

6.3 Speed Limiting Devices. All Category Y ATVs shall be equipped with a means of limiting throttle travel or other means of limiting the maximum speed attainable by the ATV. Category T ATVs shall be equipped with a means of limiting throttle travel or other means of limiting the maximum speed to 32 km/h (20 mph) and 48 km/h (30 mph) or less when tested in accordance with Section 5.

6.3.1 Tools Must be Necessary to Adjust or Remove Device. The means of limiting maximum speed may be adjustable or removable or both, but shall have means to prevent adjustment or removal without the use of tools or other specialized devices.

6.4 Delivery of ATV from Manufacturer. All Category Y and Category T ATVs shall be delivered from the manufacturer or its designee with the speed-limiting device adjusted to minimum limit maximum speed as specified in 6.2.

7. Service Brake Performance

7.1 Test Conditions. Test conditions shall be as follows:

- (1) The ATV shall be tested at the appropriate test weight described below:
 - (a) If the vehicle load capacity specified by the manufacturer is 97.5 kg (215 lb) or more, the ATV test weight shall be the unloaded vehicle weight plus 97.5 kg (215 lb) (including test operator and instrumentation), with any added weight secured to the seat or cargo area(s) (if equipped).
 - (b) If the vehicle load capacity specified by the manufacturer is less than 97.5 kg (215 lb), the ATV test weight shall be the unloaded vehicle weight plus the vehicle load capacity (including test operator and instrumentation), with any added weight secured to the seat or cargo area(s) (if equipped).
- (2) Tires shall be inflated to the pressures recommended by the ATV manufacturer for the vehicle test weight.
- (3) Engine idle speed and ignition timing shall be set according to the manufacturer's recommendations.
- (4) Ambient temperature shall be between 0° C (32° F) and 38° C (100° F).
- (5) The test surface shall be clean, dry, smooth and level concrete, or equivalent.
- (6) Any removable speed limiting devices shall be removed. Any adjustable speed limiting devices shall be adjusted to provide the ATV's maximum speed capability.

7.2 Test Procedure. The test procedure shall be as follows:

- (1) Measure the maximum speed capability of the ATV in accordance with section 5. Determine the braking test speed (V). The braking test speed is the speed that is the multiple of 8 km/h (5 mph), which is 6 km/h (4 mph) to 13 km/h (8 mph) less than the maximum speed capability of the ATV.
 - (2) Burnish the front and rear brakes by making the number of stops recommended by the manufacturer, from the braking test speed or 48 km/h (30 mph), whichever is lower. Stops shall be made by applying front and rear service brakes simultaneously, and braking decelerations shall be from 1.96 m/s² to 4.90 m/s² (0.2 g to 0.5 g).
 - (3) After burnishing, adjust the brakes according to the manufacturer's recommendation.
 - (4) Make six stops from the braking test speed or 48 km/h (30 mph), whichever is lower. Stops shall be made by applying the front and rear service brakes simultaneously, and braking decelerations

CANVASS DRAFT 9/19/2006

shall be from 1.96 m/s² to 4.90 m/s² (0.2 g to 0.5 g).

(5) Make four stops from the braking test speed, applying the front and rear service brakes. Measure the speed immediately before the service brakes are applied. Appropriate markers or instrumentation shall be used which will accurately indicate the point of brake application. Measure the stopping distance (S).

(a) For all ATVs other than youth model ATVs, hand lever brake actuation force shall be not less than 22 N (5 lbf) and not more than 245 N (55 lbf), and foot pedal brake actuation force shall be not less than 44 N (10 lbf) and not more than 400 N (90 lbf).

(b) For youth model ATVs, hand lever brake actuation force shall be not less than 22 N (5 lbf) and not more than 133 N (30 lbf) and foot pedal brake actuation force shall be not less than 44 N (10 lbf) and not more than 222 N (50 lbf).

(c) For all ATVs other than youth model ATVs, the point of initial application of lever force shall be 30 mm (1.2 inches) from the end of the brake lever. For youth model ATVs, the point of initial application of lever force shall be 25 mm (1 inch) from the end of the brake lever. The direction of lever force application shall be perpendicular to the handle grip in the plane in which the brake lever rotates. The point of application of pedal force shall be the center of the foot contact pad of the brake pedal, and the direction of force application shall be perpendicular to the foot contact pad and in the plane in which the brake pedal rotates.

7.3 Performance Requirements

7.3.1 ATVs With Lower Maximum Speed Capability. During the four stops of 7.2(5), all ATVs with a maximum speed capability of 29 km/h (18 mph) or less shall be capable of making at least one stop that complies with the relationship:

$$S \leq V/5.28 \quad \text{or} \quad S \leq V$$

where
S = brake stopping distance (m)
V = braking test speed (km/h)

where
S = brake stopping distance (ft)
V = braking test speed (mph)

7.3.2 ATVs With Higher Maximum Speed Capability. During the four stops of 7.2(5), all ATVs with a maximum speed capability greater than 29 km/h (18 mph) shall be capable of making at least one stop that demonstrates an average braking deceleration of 5.88 m/s² (0.6 g) or greater.

Average braking deceleration can be determined according to the following formula: *

$$a = \frac{V^2}{25.92S} \quad \text{or} \quad a = \frac{(0.033) \times V^2}{S}$$

where
a = average deceleration (m/s²)
S = brake stopping distance (m)
V = braking test speed (km/h)

where
a = average deceleration (g)
S = brake stopping distance (ft)
V = braking test speed (mph)

*Direct on-board instrumentation may be used to acquire any measurement data as appropriate.

CANVASS DRAFT 9/19/2006

8. Parking Brake/Mechanism Performance

8.1 Test Conditions. Test conditions shall be as follows:

- (1) ATV test weight shall be the unloaded ATV weight plus weight secured to the seat or cargo area(s) (if equipped), which is equal to the vehicle load capacity.
- (2) Tires shall be inflated to the pressures recommended by the ATV manufacturer for the vehicle test weight.
- (3) The test surface shall be clean, dry, smooth concrete or equivalent, having a 30 percent grade.

8.2 Test Procedure. The test procedure shall be as follows:

- (1) Burnish the service brakes according to the procedure specified in 7.2(2) if service brakes are used as part of the parking brake.
- (2) Adjust the parking brake or parking mechanism according to the procedure recommended by the ATV manufacturer.
- (3) Position the ATV facing downhill on the test surface, with the longitudinal axis of the ATV in the direction of the grade and apply the service brake. Place the transmission in neutral or park and apply the parking brake or parking mechanism (if not already activated by placing the transmission in park). If the ATV is equipped with a parking mechanism allow the drive train to lock. Leave the ATV undisturbed for 5 minutes. Repeat the test with the ATV positioned facing uphill on the test surface.

8.3 Performance Requirements. When tested according to the procedure specified in 8.2, the parking brake or parking mechanism shall be capable of holding the ATV stationary on the test surface, to the limit of traction of the tires on the braked wheels, for 5 minutes in both uphill and downhill directions.

9. Pitch Stability

9.1 Test Conditions. Test conditions shall be as follows:

- (1) The ATV shall be in standard condition, without accessories. The ATV and components shall be assembled and adjusted according to the manufacturer's instructions and specifications.
- (2) Tires shall be inflated to the ATV manufacturer's recommended settings for normal operation. If more than one pressure is specified, the lowest value shall be used.
- (3) All fluids shall be full (oil, coolant, and the like), except that fuel shall be not less than three-fourths full. ATV shall be unladen, with no rider, cargo, or accessories.
- (4) Steerable wheels shall be held in the straight ahead position.
- (5) Adjustable suspension components shall be set to the values specified at the point of delivery to the dealer.
- (6) Suspension components shall be fixed by means of a locking procedure such that they remain in the same position and displacement as when the unladen ATV is on level ground, and in the conditions specified in 9.1(1) through 9.1(5).

9.2 Test Procedure. The test procedure shall be as follows:

- (1) Measure and record the wheelbase (L) and the track width for the front and rear (T_f and T_r). The measurement of these lengths shall be done with an accuracy of ± 5 mm (± 0.2 inch) or $\pm 0.5\%$, whichever is greater.
- (2) Measure and record the front and rear weights, (W_f and W_r respectively). W_f is the sum of the front tire loads; and W_r is the sum of the rear tire loads, with the ATV level and in the condition specified in 9.1. The measurements of these weights shall be done with an accuracy of ± 0.5 kg (± 1.1

CANVASS DRAFT 9/19/2006

lb) or $\pm 0.5\%$, whichever is greater.

(3) Using the values obtained in 9.2(1) and 9.2(2), compute and record the quantity as follows:

$$L_1 = \frac{W_f}{W_f + W_r} L$$

Where

L_1 = longitudinal distance from rear axle to cg

(4) Measure and record the vertical height between the rear axle center and the ground (R_r). This measurement shall be done on level ground, with the ATV in the conditions specified in 9.1, with an accuracy of ± 3 mm (± 0.1 inch) or $\pm 1.5\%$, whichever is greater.

(5) Measure and record the balancing angle alpha. The procedure for obtaining this value is as follows: With the ATV on a level surface, the front of the vehicle shall be rotated upward about the rear axle without setting the rear parking brake or using stops of any kind, until the ATV is balanced on the rear tires. The balancing angle alpha through which the ATV is rotated shall be measured and recorded with an accuracy of ± 0.5 degrees. If an assembly protruding from the rear of the ATV, such as a carry bar or trailer hitch or hook, interferes with the ground surface, so as to not allow a balance to be reached, the vehicle shall be placed on blocks of sufficient height to eliminate the interference.

(6) Repeat the measurement in 9.2(5) and determine if the two individual measurements are within 1.0 degree of each other. If they are not, repeat the measurements two more times and compute the average of the four individual measurements, and use that as the value.

9.3 Performance Requirements

9.3.1 Pitch Stability

9.3.1.1 Pitch Stability Computation. Using the values obtained in 9.2(3), 9.2(4), and 9.2(6), compute the pitch stability coefficient as follows:

$$K_p = \frac{L_1 \tan \alpha}{L_1 + R_r \tan \alpha}$$

Where

L = wheelbase

L_1 = longitudinal distance from rear axle to cg

Alpha = rear tip angle at balance

R_r = vertical distance from rear axle to ground

9.3.1.2 Pitch Stability Requirement. The pitch stability coefficient K_p calculated according to 9.3.1 shall be at least 1.0.

10. Electromagnetic Compatibility. To achieve international harmonization, electrical and electronic systems shall conform to the performance requirements of Directive 72/245/EEC as amended by Directive 95/54/EC, or Directive 97/24/EC Chapter 8, to be so constructed that they do not cause excessive electromagnetic interference and are not unduly affected by electromagnetic interference.

11. Sound Level Limits

11.1 Newly Manufactured ATVs. All ATVs as defined in Section 3 of the standard shall be

CANVASS DRAFT 9/19/2006

manufactured and equipped so as not to exceed the sound level limits established by the U.S. Environmental Protection Agency for the regulation of noise emissions from off-road motorcycles. These sound level limits, promulgated at Title 40 CFR, Part 205, Subpart D, shall apply to ATVs as follows:

ATVs with engine displacements of 170 cc and lower:80 dB (A)

ATVs with engine displacements greater than 170 cc:82 dB (A)

11.2 Test Procedure. ATV sound level compliance testing shall be conducted in accordance with the procedures set forth in Appendix I-1 to Subpart D of Part 205, Test Procedure for Street and Off-Road Motorcycles.

12. Certification Label. All ATVs shall be equipped with a certification label, placed in a location that allows viewing without removing any part of the ATV. The label shall use the following wording: (Manufacturer's Name) certifies that this ATV complies with the American National Standard for Four Wheel All-Terrain Vehicles, ANSI/SVIA – 1 – 200X Standard.

12.1 Durability. These labels shall meet the expected life requirements of American National Standards Institute (ANSI) Standard *ANSI 535.4-2002, Product Safety Signs and Labels*.

CANVASS DRAFT 9/19/2006

Operator Foot Environment - Plan View

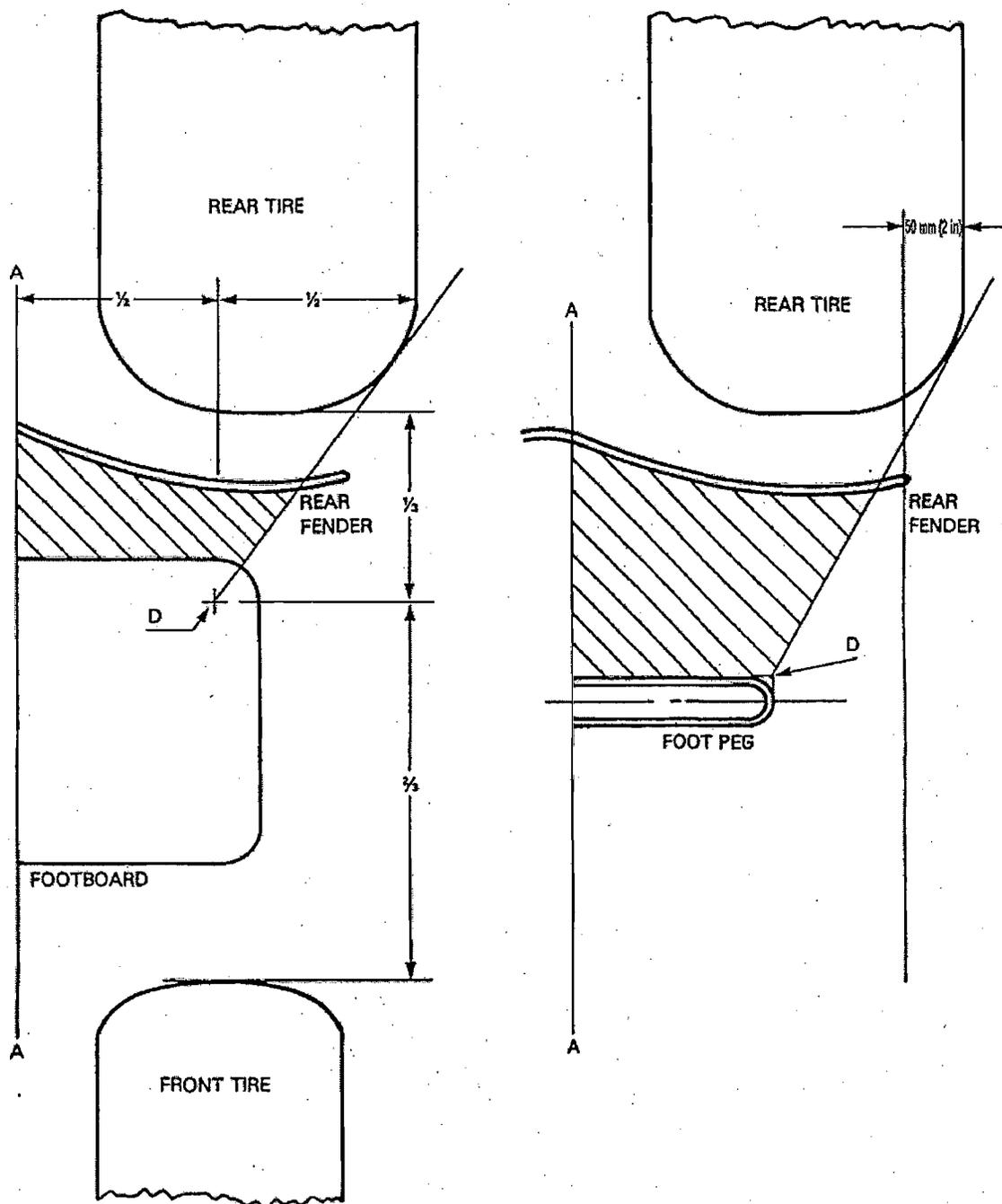


Figure 1
Operator Foot Environment - Plan View

CANVASS DRAFT 9/19/2006

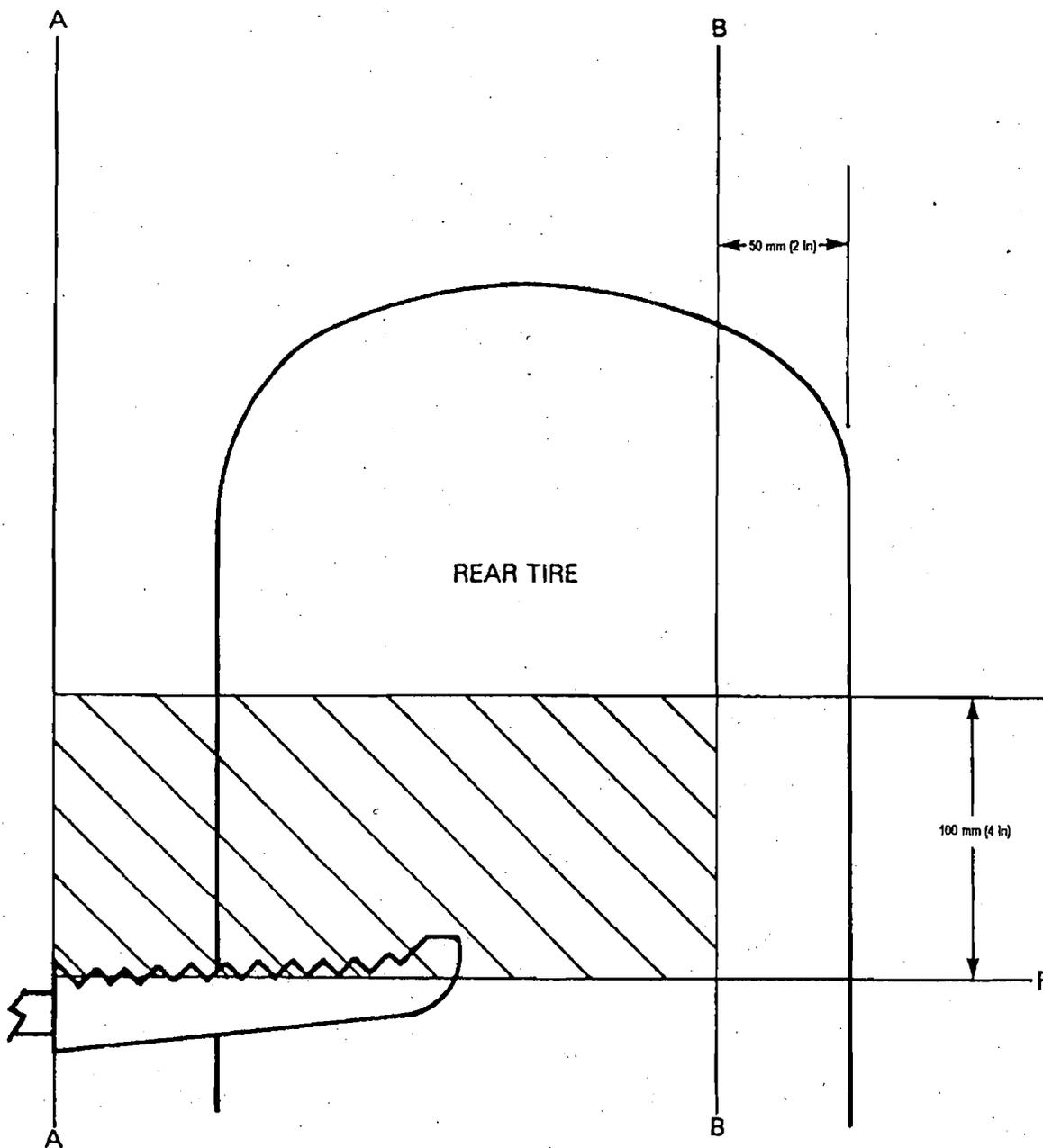


Figure 2
Operator Foot Environment - Front View

CANVASS DRAFT 9/19/2006

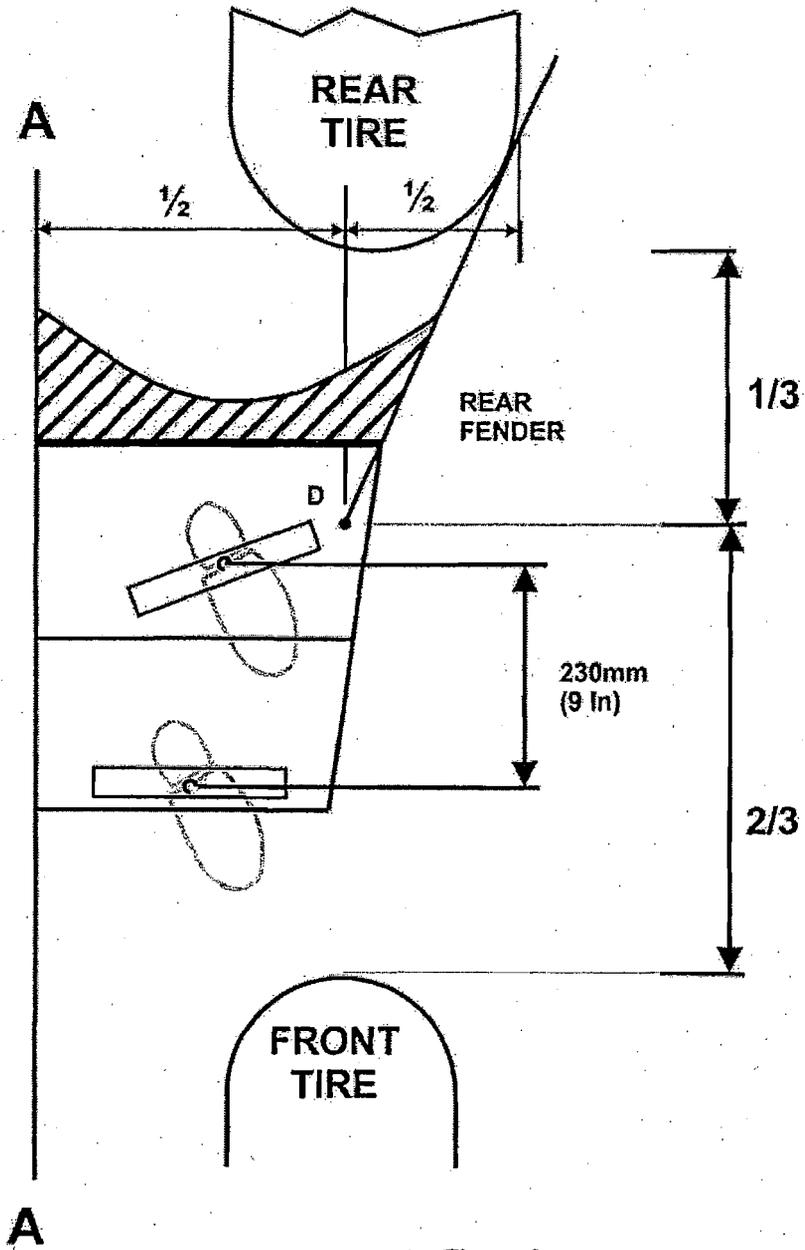


Figure 3
Operator and Passenger Foot Environment
Plan View

CANVASS DRAFT 9/19/2006

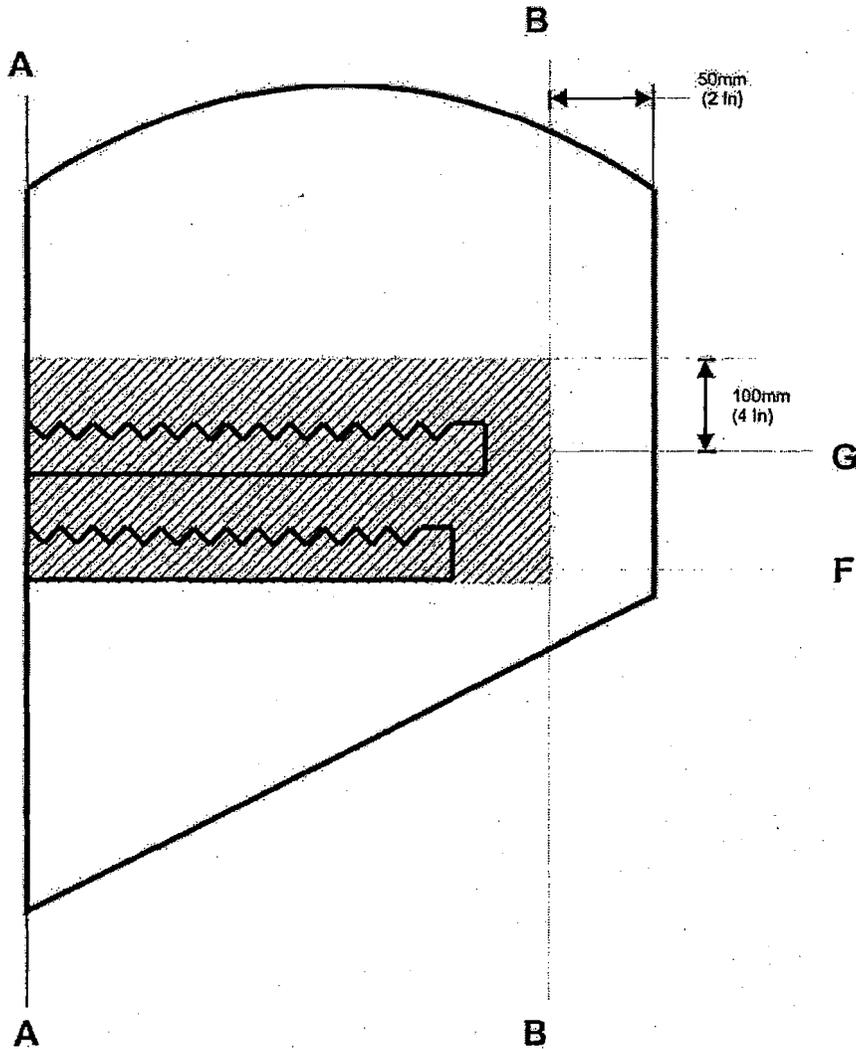


Figure 4
Operator and Passenger Foot Environment
Front View

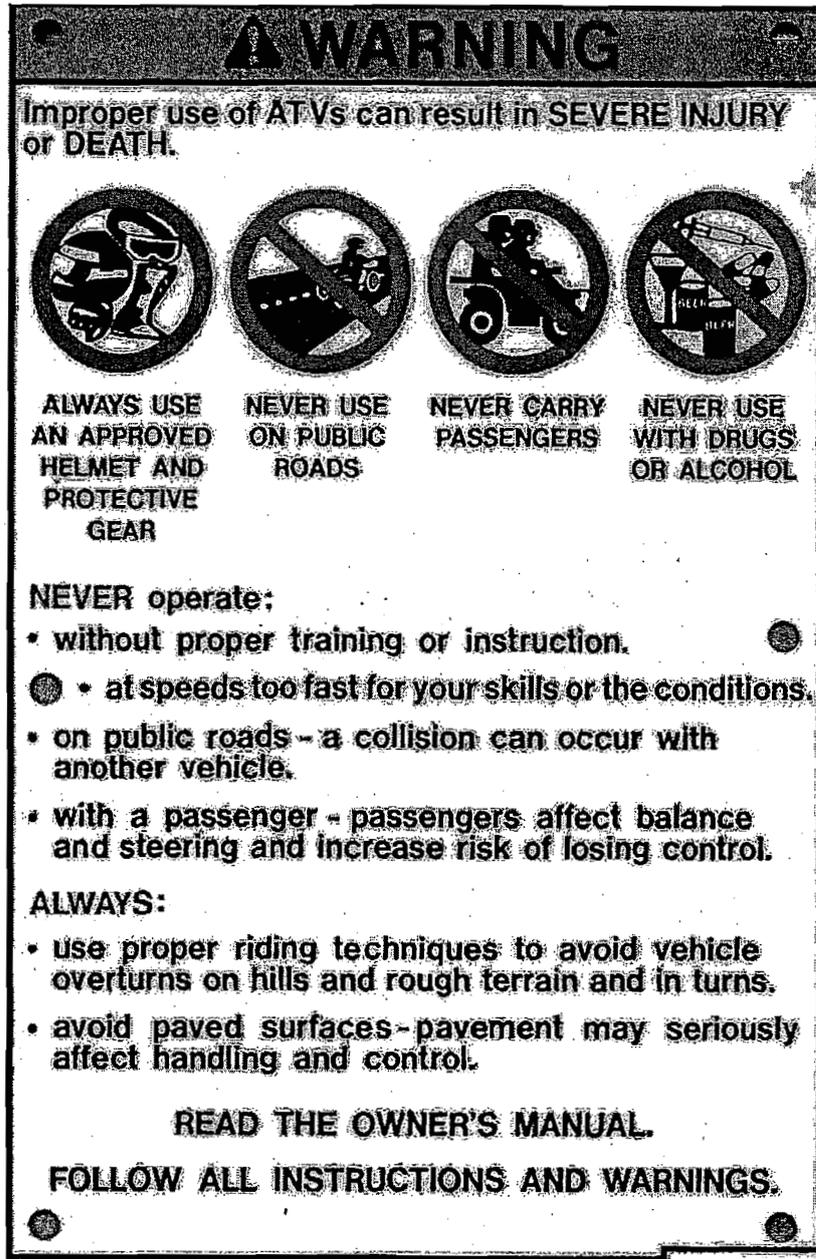


Figure 5
Type I General Warning Label

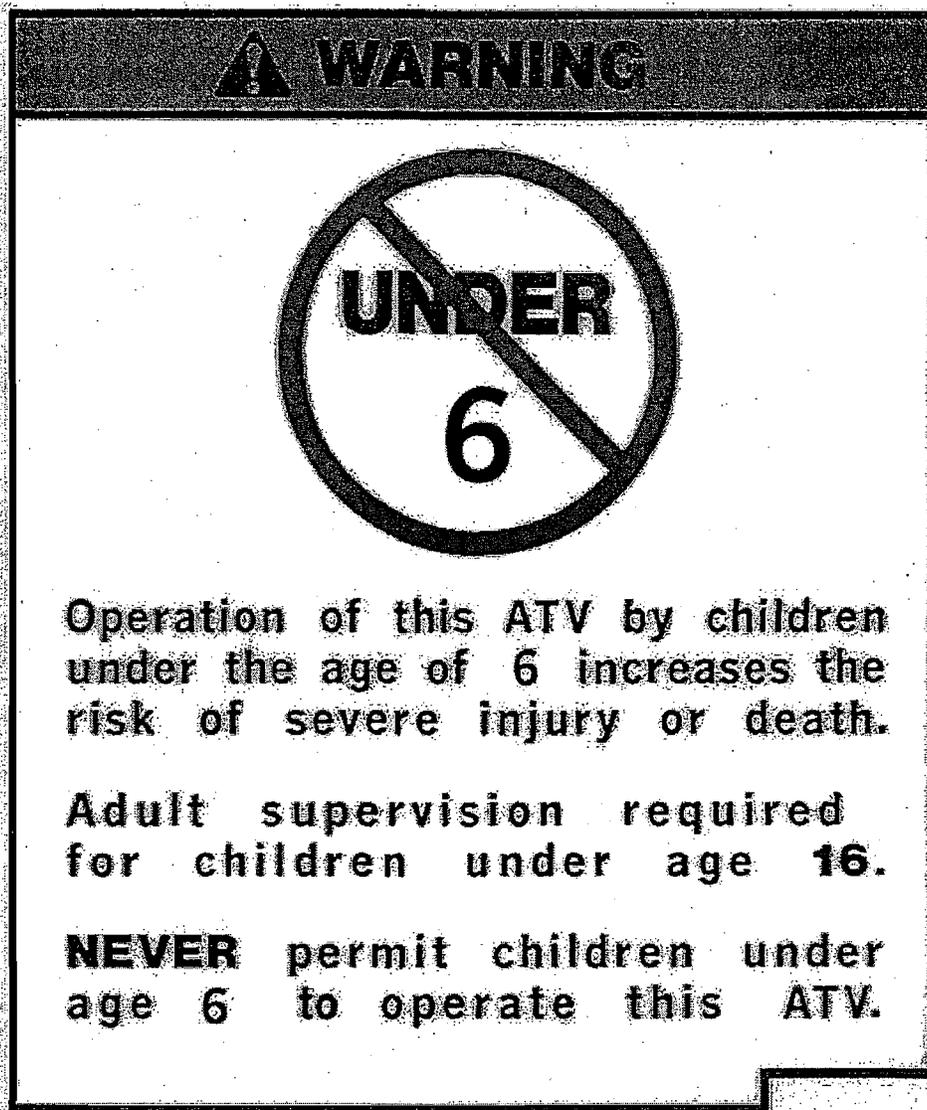


Figure 6
Type I Age Recommendation Warning Label
Category Y-6

CANVASS DRAFT 9/19/2006

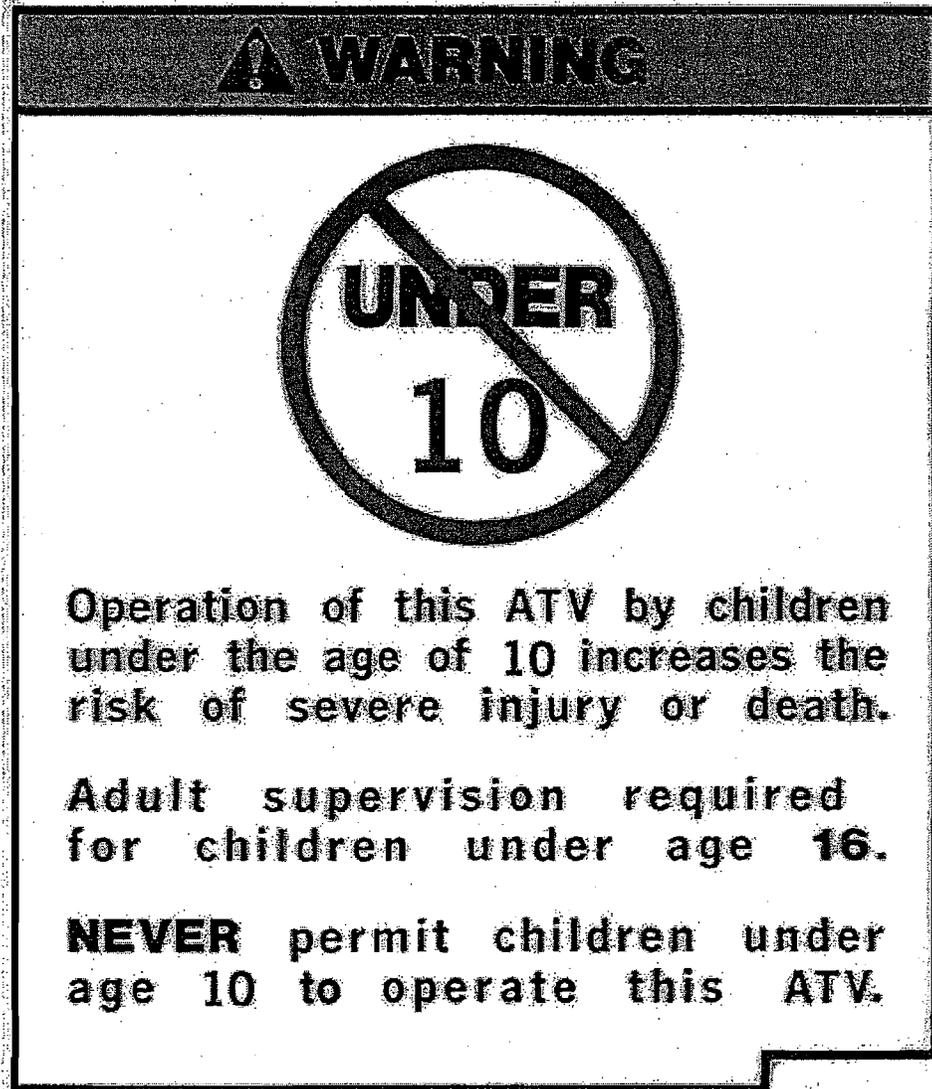


Figure 7
Type I Age Recommendation Warning Label
Category Y-10

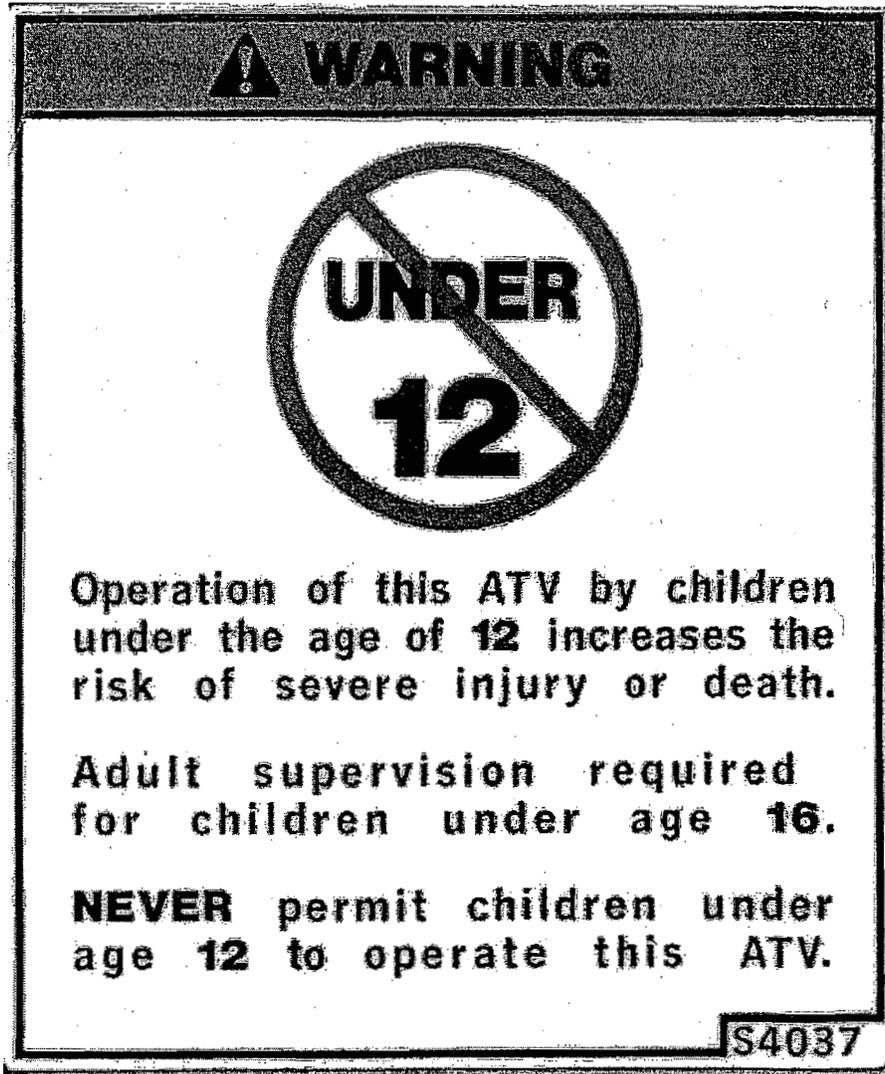


Figure 8
Type I Age Recommendation Warning Label
Category Y-12

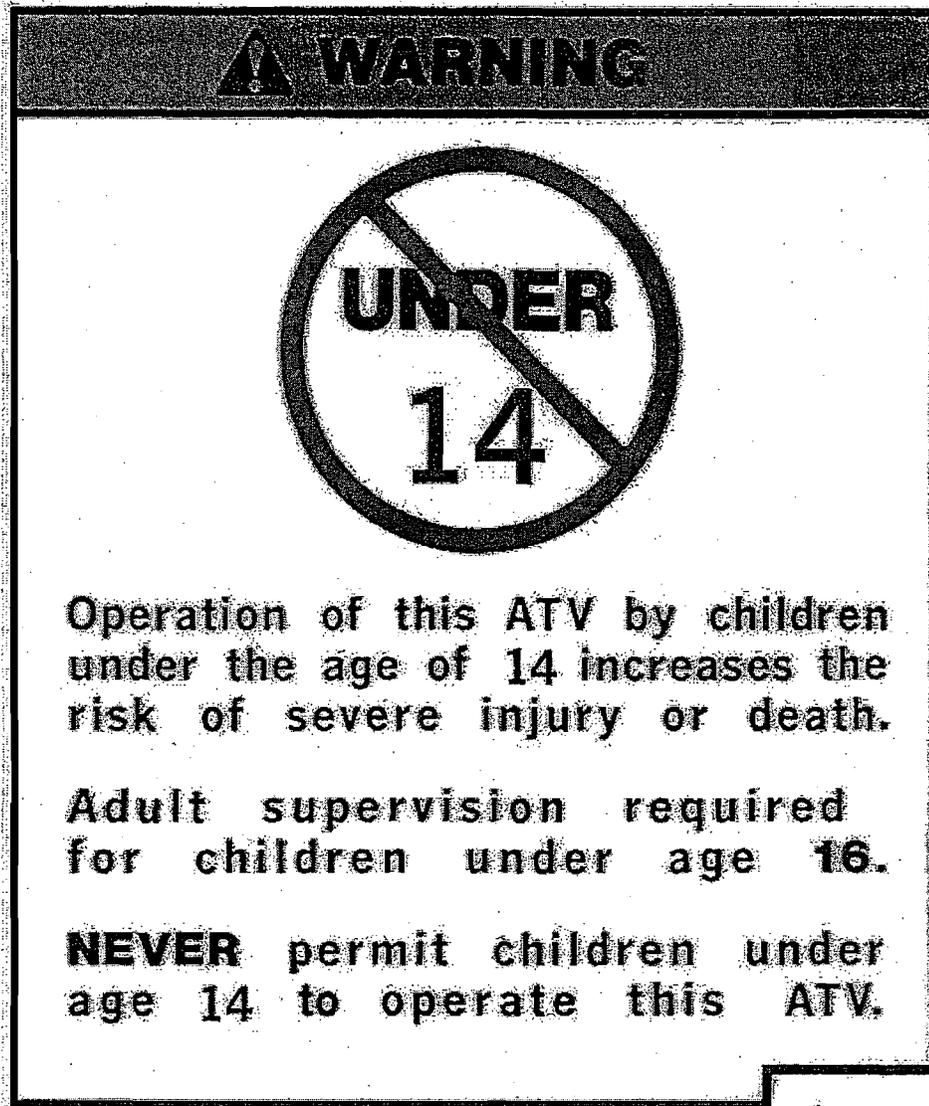


Figure 9
Type I Age Recommendation Warning Label
Category T

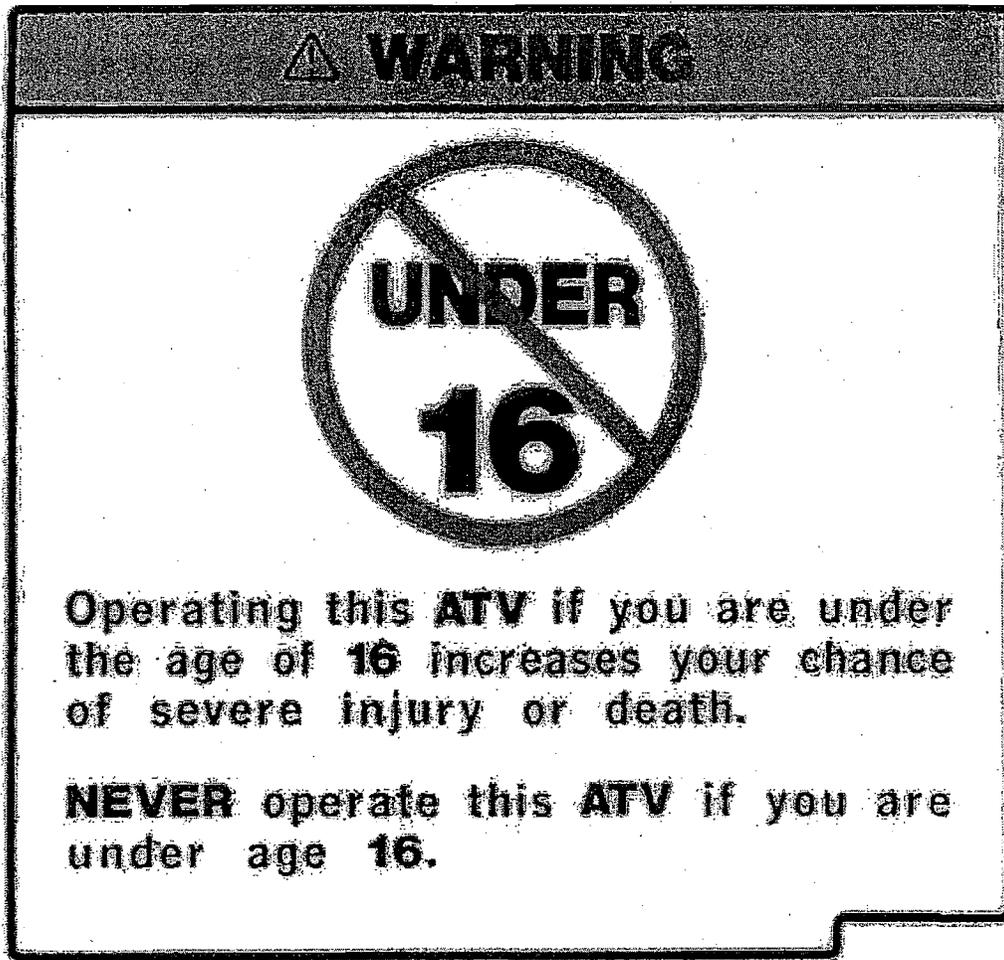


Figure 10
Type I Age Recommendation Warning Label
Category G or S

CANVASS DRAFT 9/19/2006

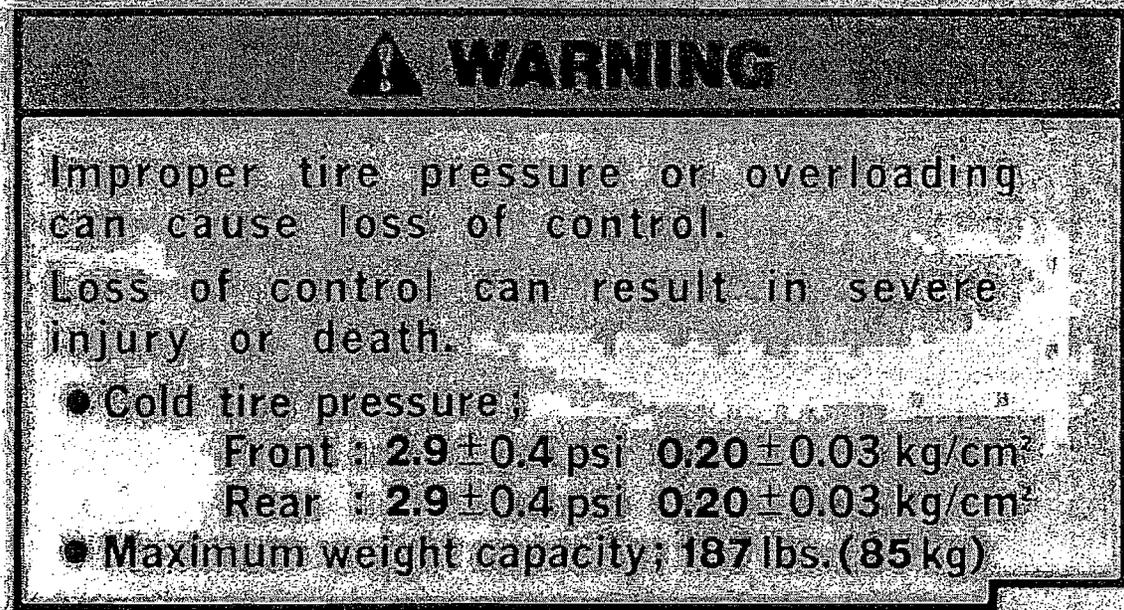


Figure 11
Type I Tire Pressure Warning Label

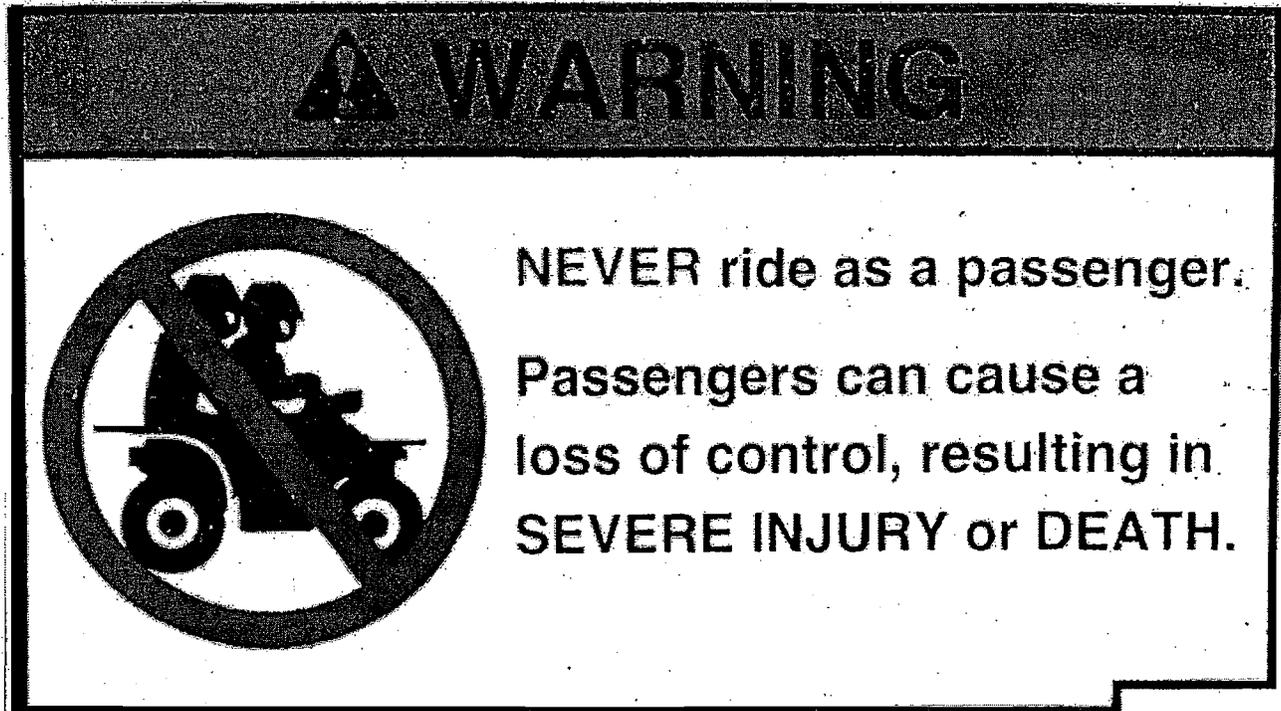


Figure 12
Type I Passenger Warning Label

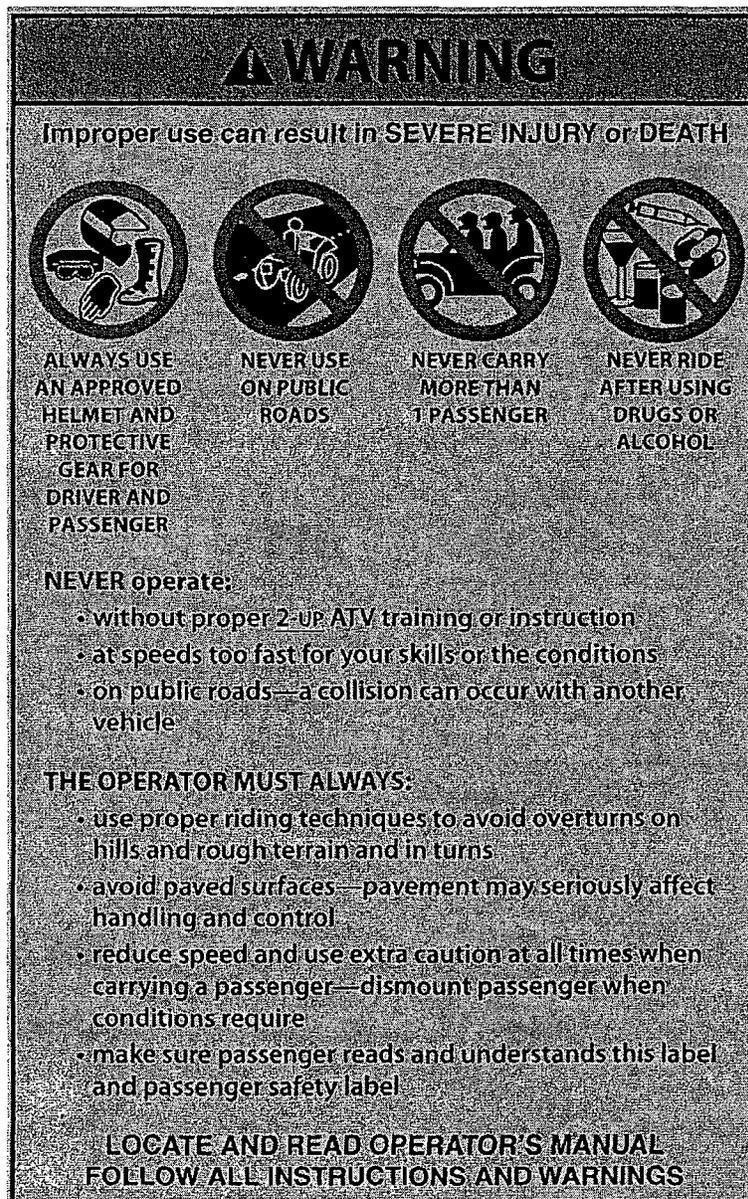


Figure 13
Type II General Warning Label

CANVASS DRAFT 9/19/2006

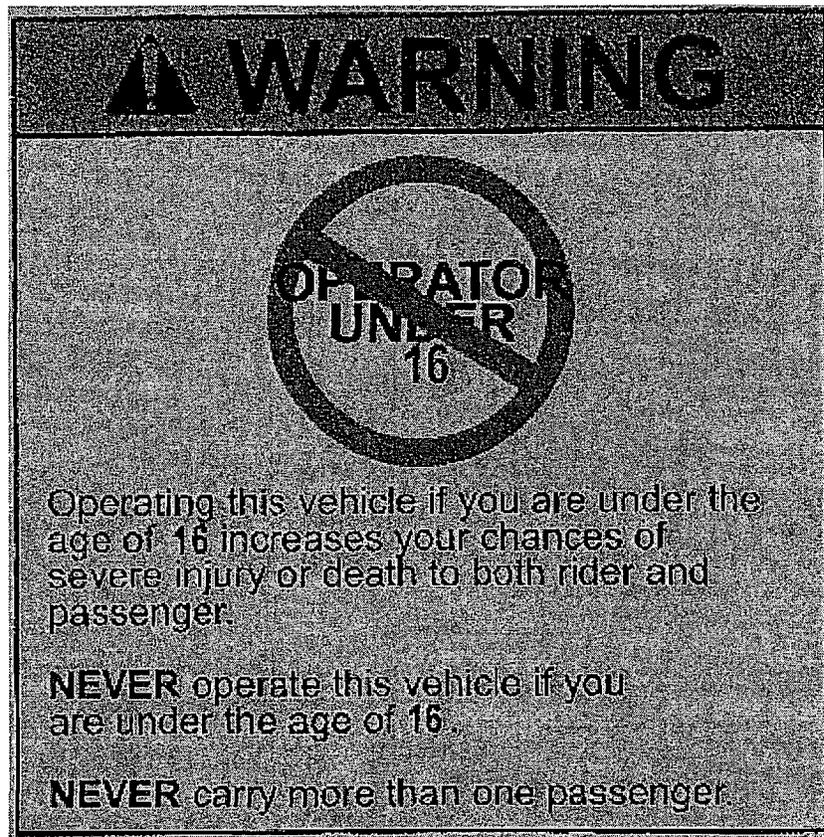


Figure 14
Type II Age Recommendation Warning Label

▲ WARNING		
Improper tire pressure or over-loading can cause loss of control, resulting in severe injury or death. ALWAYS maintain proper tire pressure as shown.	LOAD	COLD TIRE PRESSURE
	UP TO 600 lbs (272 kg)	FRONT 5 psi (0.35 kg/cm ²) REAR 5 psi (0.35 kg/cm ²)
NEVER exceed the vehicle load capacity of 600 lbs. (272 kg) including weight of operator, passenger, cargo, accessories and, if applicable, trailer tongue weight.		
ATV LOADING and TRAILER TOWING		
<ul style="list-style-type: none">• Cargo/passenger loading or trailer towing can affect stability and handling• When loaded with cargo or a passenger or towing a trailer:<ul style="list-style-type: none">– reduce speed– allow more room to stop– avoid hills and rough terrain		

Figure 15
Type II Tire Pressure Warning Label
Note: Numbers are for illustration only.

▲ WARNING

PASSENGER SAFETY

To reduce the risk of SEVERE INJURY or DEATH



**NEVER CARRY
MORE THAN 1
PASSENGER**



**NEVER RIDE AFTER
USING DRUGS OR
ALCOHOL**

NEVER carry a passenger too small to firmly plant feet on footrests and securely grasp hand holds.

THE PASSENGER MUST ALWAYS:

- use an approved helmet and protective gear.
- securely grasp hand holds and plant feet firmly on footrests
- tell operator to slow down or stop if uncomfortable—get off and walk if conditions require

Figure 16
Type II Passenger Warning Label (Sample)

CANVASS DRAFT 9/19/2006

Appendix A (This Appendix is not part of the voluntary standard but is included for information only.)

Rationale

This appendix gives the rationale behind various requirements of this voluntary standard. The section numbers in this appendix correspond to those used in the body of the standard.

A3. All-Terrain Vehicle (ATV). The definition of all-terrain vehicle was arrived at after considering the important aspects of the configurations of ATVs that currently exist in the marketplace. ATVs are subdivided into types and categories by the manufacturer, depending on the configurations or intended usage. This revision reflects an effort to improve the matching of the categories to the size, capabilities and expectations of younger riders by promoting their use of Category Y and Category T ATVs rather than larger, adult-sized ATVs.

A4. Vehicle (ATV) Equipment and Configuration

A4.1 Service Brakes. It is important that the location and method of operation of the brake control be standardized. The specified control locations are consistent with current ATV practice.

A4.2 Parking Brake/Parking Mechanism. The parking brake/mechanism is intended to prevent rolling movement of an ATV when it is parked and left unattended.

A4.3 Mechanical Suspension. Mechanical suspension is provided to increase operator comfort and should also assist in reducing operator fatigue. The definition of wheel travel as a function of suspension is drawn from Society of Automotive Engineers Information Report, SAE J1451 JAN00.

A4.4 Engine Stop Switch. It is important that the location and method of operation of the engine stop switch be standardized. The specified control location is consistent with current ATV practice.

A4.5 Manual Clutch Control. Location of a manual clutch control lever on the left side handlebar is dictated by the fact that this control is used in conjunction with the throttle and must be on the handlebar opposite from the throttle control. The location of this control is consistent with current ATV practice.

A4.6 Additional Clutch Control. ATVs may be equipped with a power take-off or other device which uses drive or propulsion provided by the ATV engine. A standardized method of operation is provided if such device is controlled through a clutch.

A4.7 Throttle Control. A common location and certain aspects of operation of the throttle control are important. The selection of the right side location and the requirement that the throttle be self-closing to idle are consistent with current ATV practice.

A4.8 Drivetrain Controls. Standardization of these controls is achieved by a prescribed location and method of operation.

A4.9 Neutral Indicator. A neutral indicator may help prevent inadvertent starting in gear of an ATV equipped with a centrifugal clutch. The indicator is not needed on an ATV equipped with a manual

CANVASS DRAFT 9/19/2006

clutch control. It is difficult to start the engine of such an ATV except when the transmission is in neutral, unless the manual clutch is disengaged.

A4.10 Reverse Indicator. A reverse indicator informs and reminds the operator that reverse has been engaged.

A4.11 Electric Start Interlock. The interlock is designed to prevent unintended movement of the ATV when the engine is being started by electric cranking.

A4.13 Flag Pole Bracket. Flag poles are required by law in certain areas. The device used for this purpose usually is a long, thin pole with a brightly colored flag at the top. The requirement for a flag pole bracket is intended to ensure that a secure location is provided for the installation of the pole.

A4.14 Manual Fuel Shutoff. Specified operation of this control is consistent with current motorcycle practice. These requirements do not apply to non-manual fuel shut off methods; for example, electric, vacuum, or other means not requiring direct operator action.

A4.15 Handlebars. The intention is to help minimize the risk of injury due to contact with the handlebar mounting area. The purpose of the specific test procedures provided is to determine which parts can be contacted by the operator's head. The minimum edge radius specified will preclude the use of sharp edges that might contribute to injury. Handlebar crossbar shall be padded to reduce the potential for facial injury in the event of an accident.

A4.16 Foot Environment. The operator and or operator and passenger foot environment configuration is intended to reduce the possibility of inadvertent contact between the rider's feet and the ground immediately in front of the rear tire, or the rear tire itself. Differing zones are defined for ATVs equipped with footpegs (designed to support the operator's or passenger's feet with a relatively narrow bar), and footboards (designed to support the operator's or passenger's feet with a platform-type structure).

A4.17 Lighting Equipment. ATVs of Category G, T, and S can be expected to be used at night or under low-visibility conditions. In the case of recreational use this might be because the operator elects to ride under those conditions, or because, after participating in some activity, it may not be possible to return to base during daylight. In the case of utility use, operation may not coincide with daylight hours or the unit may be used in an area where artificial lighting is needed. So there are occasions when lighting equipment is required or desirable for the purpose of illumination or identification or both. This provision has been changed to allow headlamps and tail lamps on Category Y models. Headlamps and tail lamps can also be beneficial under certain riding conditions, such as heavy brush, dusty or shaded trails, and similar low-light conditions.

Allowing headlamps is also appropriate to provide lighting on those occasions when a group of riders, including Y models riders, are inadvertently or unexpectedly riding after dark.

A4.18 Spark Arrester. Spark arresters are provided for the purpose of suppressing fire ignition and for compliance with federal requirements.

A4.19 Tire Marking. ATV tires operate at pressures substantially below those common for other powered vehicles. Information concerning these low pressures is provided on or with the ATV. The

CANVASS DRAFT 9/19/2006

intent of this section is to emphasize the low-pressure nature of these tires, direct the operator to appropriate sources of specific operating pressure recommendations, and to provide other valuable information.

A4.20 Tire Pressure Gauge. Maintenance of the correct tire pressure is important to the handling characteristics of the ATV. A special gauge is needed because ATV tires use a much lower tire pressure than other vehicles.

A4.21 Security. The intention is to permit the person in control of an ATV to retain control and regulate the use of the vehicle. A security system with 300 exclusive combinations is typically used for on-road motorcycles.

A4.22 Owner's Manual/Operator's Manual. A manual is required because it is necessary that certain information is available to the owner/operator and it is not possible to provide all this material on labels affixed to the ATV. Informational requirements have been added in this revision.

A4.24 Labels. Requires common labeling for all ATVs.

A4.25 Hang Tags. Requires a point of sale hang tag to inform consumers of the intended purpose (category), age limitations, the availability of training and to provide a copy of the general warning label to allow potential customers to make an informed purchase decision.

A6. Category Y and T ATV Speed Capability Requirements. This section establishes a maximum unrestricted speed capability and a maximum limited speed capability for all Category Y and Category T ATVs. It requires ATVs in these categories to be equipped with an adjustable or removable speed limit device. The intent is to provide a means by which the supervising adult can limit the ATV's maximum speed capability according to the skill and experience of the young rider. By further requiring that Category Y and Category T ATVs be delivered with the speed limiter adjusted to provide the specified slow maximum speeds, it is expected that higher speeds will not be used unless the supervising adult has determined that the young rider has the skill and experience to operate the ATV at higher speeds. This section also includes a requirement that the maximum unrestricted speed capability of Category Y and Category T ATVs be limited. The revision of the maximum speeds for each category were based on human factor studies and available information on children's interaction with similar products. This revision also reflects an effort to improve the matching of the categories to the market because data indicates that younger riders are more at risk on larger, adult-sized ATVs. The new categories focus on speeds that are more appropriate for the age categories and are intended to appeal to the younger riders and their families. It was originally decided to include this requirement even though no evidence could be found to indicate that the requirement is needed.

A7. Service Brake Performance. This section establishes minimum braking performance requirements that are intended to help ensure that ATVs are equipped with brake systems that are adequate for stopping the vehicle. The requirements in this section are patterned after the requirements in Federal Motor Vehicle Safety Standard No. 122 (FMVSS 122), Motorcycle Brake Systems. The pertinent elements of FMVSS 122 were selected for inclusion in this standard, based on the knowledge and experience of the manufacturers. Certain requirements that appear in FMVSS 122 were not included, because they were determined to be inappropriate, or because it was thought that they would add complexity without providing any benefit. After deciding which elements of FMVSS 122 to include, some of the specific provisions were changed to accommodate (1) physical differences between

CANVASS DRAFT 9/19/2006

ATVs and motorcycles, and (2) differences between the off-road operating environment of ATVs and the on-road operating environment of motorcycles.

A8. Parking Brake/Parking Mechanism Performance. The performance requirements are intended to help ensure that the ATV parking brake/mechanism is adequate to prevent rolling movement of the ATV when it is parked and left unattended.

A11. Sound Level Test Procedure. ATVs with CVTs, particularly larger displacement models, do not restrict engine speed to the closing RPM when the throttle is fully opened, so more throttle modulation is required to test such ATVs so as to not exceed closing RPM. Following is an expanded version of section (c) (4) of the EPA test procedure that provides additional details of one method of testing these ATVs according to the EPA procedure.

(c) (4) If the motorcycle is equipped with an automatic transmission, the procedure specified in paragraph (c)(1) must be followed except that the lowest selectable range must be employed, and the procedure specified in paragraph (c)(3) must be followed using the next higher selectable range, if necessary, and if the vehicle is so equipped. If closing RPM is reached before the vehicle travels 10 m (32.8 ft), the throttle must be opened less rapidly, but in such a manner that full throttle and closing RPM are attained at the end point. If the automatic transmission is designed so that it is not possible to attain full throttle and closing RPM at the end point, such as with a continuously variable transmission that does not restrict engine speed to a speed near to closing RPM, then (1) the throttle must be opened less rapidly, but in such a manner that closing RPM and the largest possible throttle opening attainable with smooth and steady throttle opening are attained at the end point after accelerating for 10 m (32.8 ft) and (2) when the front of the vehicle reaches the end point the throttle shall be fully opened and kept open until the rear of the vehicle reaches the end point, at which time the throttle shall be fully closed.

A12. Certification Label. This requirement provides consumers and others with a visual means of verifying that an ATV complies with this standard.

APPENDIX M

Evaluation of Four "New Entrant" ATVs
For Compliance to the
ANSI/SVIA-1-2001
American National Standard For Four Wheel All-Terrain-Vehicles –
Equipment, Configuration, and Performance Requirements
and
Action Plans
June 1, 2006

Marchica & Deppa

Prepared by:

Marchica & Deppa, LLC
21021 New Hampshire Ave.
Brookeville, MD 20833

INTRODUCTION

Marchica & Deppa, LLC (M&D) is an independent engineering consulting company specializing in consumer product safety. M&D was contracted by the Specialty Vehicle Institute of America¹ (SVIA) to examine four All-Terrain Vehicles (ATVs) that are representative of recent, “new entrants” to the American ATV market.

Currently, the established or “legacy” ATV companies manufacture their vehicles to comply with an industry voluntary standard, the ANSI/SVIA-1-2001 American National Standard for Four Wheel All-Terrain Vehicles – Equipment, Configuration, and Performance Requirement (the Standard). The legacy ATV companies also provide product safety information, warnings, hands-on training, and other product support, as specified in voluntary ATV Action Plans (Action Plans) that have been approved by and are on file with the United States Consumer Product Safety Commission (CPSC).

The purposes of this study were: (1) to examine and test the new entrant ATVs for compliance with the Standard; and (2) to determine the extent to which the new entrant companies are providing similar product safety information, warnings, training and product support. The new entrant ATVs tested were all youth-sized or small-sized ATVs intended for use by children under age 16.

The study includes four separate sections that report M&D’s findings on each of the tested new entrant ATVs. The report also provides additional observations about potential hazards and features that are not expressly addressed in the Standard or the Action Plans.

MAJOR FINDINGS

ALL four new entrant ATVs fail to comply with the Standard, and none meets the requirements that the legacy ATV companies have agreed to and implemented for many years under their Action Plans. In addition, three of the four ATVs contain features that may constitute Substantial Product Hazards as defined in Section 15 of the Consumer Product Safety Act. The nature of the failures is serious; two of the ATVs lacked front brakes, two of them had no or inadequate suspension systems, two of them can be started while in gear, and so on.

The Standard, in addition to addressing safety concerns within the jurisdiction of CPSC (and in many instances drawn from the Federal Motor Vehicle Safety Standards for motorcycles), include spark arrestor requirements from the Forest Service and noise requirements from the Environmental Protection Agency. All four ATVs apparently violate the spark arrestor requirements, and at least one of the ATV appears to violate the noise requirement.

¹ The sponsoring companies of SVIA are: American Honda Motor Co., Inc., American Suzuki Motor Corporation, Arctic Cat Inc., Bombardier Recreational Products, Inc., Deere & Company, Kawasaki Motors Corp., U.S.A., Polaris Industries, Inc., and Yamaha Motor Corporation, U.S.A.

Many new entrant ATVs are available through sales initiated on the Internet; all four of these new entrant ATVs were identified and chosen from Internet websites, and three of them were purchased by phone and delivered directly to the home of one of the M&D partners. These vehicles were delivered without having been properly set up and adjusted, and in some cases these omissions present real hazards. For instance, tires that should be inflated to only 4 or 5 psi were delivered at 30 psi, and there was no pressure gauge provided. The one ATV that was purchased from a store, which is designed for a single operator, was delivered with almost no safety information except an instruction that a passenger should loop the parental training shutoff lanyard around the wrist so that if he/she fell off, the engine would stop.

The two smallest new entrant ATVs that were tested are being marketed and sold for the youngest children. However, M&D determined that these two models present such significant hazards that it was unsafe to place a small youthful operator at risk for the tests. The high speed and poor brakes and suspension systems of these products were deemed too potentially dangerous to permit use by a youthful test operator.

In summary, the four tested new entrant ATVs pose serious safety risks to consumers. These products, which do not comply with the Standard and are sold to U.S. consumers without proper safety, training, and other product support, create serious potential hazards and undermine the longstanding efforts of CPSC and the legacy ATV companies to promote safe and proper ATV use.

Summary of Four Tested New Entrant ATV Failures To Comply with ANSI Standards

<p>Baja 90:</p> <p>Flagpole bracket Youth lighting prohibition Spark arrestor Tire markings Pressure gauge Speed limiting device Maximum speed Speed as delivered</p>	<p>SunL:</p> <p>No front brakes No parking brake No mechanical suspension Carry bar Flagpole bracket Youth lighting prohibition Spark arrestor Tire markings Pressure gauge Owner's manual VIN # Maximum speed Speed as delivered Brake performance Parking brake performance</p>
<p>Kazuma:</p> <p>No front brakes No parking brake Gearshift pattern No neutral indicator No starting interlock Flagpole bracket Youth lighting prohibition Spark arrestor Tire markings Pressure gauge Owner's manual Speed limiting device Maximum speed Brake performance Parking brake performance</p>	<p>Long Chang:</p> <p>No parking brake Mechanical suspension Stop switch Gearshift pattern Neutral indicator Reverse indicator Starting interlock Carry bar Flagpole bracket Handlebar Youth lighting prohibition Tire markings Pressure gauge Maximum speed Speed as delivered Parking brake performance</p>



About the Authors

Marchica & Deppa, LLC (M&D) is an engineering consulting company specializing in consumer product safety. Roy Deppa and Nick Marchica have over 55 years' combined experience in consumer product safety. We provide product safety consulting services to manufacturers, importers, distributors and retailers as well as to law firms, trade associations and foreign governments.

Our expertise covers a wide variety of consumer products such as All-Terrain Vehicles, Outdoor Powered Equipment, Recreational Equipment, Tools, Household Products, Cigarette Lighters, and Electrical Appliances. At Marchica & Deppa, LLC, we have a systematic life cycle approach to product safety.

Product safety must be an integral part of a consumer product's life, from its design and manufacture to consumer use and ultimate product end-of-life. We provide training in product safety design concepts and stress the importance of using failure modes and effects analysis. We present case studies that illustrate these concepts.

For additional information, please visit www.marchicadeppa.com.

Nicholas V. Marchica

During his career at the CPSC from 1978 to 2005, Nick held a number of engineering and management positions. As a Project Manager, he worked on household structural products such as insulation, ladders, water heaters and architectural glazing. As the Program Manager for Product Safety Assessment, he established and managed all the technical work in support of the CPSC's Office of Compliance. In 1985, Chairman Scanlon appointed him Chairman of the ATV Task Force, charged with conducting the largest product safety evaluation in the history of the agency. As the Voluntary Standards Coordinator, Nick was responsible for advocating the CPSC position on all product safety related voluntary standards before the American National Standards Institute, ASTM and Underwriters Laboratories. When he was the Director of the Office Planning and Evaluation, he was responsible for all agency program and management analyses, including the development of CPSC's strategic plan. As the Associate Executive Director for Engineering Sciences, he was responsible for all engineering work on regulatory development, voluntary standards development and support to the Office of Compliance. As Deputy Executive Director, he provided advice and guidance to the Executive Director on all programs, including regulatory, compliance, consumer information, information technology and administrative matters. As the Assistant Executive Director of the Office of Compliance, he was responsible for the day to day management of the CPSC enforcement of regulations, recalls and administrative litigation. He retired as the Special Assistant to the Executive Director and Special Assistant to Commissioner Nancy Nord. Nick earned a Bachelor of Science degree in Civil Engineering from Lafayette College in 1972 and a Master of Science degree in Civil Engineering from Lehigh University in 1974.

Roy W. Deppa

During his CPSC career from 1978 to 2005, Roy was a Mechanical Engineer and Program Manager on a wide range of product evaluations, including Lawn Mowers, Asbestos Products, Indoor Air Pollution, Upholstered Furniture, Outdoor Powered Equipment, and Recreational Products and Vehicles. Many of the projects resulted in new or revised voluntary standards under the auspices of ANSI, ASTM, UL, and ASME. As Chief Engineer of the ATV Task Force, he was responsible for all the testing and evaluation of three and four wheeled ATVs; including the development of the ANSI voluntary standard. In 1989-90, he was a Commerce Science and Technology Fellow, serving as Legislative Assistant to NY Senator Alfonse D'Amato, where he had input to Defense Appropriations, Transportation Appropriations, and other technology-based matters of national importance. As Director of the Division of Mechanical Engineering in the Directorate for Engineering Sciences, he was responsible for the day-to-day supervision of engineering staff working on wide range of regulatory development, voluntary standards, and compliance activities. He retired as an Associate Director in the CPSC Office of Compliance, where he supervised a team of Compliance Officers responsible for petroleum fueled products, electrical products, consumer fireworks, cigarette lighters, and recreational products. Roy is a registered Professional Engineer in the State of Maryland and earned his Bachelor of Science degree in Mechanical Engineering from the University of Maryland in 1971.

The Tests

Facility

The tests were run in accordance with the requirements of the Standard, with one or two variations; the Standard calls for a smooth, level concrete (including asphalt) surface for the speed measurements and the service brake performance tests. These tests were run on a smooth asphalt drive that had two level zones with a slight slope between them. Because these tests were on small-sized ATVs, the test measurements were taken on the level portions of the pavement. Had adult-sized ATVs been tested, the much higher speeds would likely have necessitated use of a longer pavement.

The Standard does not specify the size and weight of the rider used in the tests, except where the owner's manual or labels specify a weight limitation. For these tests, the test ATV did not have a specified operator weight limitation. In the case of the two smaller ATVs, M&D were not prepared to place a small youthful operator at risk for the tests; the high speed and poor brakes and suspensions of these vehicles were deemed too potentially dangerous for a youthful test operator. While using the 190 lb. operator may have resulted in longer braking distances than a lighter rider would produce, the lack of front brakes itself constitutes a hazard and would likely result in a failure with a rider of any weight.

Equipment

The following instruments were employed in the reported tests.

Imada Digital Force Gauge Model DPS-110

With:

6.5 ± 0.010 inch oak spherical probe

3.0 ± 0.001 aluminum cylindrical probe

Pro 360 Digital Protractor

Analogue Tire Pressure Gauge

Stalker Sport Digital Radar Gun and remote large-format mechanical readout

Proprietary brake marking gun

Siltec Electronic Scales Model PS500L

RadioShack Digital Sound Meter

Personnel

Nicholas V. Marchica
Roy W. Deppa
George F. Sushinsky
Edward W. Kirkpatrick

Evaluation Of The Kazuma Meerkat 50 CC ATV



1. Introduction

Marchica & Deppa, LLC (M&D) tested a Kazuma Meerkat 50 cc four-wheeled ATV to the requirements of the American National Standard for Four Wheel All-Terrain Vehicles – Equipment, Configuration, and Performance Requirements (ANSI/SVIA-1-2001). M&D tested the subject ATV to the appropriate requirements of ANSI/SVIA-1-2001. M&D also assessed the Kazuma Meerkat 50 cc ATV for conformance with agreements in the Action Plans.

2. Purchasing the Kazuma Meerkat 50 cc ATV

The website of Raceway ATV (www.racewayatv.com) was identified for the purchase of this ATV. M&D called Raceway ATV and ordered the ATV for \$624.00. The ATV was pre-assembled by Raceway ATV and delivered via truck freight to M&D by R+L Carriers. No preparation was required except to add fuel.

After receipt of the ATV, M&D measured the air pressure in each tire. The tire air pressure for three tires was the bead seating pressure (24 psi) or higher which far exceeds the recommended tire air pressure of 3.8 psi. Bead seating pressure is a temporary high

inflation pressure used in mounting the tire on the rim. The tire air pressure in the fourth tire was about twice the recommended tire air pressure.

3. Testing to ANSI/SVIA-1-2001 (the Standard)

Section 3 of the Standard classifies ATVs as a Category Y (Youth Model), if they are intended for recreational off-road use under adult supervision by operators under age 16. The standard further categorizes youth models as Category Y-12 ATVs if intended for use by children age 12 and older, or Category Y-6 if intended for use by children age 6 and older.

The owner's manual for the Kazuma Meerkat 50 cc ATV states: "ATV's with 50 cc engines, or less, may not be driven under 6 years of age in some countries." Therefore, this ATV is classified by the Standard as a Y-6 youth model.

The ATV was tested to the appropriate requirements of the Standard as discussed below. Note that results are given as **Pass**, **Fail**, or **Not Applicable**. Additional information is provided as appropriate.

Section 4. Vehicle Equipment and Configuration.

Section 4.1 Service Brakes. Fail.

The ATV does not have independently-operated front and rear brakes.

Section 4.1.1 Independently Operated Front Brakes. **Fail.**

The ATV does not have front brakes.

Section 4.1.2 Independently Operated Rear Brakes. **Pass.**

Section 4.1.3 Simultaneously Operated Front and Rear Brakes. **Not Applicable.**

Section 4.2 Parking Brake/Parking Mechanism. Fail.

The ATV does not have a parking brake. It does not meet the requirements of Section 8.3.

Section 4.3 Mechanical Suspension. Fail.

The ATV does not have a front mechanical suspension; the rear mechanical suspension provides less than two inches of travel.

Section 4.4 Engine Stop Switch.

Section 4.4.1 Operation. **Pass.**

Section 4.4.2 Color of Device. **Pass.**

Section 4.5 Manual Clutch Control. Not Applicable.

Section 4.6 Additional Clutch Control for Utility ATVs. Not Applicable.

Section 4.7 Throttle Control.

Section 4.7.1 Operation. **Pass.**

Section 4.8 Drivetrain Controls. Fail.

The foot gearshift control allows shifting from fourth gear to neutral by shifting upwards. The gearshift pattern is upside-down (see Other Observations below).

Section 4.9 Neutral Indicator. Fail.

There is no neutral indicator. The ATV can be started in gear.

Section 4.10 Reverse Indicator. Not Applicable.

However, the gear shift diagram shows reverse.

Section 4.11 Electric Start Interlock. Fail.

The ATV can be started in gear.

Section 4.12 Carry Bar. Pass.

Section 4.13 Flag Pole Bracket. Fail.

The mounting shaft diameter was 0.328 inches. The Standard requires a 0.5 inch diameter mounting shaft.

Section 4.14 Manual Fuel-Shutoff Control. Pass.

Section 4.15 Handlebars. Pass.

Section 4.16 Operator Foot Environment. Pass.

Section 4.17 Lighting Equipment.

Section 4.17.3 Requirements for Category Y Vehicles. Fail.

The ATV has a headlight (See Figure 1).

Section 4.18 Spark Arrestor. Fail.

There is no marking.

Section 4.19 Tire Marking. Fail.

(1) Inflation Pressure. **Pass.**

(2) Bead Seating Pressure. **Pass.**

(3) Other Markings. (a) **Pass**; (b) **Fail**; (c) **Pass**; (d) **Pass**; (e) **Pass**.

There is no three-digit week and year of manufacture on one tire sidewall.

(4) Letter Sizes. **Pass.**

Section 4.20 Tire Pressure Gauge. Fail.

There was no tire pressure gauge provided with the ATV. The ATV does not have a means of carrying the tire pressure gauge.

Section 4.21 Security. Pass.

Section 4.22 Owner's Manual. **Fail.**

The ATV does not have a means of carrying the owner's manual that protects it from destructive elements while allowing reasonable access.

Section 4.23 Vehicle (ATV) Identification Number. **Pass.**

Section 6. Youth ATV Requirements.

Section 6.1 Speed Limiting Devices. **Fail.**

Section 6.1.1 Tools Must be Needed to Adjust or Remove Device. **Pass.**

Section 6.1.2 Maximum Speeds. **Fail.**

Test results were 18.0 mph; 18.6 mph; 22.8 mph; 23.0 mph; 19.3 mph and, 23.6 mph (See **Figure 2**). The arithmetic average was 20.8 mph.

Section 6.1.3 Delivery of ATV from Manufacturer. **Fail.**

The ATV was not delivered with the speed limiting device adjusted to limit maximum speed to 10 mph or less.

Section 6.2 Maximum Unrestricted Speed Capability. **Fail.**

The maximum speed capability of Category Y-6 ATVs shall be 15 mph or less.

Section 7. Service Brake Performance.

Section 7.3 Performance Requirements. **Fail.**

The maximum speed determined in Section 6.1.2 was 20.8 mph. Therefore, the braking test speed was 15 mph. (The braking test speed of 15 mph is the multiple of 5 mph between 12.8 mph and 16.8 mph).

Section 7.3.2 applies to an ATV with a maximum speed capability greater than 18 mph. In order to have a braking deceleration of 0.6g or greater, the stopping distance is 12'4.5" or less.

Four tests were conducted with the following stopping distances: 29'0"; 30'3"; 27'9"; and 30'1" (See **Figure 3**). As all of these distances exceed the requirement, the ATV fails the service brake performance requirement.

Section 8. Parking Brake/Mechanism Performance.

Section 8.3 Performance Requirements. **Fail.**

The ATV does not have a parking brake.

Section 9. Pitch Stability.

Section 9.3 Performance Requirements. **Pass.**

The pitch stability coefficient calculated was 1.33. This is greater than the requirement that the pitch stability coefficient be at least 1.0 (See Figure 4).

4. Conformance to the CPSC Action Plans

Age Recommendations

The minimum age requirement for the Kazuma Meerkat 50 cc ATV is 6 years old.

Dealer Monitoring

M&D found no information that the Chinese manufacturer, Stannic Motor Spares Manufacturing Co., Ltd., (www.kazuma.com), nor its U.S. distributor, Kazuma Pacific, (www.kazuma-us.com), maintain a dealer monitoring program to obtain dealer compliance with the age recommendations.

Information/Education

No safety information was found on the Stannic or Kazuma Pacific websites. Raceway ATV provides links to 4-H ATV Youth Safety and the ATV Safety Institute (www.racewayatv.com/atv-resources/atv-safety.html). Raceway ATV sells helmets, gloves, boots, chest protectors, riding apparel, and orange safety flags.

ATV Labels

The Kazuma Meerkat 50 cc ATV has a general safety warning label (Figure 5), a label warning against riding as a passenger (Figure 6), a tire pressure warning label (Figure 7), and an age label warning against riding if under age 6 (Figure 8). It has an operator weight limitation label.

Owner's Manual

The Kazuma Meerkat 50 cc ATV owner's manual is in English (36 pages). M&D is not aware that CPSC has reviewed the owner's manual. The owner's manual includes some of the informational content requirements. One notable exception concerns the requirements for ATVs with engine sizes 90 cc and less. There is no notice that the ATV is not a "toy," and the specific statements concerning children have been modified and are not clear. In addition, the tire label in the owner's manual recommends tire air pressure that is over four times higher than the correct operating pressure (17.3 psi compared to 3.8 psi).

Advertising

The Raceway ATV website contains pictures that do not depict ATVs in a manner consistent with safe and responsible use of the product. For example, there is a picture of a child on an ATV where the child is not wearing a helmet, goggles, gloves, boots, long sleeved shirt, or long pants.

Hang Tags

The ATV had no hang tags that provided safety messages.

Safety Alerts

No ATV Safety Alert was provided.

ATV Safety Video

No ATV Safety Video was provided.

Training

Free hands-on training was not offered to the purchaser and qualifying members of the immediate family. No incentives were offered.

ATV Hotline

M&D is not aware that Stannic Motor Spares Manufacturing Co., Ltd., Kazuma Pacific or Raceway ATV help fund the toll-free ATV hotline administered by the Specialty Vehicle Institute of America.

5. Other Observations

Gearshift Pattern The Kazuma Meerkat 50 cc ATV has an unsafe gearshift pattern. This ATV has a gearshift with 4 forward speeds which is unusual for a 50 cc ATV. The gearshift is controlled by a centrifugal clutch, meaning that the operator does not have to operate a manual clutch. The gearshift pattern is circular; the gearshift pattern goes from Neutral to First to Second to Third to Fourth to Neutral to First, and so on. Thus, the operator can shift up to Fourth gear, achieving a speed of approximately 20 mph, shift again into Neutral, and shift again into First. Shifting into First at top speed causes a sudden and violent deceleration that could result in loss of control or overturning.

Rear Sprocket The rear sprocket; that is, the drive sprocket on the rear axle that transfers power from the engine sprocket via chain to the wheels, is not guarded. The front sprocket has a chainguard, but the rear sprocket has no chainguard (See Figure 9).

While some adult ATVs do not have a rear chain guard, for youth ATVs consideration should be given to guarding the chain. CPSC has in its public files incidents involving the chains on youth ATVs.

Overall Quality Several parts including nuts and bolts, rubber grommets and bump stops fell off the Kazuma during testing.

FIGURES



Figure 1. The ATV has a headlight.

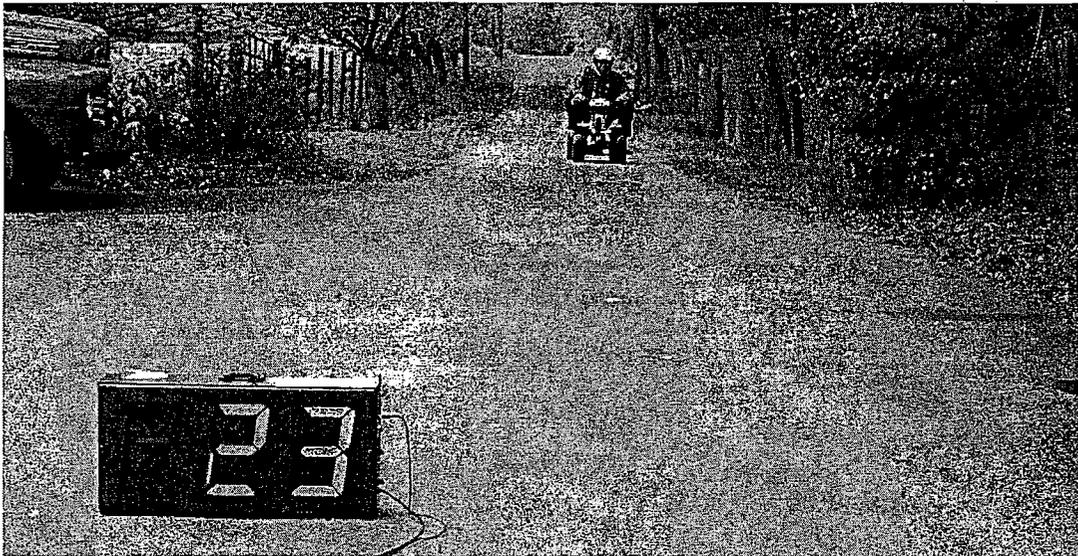


Figure 2. Maximum Speed Test



Figure 3. Brake Test Measurement



Figure 4. Balance Point Measurement for the Pitch Stability Calculation

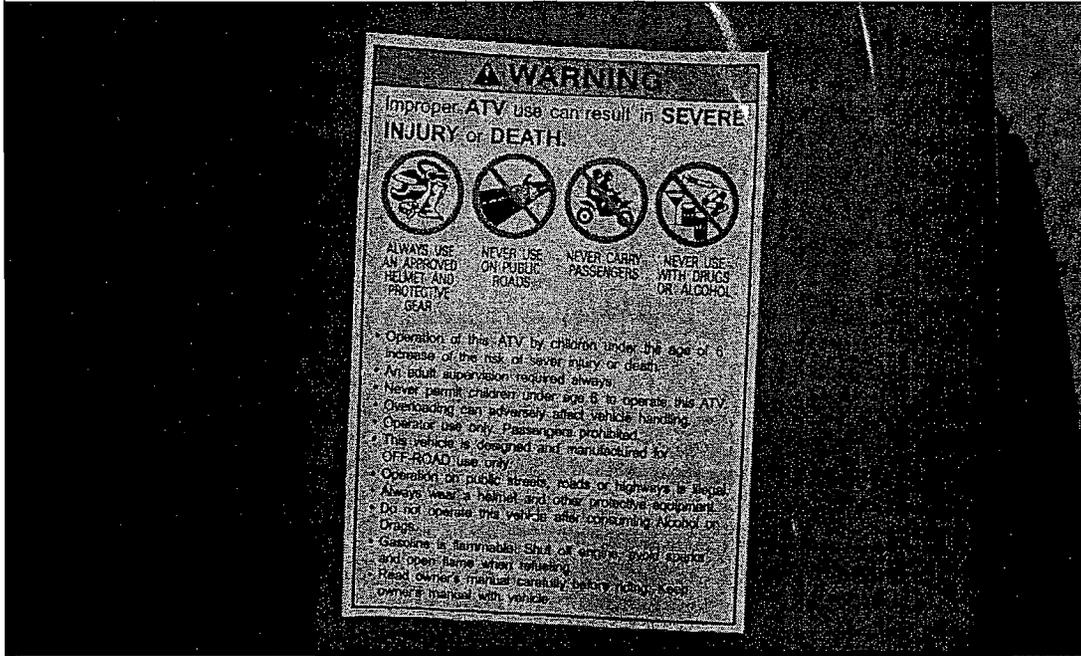


Figure 5. General Warning Label

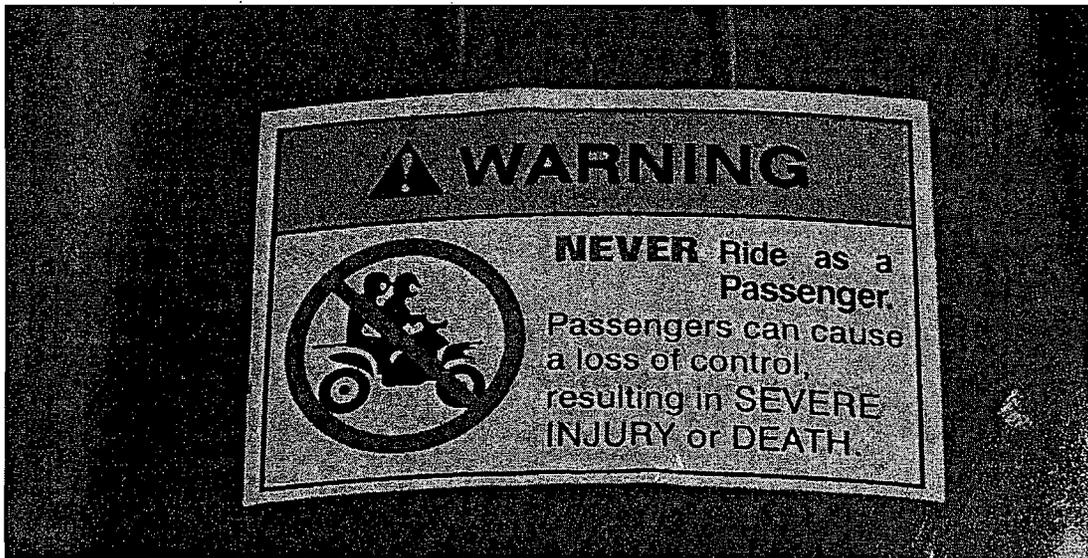


Figure 6. Passenger Warning Label

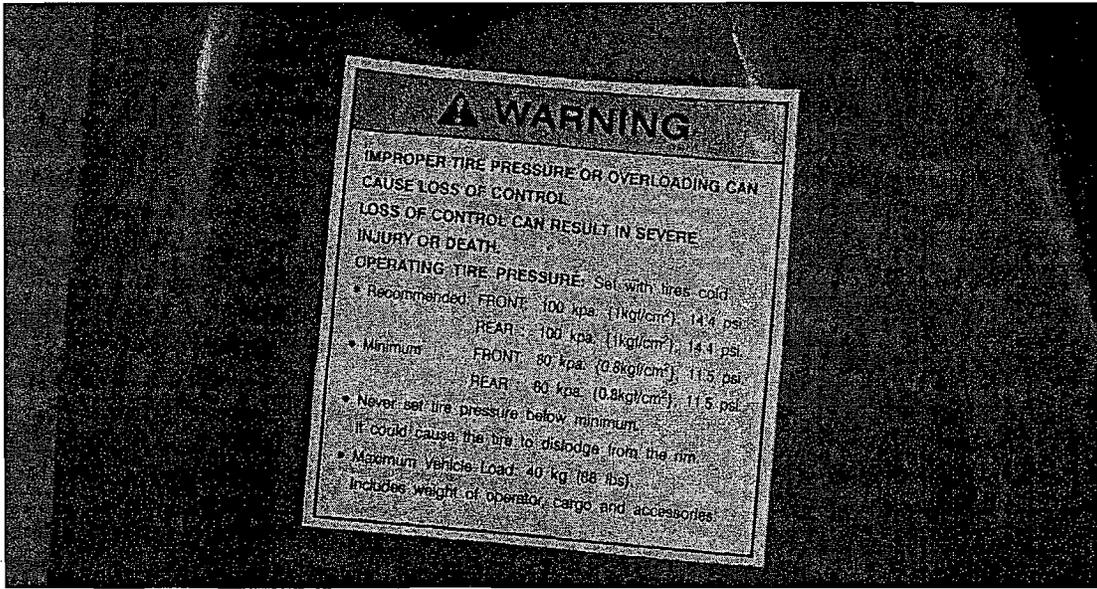


Figure 7. Tire Warning Label

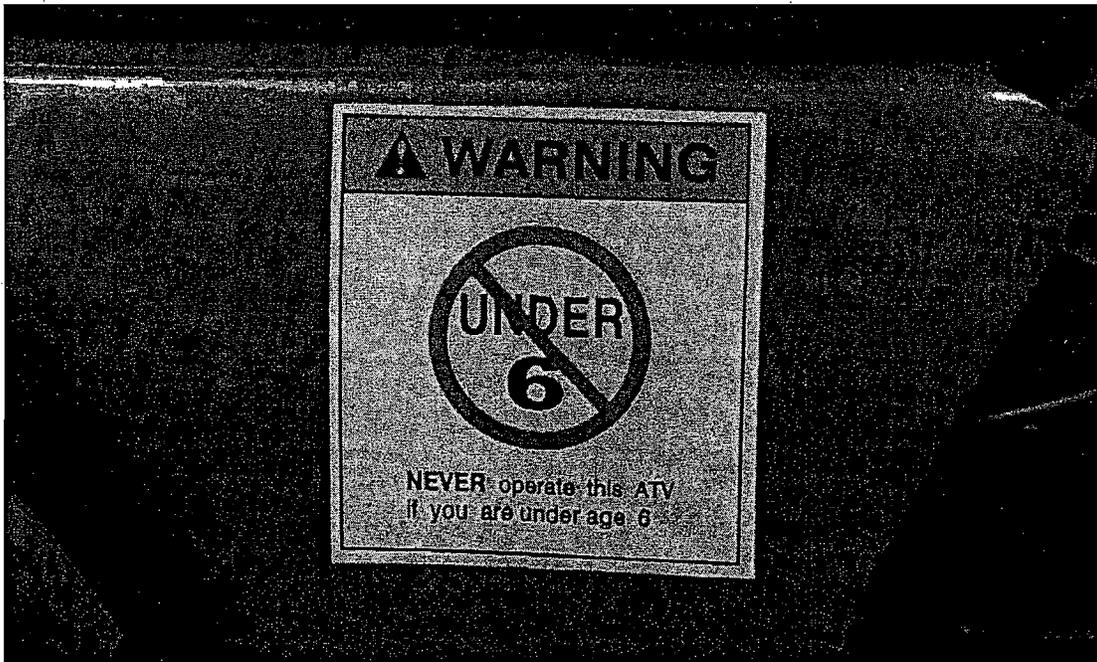


Figure 8. Age Warning Label

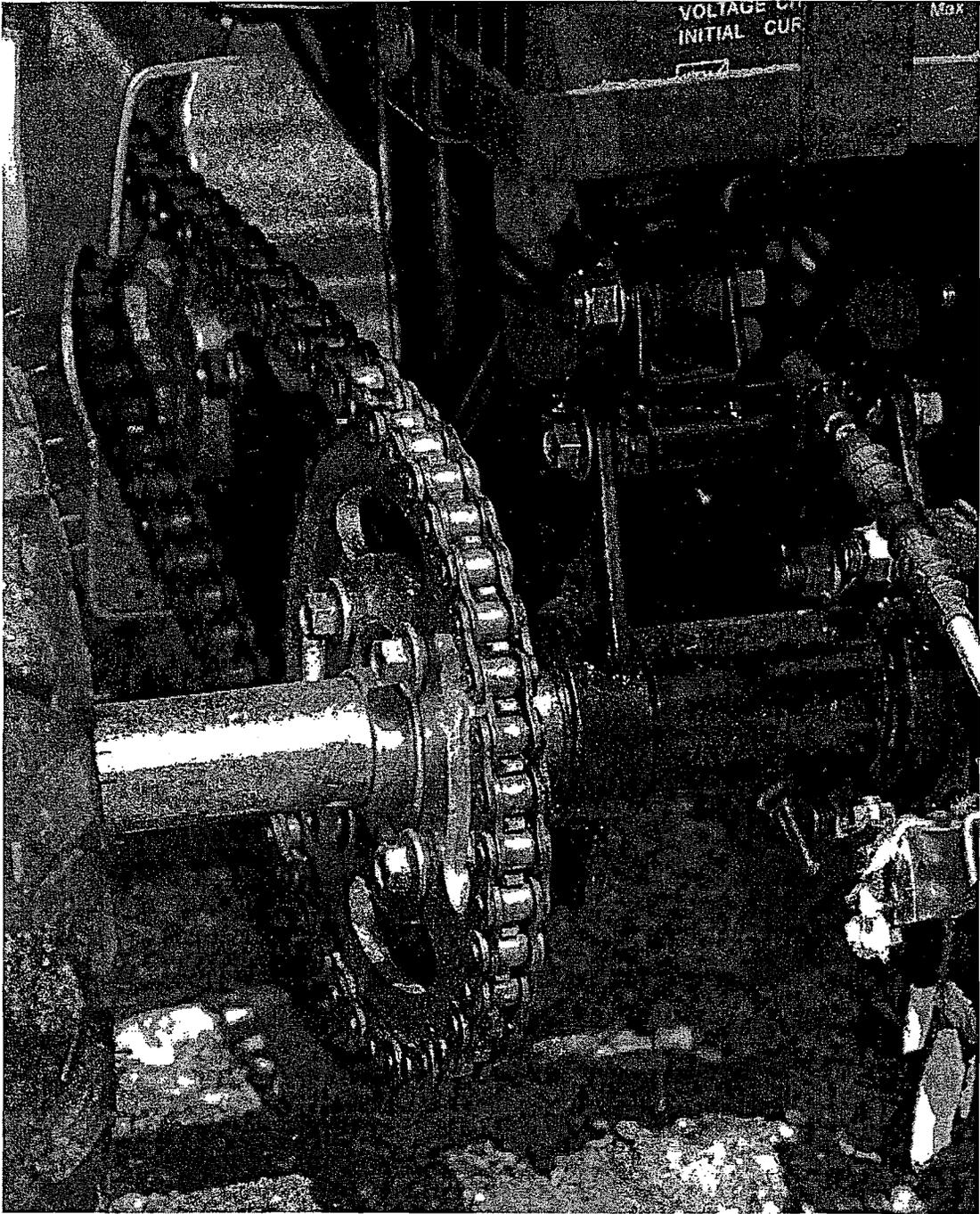


Figure 9. The rear sprocket has no chainguard.

Evaluation Of The Baja Motorsports 90 CC ATV



1. Introduction

Marchica & Deppa, LLC (M&D) tested a Baja Motorsports 90 cc four-wheeled ATV to the requirements of the American National Standard for Four Wheel All-Terrain Vehicles – Equipment, Configuration, and Performance Requirements (ANSI/SVIA-1-2001). M&D tested the subject ATV to the appropriate requirements of ANSI/SVIA-1-2001. M&D also assessed the Baja Motorsports 90 cc ATV for conformance with agreements in the Action Plans.

2. Purchasing the Baja Motorsports 90 cc ATV

Pep Boys sells the subject ATV. Pep Boys advertises ATVs on their website and in their newspaper inserts. M&D browsed the Pep Boys website and identified stores to contact for the Baja 90 model. M&D contacted the Pep Boys in Germantown, Maryland and were told that there were no ATVs in stock. M&D then contacted the Pep Boys in Laurel, Maryland and were told that they had ATVs for sale, including this model. M&D went to the Laurel store to purchase the ATV. Although there was an ATV on the sales floor, the cashier stated that she could not sell the ATV because its keys had been lost for about a year. M&D then contacted the Pep Boys in Frederick, Maryland and were told they had ATVs in stock including the subject model. Upon arrival at the Frederick store,

M&D purchased the ATV for \$1,079.88 and were told that it would take a technician one hour to prepare it. M&D went to dinner and came back one hour later to pick up the ATV. They were told at that time that the Frederick store in fact did not have the ATV in stock, but they had located two at the Germantown store and the technician had been sent to pick one up and bring it back to the Frederick store. Once the ATV was brought to the Frederick store, the manager explained that it was different from the model that M&D had requested. The delivered machine is a newer model Baja 90 cc ATV, with additional features and styling details, and it normally would retail for about \$200 more than M&D paid. The manager volunteered that she would honor the paid price due to the confusion and inconvenience. The ATV was prepped by the Frederick technician and finally released to M&D about two and a half hours after the purchase.

Very little information was provided at the point of purchase, but the purchaser (Marchica) was asked to sign a waiver of responsibility. The employee stated that any operator under 16 "had to wear a helmet". The employee also said that there was a stop lanyard at the rear of the ATV, under the seat, that a passenger could wrap around their wrist. If the passenger fell off the ATV, the stop lanyard would pull away and the ATV would stop. The technician pointed out the electronic speed limiter which is located just below the seat on the left side of the ATV. No further instructions were provided, other than a request for feedback about the vehicle as it was a recent addition to the product line.

After receipt of the ATV, M&D measured the air pressure in each tire. The tire air pressure measured was the bead seating pressure (20 psi) which far exceeds the recommended tire air pressure of 7 psi). Bead seating pressure is a temporary high inflation pressure used in mounting the tire on the rim.

3. Testing to ANSI/SVIA-1-2001 (the Standard)

Section 3 of the Standard classifies ATVs as a Category Y (Youth Model), if they are intended for recreational off-road use under adult supervision by operators under age 16. The standard further categorizes youth models as Category Y-12 ATVs if intended for use by children age 12 and older, or Category Y-6 if intended for use by children age 6 and older.

The owner's manual for the Baja Motorsports 90 cc ATV states the minimum age requirement is 12 years of age. Therefore, this ATV is classified by the Standard as a Y-12 youth model.

On the front cover of the owner's manual there is a statement that the ATV "Meets the requirements of ANSI-SVIA-1-2001."

The ATV was tested to the appropriate requirements of the Standard as discussed below. Note that results are given as **Pass**, **Fail**, or **Not Applicable**. Additional information is provided as appropriate.

Section 4. Vehicle Equipment and Configuration.

Section 4.1 Service Brakes. **Pass.**

The ATV has independently-operated front and rear brakes.

Section 4.1.1 Independently Operated Front Brakes. **Pass.**

Section 4.1.2 Independently Operated Rear Brakes. **Pass.**

Section 4.1.3 Simultaneously Operated Front and Rear Brakes. **Not Applicable.**

Section 4.2 Parking Brake/Parking Mechanism. **Pass.**

The ATV has front-wheel and rear-wheel parking brakes. It meets the requirements of Section 8.3, Performance Requirements.

Section 4.3 Mechanical Suspension. **Pass.**

The ATV has front and rear mechanical suspension with greater than two inches of travel.

Section 4.4 Engine Stop Switch.

Section 4.4.1 Operation. **Pass.**

Section 4.4.2 Color of Device. **Pass.**

Section 4.5 Manual Clutch Control. **Not Applicable.**

Section 4.6 Additional Clutch Control for Utility ATVs. **Not Applicable.**

Section 4.7 Throttle Control.

Section 4.7.1 Operation. **Pass.**

Section 4.8 Drivetrain Controls. **Not Applicable.**

Section 4.9 Neutral Indicator. **Not Applicable.**

Section 4.10 Reverse Indicator. **Not Applicable.**

Section 4.11 Electric Start Interlock. **Pass.**

Section 4.12 Carry Bar. **Pass.**

Section 4.13 Flag Pole Bracket. **Fail.**

The mounting shaft diameter was 0.3 inches. The standard requires a 0.5 inch diameter mounting shaft.

Section 4.14 Manual Fuel-Shutoff Control. **Pass.**

Section 4.15 Handlebars. **Pass.**

Section 4.16 Operator Foot Environment. **Pass.**

Section 4.17 Lighting Equipment.

Section 4.17.3 Requirements for Category Y Vehicles. Fail.

The ATV has two headlamps (See **Figure 1**) and a tail lamp. Category Y vehicles shall not have a headlamp or a tail lamp.

Section 4.18 Spark Arrestor. Fail.

There is no marking.

Section 4.19 Tire Marking. Fail.

(5) Inflation Pressure. **Pass.**

(6) Bead Seating Pressure. **Pass.**

(7) Other Markings. (a) **Pass**; (b) **Fail**; (c) **Pass**; (d) **Pass**; (e) **Pass.**

There is no three-digit week and year of manufacture on one tire sidewall.

(8) Letter Sizes. **Pass.**

Section 4.20 Tire Pressure Gauge. Fail.

There was no tire pressure gauge provided with the ATV. The ATV does have a means of carrying a tire pressure gauge.

Section 4.21 Security. Pass.

Section 4.22 Owner's Manual. Pass.

Section 4.23 Vehicle (ATV) Identification Number. Pass.

Section 6. Youth ATV Requirements.

Section 6.1 Speed Limiting Devices. Fail.

Section 6.1.1 Tools Must be Needed to Adjust or Remove Device. Fail.

The ATV used an electronic device and a mechanical throttle stop to limit maximum speed. However, the electronic device could be removed without the use of tools. The mechanical throttle stop was not functional.

Section 6.1.2 Maximum Speeds. Fail.

When tests were conducted with the electronic device connected, results were 16.2 mph; 16.0 mph; 16.0 mph; and 16.0 mph. The arithmetic average was 16.0 mph. When the electronic device was disconnected, results were 23.0 mph; 26.8 mph; 24.0 mph; and 26.9 mph (See **Figure 2**). The arithmetic average was 25.2 mph. When the mechanical throttle stop was adjusted to effectively limit speed, the ATV did not generate enough power to move.

Section 6.1.3 Delivery of ATV from Manufacturer. Fail.

The ATV was not delivered with the speed limiting device adjusted to limit maximum speed to 15 mph or less.

Section 6.2 Maximum Unrestricted Speed Capability. **Pass.**
The maximum speed capability of Category Y-12 ATVs shall be 30 mph or less.

Section 7. Service Brake Performance.

Section 7.3 Performance Requirements. **Pass.**

The maximum speed determined in Section 6.1.2 was 25.2 mph. Therefore, the braking test speed was 20 mph. (The braking test speed of 20 mph is the multiple of 5 mph between 17.2 mph and 21.2 mph).

Section 7.3.2 applies to an ATV with a maximum speed capability greater than 18 mph. In order to have a braking deceleration of 0.6g or greater, the stopping distance is 22' or less.

One test was conducted with a stopping distance of 21'3" (See Figure 3).

Section 8. Parking Brake/Mechanism Performance.

Section 8.3 Performance Requirements. **Pass.**
The ATV was tested with a 250 pound load on a 30 percent grade (See Figure 4).

Section 9. Pitch Stability.

Section 9.3 Performance Requirement. **Pass.**
The pitch stability coefficient calculated was 1.41. This is greater than the requirement that the pitch stability coefficient be at least 1.0. (See Figure 5).

4. Conformance to the CPSC Action Plans

Age Recommendations

The minimum age requirement for the Baja Motorsports 90 cc ATV is 12 years of age.

Dealer Monitoring

M&D found no information that the Chinese manufacturer, Guangzhou Panyu Huanan Motors Group Co., Ltd., (www.hnmoto.com), Baja Motorsports (www.bajamotorsports.net) and/or Pep Boys (www.pepboys.com) maintain a dealer monitoring program to obtain dealer compliance with the age recommendations.

Information/Education

The Pep Boys website home page, www.pepboys.com, provides a link for "Scooters, ATVs & More." This link provides a link to a ride smart program at www.ridesmartprogram.com. M&D was unable to access this website. Pep Boys

provides Safety Recommendations for personal transportation products such as scooters, ATVs and dirt bikes at www.pepboys.com/transportation/safety/index.html and www.pepboys.com/transportation/safety/recommendations.html. Reference is made to recommendations by the CPSC for “off-road riders” and “scooter riders”, respectively. This general information does not apply to ATVs except for wearing a helmet and the age recommendation. For example, specific information on never using the ATV on public roads, never carrying passengers and, never using drugs or alcohol while operating the ATV is not included. Pep Boys also provides a “Positioning Statement” (www.pepboys.com/transportation/safety/positioning.pdf) which states in part: “As a routine practice, Pep Boys makes its best effort to inform and educate customers about the products it sells. . . Nevertheless, Pep Boys is not in a position to either educate customers about all local laws and regulations regarding their use of these products or to ensure that its customers in fact conform to all legal and safety standards.”

No safety information was found on the Huanan Motors Group or the Baja Motorsports websites.

ATV Labels

The Baja Motorsports 90 cc ATV has general (Figure 6), passenger (Figure 7), age (Figure 8) and tire labels (Figure 9) in English and French.

Owner’s Manual

The Baja Motorsports 90 cc ATV owner’s manual is in English (70 pages) and in French (70 pages). M&D is not aware that CPSC has reviewed the owner’s manual. For the most part, the owner’s manual includes the informational content requirements. One notable exception concerns the requirements for ATVs with engine sizes 90 cc and less. There is notice that the ATV is not a “toy,” however, there is no discussion of the importance of children completing a training course and the importance of children understanding and following the instructions and warnings contained in the manual. The following statement was not in the owner’s manual: “Children differ in skills, physical abilities, and judgment. Some children may not be able to operate an ATV safely. Parents should supervise their child’s use of the ATV at all times. Parents should permit continued use only if they determine that the child has the ability to operate the ATV safely.”

Advertising

Pep Boys flyer advertising does not depict ATVs in a manner consistent with safe and responsible use of the product. The depiction of the Baja Motorsports 90 cc ATV in the advertising can be viewed as a jump or a wheelie.

Hang Tags

The ATV had no hang tags that provided safety messages.

Safety Alerts

No ATV Safety Alert was provided.

ATV Safety Video

No ATV Safety Video was provided.

Training

Free hands-on training was not offered to the purchaser and qualifying members of the immediate family. No incentives were offered. The owner's manual does recommend: "Beginners and inexperienced operators should complete a certified training course." The owner's manual also provides the SVIA website (www.svia.org) and the ATV Hotline (800-887-2887) for more information.

ATV Hotline

M&D is not aware that Baja Motorsports or Pep Boys help fund the toll-free ATV hotline administered by the Specialty Vehicle Institute of America.

5. Other Observations

The Baja Motorsports 90 cc ATV appears to present no obvious design or manufacturing defects that might be likely to present hazards. It is operated by a centrifugal clutch and one-speed transmission. At idle, the clutch is disengaged. As the operator applies the throttle, the clutch engages, and the ATV moves. The engine does not idle, but stalls when the throttle is released. Although an adjustment is available on the throttle cable, it does not allow enough adjustment to let the engine idle. An operator can become frustrated with this performance characteristic, and may try to hold the throttle in enough to keep the engine running. This engages the clutch and causes the ATV to move.

FIGURES

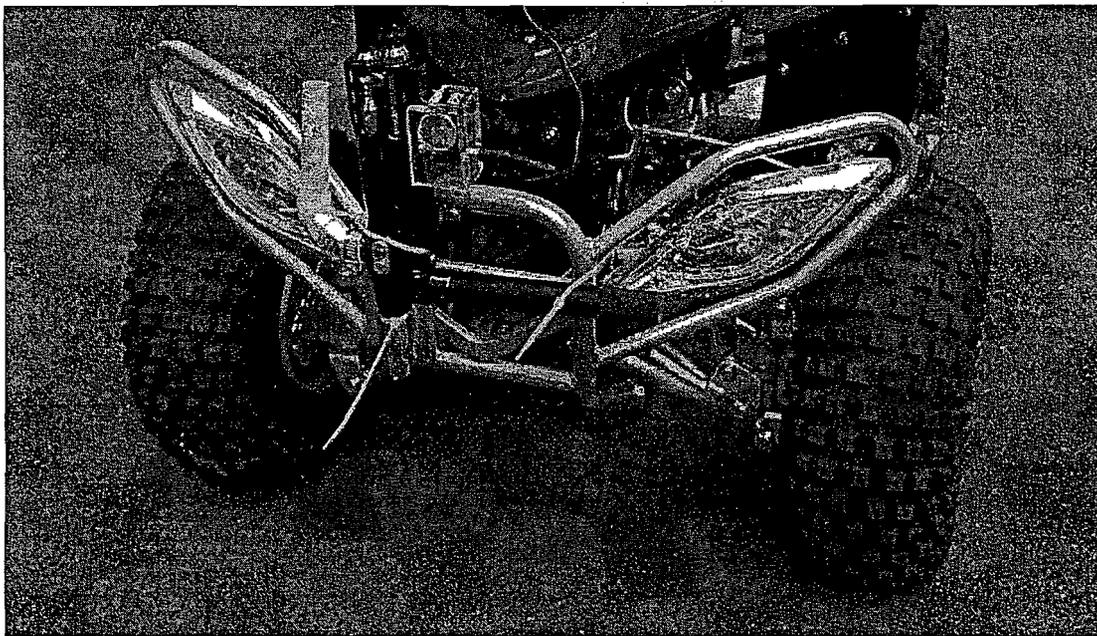


Figure 1. The ATV has two headlights.

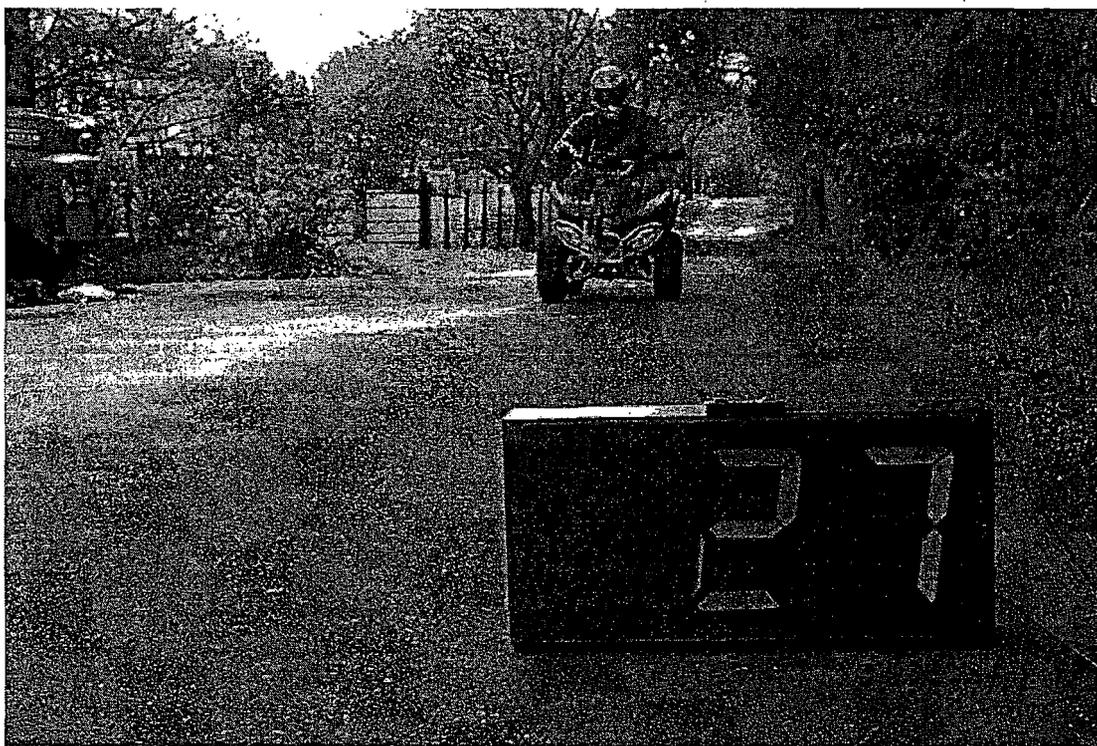


Figure 2. Maximum Speed Test
(Note: The Radar Gun measured 26.9 mph; the display rounded up to 27 mph).



Figure 3. Service Brake Test Measurement



Figure 4. Parking Brake Test



Figure 5. Balance Point Measurement for the Pitch Stability Calculation

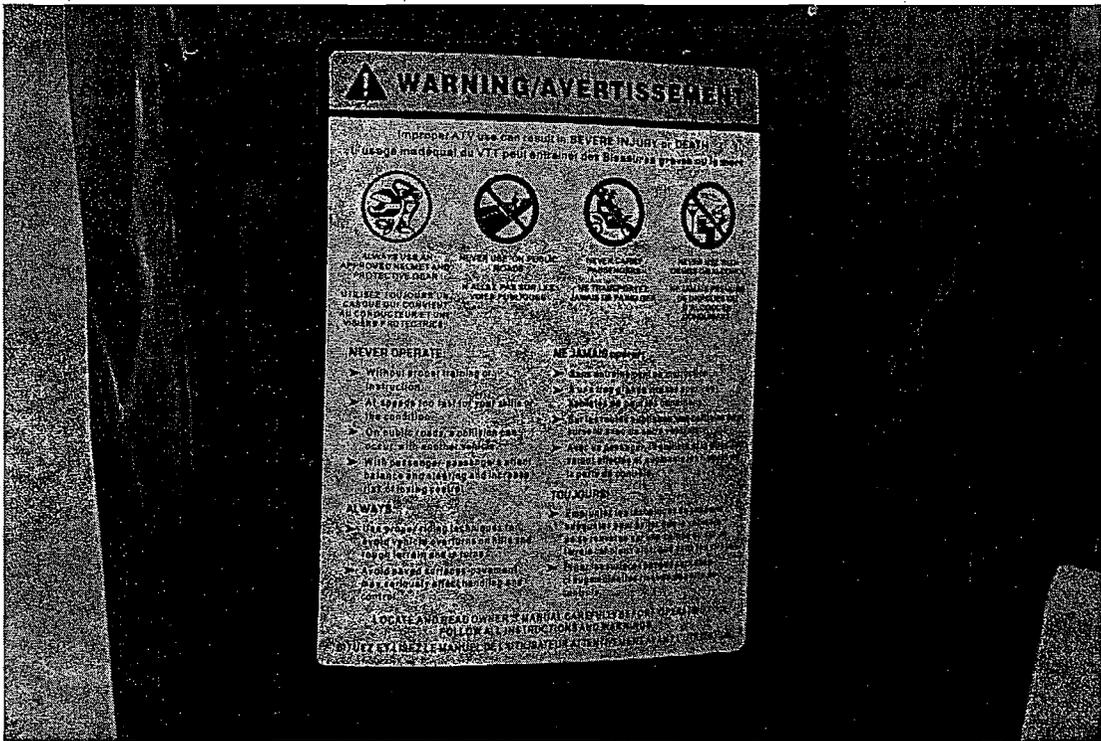


Figure 6. General Warning Label

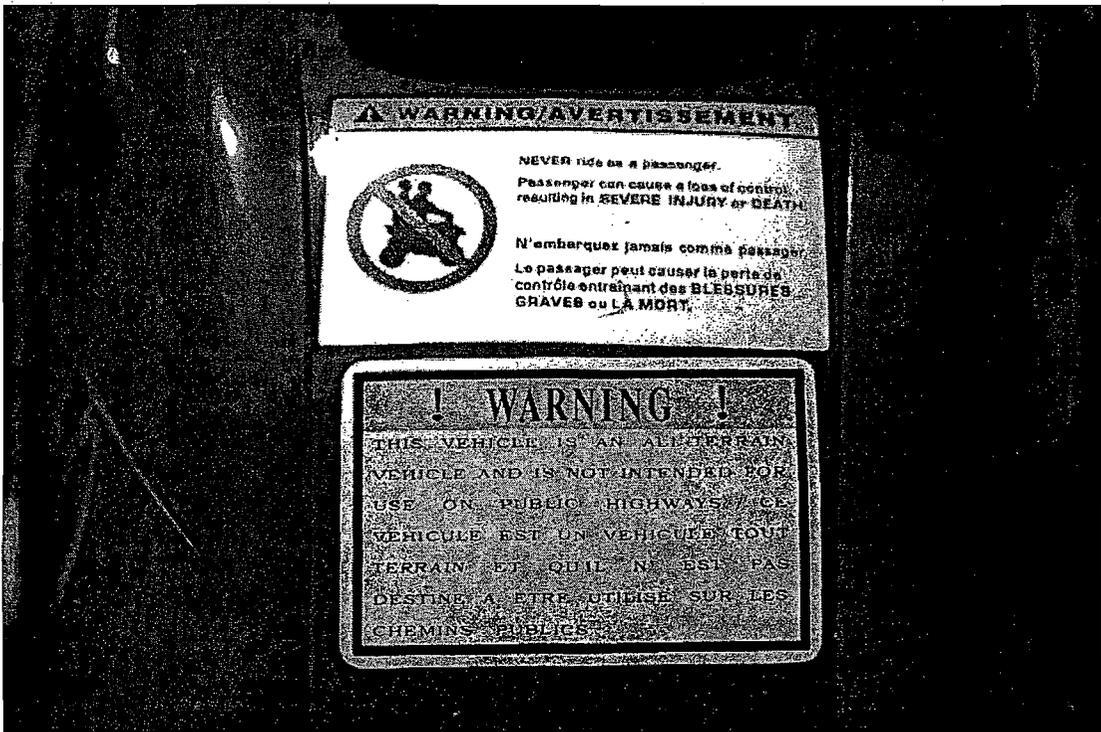


Figure 7. Passenger Warning Label (Top Label)

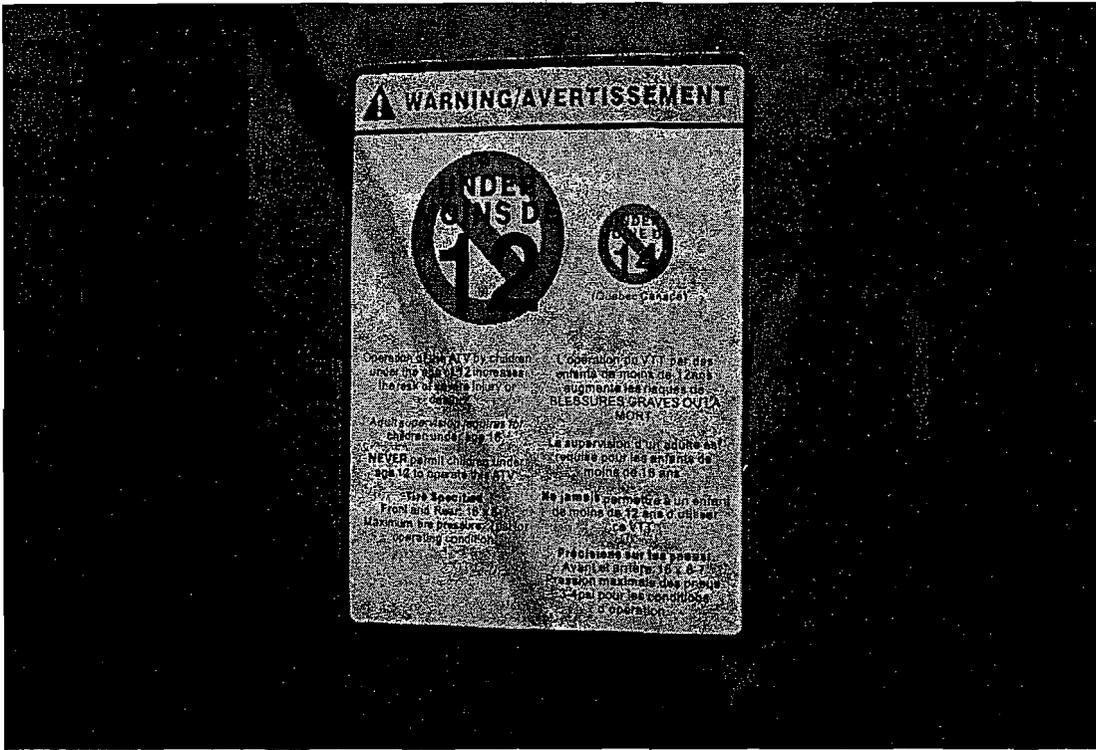


Figure 8. Age Warning Label

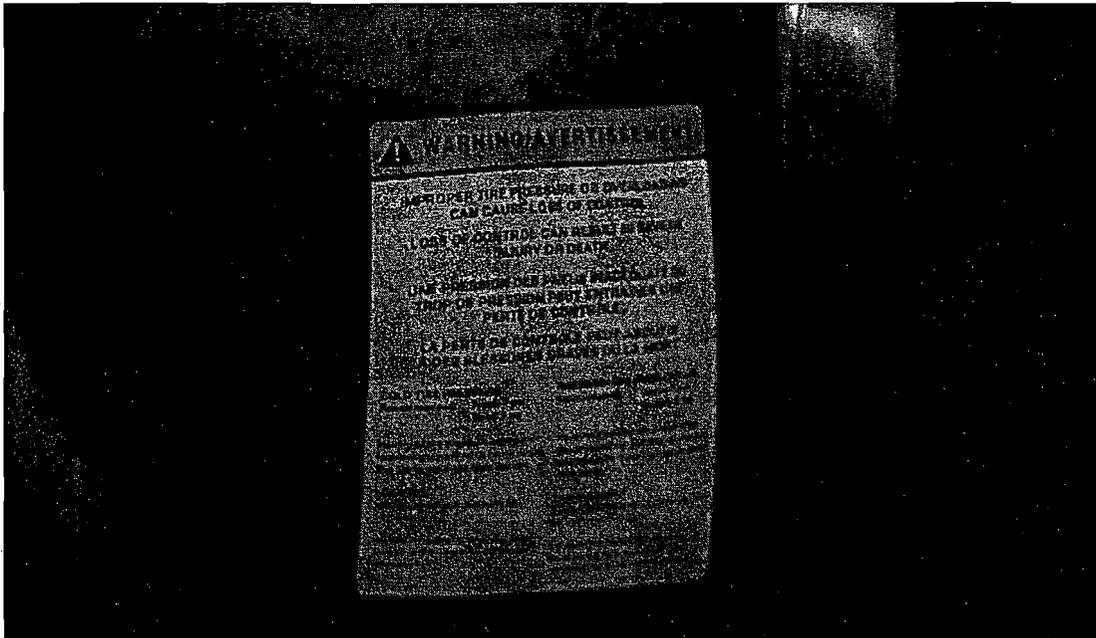


Figure 9. Tire Warning Label

Evaluation Of The SunL SLA-90 CC ATV



1. Introduction

Marchica & Deppa, LLC (M&D) tested a SunL SLA-90 cc four-wheeled ATV to the requirements of the American National Standard for Four Wheel All-Terrain Vehicles – Equipment, Configuration, and Performance Requirements (ANSI/SVIA-1-2001). M&D tested the subject ATV to the appropriate requirements of ANSI/SVIA-1-2001. M&D also assessed the SunL SLA-90 cc ATV for conformance with agreements in the Action Plans.

2. Purchasing the SunL SLA-90 cc ATV

The website of Alternative Transportation (www.alt-trans.com) was identified for the purchase of this ATV. M&D called Alternative Transportation and ordered the ATV for \$674.99. The ATV was delivered via truck freight to M&D by R+L Carriers. The ATV required assembly of the handlebars, wheels and the front safety bar. The battery charger that came with the ATV was broken into pieces.

After receipt of the ATV, M&D measured the air pressure in each tire. The tire air pressure measured was the bead seating pressure (24 psi) which far exceeds the recommended tire air pressure of 4 psi. Bead seating pressure is a temporary high inflation pressure used in mounting the tire on the rim.

3. Testing to ANSI/SVIA-1-2001 (the Standard)

The owner's manual for the SunL SLA-90 cc ATV does not state the minimum age requirement to operate the ATV. However, the Alternative Transportation website states the SunL SLA-90 cc ATV is "Recommended for ages 6-10 . . ."

Section 3 of the Standard classifies ATVs as a Category Y (Youth Model), if they are intended for recreational off-road use under adult supervision by operators under age 16. The standard further categorizes youth models as Category Y-12 ATVs if intended for use by children age 12 and older, or Category Y-6 if intended for use by children age 6 and older.

Based upon the Alternative Transportation website's representation that the SunL SLA-90 cc is recommended for use by children ages 6-10, this ATV is classified by the Standard as a Y-6 ATV.

(Note that based on agreements between the major ATV distributors and the CPSC, a 90 cc ATV is intended for use by children age 12 and older and is considered a Y-12 ATV, and that Y-6 ATVs intended for use by children over age 6 are limited to 50 cc engines.)

The ATV was tested to the appropriate requirements of the Standard as discussed below. Note that results are given as **Pass**, **Fail**, or **Not Applicable**. Additional information is provided as appropriate.

Section 4. Vehicle Equipment and Configuration.

Section 4.1 Service Brakes. **Fail.**

The ATV does not have independently-operated front and rear brakes.

Section 4.1.1 Independently Operated Front Brakes. **Fail.**

The ATV does not have front brakes.

Section 4.1.2 Independently Operated Rear Brakes. **Pass.**

Section 4.1.3 Simultaneously Operated Front and Rear Brakes. **Not Applicable.**

Section 4.2 Parking Brake/Parking Mechanism. **Fail.**

The ATV does have a parking brake. It does not meet the requirements of Section 8.3, Performance Requirements.

Section 4.3 Mechanical Suspension. **Fail.**

The ATV has a front mechanical suspension that provides less than two inches of travel and a rear mechanical suspension that provides at least two inches of travel.

Section 4.4 Engine Stop Switch.

Section 4.4.1 Operation. **Pass.**

Section 4.4.2 Color of Device. **Pass.**

Section 4.5 Manual Clutch Control. **Not Applicable.**

Section 4.6 Additional Clutch Control for Utility ATVs. **Not Applicable.**

Section 4.7 Throttle Control.

Section 4.7.1 Operation. **Pass.**

Section 4.8 Drivetrain Controls. **Not Applicable.**

Section 4.9 Neutral Indicator. **Not Applicable.**

Section 4.10 Reverse Indicator. **Not Applicable.**

Section 4.11 Electric Start Interlock. **Pass.**

Section 4.12 Carry Bar. **Fail.**

The ATV went past 90 degrees when it was standing on its rear wheels and the carry bar (See Figure 1).

Section 4.13 Flag Pole Bracket. **Fail.**

The ATV does not have a flag pole bracket.

Section 4.14 Manual Fuel-Shutoff Control. **Not Applicable.**

Section 4.15 Handlebars. **Pass.**

Section 4.16 Operator Foot Environment. **Pass.**

Section 4.17 Lighting Equipment.

Section 4.17.3 Requirements for Category Y Vehicles. **Fail.**

The ATV has a headlight (See Figure 2) and a tail light. Category Y vehicles shall not have a headlamp or a tail lamp.

Section 4.18 Spark Arrestor. **Fail.**

There is no marking.

Section 4.19 Tire Marking. **Fail.**

(9) Inflation Pressure. **Pass.**

(10) Bead Seating Pressure. **Pass.**

(11) Other Markings. (a) **Pass**; (b) **Fail**; (c) **Pass**; (d) **Fail**; (e) **Pass**.

There is no three-digit week and year of manufacture on one tire sidewall.

"Tubeless" was marked on only one of the four tires.

(12) Letter Sizes. **Pass.**

Section 4.20 Tire Pressure Gauge. Fail.

There was no tire pressure gauge provided with the ATV. The ATV does not have a means of carrying the tire pressure gauge.

Section 4.21 Security. Pass.

Section 4.22 Owner's Manual. Fail.

The ATV does not have a means of carrying the owner's manual that protects it from destructive elements while allowing reasonable access.

Section 4.23 Vehicle (ATV) Identification Number. Fail.

The ATV does not have a Vehicle Identification Number.

Section 6. Youth ATV Requirements.

Section 6.1 Speed Limiting Devices. Fail.

Section 6.1.1 Tools Must be Needed to Adjust or Remove Device. **Pass.**

Section 6.1.2 Maximum Speeds. Fail.

Test results were 25.4 mph; 28.0 mph; 26.0 mph; and 27.8 mph (See Figure 3).
The arithmetic average was 26.8 mph.

Section 6.1.3 Delivery of ATV from Manufacturer. Fail.

The ATV was not delivered with the speed limiting device adjusted to limit maximum speed to 10 mph or less.

Section 6.2 Maximum Unrestricted Speed Capability. Fail.

Because this ATV is intended by the distributor for use by children from age 6-10, it fails this requirement. If the distributor were in conformance with the Action Plans, and limited this 90 cc ATV to use by children over age 12, it would pass this requirement

Section 7. Service Brake Performance.

Section 7.3 Performance Requirements. Fail.

The maximum speed determined in Section 6.1.2 was 26.8 mph. Therefore, the braking test speed was 20 mph. (The braking test speed of 20 mph is the multiple of 5 mph between 18.8 mph and 22.8 mph).

Section 7.3.2 applies to an ATV with a maximum speed capability greater than 18 mph. In order to have a braking deceleration of 0.6g or greater, the stopping distance is 22 feet or less.

Four tests were conducted with the following stopping distances: 37'0"; 43'4"; 47'2"; and 52'6" (See Figure 4). As all the stopping distances exceed the requirement, this ATV fails the service brake performance requirements.

Section 8. Parking Brake/Mechanism Performance.

Section 8.3 Performance Requirements. **Fail.**

There was no information on the vehicle load capacity. Based on weight-for-age percentiles for heavy 10 and 11 year old boys, a range of 100 pounds to 120 pounds was selected for the test. (See <http://www.cdc.gov/growthcharts>). The parking brake failed with a 110 pound load in the downhill direction (See Figure 5) and with a 120 pound load in the uphill direction.

Section 9. Pitch Stability.

Section 9.3 Performance Requirement. **Pass.**

The pitch stability coefficient calculated was 1.51. This is greater than the requirement that the pitch stability coefficient be at least 1.0 (See Figure 6).

4. Conformance to the CPSC Action Plans

Age Recommendations

The Alternative Transportation website states the SunL SLA-90 cc ATV is "Recommended for ages 6-10 . . ." The standard categorizes this youth model ATV as a Category Y-6 ATV. However, based on the Action Plans, a 90 cc ATV is intended for use by children age 12 and older and is considered a Y-12 ATV.

Dealer Monitoring

M&D found no information that the SunL Group (www.sunl.com) and/or Alternative Transportation (www.alt-trans.com) maintain a dealer monitoring program to obtain dealer compliance with the age recommendations.

Information/Education

No safety information was found on the SunL Group or the Alternative Transportation websites.

ATV Labels

The SunL SLA-90 cc ATV has general (Figure 7) and age (Figure 8) labels. It does not have passenger or tire labels.

Owner's Manual

The SunL SLA-90 cc ATV owner's manual is in English (29 pages). M&D is not aware that CPSC has reviewed the owner's manual. The owner's manual includes almost none of the informational content requirements.

Advertising

No advertising was found on the SunL Group or Alternative Transportation websites that depicted the use of ATVs.

Hang Tags

The ATV had no hang tags that provided safety messages.

Safety Alerts

No ATV Safety Alert was provided.

ATV Safety Video

No ATV Safety Video was provided.

Training

Free hands-on training was not offered to the purchaser and qualifying members of the immediate family. No incentives were offered.

ATV Hotline

M&D is not aware that SunL Group or Alternative Transportation help fund the toll-free ATV hotline administered by the Specialty Vehicle Institute of America.

5. Other Observations

Several parts (including the chain guard and ignition switch module) fell off or loosened during testing of the ATV.

FIGURES

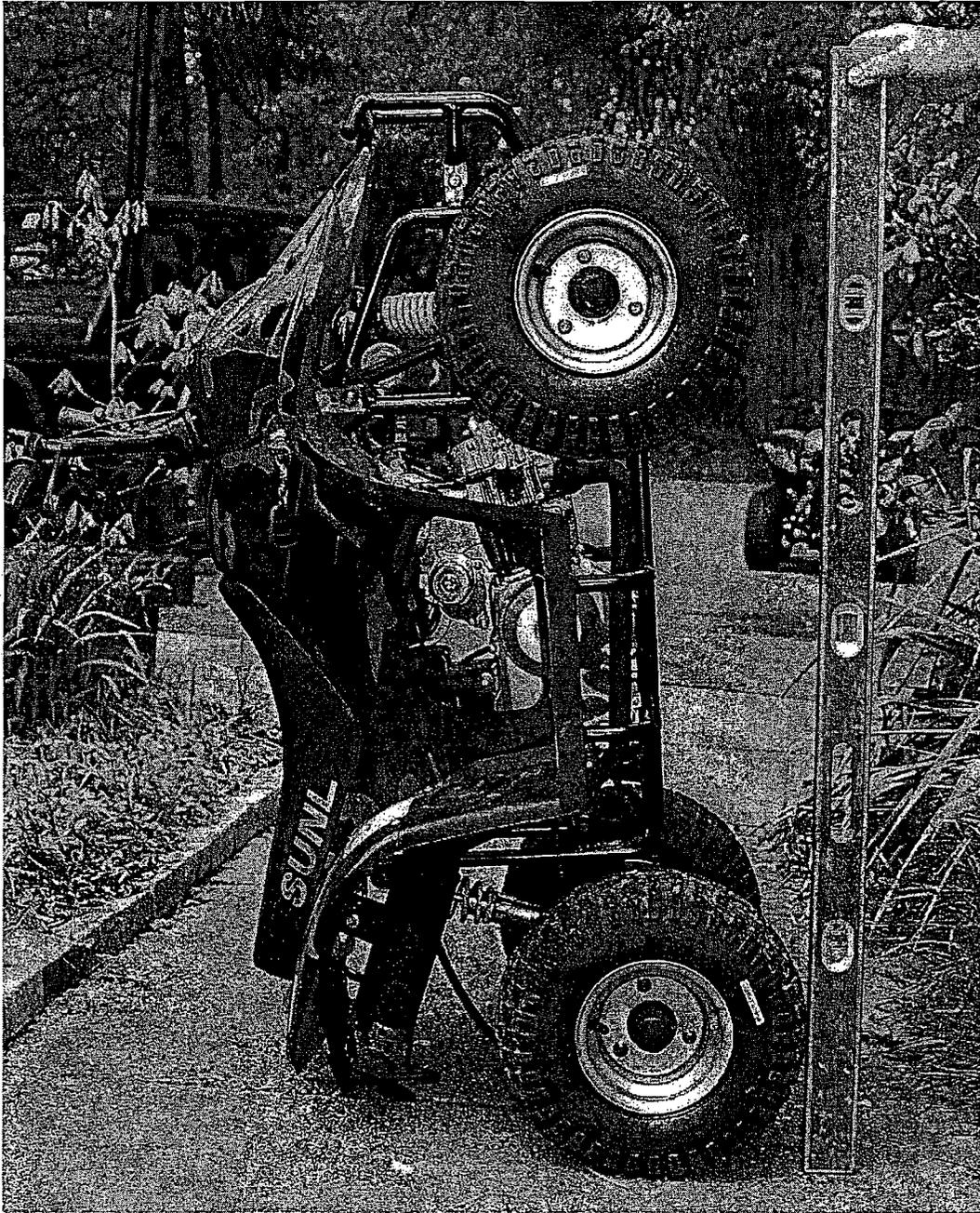


Figure 1. The ATV went past 90 degrees when it was standing on its rear wheels and the carry bar.



Figure 2. The ATV has a headlight.

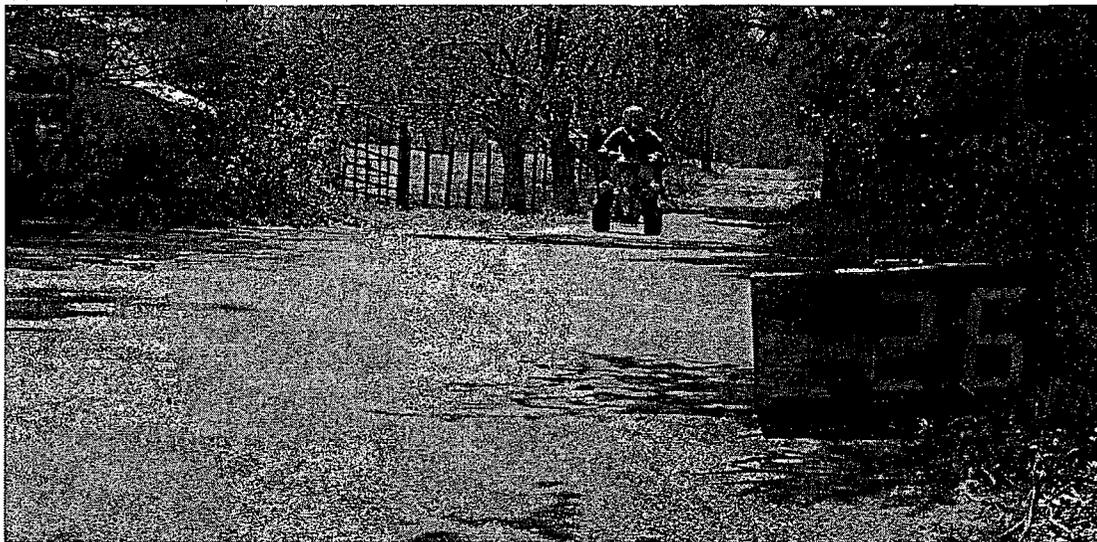


Figure 3. Maximum Speed Test



Figure 4. Brake Test Measurement

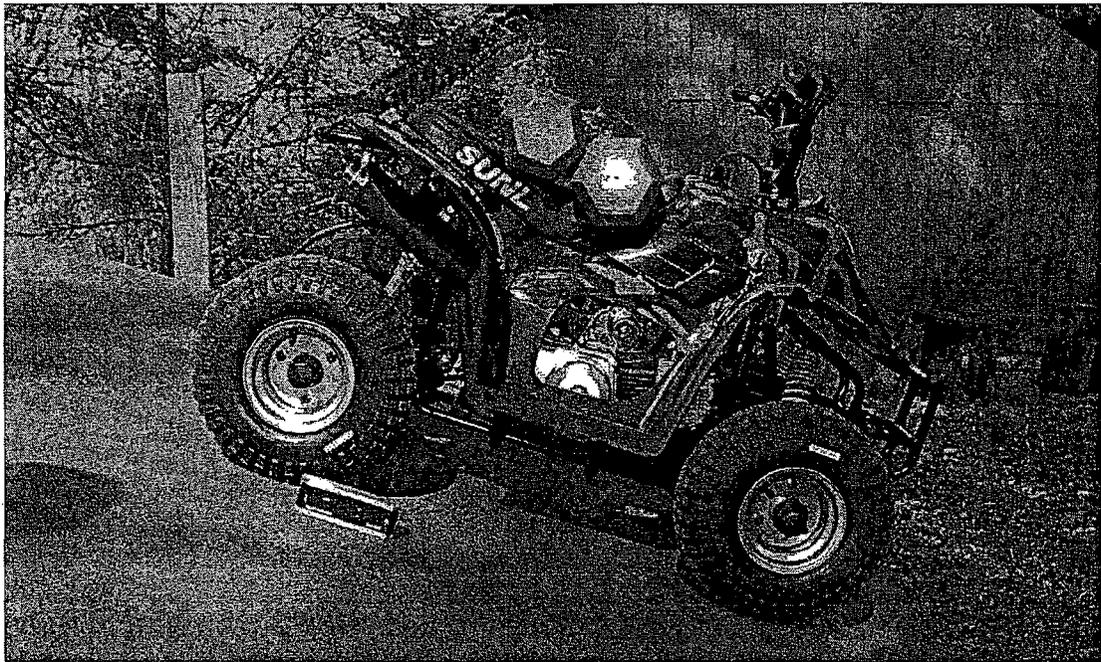


Figure 5. Parking Brake Test



Figure 6. Balance Point Measurement for the Pitch Stability Calculation

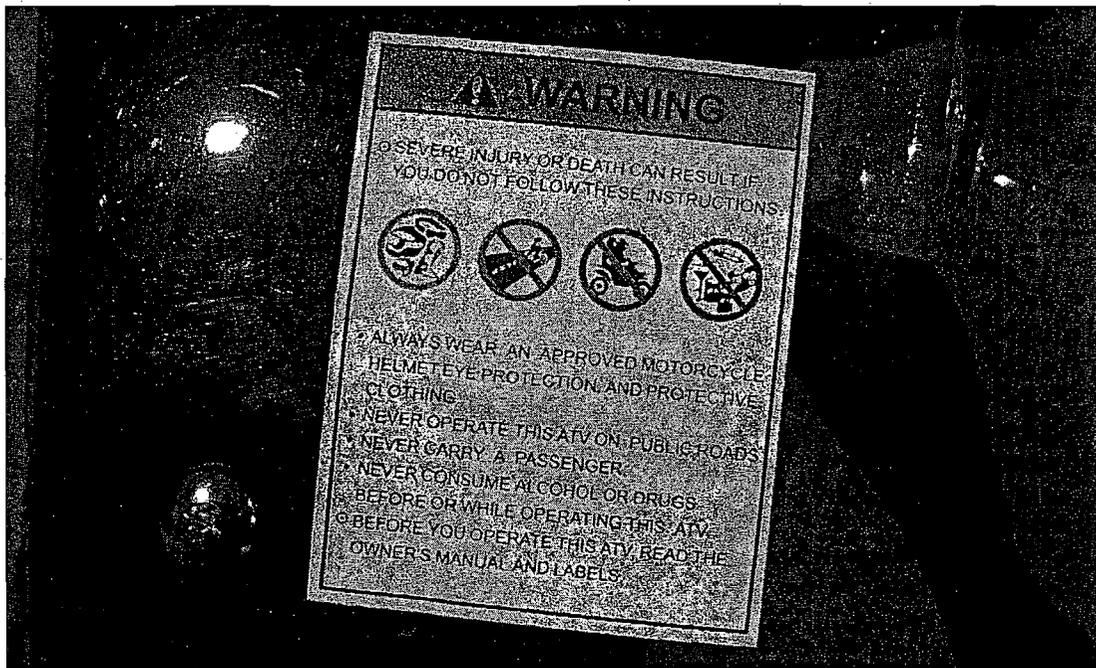


Figure 7. General Warning Label

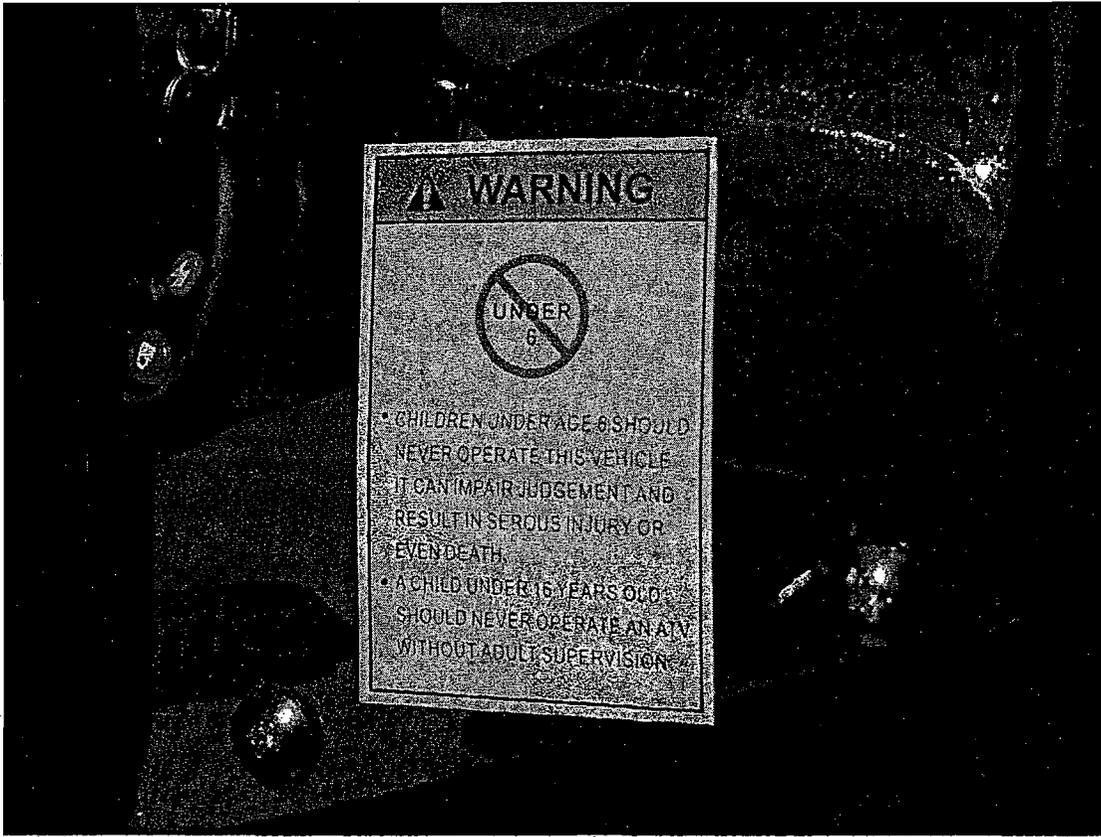


Figure 8. Age Warning Label

Evaluation Of The Long Chang Lion S 110 CC ATV



1. Introduction

Marchica & Deppa, LLC (M&D) tested a Long Chang Lion S 110 cc four-wheeled ATV to the requirements of the American National Standard for Four Wheel All-Terrain Vehicles – Equipment, Configuration, and Performance Requirements (ANSI/SVIA-1-2001). M&D tested the subject ATV to the appropriate requirements of ANSI/SVIA-1-2001. M&D also assessed the Long Chang Lion S 110 cc ATV for conformance with agreements in the Action Plans.

2. Purchasing the Long Chang Lion S 110 cc ATV

The website of Hofmann Motor Sports (www.hofmannmotorsports.com) was identified for the purchase of the ATV. M&D called Hofmann Motor Sports and ordered the ATV for \$869.99. The ATV was delivered via truck freight to M&D by R+L Carriers. The ATV as delivered was fully assembled but required adjustment of the handlebars.

The ATV as delivered had numerous problems. One tire was flat due to a faulty valve. The tire air pressure in the other three tires was the bead seating pressure (20 psi) or

higher which far exceeds the recommended tire air pressure of 7 psi. Bead seating pressure is a temporary high inflation pressure used in mounting the tire on the rim. The ignition key module had to be dismantled and reassembled several times in order to operate (Figure 1). The voltage regulator “stabilizer” was defective (Figure 2) and was bypassed in order to start and operate the ATV. The negative lead to the battery was too short to allow installation of the battery, and had to be modified. The front brake was not adjusted.

3. Testing to ANSI/SVIA-1-2001 (the Standard)

The owner’s manual that came with the Long Chang Lion S 110 cc ATV was labeled LC90/100ATV. The owner’s manual says: “. . . it is used as an amusement style for adults. And children above 12 years old.” The owner’s manual further states: “**NEVER** permit children under age 12 to operate this ATV.”

Section 3 of the Standard classifies ATVs as a Category Y (Youth Model), if they are intended for recreational off-road use under adult supervision by operators under age 16. The standard further categorizes youth models as Category Y-12 ATVs if intended for use by children age 12 and older, or Category Y-6 if intended for use by children age 6 and older. Based upon the age representation in the owner’s manual, the Standard classifies this as a Y-12 ATV.

(Note that based on agreements between the major ATV distributors and the CPSC, a 110 cc ATV is considered an adult model. ATVs with engine sizes 90 cc or less are considered youth models.)

The ATV was tested to the appropriate requirements of the Standard as discussed below. Note that results are given as **Pass**, **Fail**, or **Not Applicable**. Additional information is provided as appropriate.

Section 4. Vehicle Equipment and Configuration.

Section 4.1 Service Brakes. **Pass.**

Section 4.1.1 Independently Operated Front Brakes. **Pass.**

Section 4.1.2 Independently Operated Rear Brakes. **Pass.**

Section 4.1.3 Simultaneously Operated Front and Rear Brakes. **Not Applicable.**

Section 4.2 Parking Brake/Parking Mechanism. **Fail.**

The ATV does not have a parking brake. It does not meet the requirements of Section 8.3, Performance Requirements. However, the owner’s manual says the ATV has a parking brake.

Section 4.3 Mechanical Suspension. **Fail.**

The ATV has a front mechanical suspension with less than two inches of travel and a rear mechanical suspension with at least two inches of travel.

Section 4.4 Engine Stop Switch. **Fail.**

Section 4.4.1 Operation. **Pass.**

Section 4.4.2 Color of Device. **Fail.**

The device is black.

Section 4.5 Manual Clutch Control. **Not Applicable.**

Section 4.6 Additional Clutch Control for Utility ATVs. **Not Applicable.**

Section 4.7 Throttle Control.

Section 4.7.1 Operation. **Pass.**

Section 4.8 Drivetrain Controls. **Fail.**

The gearshift pattern is upside-down. (Note that this ATV has a Reverse gear.) The gearshift pattern is Up to Reverse, and Down to successively higher gears up to 3rd (See Figure 3). It has a rocker-style foot-operated shift control (See Figure 4).

Section 4.9 Neutral Indicator. **Fail.**

There is no neutral indicator.

Section 4.10 Reverse Indicator. **Fail.**

There is no reverse indicator.

Section 4.11 Electric Start Interlock. **Fail.**

The ATV can be started in gear.

Section 4.12 Carry Bar. **Fail.**

The carry bar is not located at the rear of the seat.

Section 4.13 Flag Pole Bracket. **Fail.**

There is no flag pole bracket.

Section 4.14 Manual Fuel-Shutoff Control. **Pass.**

Section 4.15 Handlebars. **Fail.**

The handlebar crossbar is not padded (See Figure 5).

Section 4.16 Operator Foot Environment. **Pass.**

However, it is reasonably foreseeable that the operator's foot could contact the rear tire (see Other Observations below).

Section 4.17 Lighting Equipment.

Section 4.17.3 Requirements for Category Y Vehicles. **Fail.**

The ATV has a headlight (See Figure 6).

Section 4.18 Spark Arrestor. **Fail.**
There is no marking.

Section 4.19 Tire Marking. **Fail.**

(13) Inflation Pressure. **Pass.**

(14) Bead Seating Pressure. **Pass.**

(15) Other Markings. (a) **Pass**; (b) **Fail**; (c) **Pass**; (d) **Pass**; (e) **Pass**.

There is no three-digit week and year of manufacture on either tire sidewall.

(16) Letter Sizes. **Pass.**

Section 4.20 Tire Pressure Gauge. **Fail.**

There was no tire pressure gauge provided with the ATV.

Section 4.21 Security. **Pass.**

Section 4.22 Owner's Manual. **Pass.**

Section 4.23 Vehicle (ATV) Identification Number. **Pass.**

Section 6. Youth ATV Requirements.

Section 6.1 Speed Limiting Devices. **Fail.**

Section 6.1.1 Tools Must be Needed to Adjust or Remove Device. **Pass.**

Section 6.1.2 Maximum Speeds. **Fail.**

Test results were 27.9 mph; 30.8 mph; 27.3 mph; and 30.3 mph (See Figure 7).

The arithmetic average was 29.1 mph.

Section 6.1.3 Delivery of ATV from Manufacturer. **Fail.**

The ATV was not delivered with the speed limiting device adjusted to limit maximum speed to 15 mph or less.

Section 6.2 Maximum Unrestricted Speed Capability. **Pass.**

Section 7. Service Brake Performance.

Section 7.3 Performance Requirements. **Pass.**

The maximum speed determined in Section 6.1.2 was 29.1 mph. Therefore, the braking test speed was 25 mph. (The braking test speed of 25 mph is the multiple of 5 mph between 21.1 mph and 25.1 mph).

Section 7.3.2 applies to an ATV with a maximum speed capability greater than 18 mph. In order to have a braking deceleration of 0.6g or greater, the stopping distance is 34'5" or less.

(Four tests were conducted with the front brake in the as received condition to evaluate the effect of a consumer assuming that the newly purchased ATV was ready to ride. The following stopping distances were obtained: 44'2"; 44'6"; 53'7"; and 48'11" (See Figure 8).)

When the front brake was adjusted, two test results were 31'1" and 30'10" (See Figure 9). Because at least one run passed the brake distance requirement, the ATV passes the Service Brake Performance requirement.

Section 8. Parking Brake/Mechanism Performance.

Section 8.3 Performance Requirements. **Fail.**
The ATV does not have a parking brake.

Section 9. Pitch Stability.

Section 9.3 Performance Requirement. **Pass.**
The pitch stability coefficient calculated was 1.52. This is greater than the requirement that the pitch stability coefficient be at least 1.0 (See Figure 10).

Section 10. Electromagnetic Compatibility. Not Assessed.

Section 11. Sound Level Limits. Not assessed formally because the EPA regulation requires specialized facilities not available to M&D. However, approximate measurements were made using a sound level meter at the required standoff distance, with measurements of 83 to 89 dB (A). These measurements suggest that the Long Chang Lion may violate the requirement which is 80 dB (A).

4. Conformance to the CPSC Action Plans

Age Recommendations

The owner's manual that came with the Long Chang Lion S 110 cc ATV was labeled LC90/100ATV. The owner's manual says: "... it is used as an amusement style for adults. And children above 12 years old." The owner's manual further states: "NEVER permit children under age 12 to operate this ATV." The standard categorizes this youth model ATV as a Category Y-12 ATV since it is intended for use by children age 12 and older. However, based on the Action Plans, a 110 cc ATV is not considered a youth model; it is considered an adult model.

Dealer Monitoring

M&D found no information that the Chinese manufacturer, JiNan LongChang Sports Vehicle Manufacturer Co., (www.long-chang.com), the U.S. distributor, Long Chang



Distributor, (www.longchangdistributor.com), or Hofmann Motor Sports (www.hofmannmotorsports.com) maintain a dealer monitoring program to obtain dealer compliance with the age recommendations.

Information/Education

No safety information was found on any of the websites.

ATV Labels

The Long Chang Lion S 110 cc ATV has general (Figure 11), passenger (Figure 12), age (Figure 13), and tire pressure (Figure 14) warning labels. The tire pressure warning label is confusing:

Cold Tire Pressure
Front 2.9 0.4psi 0.20 0.03 kg/cm²
Rear 2.9 0.4psi 0.20 0.03 kg/cm²

Presumably there are meant to be \pm characters inserted to indicate tolerances.

Owner's Manual

The Long Chang Lion S 110 cc ATV owner's manual is in English (21 pages). M&D is not aware that CPSC has reviewed the owner's manual. The owner's manual includes some of the informational content requirements. Since the ATV is marketed as a Y-12 model, information concerning children is deficient. For example, there is no notice that the ATV is not a "toy." There is no discussion of the importance of children completing the training course and the importance of children understanding and following the instructions and warnings contained in the manual. The following statement was not in the owner's manual: "Children differ in skills, physical abilities, and judgment. Some children may not be able to operate an ATV safely. Parents should supervise their child's use of the ATV at all times. Parents should permit continued use only if they determine that the child has the ability to operate the ATV safely."

Advertising

No advertising was found on the websites that depicted the use of ATVs.

Hang Tags

The ATV had no hang tags that provided safety messages.

Safety Alerts

No ATV Safety Alert was provided.

ATV Safety Video

No ATV Safety Video was provided.

Training

Free hands-on training was not offered to the purchaser and qualifying members of the immediate family. No incentives were offered.

ATV Hotline

M&D is not aware that JiNan LongChang Sports Vehicle Manufacturer Co., Long Chang Distributor, or Hofmann Motor Sports helps fund the toll-free ATV hotline administered by the Specialty Vehicle Institute of America.

5. Other Observations

Foot Environment Although the foot environment passes the probe test in the Standard, the operator's feet may readily contact both the front (**Figure 15**) and rear tires (**Figure 16**). Almost all ATVs have rubber or pliable plastic guards between the fenders and the rigid structure of the footboard/footguards to prevent this sort of hazard. The Long Chang's shift lever does not fit the footboard very well; it passes within a half inch of the rigid structure, making it difficult to shift. It is likely, in attempting to depress the shift lever, to make toe contact with the front tire. Similarly, there is partial, but inadequate shielding for the foot from the rear tires.

Rear Sprocket The rear sprocket; that is, the drive sprocket on the rear axle that transfers power from the engine sprocket via chain to the wheels, is not guarded. The front sprocket has a chainguard, but the rear sprocket has no chainguard (**See Figure 17**). While some adult ATVs do not have a rear chain guard, for youth ATVs consideration should be given to guarding the chain. CPSC has in its public files incidents involving the chains on youth ATVs.

Overall Quality The overall quality of the Long Chang Lion S 110 ATV is very poor. In addition to being delivered with a flat tire, a battery that could not be connected, a broken ignition switch, and a faulty voltage regulator, and brakes that were badly out of adjustment, several parts fell off or came loose during testing.

FIGURES



Figure 1. Damaged Ignition Switch



Figure 2. Faulty Voltage Regulator



Figure 3. The gearshift pattern is upside-down

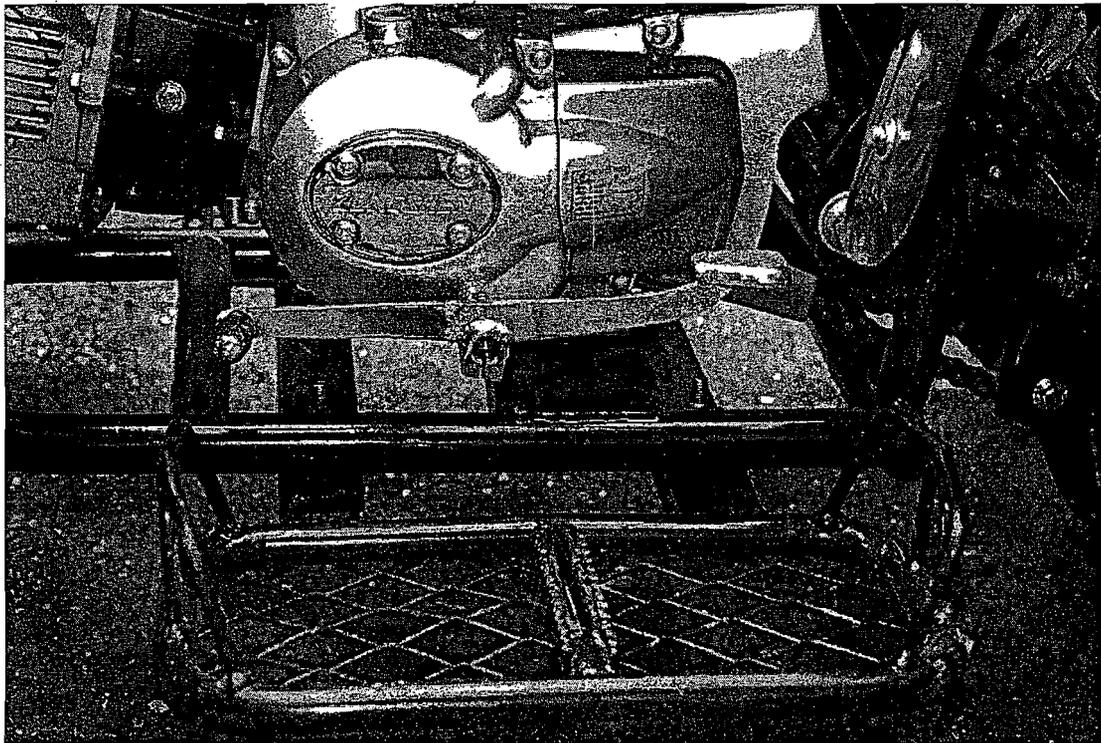


Figure 4. Rocker-style foot-operated shift control

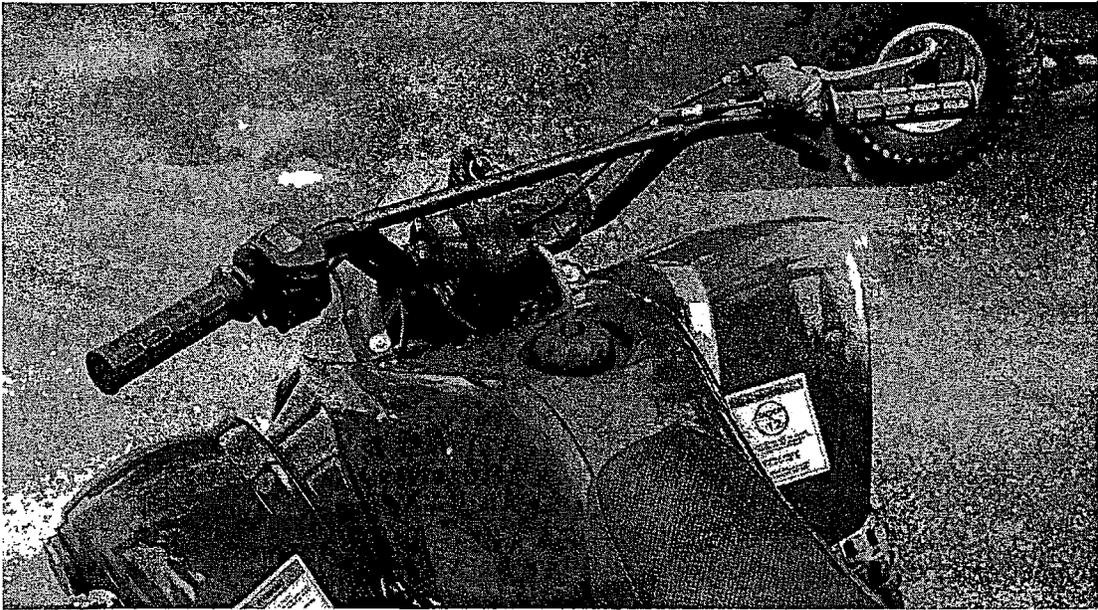


Figure 5. The handlebar crossbar is not padded.



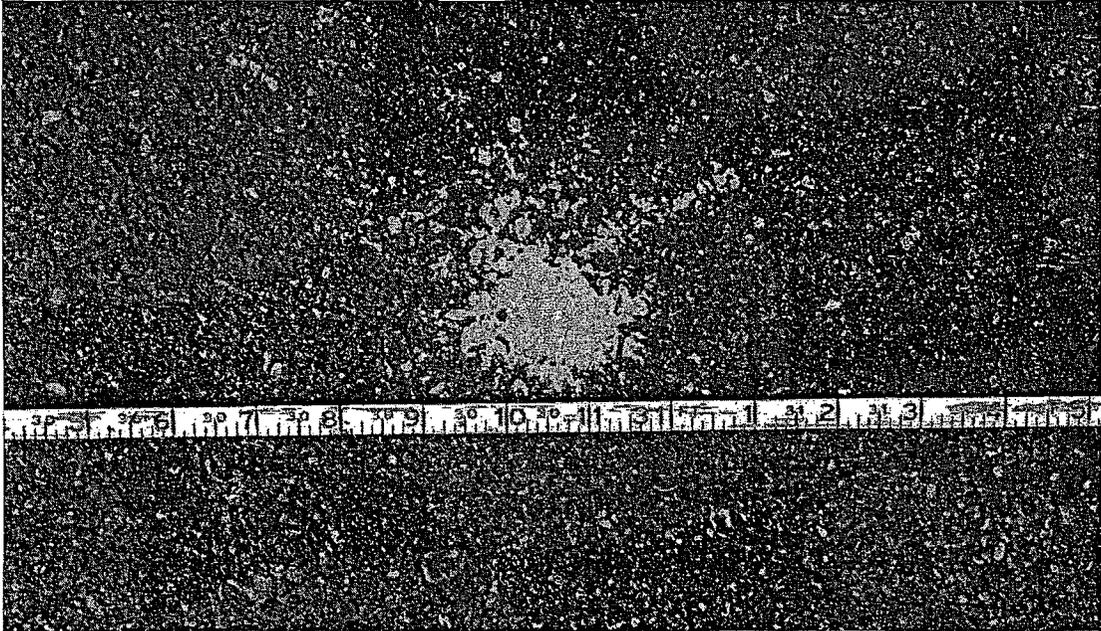
Figure 6. The ATV has a headlight.



Figure 7. Maximum Speed Test



**Figure 8. Brake Test Measurement
(Front Brake in the as-received condition)**



**Figure 9. Brake Test Measurement
(Front Brake Adjusted)**



Figure 10. Balance Point Measurement for the Pitch Stability Calculation

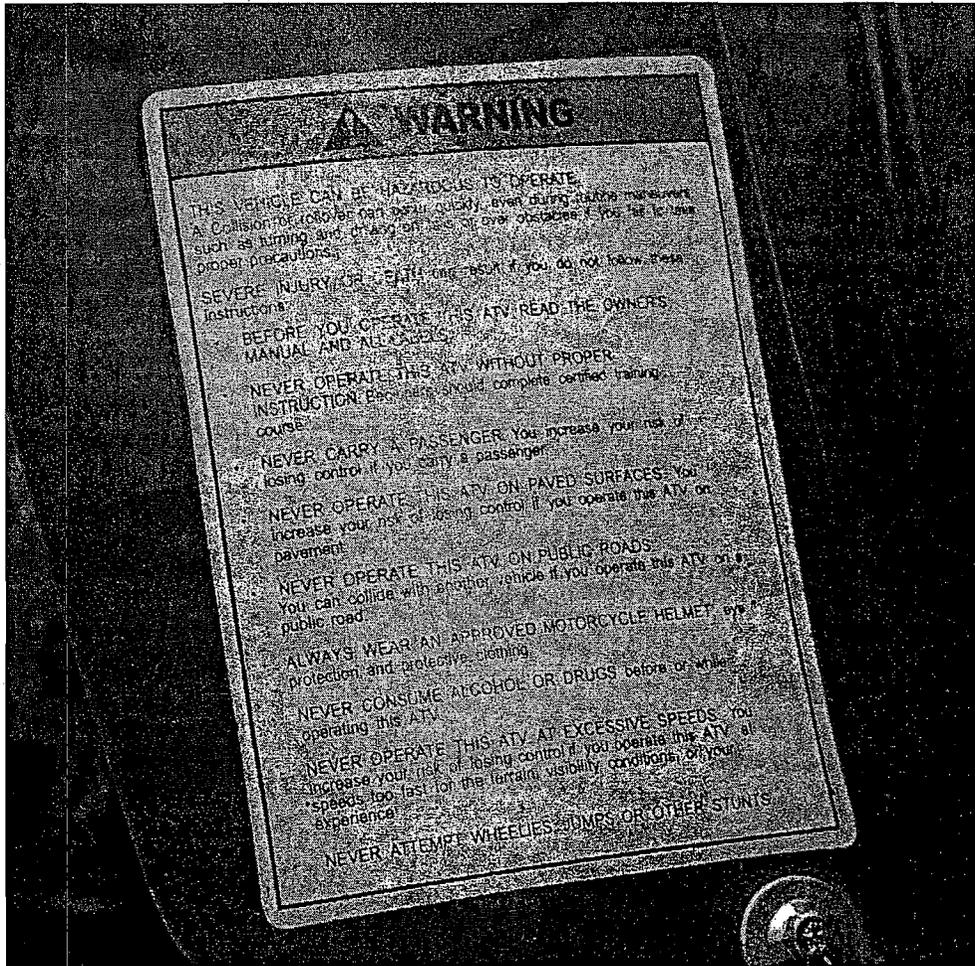


Figure 11. General Warning Label

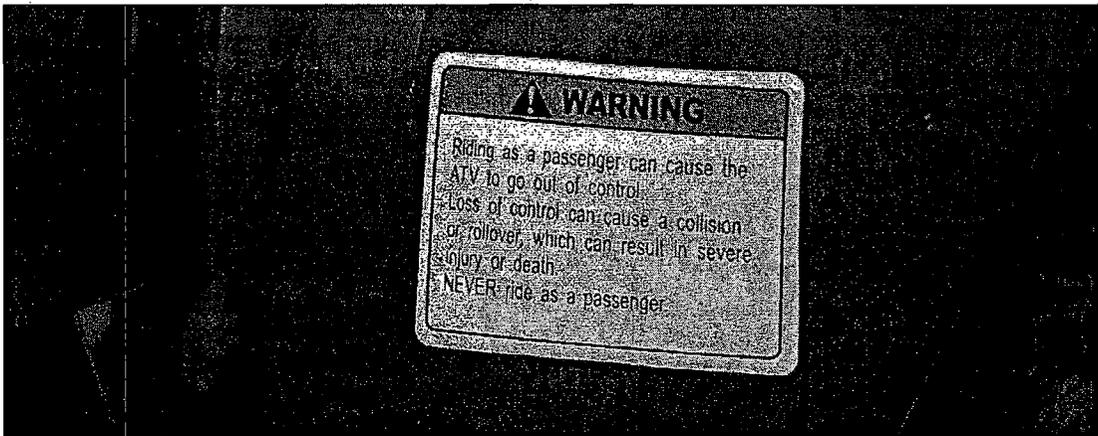


Figure 12. Passenger Warning Label

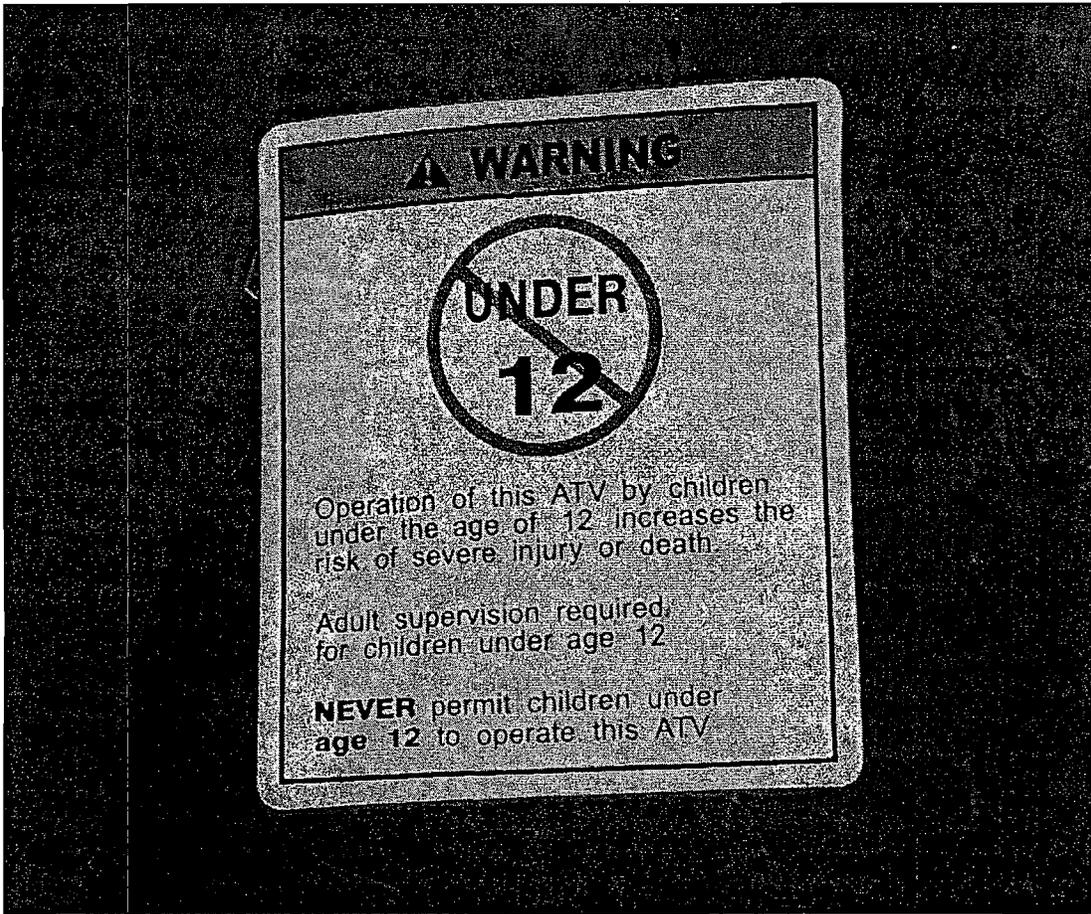


Figure 13. Age Warning Label

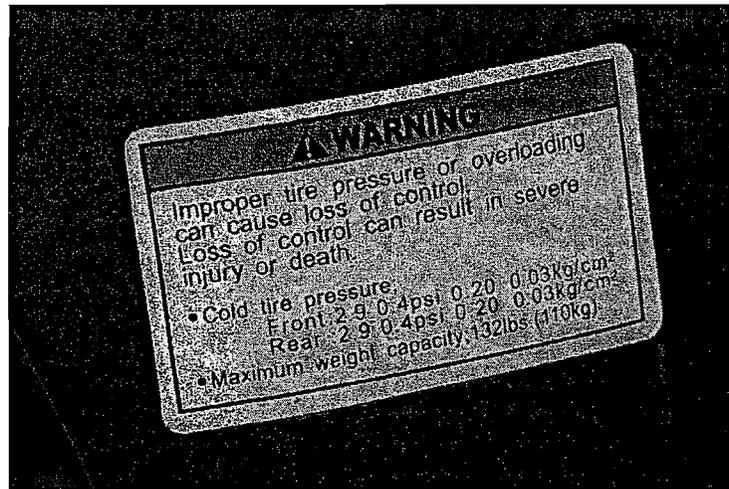


Figure 14. Tire Warning Label

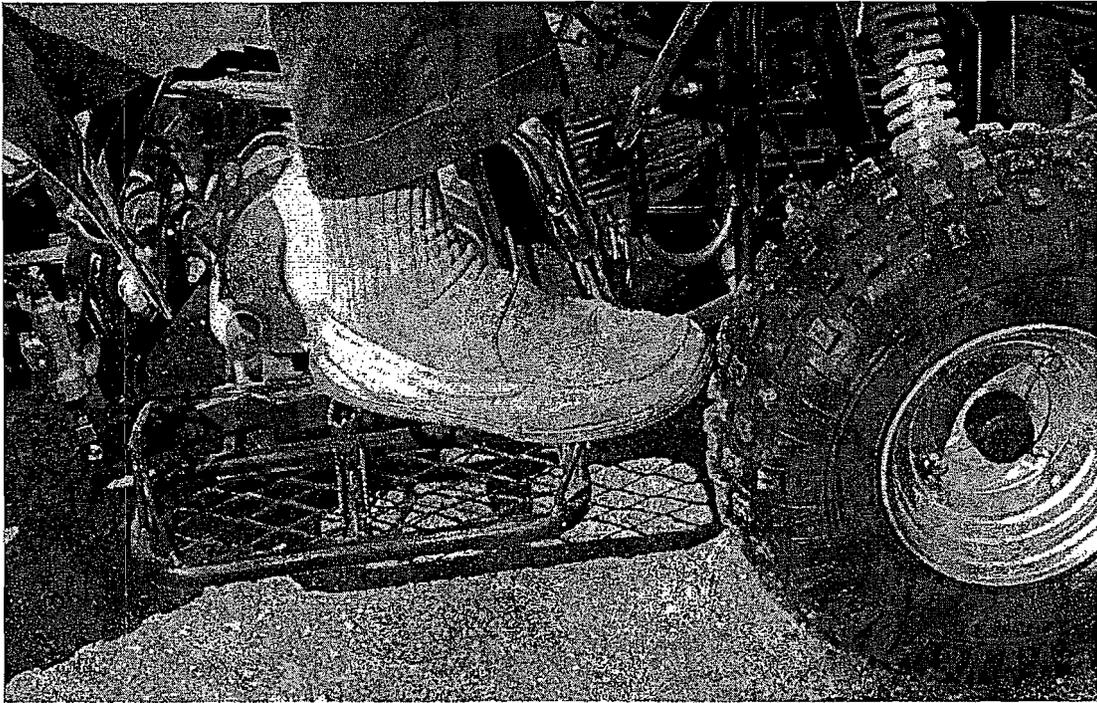


Figure 15. Foot Environment Hazard – Front Tire



Figure 16. Foot Environment Hazard – Rear Tire

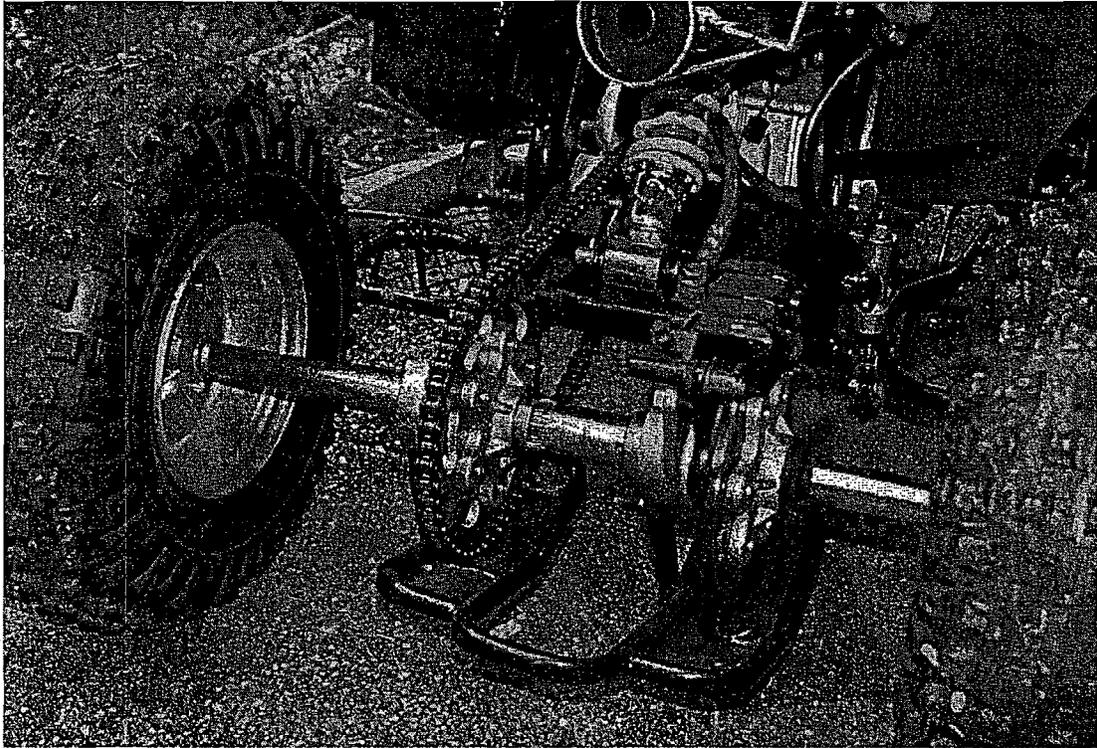
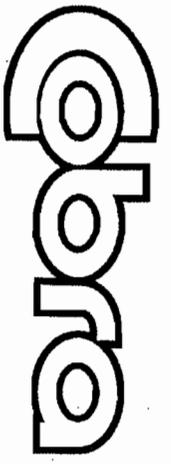
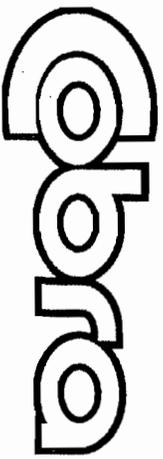


Figure 17. The rear sprocket has no chainguard.



CPSC Review
December 12, 2006

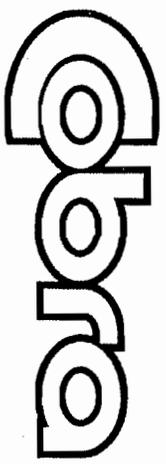




Cobra...

- Is the world's smallest powersports OEM.
- Designs and assembles all of its products (we're very vertically integrated).
- Focuses only on the off-road youth competition niche (mostly motocross).
- Has won over 125 national championships in the US over the past decade.
- Is branching out to overseas markets (Europe, Australia, Middle East, South Africa).
- Struggles like crazy to manage the complexity of a large company while trapped in the body of a small one.





So... What is Motocross?

A motorcycle (or ATV) race on a tight closed course over natural terrain that includes hills, sharp turns, and often mud

—

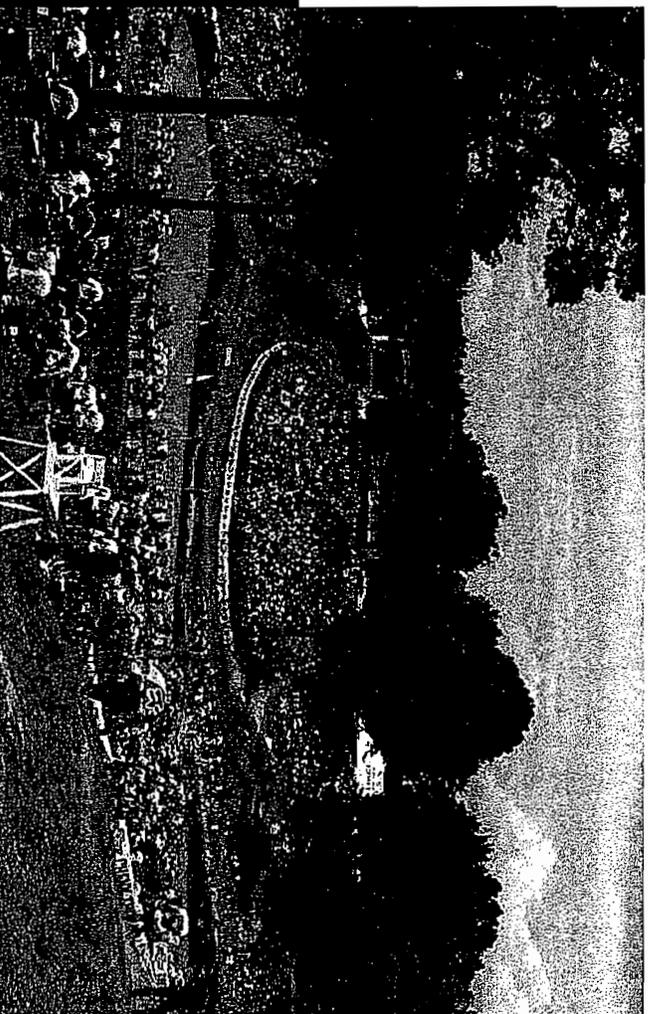
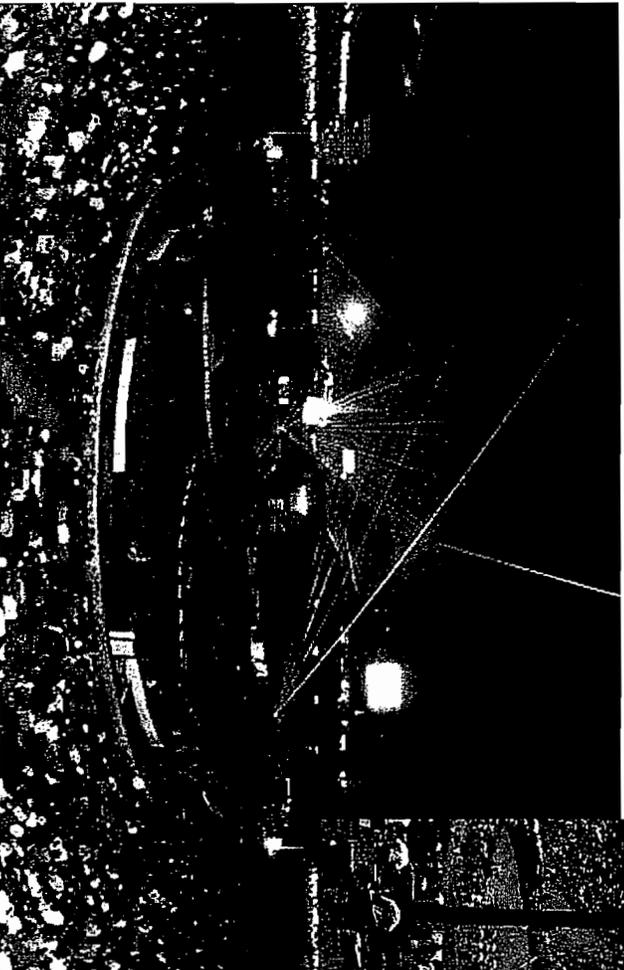
Webster's New Collegiate Dictionary



Oboro

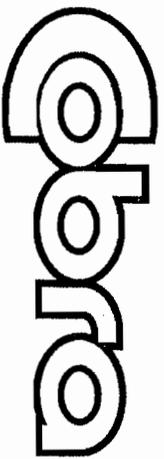
Motocross Today

Outdoor Nationals →



← *Stadium Series*





Common Ground

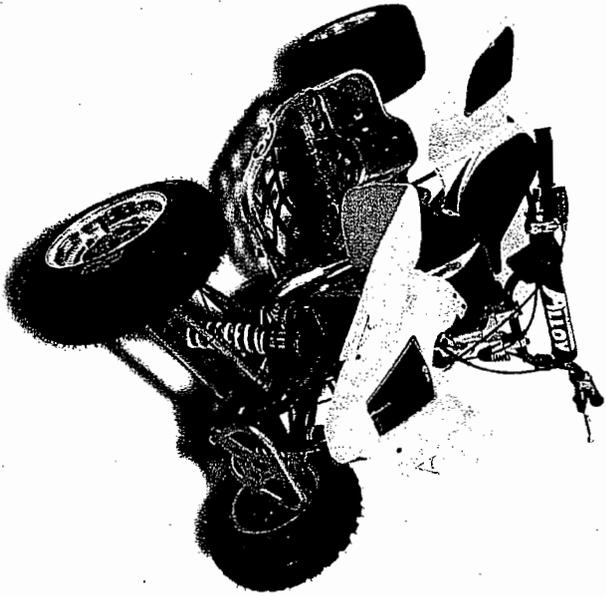
Cobra strongly believes in the basic principals that are driving the regulations that the CPSC is looking at:

- **Youth ATV riding and racing must always be conducted under parental supervision.**
- **Everyone racing an ATV should have full protective gear (helmet, boots, riding pants, shoulder/chest/back protection, gloves, goggles, kidney protection, eye protection).**
- **Off-road ATVs should never be used on public roads.**
- **Youth riders should only ride on ATVs designed specifically for kids.**
- **ATV riding and racing should be taken very seriously, and activities such as riding double should be strictly prohibited.**



Cobra

2007 Cobra ATV Models

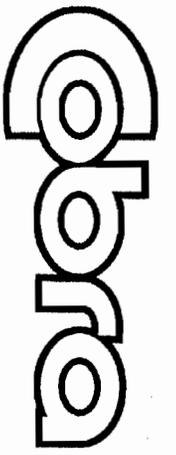


ECX70

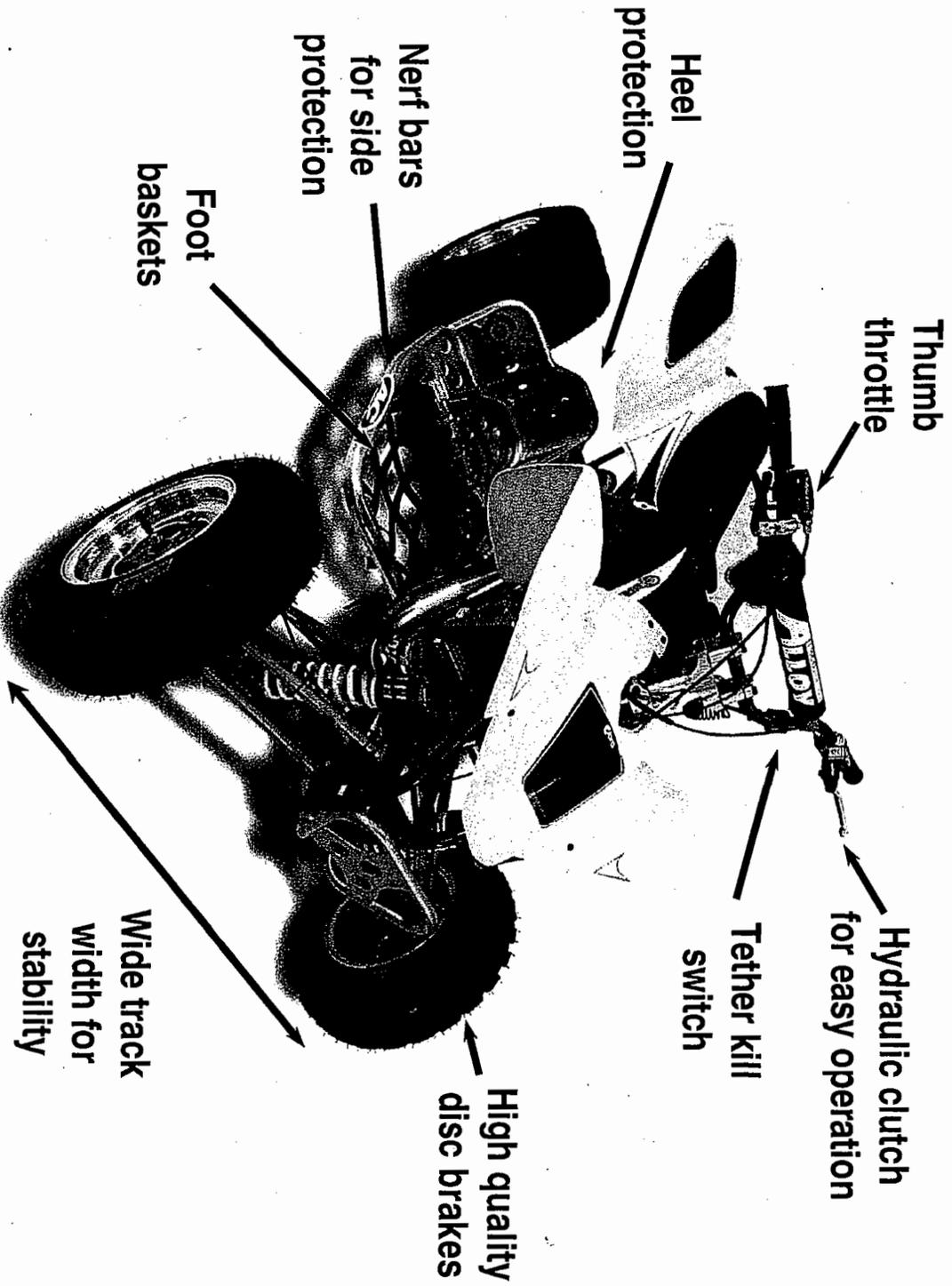


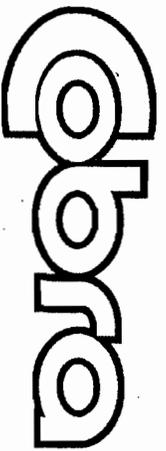
ECX50





Active & Passive Safety Features



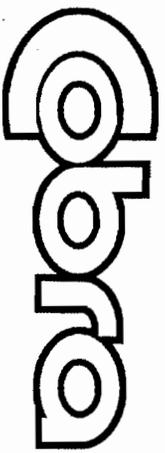


Cobra's Ownership Requirements

Cobra makes it very clear to all of our dealers and prospective customers that we only intend our ATVs to be used for racing purposes. There are several explicit steps we take toward this end:

- 1) Every owner is required to sign and return an ownership agreement. This agreement is similar to current ATV 'signoff' forms with some exceptions including an experience requirement and asking for the rider's racing membership number (i.e. ATVA number).***
- 2) Cobra will only supply the vehicle MSO if this form is returned...Otherwise the owner cannot register the vehicle.***
- 3) Our ATVs are only sold through racing dealers. 90% of our sales are through dealers that are at the race track every weekend.***





Our requests with respect to regulation

We believe that there should be a pragmatic look at the upcoming regulations in regards to the racing end of the sport. In particular:

- *We'd like the CPSC to take a stand consistent with what the EPA has done...i.e. spell out specific exemptions for "Competition Use Only" vehicles in future regulations.*
- *These exemptions should take into consideration specific uses of the vehicles and ownership realities (i.e. supervised, closed course, owner modifications, etc.).*
- *Consider replacing some of the exempted regulations with ones that make more sense for this market niche (such as the Purchase Release Agreement language).*





Cobra Contact Information

240 Uran Street

Hillsdale, MI 49242

(517) 437-9100

seanh@cobramotorcycle.com

www.cobramotorcycle.com



Request For EPA Exemption of Competition Off-Highway Motorcycles and ATVs (Ref: 40 CFR§1051.620)

(Note: 1. Manufacturer must request for renewal for each subsequent model year) Page of

Manufacturer	Cobra Motorcycle Mfg				
Model Year	2007				
Information which supports your "Competition Only" request: <input checked="" type="checkbox"/> Copies of "Competition Only" Labels <input checked="" type="checkbox"/> User's Manual(s) <input checked="" type="checkbox"/> Marketing Materials <input checked="" type="checkbox"/> Vehicle Pictures <input type="checkbox"/> Other:					
MFR Signature Philip D McDowell			EPA Use Only <input type="checkbox"/> Granted for MY _____ <input type="checkbox"/> Denied, reason(s) for denying:		
Reviewer:					

Model Name	Off-Highway Motorcycles*					Note	
	Absence of a headlight or other lights	Absence of a spark arrestor	Absence of a manufacturer's warranty	Suspension travel greater than 10 inches	Engine displacement greater than 50cc		Absence of a functional seat
CX50 OI	T	T	T	F	F	F	The 50cc motocross models are designed for kids and so cannot have more than 10" travel and are limited in displacement by AMA class rules.
CX50 JR	T	T	T	F	F	F	
CX50 King	T	T	T	F	F	F	
CX65	T	T	T	T	T	F	
All-Terrain Vehicles*							
(Use "T" or "F" to answer (i) and (ii). Describe all of superior performance characteristics in (iii) (Ref: 40 CFR §1051.620(b)(2))							
Model Name	(i) The vehicle or engine is not displayed for sale in any public dealership	(ii) Sale of the vehicle is limited to professional racers or qualified racers	(iii) The vehicle has performance characteristics that are substantially superior to noncompetitive models				Note
ECX50	F	T (qualified racers)	T				Low quantities and high price. Cobra won the 50 & 70 class at the national level in 2006.
ECX70	F	T (qualified racers)	T				

* In cases where vehicles not meeting the applicable criteria listed in the form, see 40 CFR §1051.620(c).

Stevenson, Todd A.

From: Suedelorabe@aol.com
Sent: Friday, December 22, 2006 11:27 PM
To: Stevenson, Todd A.
Cc: cfmhere@comcast.net; carolkeezer@hotmail.com
Subject: NPR Comments for ATV's
Attachments: CPSCcommentletterConcernedFam.doc

Please see the attachment.

December 21, 2006

Office of the Secretary
U.S. Consumer Product Safety Commission
Washington, DC 20207

Regarding: NPR for ATV's

Dear Secretary Stevenson:

As parents of children who have died while riding ATVs, we continuously ask ourselves how many children have to continue to die or become severely injured before CPSC takes real action to help prevent such tragedies. We live with the devastation of these tragedies every single day and want to prevent others from going through the horror that we continue to endure. The CPSC's proposed rule appears to mirror the perspectives and requests of ATV user groups and the ATV industry, while seeming to ignore proposals by public health professionals who have documented studies and statistics that prove children should never be allowed to operate an adult size ATV. The proposed rule is a big step backward because of its new definition of youth and adult size ATV's.

We urge the CPSC to fulfill its responsibility to protect public health and safety with strong and effective rulemaking. Specifically, we recommend the commission take the following steps to reduce the alarming statistics of ATV deaths and injuries to children, suffered by a largely unaware, uninformed and unsuspecting public.

1. We urge CPSC not to change the definition of an adult size ATV which is currently anything over 90cc's. 97 % of children that have died have been on a machine that was over 90cc's. How would this new proposal solve any problems? The SVIA, among many others has always recommended that no child under the age of 16 ride anything over 90cc's. We believe that this change, based upon speed, would be a huge step in the wrong direction.
2. CPSC's rule should require an industry funded national campaign to raise public awareness of ATV death and injury risks and the prohibition of children under age 16 riding adult size ATV's. Additionally, require that all print, broadcast and internet-based sales and marketing materials from manufactures, dealers, rental agencies and trade associations include disclosure of the safety risks, especially emphasizing the extreme risks to children under the age of 16. The material should explicitly disclose the risks associated with ATV use and should be conspicuous, clearly written and with the font size and bolding comparable to all other language included in the ad copy. Please make this nationwide.
3. We applaud CPSC for requiring disclosures of death and injury statistics regarding ATV's, but we urge the Commission to modify its proposal to provide this

information, to any prospective buyer or renter in advance of the purchase or rental of an ATV. Disclosure should be done orally and in writing in a very straight forward and conspicuous manner. There should be serious penalties for failure to comply with the mandatory disclosure requirement and CPSC should be committed to enforcing these provisions.

We urge the Commission to seriously consider these recommendations. Our main goal is simply to save children's lives. Thank you for your consideration. We look forward to working with you on this critical life and death issue.

Concerned Families for ATV Safety
www.atvsafetynet.org

Sue DeLoretto-Rabe, Oregon
Carolyn Anderson, Massachusetts
Carol Keezer, Ohio

Stevenson, Todd A.

From: Tim Sherry [tsherry@gelia.com]
Sent: Tuesday, December 26, 2006 11:58 PM
To: Stevenson, Todd A.
Subject: ATV NPR

In addition to the comments and suggestions below which I strongly support, I want to encourage the CPSC to propose to the fullest extent of its legal jurisdiction the standardization of content and format for the advertising and marketing materials put out by the industry including disclosures of risk.

Thank you – Tim Sherry

Office of the Secretary
U.S. Consumer Product Safety Commission
Bethesda, Maryland 20814-4408

Re: ATV NPR

This letter concerns the U.S. Consumer Product Safety Commission's August 10, 2006, Notice of Proposed Rule Making (NPR) on ATV's. I am encouraged that the CPSC has decided to propose legislation. The staggering and growing number of serious injuries and deaths each year, well over a hundred thousand now for many years, is certainly a very sad and compelling setting. One that demands action beyond the obviously ineffective voluntary standards, many of which have been in place since 1998.

So with regard to several key elements in the proposed legislation, I herein now offer my comments and suggestions.

Concerning the proposal that adult and youth ATVs meet specific mechanical and performance requirements:

- I support the aspect of the proposal that would require all manufacturers, both domestic and imported, meet the same standards. The rationale outlined by the CPSC in this regard is sound.
- I support the mechanical requirement that the youth ATVs have speed limiting devices and automatic transmissions.
- I do not support the proposal that youth ATVs not have a front head light. Recognizing that the CPSC has deduced a connection between youth accidents and driving after dark, I do not believe that eliminating the front head light will be an effective deterrent to driving these vehicles after dark and moreover, without a head light, it could likely result in more accidents due to reduced visibility both to the driver of the vehicle and in being seen by other proximate or approaching vehicles.
- I strongly oppose the aspects of the proposed legislation availing changes to the frame design or eliminating the engine size restrictions on youth ATVs. While the CPSC has cited better traction (in respect of engine size) and a better physical fit to the rider (in respect of frame size) as arguments for deviating from the current voluntary standards, the CPSC has not

12/27/2006

performed any study supporting a conclusion that this would be effective at reducing the number of serious injuries and deaths resulting from ATV accidents. There are several arguments that can be made for the opposite conclusion, including and especially that such a proposal could open the door to vehicles with more powerful engines that have larger and heavier frames which could possibly further contribute to the severity of injuries as a result of additional speed and/or weight. And the CPSC is clearly aware that many of the serious injuries and deaths with ATVs result from the crushing weight of the machine striking or resting on top of the rider.

Concerning the proposal requiring a Risk Disclosure Statement and Age Acknowledgement Form to be provided to purchasers of both adult and youth ATVs, I strongly support all elements of this proposal including that such disclosures be done **in advance** of the purchase, that such forms be signed by the purchaser, and that the forms be maintained by the dealer for a period of five years.

I would like to offer three comments/suggestions concerning these proposed forms.

1. Concerning the idea that these forms will be provided to the prospective purchaser in advance of any sale, it will be important to more specifically delineate within the regulation the timing and protocol surrounding the notion of being done "in advance". If the form is delivered in the midst of, or even at the back end of the various forms and documents that are part of a typical sale transaction, then the intent of this proposed legislation will have largely been defeated. Sequencing is critical here. Many consumers will no doubt feel pressure, if even unsaid, to simply just finalize a transaction having just spent considerable time with a sales representative. But the information in these forms is critical, vitally critical, to making an informed purchase. Thus, these disclosure forms should be required to be served up **FIRST**, at the very outset of any paperwork, and signed by the consumer before any other purchase documents are tendered to the consumer in connection with the sale.
2. Because the information being provided to the purchaser is so important, I think it is imperative that the purchaser of the ATV also receive a copy of the Risk and Age Disclosure forms they signed. To have that document can serve not only as a reminder to the purchaser, but it can also be a way to inform a spouse or child who was not with the purchaser at the time of purchase.

Concerning the proposal entitling free training to the purchaser of an ATV and each of his or her immediate family members, I support the proposal from the perspective that, the more people receiving training the better. Overall though, I believe what the CPSC has proposed in the area of training falls well short of doing anything effective and that a huge opportunity to save lives is being missed. The CPSC staff, the manufacturers and dealers are well aware that for years free training has been offered and that far less than 10% of ATV users ever takes formal training. Training that is strongly recommended by all of the aforementioned parties, training that is vital to learning how to control an ATV with measured strength and split second reaction times under difficult settings, and **training which the CPSC has indicated could likely reduce deaths and injuries by as much as 50%!** And yet, the proposed legislation in no way addresses the reasons why people are not taking

the training or offering a solution for that. What the CPSC has proposed is largely just a carry forward of the same ineffective measures within the voluntary standards.

I strongly encourage the CPSC to reconsider its proposal regarding training and to minimally make it mandatory for anyone purchasing an adult ATV and who acknowledges having children under the age of 16 in their household to evidence that both the adult purchasing the ATV and his or her child (or children) have received the industry approved training **in advance of the purchase**. This should also be mandatory for anyone purchasing a youth ATV.

Concerning the proposal requiring safety warnings by way of hang tags, labels, a safety video and the owner instruction manual, I fully support the proposal and any opportunities to inform and warn ATV owners and operators of the serious risks of injury and death. As mentioned earlier however, to accomplish the intentions of the proposed legislation requires quick and effective communication within these purviews and so I again recommend that the CPSC seek external, professional consultation from one or more parties to ensure that the location, content, and readability of all these elements manifest in the most effective communication possible.

Concerning the proposal to now legally ban three-wheel ATVs, I fully support such a ban.

Concerning the CPSCs proposal to engage non-regulatory actions to enhance awareness and ATV safety, I fully support all approaches within the two suggested phases.

Finally, below are four additional suggestions for the CPSC to consider as it finalizes its intentions for ATV legislation:

1. The CPSC has acknowledged that lateral stability is a key consideration and has oftentimes been a contributing factor in numerous ATV accidents and deaths. This has been known for decades yet sadly, neither the manufacturers nor the CPSC appear to have done much in its study no less making suggestions for change and improvement. This is a very serious matter that has not been taken seriously at all. So whether promulgated through this legislation or through non-regulatory means, the CPSC needs to get the manufacturers and industry firmly committed to conducting a comprehensive study on lateral stability with a stated deadline for making recommendations on how to improve it. Key manufacturers in the auto industry have embraced the importance to safety of lateral stability, they funded the research, made improvements, and even now the front runners have gained a very favorable competitive edge because of their commitment to protecting drivers and passengers. The ATV industry should do the same and if not voluntarily, then the CPSC should do all it can to force that upon them.

1. Concerning informing the public about the serious risks of death and injury from ATV operation, I recommend that the dealerships be required to disclose the statistical and other information that is to be included on the proposed Risk Disclosure Form on a board or other posting, in full view, inside of the dealerships. It is my understanding that there was a similar requirement in connection with the 1988 Consent Decree and it makes very good sense. There is no valid reason why a prospective purchaser should have to wait until the commencement of the sale paperwork to become informed of such information and risks.

1. It is has been acknowledged that getting approved training, locationally speaking, has been and continues to be a considerable challenge. Nothing in this proposed legislation appears to address or suggest solutions to this problem however, I would like to suggest that the CPSC collaborate with industry representatives and other concerned parties to consider and investigate the Internet as an alternative means for getting ATV operators some training. There is certainly a great deal of training that occurs over the internet every day, and while this medium cannot provide the very important training component of hands-on driving, there are certainly elements of the currently approved training that are of an information nature that can be provided on-line, perhaps in an interactive manner that ensures the trainee is receiving and responding to the information being provided. Such an on-line training course could even have testing with a certification upon successful completion.
1. Finally, none of the proposed legislation addresses the growing market of ATV renters. This is a burgeoning market, particular as people take vacations in recreational areas that would seem to lend themselves to riding an ATV. And just as the CPSC has deemed it important to provide Risk and Age Disclosure Forms to prospective purchasers of ATVs, it is certainly no less important that renters of ATVs be advised of the same information and risks. Actually, these renters are more likely first-time, one-time or occasional use riders and for that reason, with likely little if any experience or knowledge of ATVs, they are probably in even greater danger of getting into a serious accident. So to this end, I strongly recommend that the CPSC do whatever it can legislatively to ensure that such disclosures are made to renters as well. And if something cannot be done mandatorily, then the CPSC should use whatever influence it can through non-legislative measures to get the manufacturers and dealers to voluntarily embrace such a requirement. If the industry refused, that would certainly be telling.

Thank you for providing the opportunity to provide comment on the ATV NPR. The CPSC, in seemingly perfect concert with its mission statement of protecting the public from unreasonable risks of injury and death, is right to propose mandatory, legally binding legislation. Much of the general public is largely unaware of the serious and oftentimes deadly risks associated with ATV use, and the CPSC is at a profound point in its history to do what it must - to inform, protect, and save lives. Especially the children.

Tim Sherry
62 Rehm Road
Lancaster, NY 14086

The information contained in this message is privileged and/or confidential and is intended only for the use of the individual or entity to whom it is addressed. If the reader of this message is not the intended recipient or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination or copying of this message is strictly prohibited. If you have received this message in error, please notify my office immediately by reply e-mail to the sender or legal@gelia.com and delete this message. Thank you.

12/27/2006

Stevenson, Todd A.

From: M Bilzor [mbilzor@gmail.com]
Sent: Tuesday, December 26, 2006 12:11 PM
To: Stevenson, Todd A.
Subject: [Possibly SPAM (k):] - ATVs - Found word(s) free adult risk free in the Text body

Office of the Secretary
U.S. Consumer Product Safety Commission
Bethesda, Maryland 20814-4408

Re: ATV NPR

I am writing because my nephew's nine-year-old friend was killed in an ATV accident--this was a kind and responsible young man.

This letter concerns the U.S. Consumer Product Safety Commission's August 10, 2006, Notice of Proposed Rule Making (NPR) on ATV's. I am encouraged that the CPSC has decided to propose legislation. The staggering and growing number of serious injuries and deaths each year, well over a hundred thousand now for many years, is certainly a very sad and compelling setting. One that demands action beyond the obviously ineffective voluntary standards, many of which have been in place since 1998.

So with regard to several key elements in the proposed legislation, I herein now offer my comments and suggestions.

Concerning the proposal that adult and youth ATVs meet specific mechanical and performance requirements:

- * I support the aspect of the proposal that would require all manufacturers, both domestic and imported, meet the same standards. The rationale outlined by the CPSC in this regard is sound.
- * I support the mechanical requirement that the youth ATVs have speed limiting devices and automatic transmissions.
- * I do not support the proposal that youth ATVs not have a front head light. Recognizing that the CPSC has deduced a connection between youth accidents and driving after dark, I do not believe that eliminating the front head light will be an effective deterrent to driving these vehicles after dark and moreover, without a head light, it could likely result in more accidents due to reduced visibility both to the driver of the vehicle and in being seen by other proximate or approaching vehicles.
- * I strongly oppose the aspects of the proposed legislation availing changes to the frame design or eliminating engine size restrictions on youth ATVs. While the CPSC has cited better traction (in respect of engine size) and a better physical fit to the rider (in respect of frame size) as arguments for deviating from the current voluntary standards, the CPSC has not performed a study that would support the conclusion that this will be an effective way to reduce the number of serious injuries and deaths. Paradoxically, it has been the CPSC in the past that has shunned what would otherwise seem to be "common sense" suggestions on ATV safety made by outside concerned parties for that very same reason, no study or supporting data.

Quite frankly, there are several common sense arguments against what the CPSC is proposing in that more powerful machines with likely larger and heavier frames will actually further contribute to the severity of injuries in an accident as a result of additional speed and/or weight. And the CPSC is clearly well aware that many of the serious injuries and deaths with ATVs result from the crushing weight of the machine striking or resting on top of the rider.

Concerning the proposal requiring a Risk Disclosure Statement and Age Acknowledgement Form to be provided to purchasers of both adult and youth ATVs, I strongly support all elements of this proposal including that such disclosures be done in advance of the purchase, that such forms be signed by the purchaser, and that the forms be maintained by the dealer for a period of five years.

I would like to offer three comments/suggestions concerning these proposed forms.

1. Concerning the idea that these forms will be provided to the prospective purchaser in advance of any sale, it will be important to more specifically delineate within the regulation the timing and protocol surrounding the notion of being done "in advance". If the form is delivered in the midst of, or even at the back end of the various forms and documents that are part of a typical sale transaction, then the intent of this proposed legislation will have largely been defeated. Sequencing is critical here. Many consumers will no doubt feel pressure, if even unsaid, to simply just finalize a transaction having just spent considerable time with a sales representative. But the information in these forms is critical, vitally critical, to making an informed purchase. Thus, these disclosure forms should be required to be served up FIRST, at the very outset of any paperwork, and signed by the consumer before any other purchase documents are tendered to the consumer in connection with the sale.
2. Also in connection with achieving the intent of the proposed forms, they must have all relevant content and be presented in a truly effective manner. Generally speaking, much of the general public is not inclined to thorough, detailed reading. Consequently, it will be of the utmost importance that these forms effectively communicate the intended messaging as quickly as possible. Therefore, I strongly recommend the CPSC seek additional input from one or more qualified sources in this area, most likely marketing and advertising professionals.
3. Because the information being provided to the purchaser is so important, I think it is imperative that the purchaser of the ATV also receive a copy of the Risk and Age Disclosure forms they signed. To have that document can serve not only as a reminder to the purchaser, but it can also be a way to inform a spouse or child who was not with the purchaser at the time of purchase.

Concerning the proposal entitling free training to the purchaser of an ATV and each of his or her immediate family members, I support the proposal from the perspective that, the more people receiving training the better. Overall though, I believe what the CPSC has proposed in the area of training falls well short of doing anything effective and that a huge opportunity to save lives is being missed. The CPSC staff, the manufacturers and dealers are well aware that for years free training has been offered and that far less than 10% of ATV users ever takes formal training. Training that is strongly recommended by all of the aforementioned parties, training that is vital to learning how to control an ATV with measured strength and split second reaction times under difficult settings, and training which the CPSC has indicated could likely reduce deaths and injuries by as much as 50%! And yet, the proposed legislation in no way addresses the reasons why people are not taking the training or offering a solution for that. What the CPSC has proposed is largely just a carry forward of the same ineffective measures within the voluntary standards.

I want to strongly encourage the CPSC to reconsider its proposal regarding training and to minimally make it mandatory for anyone purchasing an adult ATV and who acknowledges having children under the age of 16 in their household to evidence that both the adult purchasing the ATV and his or her child (or children) have received the industry approved training in advance of the purchase. This should also be mandatory for anyone purchasing a youth ATV.

Concerning the proposal requiring safety warnings by way of hang tags, labels, a safety video and the owner instruction manual, I fully support the proposal and any opportunities to inform and warn ATV owners and operators of the serious risks of injury and death. As mentioned earlier however, to accomplish the intentions of the proposed legislation requires quick and effective communication within these purviews and so I again recommend that the CPSC seek external, professional consultation from one or more parties to ensure that the location, content, and readability of all these elements manifest in the most effective communication possible.

Concerning the proposal to now legally ban three-wheel ATVs, I fully support such a ban.

Concerning the CPSCs proposal to engage non-regulatory actions to enhance awareness and ATV safety, I fully support all approaches within the two suggested phases.

Finally, I'd like to offer four additional suggestions for the CPSC to consider as it

finalizes its intentions for legislation:

1. The CPSC has acknowledged that lateral stability is a key consideration and has oftentimes been a contributing factor in numerous ATV accidents and deaths. This has been known for decades yet sadly, neither the manufacturers nor the CPSC appear to have done much in its study no less making suggestions for change and improvement. This is a very serious matter that has not been taken seriously at all. So whether promulgated through this legislation or through non-regulatory means, the CPSC needs to get the manufacturers and industry firmly committed to conducting a comprehensive study on lateral stability with a stated deadline for making recommendations on how to improve it. Key manufacturers in the auto industry have embraced the importance to safety of lateral stability, they funded the research, made improvements, and even now the front runners have gained a very favorable competitive edge because of their commitment to protecting drivers and passengers. The ATV industry should do the same and if not voluntarily, then the CPSC should do all it can to force that upon them.
2. Concerning the more general issue of informing the public about the serious risks of death and injury from ATV operation, I recommend that the dealerships be required to disclose the statistical and other information that is to be included on the proposed Risk Disclosure Form on a board or other posting, in full view, inside of the dealerships. It is my understanding that there was a similar requirement in connection with the 1988 Consent Decree and it makes very good sense. There is no valid reason why a prospective purchaser should have to wait until the commencement of the sale paperwork to become informed of such information and risks.
3. It is has been acknowledged that getting approved training, locationally speaking, has been and continues to be a considerable challenge. Nothing in this proposed legislation appears to address or suggest solutions to this problem however, I would like to suggest that the CPSC collaborate with industry representatives and other concerned parties to consider and investigate the Internet as an alternative means for getting ATV operators some training. There is certainly a great deal of training that occurs over the internet every day, and while this medium cannot provide the very important training component of hands-on driving, there are certainly elements of the currently approved training that are of an information nature that might be provided on-line, perhaps in an interactive manner that ensures the trainee is receiving and responding to the information being provided. Such an on-line training course could even have testing within with a certification upon successful completion.
4. Finally, none of the proposed legislation addresses the growing market of ATV renters. This is a burgeoning market, particular as people take vacations in recreational areas that would seem to lend themselves to riding an ATV. And just as the CPSC has deemed it important to provide Risk and Age Disclosure Forms to prospective purchasers of ATVs, it is certainly no less important that renters of ATVs be advised of the same information and risks. Actually, these renters are probably more likely first-time and/or one-time users and for that reason, with likely little if any experience or knowledge of ATVs, they are probably in even greater danger of getting into a serious accident. So to this end, I strongly recommend that the CPSC do whatever it can legislatively to ensure that such disclosures are made to renters as well. And if something cannot be done mandatorily, then the CPSC should use whatever influence it can through non-legislative measures to get the manufacturers and dealers to voluntarily embrace such a requirement. If the industry refused, that would certainly be telling.

Thank you for providing the opportunity to provide comment on the ATV NPR. The CPSC, in seemingly perfect concert with its mission statement of protecting the public from unreasonable risks of injury and death, is right to propose mandatory, legally binding legislation. Much of the general public is largely unaware of the serious and oftentimes deadly risks associated with ATV use and the CPSC is at a profound point in its history to do what it must - to inform, protect, and save lives.

Sincerely,

Marie Bilzor

Stevenson, Todd A.

From: Karen McCafferty [KMCCAFFE@courts.state.ny.us]
Sent: Tuesday, December 26, 2006 11:47 AM
To: Stevenson, Todd A.
Subject: [Possibly SPAM (k):] - ATV Safety - Found word(s) free adult risk free in the Text body

Office of the Secretary
U.S. Consumer Product Safety Commission
Bethesda, Maryland 20814-4408

Re: ATV NPR

This letter concerns the U.S. Consumer Product Safety Commission's August 10, 2006, Notice of Proposed Rule Making (NPR) on ATV's. I am encouraged that the CPSC has decided to propose legislation. The staggering and growing number of serious injuries and deaths each year, well over a hundred thousand now for many years, is certainly a very sad and compelling setting. One that demands action beyond the obviously ineffective voluntary standards, many of which have been in place since 1998.

So with regard to several key elements in the proposed legislation, I herein now offer my comments and suggestions.

Concerning the proposal that adult and youth ATVs meet specific mechanical and performance requirements:

* I support the aspect of the proposal that would require all manufacturers, both domestic and imported, meet the same standards. The rationale outlined by the CPSC in this regard is sound.

* I support the mechanical requirement that the youth ATVs have speed limiting devices and automatic transmissions.

* I do not support the proposal that youth ATVs not have a front head light. Recognizing that the CPSC has deduced a connection between youth accidents and driving after dark, I do not believe that eliminating the front head light will be an effective deterrent to driving these vehicles after dark and moreover, without a head light, it could likely result in more accidents due to reduced visibility both to the driver of the vehicle and in being seen by other proximate or approaching vehicles.

* I strongly oppose the aspects of the proposed legislation availing changes to the frame design or eliminating engine size restrictions on youth ATVs. While the CPSC has cited better traction (in respect of engine size) and a better physical fit to the rider (in respect of frame size) as arguments for deviating from the current voluntary standards, the CPSC has not performed a study that would support the conclusion that this will be an effective way to reduce the number of serious injuries and deaths. Paradoxically, it has been the CPSC in the past that has shunned what would otherwise seem to be "common sense" suggestions on ATV safety made by outside concerned parties for that very same reason, no study or supporting data.

Quite frankly, there are several common sense arguments against what the CPSC is proposing in that more powerful machines with likely larger and heavier frames will actually further contribute to the severity of injuries in an accident as a result of additional speed and/or weight. And the CPSC is clearly well aware that many of the serious injuries and deaths with ATVs result from the crushing weight of the machine striking or resting on top of the rider.

Concerning the proposal requiring a Risk Disclosure Statement and Age Acknowledgement Form to be provided to purchasers of both adult and youth ATVs, I strongly support all elements of this proposal including that such disclosures be done in advance of the purchase, that such forms be signed by the purchaser, and that the forms be maintained by the dealer for a period of five years.

I would like to offer three comments/suggestions concerning these proposed forms.

1. Concerning the idea that these forms will be provided to the prospective purchaser in advance of any sale, it will be important to more specifically delineate within the regulation the timing and protocol surrounding the notion of being done "in advance". If the form is delivered in the midst of, or even at the back end of the various forms and documents that are part of a typical sale transaction, then the intent of this proposed legislation will have largely been defeated. Sequencing is critical here. Many consumers will no doubt feel pressure, if even unsaid, to simply just finalize a transaction having just spent considerable time with a sales representative. But the information in these forms is critical, vitally critical, to making an informed purchase. Thus, these disclosure forms should be required to be served up FIRST, at the very outset of any paperwork, and signed by the consumer before any other purchase documents are tendered to the consumer in connection with the sale.

2. Also in connection with achieving the intent of the proposed forms, they must have all relevant content and be presented in a truly effective manner. Generally speaking, much of the general public is not inclined to thorough, detailed reading. Consequently, it will be of the utmost importance that these forms effectively communicate the intended messaging as quickly as possible. Therefore, I strongly recommend the CPSC seek additional input from one or more qualified sources in this area, most likely marketing and advertising professionals.

3. Because the information being provided to the purchaser is so important, I think it is imperative that the purchaser of the ATV also receive a copy of the Risk and Age Disclosure forms they signed. To have that document can serve not only as a reminder to the purchaser, but it can also be a way to inform a spouse or child who was not with the purchaser at the time of purchase.

Concerning the proposal entitling free training to the purchaser of an ATV and each of his or her immediate family members, I support the proposal from the perspective that, the more people receiving training the better. Overall though, I believe what the CPSC has proposed in the area of training falls well short of doing anything effective and that a huge opportunity to save lives is being missed. The CPSC staff, the manufacturers and dealers are well aware that for years free training has been offered and that far less than 10% of ATV users ever takes formal training. Training that is strongly recommended by all of the aforementioned parties, training that is vital to learning how to control an ATV with measured strength and split second reaction times under difficult settings, and training which the CPSC has indicated could likely reduce deaths and injuries by as much as 50%! And yet, the proposed legislation in no way addresses the reasons why people are not taking the training or offering a solution for that. What the CPSC has proposed is largely just a carry forward of the same ineffective measures within the voluntary standards.

I want to strongly encourage the CPSC to reconsider its proposal regarding training and to minimally make it mandatory for anyone purchasing an adult ATV and who acknowledges having children under the age of 16 in their household to evidence that both the adult purchasing the ATV and his or her child (or children) have received the industry approved training in advance of the purchase. This should also be mandatory for anyone purchasing a youth ATV.

Concerning the proposal requiring safety warnings by way of hang tags, labels, a safety video and the owner instruction manual, I fully support the proposal and any opportunities to inform and warn ATV owners and operators of the serious risks of injury and death. As mentioned earlier however, to accomplish the intentions of the proposed legislation requires quick and effective communication within these purviews and so I again recommend that the CPSC seek external, professional consultation from one or more parties to ensure that the location, content, and readability of all these elements manifest in the most effective communication possible.

Concerning the proposal to now legally ban three-wheel ATVs, I fully support such a ban.

Concerning the CPSCs proposal to engage non-regulatory actions to enhance awareness and ATV safety, I fully support all approaches within the two suggested phases.

Finally, I'd like to offer four additional suggestions for the CPSC to consider as it finalizes its intentions for legislation:

1. The CPSC has acknowledged that lateral stability is a key consideration and has

oftentimes been a contributing factor in numerous ATV accidents and deaths. This has been known for decades yet sadly, neither the manufacturers nor the CPSC appear to have done much in its study no less making suggestions for change and improvement. This is a very serious matter that has not been taken seriously at all. So whether promulgated through this legislation or through non-regulatory means, the CPSC needs to get the manufacturers and industry firmly committed to conducting a comprehensive study on lateral stability with a stated deadline for making recommendations on how to improve it. Key manufacturers in the auto industry have embraced the importance to safety of lateral stability, they funded the research, made improvements, and even now the front runners have gained a very favorable competitive edge because of their commitment to protecting drivers and passengers. The ATV industry should do the same and if not voluntarily, then the CPSC should do all it can to force that upon them.

2. Concerning the more general issue of informing the public about the serious risks of death and injury from ATV operation, I recommend that the dealerships be required to disclose the statistical and other information that is to be included on the proposed Risk Disclosure Form on a board or other posting, in full view, inside of the dealerships. It is my understanding that there was a similar requirement in connection with the 1988 Consent Decree and it makes very good sense. There is no valid reason why a prospective purchaser should have to wait until the commencement of the sale paperwork to become informed of such information and risks.

3. It has been acknowledged that getting approved training, locationally speaking, has been and continues to be a considerable challenge. Nothing in this proposed legislation appears to address or suggest solutions to this problem however, I would like to suggest that the CPSC collaborate with industry representatives and other concerned parties to consider and investigate the Internet as an alternative means for getting ATV operators some training. There is certainly a great deal of training that occurs over the internet every day, and while this medium cannot provide the very important training component of hands-on driving, there are certainly elements of the currently approved training that are of an information nature that might be provided on-line, perhaps in an interactive manner that ensures the trainee is receiving and responding to the information being provided. Such an on-line training course could even have testing within with a certification upon successful completion.

4. Finally, none of the proposed legislation addresses the growing market of ATV renters. This is a burgeoning market, particular as people take vacations in recreational areas that would seem to lend themselves to riding an ATV. And just as the CPSC has deemed it important to provide Risk and Age Disclosure Forms to prospective purchasers of ATVs, it is certainly no less important that renters of ATVs be advised of the same information and risks. Actually, these renters are probably more likely first-time and/or one-time users and for that reason, with likely little if any experience or knowledge of ATVs, they are probably in even greater danger of getting into a serious accident. So to this end, I strongly recommend that the CPSC do whatever it can legislatively to ensure that such disclosures are made to renters as well. And if something cannot be done mandatorily, then the CPSC should use whatever influence it can through non-legislative measures to get the manufacturers and dealers to voluntarily embrace such a requirement. If the industry refused, that would certainly be telling.

Thank you for providing the opportunity to provide comment on the ATV NPR. The CPSC, in seemingly perfect concert with its mission statement of protecting the public from unreasonable risks of injury and death, is right to propose mandatory, legally binding legislation. Much of the general public is largely unaware of the serious and oftentimes deadly risks associated with ATV use and the CPSC is at a profound point in its history to do what it must - to inform, protect, and save lives.

12/20/2006 11:20 AM 1000120000 ADMIN 002

**BEFORE THE
UNITED STATES CONSUMER PRODUCT SAFETY COMMISSION**

SUPPLEMENTAL COMMENTS

OF

POLARIS INDUSTRIES INC. ("POLARIS")

**15 CFR Parts 1307, 1410, 1500 and 1515;
Standards for All Terrain Vehicles and
Ban of Three-Wheeled All Terrain Vehicles;
Notice of Proposed Rulemaking**

71 Fed. Reg. 45,904 (August 10, 2006)

ATV NPR

December 26, 2006

I. INTRODUCTION

This supplements the comments already provided by Polaris as part of an industry submission of comments by the six major distributors of all terrain vehicles ("ATVs") to the U.S. Consumer Product Safety Commission's ("CPSC" or the "Commission") notice of proposed rulemaking ("NPR") to establish mandatory standards for ATVs and to ban the future distribution of three-wheeled ATVs. 71 Fed. Reg. 45,904 (Aug. 10, 2006). These supplemental comments focus on the NPR's prohibition on forward-facing day time running lights ("DRLs") and on the NPR's requirements for ATVs designed for an operator and passenger referred to by the CPSC as a tandem rider ATV.

A. DRLs. DRLs are commonly used in the vehicle industry to enhance the ability of the vehicle to be more readily seen by others, also known as conspicuity. DRLs are not used to illuminate an area to facilitate operation in low-light conditions. They are specifically designed for conspicuity only. For example, DRLs are angled straight ahead at approaching traffic to provide maximum conspicuity and not at the ground like a headlight to increase ground illumination. The illumination with a DRL is low intensity, diffuse, from a single element bulb rather than that found in the headlamp which has a bright light, dual element bulb with a focused beam of sufficient intensity necessary to meet photometric standards for headlamps.

There has been significant research conducted regarding the positive impact on vehicle safety due to DRLs both in the United States and abroad. This research has concluded that the overall effect of DRLs has been to improve vehicle safety by increasing the likelihood that a vehicle will be seen by other vehicle operators. See NHTSA Technical Report, DOT HS 809 760 (September 2004) – U.S.A. and Australian

Transport Safety Bureau (October 2003) – Australia. One report found that the use of low-output DRLs in pairs increased motorcycle detectability by 10-20 percent. See SAE Technical Paper 900749 (1990) – U.K.

On ATVs, DRLs provide improved conspicuity during daylight conditions as well as during lower light conditions found on cloudy or rainy days. Forward-facing DRLs also provide improved conspicuity to oncoming traffic when trail riding. Conspicuity is especially important during trail riding when dusty or shaded trail conditions can be frequently encountered and where on-coming trail traffic is commonplace.

The NPR states that parents will be confused about forward-facing DRLs on youth vehicles and think that they are headlamps to be used for night-time riding and, thus, forward-facing DRLs on youth vehicles should be prohibited from a safety standpoint. The CPSC provides no proof or data to support this assumption as it is required to do. In fact, over the last decade, many on-road vehicles now come equipped with DRLs so most parents will be familiar with these lights and their purpose. Also, given the low intensity of light with DRLs, it is readily apparent to consumers that the DRLs can not be used for illumination purposes during night time riding.

The NPR fails to show by any available data, much less by substantial evidence, that a prohibition on forward-facing DRLs on youth vehicles is reasonably necessary to reduce an unreasonable risk and provide quantifiable safety benefits—the legal test the NPR provisions must meet. Indeed, as discussed above, this prohibition will have no measurable positive safety benefit and, in instances, may actually detract from ATV safety. Parents, especially those who trail ride with their children, should have the added-safety feature available to them of a youth ATV equipped with forward-facing

DRLs. This will enhance the safety of the youth vehicle with on-coming trail traffic and also will allow the parent to better supervise their child's vehicle when the child is riding behind the parent in trail conditions.

Based on the above, the NPRs prohibition against forward-facing DRLs should be removed. Side and forward-facing DRLs should specifically be allowed as an option on youth ATVs.

B. Tandem Rider ATVs

There are pending proposed revisions to the ANSI/SVIA standard that address the mechanical and information aspects of tandem ATV safety and also incorporate elements of the tandem ATV companies' Action Plans. These tandem ATV standards mirror in all applicable respects the requirements that apply to single rider ATVs. The proposed standards reflect years of experience developed during manufacturing and marketing single-rider ATVs and four years of industry experience with tandem ATVs. The proposed standards also reflect years of testing and analysis by the ATV companies along with input from the CPSC.

The NPR proposes standards that differ than those pending in the proposed revisions to the ANSI/SVIA standard and the applicable Actions Plans. With respect to each of the proposed different or additional requirements for tandem ATVs, CPSC must show that each specific aspect is supported by substantial evidence on the record taken as a whole. It must also show that there is an unreasonable risk of injury, and further, that the specific proposed provision is reasonably necessary to prevent or reduce that risk of injury. 15 U.S.C. §§ 2056(a), 2058(f)(3)(A).

The "substantial evidence" requirement is just that – a requirement that CPSC affirmatively support its findings by presenting established factual evidence in the record. In determining whether the evidence presented is substantial, both the facts which detract from the agency position as well as those which support it are to be considered. Aqua Slide "N" Dive v. CPSC, 569 F.2d 831, 838 (5th Cir. 1978).

The Commission cannot support its proposed requirements by simply relying on rational assumptions or its own experience and staff expertise to conclude that the proposal will reduce injuries. Id. at 841. CPSC instead bears the affirmative burden of presenting factual evidence to show that each particular proposed requirement will in fact reduce an unreasonable risk. Id. at 842. The Commission cannot rely on staff opinion or inference; it must put forward empirical proof that each proposed requirement will reduce the risk. Id. at 842, 843. While the CPSC staff may express its opinion as to the potential benefits of elements of the proposal, that opinion must be based on empirical data rather than merely casual observation and speculation to be viewed as actual evidence in the record. Id. at 843.

To the extent that mechanical and informational requirements for tandem ATVs in the NPR differ from the requirements of the revised ANSI/SVIA standard, the need for those differences is not supported by substantial evidence in the record. In fact, there is absolutely no data in the record regarding the risk of injury associated with tandem ATVs that could justify the proposed provisions in the NPR relating to tandem ATVs.

Based on the above, the CPSC should withdraw its current proposal on tandem ATVs and issue a revised NPR limited to the provisions of the revised ANSI/SVIA standard that will be forthcoming from the ANSI canvass process. The revised NPR

should also include a provision that requires labeling for tandem ATVs be substantially equivalent to that set forth in the revised ANSI/SVIA standard for tandem ATVs.

Respectfully submitted,

A handwritten signature in black ink that reads "Mary P. McConnell". The signature is written in a cursive style with a large, stylized "M" and "C".

Mary P. McConnell
Polaris Industries Inc.
2100 Highway 55
Medina, MN 55340

Stevenson, Todd A.

From: Leland, Elizabeth
Sent: Thursday, December 28, 2006 8:18 AM
To: Stevenson, Todd A.
Subject: FW: Cobra Written Comment - ATV Project
Attachments: Cobra Purchase Release Agreement.pdf; CPSC_Cobra Comment_Dec2006.pdf; CPSC_Cobra Slides_Dec2006.pdf; EPA competition exemption-Mfg Cobra.pdf

Todd,
Here is another comment on the ATV NPR.
Thanks,
Elizabeth

From: Sean Hilbert [mailto:seanh@cobramotorcycle.com]
Sent: Friday, December 22, 2006 3:38 PM
To: Leland, Elizabeth
Cc: Phil McDowell
Subject: Cobra Written Comment - ATV Project

Elizabeth,

Attached is our written comment regarding the proposed ATV regulations. I have included four documents:

- 1) Our main written comment letter
- 2) A copy of the slides that I brought earlier in the month
- 3) Our 2007 EPA Competition Use Only exemption form
- 4) Cobra's purchase release agreement form

If you need anything else, or if you have any further questions do not hesitate to contact us.

Have a great holiday!

Regards,

Sean @ Cobra



ATV Purchase Release Agreement

Rider's Name: _____ Date: _____

(RIDER)

Address: _____ City: _____

State: _____ Zip: _____ Phone: _____

Age: _____ ATVA, CRA, WORCS, WPSA Membership #: _____

Riding Experience (yrs) _____ Model: ECX70: ___ ECX50: ___

I represent and certify that I am at least 21 year of age and the parent or legal guardian of RIDER listed above. I agree to use the vehicle listed above strictly in accordance with the terms of this Agreement. I accept full responsibility for its care and proper use. I have made no miss-representations on this form or otherwise regarding myself or RIDER's experience. I have received satisfactory answers to all of my questions regarding the use and function of this vehicle.

Initials _____

I understand and am aware that ATV riding is a hazardous activity involving inherent and other risks of personal injury or even death, and that any improper use of such vehicles increases these risks. I further understand that injuries in this activity are a common and ordinary occurrence. I freely and knowingly accept and assume these risks. I understand the proper use of this vehicle. I understand that all ATVs perform differently. I understand that as a condition of this vehicle purchase that RIDER must wear a full-face helmet, boots, gloves, and protective clothing at all times when riding it and agree to do so and that even proper use of this vehicle and safety equipment may not prevent serious injury or death. I understand that the ATV is a pure off road vehicle designed for racing purposes, and it cannot be legally used on public roads and have agreed not to do so.

Initials _____

I agree that the terms of this Agreement shall be governed by the laws of the state of Michigan, USA without regard to its or any other state's or country's law rules

Initials _____

I hereby agree to and accept the terms and conditions of this agreement. There are NO WARRANTIES, express or implied, which extend beyond the description of the vehicle listed above and I accept the purchase of this vehicle "AS IS".

Initials _____

I HAVE CAREFULLY READ THIS AGREEMENT and fully understand the release of liability provisions it contains. I am aware this is a release of liability in consideration of this vehicle purchase and I sign of my own free will.

Initials _____

Parent or Legal Guardian Name (printed): _____

Parent or Legal Guardian Signature: _____ Date: _____



240 Uran Street
Hillsdale, Michigan 49242

Phone: 517-437-9100
Fax: 517-437-9101

December 22, 2006

Elizabeth Leland
U.S. Consumer Product Safety Commission
Bethesda, MD 20814

Elizabeth,

Cobra Motorcycle Manufacturing has several thoughts and suggestions that we would like to voice during this open comment period, and we would like to thank the CPSC for taking your time with us and listening to the feedback of a relatively small niche player in the overall ATV market.

As we mentioned in our on-site presentation on December 12th, 2006 (the slides from that visit should be used with this document as additional written comment), we feel that further regulation of the market is positive step forward, but we hope that it is done in a pragmatic fashion that does not unduly punish companies and families that participate in ATV racing. We both agree that children should only be riding on properly sized equipment, with supervision, and wearing proper protective gear. Furthermore, other dangerous activities such as riding on public roads and riding double must be strictly prohibited through the passage and enforcement of proper state law.

Our requests for the upcoming regulation are as follows:

- 1) There should be an exclusion for "Competition Use Only" vehicles that are used under very controlled circumstances (close course, intense adult supervision, strict rulebook, mandatory protective gear, etc.).
- 2) This exclusion should be consistent with other regulatory agencies to ensure consistency of intent and ease of compliance.

To this end, we have attached the framework for how the EPA discriminates between a Competition Use Only machine and a standard recreation model for motorcycles and ATVs. This is the actual application that we sent in for the 2007 exception.

General Notes:

Also included below is a list of questions and comments that were asked during the course of our on-site presentation. These are not presented in any particular order:



240 Uran Street
Hillsdale, Michigan 49242

Phone: 517-437-9100
Fax: 517-437-9101

Size of market: Cobra estimates that there are somewhere between 1000 and 2000 kids actively participating in ATV racing throughout the US. Cobra has roughly 300 units in the field since 2005 when we introduced our first unit. Racers not on Cobra machines ride highly modified recreational models.

Racing and machine modifications: ALL racers modify their ATVs. Cobra defines three main categories of modifications: 1) Performance (chassis and engine), 2) Ergonomics, and 3) Styling. Taking the proposed speed limit suggestion, for example, Cobra could produce race ATVs that meet these requirements, but we would do so knowing that the units would be modified as soon as they reached the owner's garage. Cobra's position is that the racing sanctioning body rules (ATVA, WORCS, WPSA, etc) regarding maximum engine displacement and transmission limitations are appropriate limiting factors for speed and power for Competition Use Only machines.

Use of Equipment: Like many race machines, Cobra's ATVs are not well suited for use under normal recreation conditions (envision taking a NASCAR race car on city streets). Taken for a trail ride, for example, our automatic clutches wear quickly, and our powertrains overheat. This is common knowledge in the marketplace. However, to further ensure that our machines go into the marketplace only for racing, we require that the owner (legal guardian) must sign off that the unit will be used for racing only or Cobra will not supply a Certificate of Origin. A copy of this form is attached.

Training. A non-scientific survey of our customers shows that nearly every racer takes advantage of the many training schools that are available in the sport. These are not basic riding skills courses – they teach advanced techniques for experienced racers. Cobra sees no value in requiring our customers to go through basic rider training with the level of riding skill they already possess.

We hope that this information can help the CPSC make more informed decisions. Of course, if you have any questions or request further information, we will make ourselves available. Furthermore, if anyone in your organization would like to take a closer look at the sport of amateur ATV racing, we can help arrange that as well.

Thank you, and have a wonderful holiday.

Regards,

H. Sean Hilbert
President, Cobra Motorcycle Manufacturing, Inc.

I. INTRODUCTION

Arctic Cat is one of three major manufacturers of tandem or 2Up all terrain vehicles (“tandem ATVs”) and appreciates the opportunity to comment on the U.S. Consumer Product Safety Commission’s (“CPSC” or the “Commission”) notice of proposed rulemaking (“NPR”) to establish mandatory standards for tandem ATVs. 71 Fed. Reg. 45,904 (Aug. 10, 2006).

II. EXECUTIVE SUMMARY

The initial two tandem ATV Companies (Arctic Cat and Bombardier Recreational Products (“BRP”)) decided to introduce tandem ATVs to address the users’ interest in having a passenger ride with an operator on the ATVs. They believed that an ATV could be designed to permit operation with one passenger and still be as safe as a single-rider ATV with just the operator. This objective was accomplished, *inter alia*, through the use of a longer wheel base and the addition of a passenger seating area with separate areas for the passenger’s feet and separate handholds. Arctic Cat believes that its adherence to those aspects of the ANSI/SVIA-1-2001 standard applicable to tandem ATVs and implementation of hands-on training, warning labels, hang tags, safety videos and owners manuals (as described in the Action Plan submitted to include tandem ATVs) has been effective in addressing the issue of tandem ATV safety. The most recent ATV injury report contains no information regarding any ATV-related injuries or ATV-related fatalities on tandem ATVs. Additionally, as described in the Joint Comments of the ATV Companies, the rate of ATV-related injuries is lower now than when the Consent Decrees expired in 1998, and is lower in 2005 than it was in 2004. The ATV-related fatality rate in 2004 was lower than it was in 1999.

In addition, the major ATV Companies, through SVIA, currently are proceeding to revise the ANSI/SVIA standard to address tandem ATVs which will incorporate key elements of the

Action Plans.

As more fully discussed in the Background section, *infra*, in cooperation with the CPSC staff, the initial tandem ATV Companies worked to proactively address safety issues regarding tandem ATVs even before they were first introduced to the market. Arctic Cat and BRP also were never part of the Consent Decree actions and, like their approach with tandem ATVs, voluntarily contacted CPSC staff prior to their introduction of single-rider ATVs, and agreed to promote the safe and responsible use of their products, including adoption of the applicable portions of the existing ANSI/SVIA standard into a new proposed voluntary standard and extending Action Plan provisions to tandem ATVs through revised Action Plans.

With respect to certain aspects of the NPR that differ from, or go beyond, the pending proposed revisions to the ANSI/SVIA standard and the remaining elements of the Action Plans, the Commission has provided no meaningful basis or justification and no findings for such aspects that are supported by substantial evidence on the record taken as a whole.

The Commission must show that these different or additional elements of the NPR address specifically identified and validated unreasonable risks of injury presented by tandem ATVs that comply with the pending proposed revisions to the ANSI/SVIA standard and are covered by the Action Plans. It must also show that their adoption as mandatory requirements will result in measurable reductions of tandem ATV-related injuries or fatalities. The NPR contains the comment only that such different and additional proposed requirements “may” reduce ATV-related injuries. Speculative assumptions, staff opinions and inferences described in the NPR as support for these proposed different and additional requirements are insufficient to meet the necessary test for substantial evidence. See *Aqua Slide “N” Dive Corporation v. CPSC*, 569 F.2d 831, 843 (5th Cir. 1978). These different or additional requirements could have

unintended adverse effects on tandem ATV safety. The NPR thus presents no evidence, much less substantial evidence, that each of these different and additional requirements is reasonably necessary to reduce an unreasonable risk of tandem ATV-related injury.

CPSC should therefore withdraw its current proposal on tandem ATVs and issue a revised NPR limited to the provisions of the revised ANSI/SVIA standard that will be forthcoming from the ANSI canvass process and the requirement that distributors offer free hands-on training to purchasers and age-appropriate immediate family members, as a mandatory consumer product safety standard for all new tandem ATVs distributed in the United States.

III. BACKGROUND

In 2002, prior to the introduction of their first tandem ATVs into the market, Arctic Cat and BRP voluntarily and separately contacted CPSC staff to discuss their respective plans for tandem ATVs. They proposed to voluntarily comply with those aspects of the existing ANSI/SVIA-1-2001 standard applicable to such ATVs and to provide hands-on training and to include with the sale of their tandem ATVs, safety information in warning labels, in videos, in hang tags, and in owners manuals. Arctic Cat and BRP reviewed proposed drafts of such information with CPSC staff including members from engineering, human factors and the legal department. Suggestions from CPSC staff for label changes were made and Arctic Cat and BRP adopted such changes into their safety labels. Additionally, Arctic Cat and BRP retained the services of Applied Safety and Ergonomics (ASE) from Ann Arbor, Michigan to evaluate and study the proposed safety labels to determine their comprehension. Engineers from Arctic Cat and BRP also met with engineers from the CPSC staff to discuss the tandem ATVs and had the opportunity to actually ride the Arctic Cat and BRP tandem ATVs.

At the time of the initial discussions with the CPSC regarding the tandem ATVs, the SVIA did not offer hands-on training and was not interested in working on an ANSI product standard for tandem ATVs. This information was provided to CPSC staff. At the suggestion of CPSC staff, Arctic Cat and BRP established the International 2Up ATV Manufacturers Association (I2AMA) and obtained status for the I2AMA as an ANSI standards developer for 2Up ATVs. The I2AMA then commenced the process of drafting a standard for tandem ATVs. The CPSC was on the canvass list for that draft standard. As a result of comments from ASE during that canvass process, additional suggested changes to the tandem ATV labels were made and adopted by Arctic Cat and BRP.

Arctic Cat and BRP also provided the CPSC with Action Plans modified to address tandem ATVs and agreed to provide the same type of safety information that was being provided with single-rider ATVs as modified for tandem ATVs. With respect to hands-on training for their tandem ATVs, both BRP and Arctic Cat offered hands-on training through their dealers free to all purchasers of new tandem ATVs and members of their immediate families. But Arctic Cat and BRP continued to seek SVIA agreement to offer such training. As soon as the SVIA agreed to offer hands-on training for tandem ATVs through ASI, Arctic Cat and BRP began to offer that hands-on training program free to all purchasers of new tandem ATVs and members of their immediate families. At about the same time, SVIA also decided to commence the process to allow the development of a standard for tandem ATVs to be incorporated as part of the existing ANSI standard for single-rider ATVs.

When Polaris entered the tandem ATV market, it also provided the same safety information and submitted an Action Plan to the CPSC.

IV. DISCUSSION

A. Statutory Requirements and Risk of Injury

The record available to the tandem ATV manufacturers and as proffered by the Commission in support of the proposed rule contains no information about the risk or rate of injury or fatalities related to tandem ATVs. Since the record is devoid of such evidence, the proposed rule regarding tandem ATVs is not supported by any evidence on which such a rule can be based in accordance with the legal standards. As the NPR acknowledges at 71 FR 45906, under Section 7 of the CPSA, the requirements of a consumer product safety standard “must be ‘reasonably necessary to prevent or reduce an unreasonable risk of injury associated with such a product.’” The record, however, contains no information about any risk of injury associated with tandem ATVs.

Moreover, as the NPR also acknowledges, at 71 FR 45906, “before promulgating a consumer product safety rule, the Commission must consider, and make appropriate findings to be included in the rule, concerning the following issues: (1) The degree and nature of the risk of injury that the rule is designed to eliminate or reduce; (2) the approximate number of consumer products subject to the rule; (3) the need of the public for the products subject to the rule and the probable effect the rule will have on utility, cost or availability of such products; and (4) the means to achieve the objective of the rule while minimizing adverse effects on competition, manufacturing and commercial practices.” (internal citations omitted). The Commission must also find that the rule is “‘reasonably necessary to eliminate or reduce an unreasonable risk of injury associate with such product’ and that issuing the rule is in the public interest. In addition, if a voluntary standard addressing the risk of injury has been adopted and implemented, the Commission must find that (1) the voluntary standard is not likely to eliminate or adequately

reduce the risk of injury, or that (2) substantial compliance with the voluntary standard is unlikely. The Commission also must find that the expected benefits of the rule bear a reasonable relationship to its costs and that the rule imposes the least burdensome requirements that would adequately reduce the risk of injury.” (internal citations omitted).

Speculative assumptions, staff opinions and inferences described in the NPR as support for the proposed different and additional requirements are insufficient to meet the necessary test for substantial evidence. *See Aqua Slide “N” Dive Corporation v. CPSC*, 569 F.2d 831, 843 (5th Cir. 1978). Many of these different or additional requirements could have unintended adverse effects on tandem ATV safety. The NPR contains no evidence to demonstrate that each of the different and additional requirements beyond the pending revised ANSI/SVIA standard is reasonably necessary to reduce any unreasonable risk of tandem ATV-related injury. The NPR also is devoid of any finding that each specific aspect of the vehicle or purported missing element of safety information presents an unreasonable risk of injury, and that the specific proposed requirement is a feasible means of reducing an unreasonable risk. 15 U.S.C. § 1261(s); *Forester v. CPSC*, 559 F.2d 774, 789 n.21 (D.C. Cir. 1977).

CPSC has authority to regulate not based on overall injuries or fatalities related to a general product category, but on unreasonable risk of injury or fatality with respect to a particular product. *See* 15 U.S.C. §§ 2056(a), 2058(f)(3)(A); *id.* § 1261(s). The Commission has not met the statutory requirements for any of the proposed NPR requirements applicable to tandem ATVs.

B. All Tandem ATVs Distributed in the United States Should Comply with the Pending Revised ANSI/SVIA Standard and Provide Action Plan Safety Information and Programs.

Arctic Cat believes strongly that all tandem ATVs distributed in the United States should comply with all applicable provisions of the pending revised ANSI/SVIA standard, subject to the ability to use labels that are substantially equivalent to those contained in that pending revised ANSI/SVIA standard. Arctic Cat also believes that all tandem ATV distributors should provide to purchasers and their immediate family members, the safety information and programs specified in the Action Plans filed with CPSC which include commitments regarding safety information for tandem ATVs (point of purchase materials, labels, hang tags and owner's manuals) and programs such as free hands-on training.

As noted above, proposed revisions to ANSI/SVIA-1-2001 to include tandem ATVs (described as Type II ATVs in the pending revised standard) have been developed and are undergoing consideration through the canvass process. Once the revised standard is adopted, it will include virtually all of the mechanical requirements for both tandem ATVs that the NPR contains, with the exception of variations to those requirements in the NPR that – as discussed below – are not supported by the required substantial evidence of unreasonable risk and corresponding safety benefit. Similarly, the revised voluntary standard will incorporate the key informational provisions of the Action Plans, as well as those in the NPR; (*i.e.*, labels, hang tags and owner's manuals) with the exception of a hands-on training requirement.

To the extent that mechanical and informational provisions in the NPR depart from the requirements of the revised ANSI/SVIA standard, Arctic Cat believes that those differences are not supported by the evidence on the record and may inadvertently add to the risks of injury that the rule seeks to reduce. On the other hand, the revised voluntary standard will be a consensus

document whose provisions reflect over 20 years of experience with single-rider ATVs and four years with tandem ATVs on the part of the industry and the Commission, including substantial input from the Commission staff over the years, and extensive testing and analysis. As a result, Arctic Cat believes that the Commission should delay acting until the revised ANSI/SVIA standard, which includes provisions regarding tandem ATVs, is formally submitted to ANSI for final review and publication (which should occur within the next 120 days). Arctic Cat also believes that the Commission either should withdraw the existing NPR and should reissue it incorporating the provisions of the pending revised ANSI/SVIA standard with the changes regarding tandem ATVs described herein, or should revise those provisions of the NPR that differ from the revised voluntary standard to make them consistent with it.

Arctic Cat and BRP have been offering free hands-on training to new tandem ATV purchasers and age-appropriate members of their immediate family since the introduction of tandem ATVs in the U.S. market in 2003, and Arctic Cat believes that such training has been an important factor of ATV safety. Arctic Cat supports inclusion in any final rule of a requirement that all distributors of tandem ATVs in the United States offer free hands-on training, using the curriculum of the ASI Rider Course or a substantially similar curriculum, to all tandem ATV purchasers and age-appropriate immediate family members.

There is no evidence that tandem ATVs which comply with the pending revised ANSI/SVIA standard and provide Action Plan safety information and hands-on training programs present an unreasonable risk of injury. The Commission also has not shown that its proposed changes to the pending revised ANSI/SVIA standard and Action Plan provisions are necessary to or would reduce any unreasonable risk of tandem ATV-related injuries.

1. Proposed Different or Additional Requirements for Tandem Adult ATVs

a. Information Requirements.

Section 1410.19 of the proposed rule would require all tandem ATVs to have certain labeling. Arctic Cat believes that the labeling requirements for tandem ATVs (both in terms of content and location) should be as those contained in the pending revised ANSI/SVIA standard or substantial equivalents thereto rather than those in the proposed rule. Portions of the labels contained in the pending revised ANSI/SVIA standard were tested by ASE in 2003 and were found to have high levels of comprehension. CPSC has failed to verify empirically any deficiency in the current tandem ATV labels in the pending revised ANSI/SVIA standard that presents an unreasonable risk of injury. The NPR also contains no indication that CPSC has tested the proposed additional language to provide the required evidence to show that it communicates more effectively than the current tandem ATV label as contained in the pending revised ANSI/SVIA standard. See Aqua Slide "N" Dive, 559 F.2d at 841.

Additionally, Section 1410.19(b) of the proposed rule requires hangtags that contain the same warning information to be provided for single-rider ATVs, rather than the information on general warning labels for tandem ATVs as specified under Section 1410.19(a).

Arctic Cat believes that the CPSC should revise its proposal to include the current tandem ATV labels, or their substantial equivalents, which are specified in the pending revised ANSI/SVIA standard.

b. Pitch Stability Test.

CPSC has presented no data showing that the test method contained in the pending revised ANSI/SVIA test method results in the tandem ATVs presenting an unreasonable risk of injury or

that its proposed change would actually reduce tandem ATV-related injuries. This proposed requirement contained in section 1410.18 should not be part of any final rule.

c. Instructional Training.

Section 1515.15(d)(3)(iii) of the proposed rule requires training on why one should never ride as a passenger, but does not include an exception to this prohibition for tandem ATVs. Since tandem ATVs, by definition, are designed for use with one passenger, the training course content should provide for this use.

V. CONCLUSION

For the foregoing reasons, CPSC should withdraw for its current proposal and issue a revised NPR limited to proposing the provisions of the pending revised ANSI/SVIA standard, including the provision to allow for substantial equivalents of the labels for tandem ATVs, and a requirement that distributors offer free hands-on training to purchasers and age-appropriate immediate family members, as a mandatory consumer product safety standard for all new tandem ATVs distributed in the United States.

Respectfully submitted,

s/Annamarie Daley
Annamarie Daley
ROBINS, KAPLAN, MILLER & CIRESI
L.L.P.
2800 LaSalle Plaza
800 LaSalle Avenue
Minneapolis, MN 55402-2015

Counsel for Arctic Cat Inc.

90

I. INTRODUCTION

Arctic Cat is one of three major manufacturers of tandem or 2Up all terrain vehicles (“tandem ATVs”) and appreciates the opportunity to comment on the U.S. Consumer Product Safety Commission’s (“CPSC” or the “Commission”) notice of proposed rulemaking (“NPR”) to establish mandatory standards for tandem ATVs. 71 Fed. Reg. 45,904 (Aug. 10, 2006).

II. EXECUTIVE SUMMARY

The initial two tandem ATV Companies (Arctic Cat and Bombardier Recreational Products (“BRP”)) decided to introduce tandem ATVs to address the users’ interest in having a passenger ride with an operator on the ATVs. They believed that an ATV could be designed to permit operation with one passenger and still be as safe as a single-rider ATV with just the operator. This objective was accomplished, *inter alia*, through the use of a longer wheel base and the addition of a passenger seating area with separate areas for the passenger’s feet and separate handholds. Arctic Cat believes that its adherence to those aspects of the ANSI/SVIA-1-2001 standard applicable to tandem ATVs and implementation of hands-on training, warning labels, hang tags, safety videos and owners manuals (as described in the Action Plan submitted to include tandem ATVs) has been effective in addressing the issue of tandem ATV safety. The most recent ATV injury report contains no information regarding any ATV-related injuries or ATV-related fatalities on tandem ATVs. Additionally, as described in the Joint Comments of the ATV Companies, the rate of ATV-related injuries is lower now than when the Consent Decrees expired in 1998, and is lower in 2005 than it was in 2004. The ATV-related fatality rate in 2004 was lower than it was in 1999.

In addition, the major ATV Companies, through SVIA, currently are proceeding to revise the ANSI/SVIA standard to address tandem ATVs which will incorporate key elements of the

Action Plans.

As more fully discussed in the Background section, *infra*, in cooperation with the CPSC staff, the initial tandem ATV Companies worked to proactively address safety issues regarding tandem ATVs even before they were first introduced to the market. Arctic Cat and BRP also were never part of the Consent Decree actions and, like their approach with tandem ATVs, voluntarily contacted CPSC staff prior to their introduction of single-rider ATVs, and agreed to promote the safe and responsible use of their products, including adoption of the applicable portions of the existing ANSI/SVIA standard into a new proposed voluntary standard and extending Action Plan provisions to tandem ATVs through revised Action Plans.

With respect to certain aspects of the NPR that differ from, or go beyond, the pending proposed revisions to the ANSI/SVIA standard and the remaining elements of the Action Plans, the Commission has provided no meaningful basis or justification and no findings for such aspects that are supported by substantial evidence on the record taken as a whole.

The Commission must show that these different or additional elements of the NPR address specifically identified and validated unreasonable risks of injury presented by tandem ATVs that comply with the pending proposed revisions to the ANSI/SVIA standard and are covered by the Action Plans. It must also show that their adoption as mandatory requirements will result in measurable reductions of tandem ATV-related injuries or fatalities. The NPR contains the comment only that such different and additional proposed requirements “may” reduce ATV-related injuries. Speculative assumptions, staff opinions and inferences described in the NPR as support for these proposed different and additional requirements are insufficient to meet the necessary test for substantial evidence. *See Aqua Slide “N” Dive Corporation v. CPSC*, 569 F.2d 831, 843 (5th Cir. 1978). These different or additional requirements could have

unintended adverse effects on tandem ATV safety. The NPR thus presents no evidence, much less substantial evidence, that each of these different and additional requirements is reasonably necessary to reduce an unreasonable risk of tandem ATV-related injury.

CPSC should therefore withdraw its current proposal on tandem ATVs and issue a revised NPR limited to the provisions of the revised ANSI/SVIA standard that will be forthcoming from the ANSI canvass process and the requirement that distributors offer free hands-on training to purchasers and age-appropriate immediate family members, as a mandatory consumer product safety standard for all new tandem ATVs distributed in the United States.

III. BACKGROUND

In 2002, prior to the introduction of their first tandem ATVs into the market, Arctic Cat and BRP voluntarily and separately contacted CPSC staff to discuss their respective plans for tandem ATVs. They proposed to voluntarily comply with those aspects of the existing ANSI/SVIA-1-2001 standard applicable to such ATVs and to provide hands-on training and to include with the sale of their tandem ATVs, safety information in warning labels, in videos, in hang tags, and in owners manuals. Arctic Cat and BRP reviewed proposed drafts of such information with CPSC staff including members from engineering, human factors and the legal department. Suggestions from CPSC staff for label changes were made and Arctic Cat and BRP adopted such changes into their safety labels. Additionally, Arctic Cat and BRP retained the services of Applied Safety and Ergonomics (ASE) from Ann Arbor, Michigan to evaluate and study the proposed safety labels to determine their comprehension. Engineers from Arctic Cat and BRP also met with engineers from the CPSC staff to discuss the tandem ATVs and had the opportunity to actually ride the Arctic Cat and BRP tandem ATVs.

At the time of the initial discussions with the CPSC regarding the tandem ATVs, the SVIA did not offer hands-on training and was not interested in working on an ANSI product standard for tandem ATVs. This information was provided to CPSC staff. At the suggestion of CPSC staff, Arctic Cat and BRP established the International 2Up ATV Manufacturers Association (I2AMA) and obtained status for the I2AMA as an ANSI standards developer for 2Up ATVs. The I2AMA then commenced the process of drafting a standard for tandem ATVs. The CPSC was on the canvass list for that draft standard. As a result of comments from ASE during that canvass process, additional suggested changes to the tandem ATV labels were made and adopted by Arctic Cat and BRP.

Arctic Cat and BRP also provided the CPSC with Action Plans modified to address tandem ATVs and agreed to provide the same type of safety information that was being provided with single-rider ATVs as modified for tandem ATVs. With respect to hands-on training for their tandem ATVs, both BRP and Arctic Cat offered hands-on training through their dealers free to all purchasers of new tandem ATVs and members of their immediate families. But Arctic Cat and BRP continued to seek SVIA agreement to offer such training. As soon as the SVIA agreed to offer hands-on training for tandem ATVs through ASI, Arctic Cat and BRP began to offer that hands-on training program free to all purchasers of new tandem ATVs and members of their immediate families. At about the same time, SVIA also decided to commence the process to allow the development of a standard for tandem ATVs to be incorporated as part of the existing ANSI standard for single-rider ATVs.

When Polaris entered the tandem ATV market, it also provided the same safety information and submitted an Action Plan to the CPSC.

IV. DISCUSSION

A. Statutory Requirements and Risk of Injury

The record available to the tandem ATV manufacturers and as proffered by the Commission in support of the proposed rule contains no information about the risk or rate of injury or fatalities related to tandem ATVs. Since the record is devoid of such evidence, the proposed rule regarding tandem ATVs is not supported by any evidence on which such a rule can be based in accordance with the legal standards. As the NPR acknowledges at 71 FR 45906, under Section 7 of the CPSA, the requirements of a consumer product safety standard “must be ‘reasonably necessary to prevent or reduce an unreasonable risk of injury associated with such a product.’” The record, however, contains no information about any risk of injury associated with tandem ATVs.

Moreover, as the NPR also acknowledges, at 71 FR 45906, “before promulgating a consumer product safety rule, the Commission must consider, and make appropriate findings to be included in the rule, concerning the following issues: (1) The degree and nature of the risk of injury that the rule is designed to eliminate or reduce; (2) the approximate number of consumer products subject to the rule; (3) the need of the public for the products subject to the rule and the probable effect the rule will have on utility, cost or availability of such products; and (4) the means to achieve the objective of the rule while minimizing adverse effects on competition, manufacturing and commercial practices.” (internal citations omitted). The Commission must also find that the rule is “‘reasonably necessary to eliminate or reduce an unreasonable risk of injury associate with such product’ and that issuing the rule is in the public interest. In addition, if a voluntary standard addressing the risk of injury has been adopted and implemented, the Commission must find that (1) the voluntary standard is not likely to eliminate or adequately

reduce the risk of injury, or that (2) substantial compliance with the voluntary standard is unlikely. The Commission also must find that the expected benefits of the rule bear a reasonable relationship to its costs and that the rule imposes the least burdensome requirements that would adequately reduce the risk of injury.” (internal citations omitted).

Speculative assumptions, staff opinions and inferences described in the NPR as support for the proposed different and additional requirements are insufficient to meet the necessary test for substantial evidence. *See Aqua Slide “N” Dive Corporation v. CPSC*, 569 F.2d 831, 843 (5th Cir. 1978). Many of these different or additional requirements could have unintended adverse effects on tandem ATV safety. The NPR contains no evidence to demonstrate that each of the different and additional requirements beyond the pending revised ANSI/SVIA standard is reasonably necessary to reduce any unreasonable risk of tandem ATV-related injury. The NPR also is devoid of any finding that each specific aspect of the vehicle or purported missing element of safety information presents an unreasonable risk of injury, and that the specific proposed requirement is a feasible means of reducing an unreasonable risk. 15 U.S.C. § 1261(s); *Forester v. CPSC*, 559 F.2d 774, 789 n.21 (D.C. Cir. 1977).

CPSC has authority to regulate not based on overall injuries or fatalities related to a general product category, but on unreasonable risk of injury or fatality with respect to a particular product. *See* 15 U.S.C. §§ 2056(a), 2058(f)(3)(A); *id.* § 1261(s). The Commission has not met the statutory requirements for any of the proposed NPR requirements applicable to tandem ATVs.

B. All Tandem ATVs Distributed in the United States Should Comply with the Pending Revised ANSI/SVIA Standard and Provide Action Plan Safety Information and Programs.

Arctic Cat believes strongly that all tandem ATVs distributed in the United States should comply with all applicable provisions of the pending revised ANSI/SVIA standard, subject to the ability to use labels that are substantially equivalent to those contained in that pending revised ANSI/SVIA standard. Arctic Cat also believes that all tandem ATV distributors should provide to purchasers and their immediate family members, the safety information and programs specified in the Action Plans filed with CPSC which include commitments regarding safety information for tandem ATVs (point of purchase materials, labels, hang tags and owner's manuals) and programs such as free hands-on training.

As noted above, proposed revisions to ANSI/SVIA-1-2001 to include tandem ATVs (described as Type II ATVs in the pending revised standard) have been developed and are undergoing consideration through the canvass process. Once the revised standard is adopted, it will include virtually all of the mechanical requirements for both tandem ATVs that the NPR contains, with the exception of variations to those requirements in the NPR that – as discussed below – are not supported by the required substantial evidence of unreasonable risk and corresponding safety benefit. Similarly, the revised voluntary standard will incorporate the key informational provisions of the Action Plans, as well as those in the NPR, (*i.e.*, labels, hang tags and owner's manuals) with the exception of a hands-on training requirement.

To the extent that mechanical and informational provisions in the NPR depart from the requirements of the revised ANSI/SVIA standard, Arctic Cat believes that those differences are not supported by the evidence on the record and may inadvertently add to the risks of injury that the rule seeks to reduce. On the other hand, the revised voluntary standard will be a consensus

document whose provisions reflect over 20 years of experience with single-rider ATVs and four years with tandem ATVs on the part of the industry and the Commission, including substantial input from the Commission staff over the years, and extensive testing and analysis. As a result, Arctic Cat believes that the Commission should delay acting until the revised ANSI/SVIA standard, which includes provisions regarding tandem ATVs, is formally submitted to ANSI for final review and publication (which should occur within the next 120 days). Arctic Cat also believes that the Commission either should withdraw the existing NPR and should reissue it incorporating the provisions of the pending revised ANSI/SVIA standard with the changes regarding tandem ATVs described herein, or should revise those provisions of the NPR that differ from the revised voluntary standard to make them consistent with it.

Arctic Cat and BRP have been offering free hands-on training to new tandem ATV purchasers and age-appropriate members of their immediate family since the introduction of tandem ATVs in the U.S. market in 2003, and Arctic Cat believes that such training has been an important factor of ATV safety. Arctic Cat supports inclusion in any final rule of a requirement that all distributors of tandem ATVs in the United States offer free hands-on training, using the curriculum of the ASI Rider Course or a substantially similar curriculum, to all tandem ATV purchasers and age-appropriate immediate family members.

There is no evidence that tandem ATVs which comply with the pending revised ANSI/SVIA standard and provide Action Plan safety information and hands-on training programs present an unreasonable risk of injury. The Commission also has not shown that its proposed changes to the pending revised ANSI/SVIA standard and Action Plan provisions are necessary to or would reduce any unreasonable risk of tandem ATV-related injuries.

1. Proposed Different or Additional Requirements for Tandem Adult ATVs

a. Information Requirements.

Section 1410.19 of the proposed rule would require all tandem ATVs to have certain labeling. Arctic Cat believes that the labeling requirements for tandem ATVs (both in terms of content and location) should be as those contained in the pending revised ANSI/SVIA standard or substantial equivalents thereto rather than those in the proposed rule. Portions of the labels contained in the pending revised ANSI/SVIA standard were tested by ASE in 2003 and were found to have high levels of comprehension. CPSC has failed to verify empirically any deficiency in the current tandem ATV labels in the pending revised ANSI/SVIA standard that presents an unreasonable risk of injury. The NPR also contains no indication that CPSC has tested the proposed additional language to provide the required evidence to show that it communicates more effectively than the current tandem ATV label as contained in the pending revised ANSI/SVIA standard. See Aqua Slide "N" Dive, 559 F.2d at 841.

Additionally, Section 1410.19(b) of the proposed rule requires hangtags that contain the same warning information to be provided for single-rider ATVs, rather than the information on general warning labels for tandem ATVs as specified under Section 1410.19(a).

Arctic Cat believes that the CPSC should revise its proposal to include the current tandem ATV labels, or their substantial equivalents, which are specified in the pending revised ANSI/SVIA standard.

b. Pitch Stability Test.

CPSC has presented no data showing that the test method contained in the pending revised ANSI/SVIA test method results in the tandem ATVs presenting an unreasonable risk of injury or

that its proposed change would actually reduce tandem ATV-related injuries. This proposed requirement contained in section 1410.18 should not be part of any final rule.

c: Instructional Training.

Section 1515.15(d)(3)(iii) of the proposed rule requires training on why one should never ride as a passenger, but does not include an exception to this prohibition for tandem ATVs. Since tandem ATVs, by definition, are designed for use with one passenger, the training course content should provide for this use.

V. CONCLUSION

For the foregoing reasons, CPSC should withdraw for its current proposal and issue a revised NPR limited to proposing the provisions of the pending revised ANSI/SVIA standard, including the provision to allow for substantial equivalents of the labels for tandem ATVs, and a requirement that distributors offer free hands-on training to purchasers and age-appropriate immediate family members, as a mandatory consumer product safety standard for all new tandem ATVs distributed in the United States.

Respectfully submitted,

s/Annamarie Daley
Annamarie Daley
ROBINS, KAPLAN, MILLER & CIRESI
L.L.P.
2800 LaSalle Plaza
800 LaSalle Avenue
Minneapolis, MN 55402-2015

Counsel for Arctic Cat Inc.

Stevenson, Todd A.

93

From: Kris [larse026@umn.edu]
Sent: Sunday, December 31, 2006 3:28 PM
To: Stevenson, Todd A.
Subject: [Possibly SPAM (Bay):] - Strongly against ATVs - Bayesian Filter detected spam

We are totally against ATV trail development and the general move for off highway travel.

A. We are supposed to be moving away from fossil fuels, this increases recreational use of fossil fuels.

B. The nation is in a crisis of obesity, a brief walk is better for individuals than hours of atv riding.

C. The forests and logging industry rely upon a healthy forest ecosystem, we don't want to see the forest further divided by multiple roads.

D. More roads result in more cabins and year round homes and more forest land taken for people to live in. Urban and Suburban sprawl are fed by OHV traffic.

E. The DNR in many places silences the voices of the professional and scientific staff persons, in favor of the politically expedient motor people at the DNR, when the grand experiments are over there will be ruined forests that are expensive to repair.

Thank you

Dexter and Kristin Larsen
Duluth, MN
55803



Consumer Federation of America

Comments Offered by CFA in Response to the CPSC's NPR on ATVs

December 21, 2006

Consumer Federation of America (CFA) submits these comments in response to the U.S. Consumer Product Safety Commission's (CPSC) Notice of Proposed Rulemaking on all-terrain vehicles (ATVs).

Consumer Federation of America has been deeply concerned about the safety of ATVs for many years. In fact, we have been involved in ATV safety issues since the 1980s when three-wheel ATVs dominated the market. We opposed the consent decree between CPSC and ATV manufacturers in 1988 because we felt that it did not adequately protect consumers. We petitioned CPSC in the 1990s and again in 2002, and legally challenged CPSC's abandonment of their ATV rulemaking in the 1990s. The Commission denied our most recent petition, CP-02-4/ HP-02-1¹, which requested that the U.S. Consumer Product Safety Commission ban the sale of adult-size four wheel all-terrain vehicles "ATVs" sold for use by children under sixteen years of age. We continue to believe that the rule we suggested in our petition is the CPSC's best solution for reducing ATV deaths and injuries. We have testified before the Commission on two occasions in support of

¹ Consumer Federation of America filed the petition on August 20, 2002 along with the American Academy of Pediatrics, American College of Emergency Physicians, Bluewater Network, Danny Foundation for Crib & Child Product Safety; Kids in Danger, National Association of Orthopaedic Nurses and the U.S. Public Interest Research Group.

our petition² as well as before the U.S. Senate. CFA has also issued reports over the years to document what we perceive as an unchecked public health crisis caused by ATVs

The focus of CFA's comments will respond to specific provisions that were or were not included in the Notice of Proposed Rulemaking. However, we are concerned that this NPR was not based upon the usual rigor that the Commission normally undertakes as part of such a rulemaking. We are concerned that the standards within the NPR do not include critically important provisions. We are also incredibly alarmed that the NPR relies upon the same old methods and standards that have failed in the past. This public health crisis is in need of aggressive and innovative solutions and we don't see those things in this NPR. The NPR includes numerous statements indicating that the voluntary standards have been working. This reliance on the voluntary standards seems to serve as a basis for this proposed rule. However, the evidence for the success of the voluntary standards is not presented. We believe that the evidence supports the proposition that the elements of the Letters of Undertaking have not been successfully carried out especially in the context of numerous documented instances of ATV dealers knowingly selling adult size ATVs for children.

The fact that children operate adult size ATVs in large numbers and that many ATV riders are not following the substance of the warning labels compels new ideas, not a perpetuation of the status quo.

² CFA testified in the June 5, 2003 field hearing in West Virginia and in the March 2005 hearing on CPSC staff's briefing package.

Further, we are concerned that the NPR seems to reflect industry's contention that imported ATVs should be the focus of any and all efforts to improve ATV safety. The NPR dedicates considerable attention to the "problem of imported ATVs" and provides "special emphasis on the current practices of importers." While, it is clear that the large ATV manufacturers fear the rising percentage of less expensive ATVs as an economic threat, there has been no evidence put forth indicating that these ATVs pose an added threat to health and safety over and above the threats posed by all ATVs. They seem to lack some or all warning labels but evidence documenting the impact of these ATVs has not been presented.

In contrast, CFA has analyzed ATV recalls until November 2005 and found that for ATV recalls listing the country of manufacture, 20 were manufactured in the United States, 3 were manufactured in Canada, 3 were manufactured in Japan, 1 was manufactured in Taiwan; and 1 was manufactured in China. Of ATVs recalled during this period, 91.7% involved ATVs manufactured by major ATV manufacturers who are members of the Specialty Vehicle Institute of America (SVIA).³ In addition, in 2005 alone, 94% (16 out of 17) of ATVs recalled were manufactured by major ATV manufacturers. Thus, CFA is concerned that efforts to deal with imported ATVs may be better spent dealing with the vast majority of ATVs involved in recalls and linked to deaths and injuries of consumers. Certainly, since this sector of the market is growing, it should be observed closely but all ATVs no matter where they are manufactured could pose significant risks to consumers if enforcement mechanisms and meaningful regulations are not in place. Thus, we see no evidence supporting the special emphasis that CPSC has placed on the issue.

³ Polaris joined SVIA in September of 2005.

CFA fears that the inadequate response articulated in the NPR will have no or little impact on preventing future ATV deaths and injuries. In fact, CPSC has stated that it has not performed an analysis of the percentage of deaths addressable by the draft rule.⁴ CPSC has the opportunity to affect significant change but CPSC is failing to embrace that challenge.

What follows are CFA's detailed comments on particular aspects of the NPR:

1. New Categorization of ATVs

This NPR proposes to change the categorization of ATVs from one that historically was based on engine size to a categorization based upon maximum speed. CPSC is making this decision based upon limited information of the role speed has played in deaths and injuries to children on ATVs. CPSC's limited data is based upon its 2001 Injury Study which found that 11% of all injuries occurred while racing or performing stunts.⁵ This hardly provides sufficient evidence to justify this new categorization. We oppose this new categorization and fear dire unintended consequences of this proposal.

First, it appears that this new categorization ignores CPSC's own age determination guidelines and is based on little or no evidence. For example, the NPR includes the following statement from CPSC staff's Age determination guidelines:

The CPSC staff's Age Determination Guidelines state that children age 6 through 8 years can operate slow moving motorized vehicles, and that children age 9

⁴ CPSC Staff Response Regarding Follow-Up Questions from Commissioner Moore after the June 15, 2006 ATV Safety Review Briefing, July 11, 2006, page 1.

⁵ CPSC Staff Response Regarding Follow-Up Questions from Commissioner Moore after the June 15, 2006 ATV Safety Review Briefing, July 11, 2006, page 6.

through 12 years can operate motorized vehicles with gear shifting up to 10 miles per hour. The guidelines state a clear demarcation with the teenage years: “faster [than 10 mph] moving motorized [vehicles] are generally not appropriate even for 12 year olds because of the difficulty associated with both balancing and steering the vehicle while moving.”⁶

Thus, the age guidelines suggest that children ages 9-12 not operate a vehicle over 10 mph. However, the proposed rule proposes (Junior) 6 + years on a 10 mph vehicle or less without gear shifting; (Pre-teen) 9 + years on a 10- 15 mph; (Teen) 12 + on 15-30 mph; and (Adult) 16 + without restriction. Under this scenario, a 9 year old could permissibly ride a machine with gear shifting that goes 10-15 mph, if the speed limiting device actually works. This scenario flies in the face of CPSC’s own age guidelines as well as common sense.

The proposed rules include another statement that contradicts the youth model categorization by speed and the proposed speed limits:

Operating an ATV is somewhat comparable to operating other complex motorized vehicles. ATVs have top speeds approaching that of automobiles on highways; yet have little protection from oncoming objects such as a motorcycle. Even at relatively low speeds (20-30 mph) they can take as much skill to operate as an automobile because the operator requires: (1) Situational awareness to negotiate

⁶ Federal Register, Vol. 71, No.154, Thursday, August 10, 2006, page 45908.

unpaved terrain with both eye-level hazards (trees, other ATVs) and trail-level hazards (ditches, rocks, hidden holes); and (2) quick judgments including not only steering, speed, and braking, but also terrain suitability, weight shifting and other active riding behaviors.⁷

This statement is in the proposed rule's section on training to provide support for the need for hands on training; however it highlights how difficult ATVs can be to operate even at "low speeds" of 20 to 30 mph. Incredulously, this proposal is recommending that children between 12 and 15 years old operate these complex motorized vehicles at these speeds.

We have concerns about the Commissions decision to set the speed range for teen 12+ ATVs at 15-30 miles per hour. CPSC does not, but should provide evidence for this decision.

This proposed rule places CPSC's stamp of approval on children riding ATVs that are too fast and too complicated for them to operate. We fear the consequences.

Also, of deep concern to CFA is that categorization based on speed is one dimensional and ignores other critical factors that have vast impact on the safe operation of these vehicles, especially as they relate to operation by children. The weight and size of the machine alone as well as in relation to the weight of a child is a critically important factor that this proposed rule ignores. As the Commission is well too aware, a significant portion of child deaths occur when the ATV falls on the child. CPSC has indicated that it would be "difficult" and "require significant resources" to test the interaction between the

⁷ Federal Register, Vol. 71, No.154, Thursday, August 10, 2006, page 45909.

weight of an ATV and a rider.⁸ So instead of analyzing this admittedly complex issue, the proposed rule ignores it completely—an untenable solution that fails to protect the public.

Speed Limiting Devices

CPSC's new categorization relies upon speed limiting devices for the pre-teen and junior models. The proposed rule would require that two tools would be necessary to alter the speed limiting device. This is inadequate. To best protect operators of these vehicles, the consumer should not be able to modify the speed in any way. We recommend that the proposed rule be amended so that the speed limiting device is not serviceable by a consumer. The fact that a child or their parent can remove the speed limiting device entirely diminishes the use of the device. To best limit the speed of the vehicle, the speed limiting device should not be accessible to consumers.

We are further concerned that the speed limiting devices may fail. The proposed rule does not take this issue into consideration as there is no standard set forth to ensure that the speed limiting device works as it should other than the use of a maximum speed capability test which does not take into account use and abuse over the lifetime or even reasonable use of the product. CPSC has found that some ATVs have speed limiting devices that do not work.⁹ However this proposed rule relies upon them. We recommend the inclusion of a performance standard for the speed limiting devices or the reliance on a more effective method of speed limitation.

⁸ CPSC Staff Response Regarding Follow-Up Questions from Commissioner Moore after the June 15, 2006 ATV Safety Review Briefing, July 11, 2006, page 7.

⁹ CPSC Staff Response Regarding Follow-Up Questions from Commissioner Moore after the June 15, 2006 ATV Safety Review Briefing, July 11, 2006, page 6.

It is not clear that this new speed categorization and the resulting new youth models will do anything to keep children on the “appropriate” machine, rather; the fact that there are four models of ATVs may provide an even larger incentive for a parent to purchase one ATV that is too large and too powerful for a child to operate.

2. Requirements for Single Rider Adult Sized ATVs- Make Carrying a Passenger Impossible

Adult-sized ATVs are designed for one driver and no passengers. Warning labels on ATVs and recommendations by the ATV industry and CPSC, and other organizations have stated that there should never be passengers on ATVs. However, the long seat on ATVs makes it not only possible but also inviting for a passenger to ride. The seat length should be shortened and designed differently making it impossible for more than one person to sit on the seat at one time. Other design standards should be considered to make carrying passengers impossible.

3. Tandem ATVs

Tandem ATVs have been developed to allow for an operator to carry a passenger. Given that public health organizations, the long held view of CPSC and the SVIA have maintained that ATVs should not be operated with a passenger because of dire safety consequences, what evidence exists to support the creation of a tandem ATV? Has there been a cost benefit analysis conducted that considers the increased risk these vehicles may pose to consumers? Further, how is the tandem ATV designed differently to allow for the addition of a passenger? Other than additional factors to allow for the physical

presence of another person such as footrests and handholds, there seems to be an absence of a standard for lateral stability making the machine better equipped to carry two passengers.

The addition of a passenger reduces the stability of a slow moving ATV by at least 11%.¹⁰ While the rule, included a pitch stability standard for tandem ATVs, it is inadequate because it deals with measurement of a coefficient of pitch based on the point that the vehicle loses stability during a wheelie and can fall backward on the rider. The test includes passenger weights when measuring pitch for tandems, which is positive, but the minimum limit is set at 1.0. The Commission does not include a rationale for this number. Furthermore, the rule does not address lateral stability – the propensity for tandem ATVs to tip over on its side. We believe that the rule should include this. Finally, there are many inconsistencies between the pitch stability provisions for single rider and tandem ATVs with no rationale given for this.

Further, since there is an increase in instability, the standard should require the addition of a roll cage.

The warning label on the Tandem ATVs should indicate its increased instability, warn operators and passengers of this and further recommend the riding positions that least increases the instability of the vehicle. Finally, what evidence exists to support the statement on a label that a child 12 or older could ride as a passenger on a tandem ATV?

¹⁰ Mathematical modeling of the stability of passenger-carrying tandem seat all terrain vehicle (ATV), prepared by MIRA ltd. For the Health and Safety Executive, United Kingdom, 2004. (available on the web at <http://www.hse.gov.uk/research/rrpdf/tr223.pdf>)

No evidence was documented and such an ill informed proposition could lead to dire consequences.

4. Ban on Three- Wheel ATVs

CFA supports the proposed rule's provision that would ban three wheel ATVs. However, this provision should be accompanied by a recall of all three- wheel ATVs in the market. If three-wheel ATVs should not be introduced into commerce because of their inherent risk, then those that are already in the market should be removed to reduce the risk of injury to consumers.

5. Death and Injury Data Disclosure

The most recent death and injury data should be provided to consumers in as many places and methods that can increase a consumer's knowledge about the risk they are assuming by operating or allowing their child to operate an ATV. The owner's manual should include the most recent death and injury data. In addition all training videos or DVDs should include this information. While we support providing consumers with death and injury data at the time of purchasing the ATV, we are concerned that it may become yet another piece of paper that they glance at and sign as they are purchasing their new ATV. The rule should require that the ATV dealer verbally indicate the existence of this form and its content before the sale is completed.

6. Warning Labels

The safety warnings on labels and hang tags will be used to communicate safety information to consumers. This is merely a perpetuation of the same failed components of

the Letters of Undertaking. This relies upon the premise that consumers are actually aware of the warned against behaviors as advertised on warning labels of ATVs.

Unfortunately, CPSC staff failed to analyze important data which proves that the contrary is true.

In looking at CPSC and the ATV industry's survey of people injured on ATVs, CFA analyzed the Injury Special Study Raw Data Files for 1997 and 2001, which were provided as Attachment 2 to CPSC's response to FOIA request from CFA, dated February 11, 2003, for 1997 and 2001, and it is clear that only a small percentage of the public is aware of the recommended size limitation for child operation. Only 13 percent of the injured ATV riders who responded to the CPSC's special survey of a representative sample of those injured in ATV accidents, were aware of a warning label about vehicle size for children under 12 and only 38 percent were aware of a warning label for children under 16. Thus, the conclusion in the rule is vastly incorrect when it assumes that the public is aware of the warning messages and falls short when it recommends the same flawed approach. While the disclosure statement warning consumers about the possible consequences of riding ATVs is better than the status quo, it is insufficient, alone, to significantly decrease ATV deaths and injuries.

7. Lateral Stability/ Pitch Stability

The inherent instability of ATVs is a serious problem that this rule fails to address.

CPSC examined incidence from CPSC's 2001 injury study and found that 45 percent of injuries occurred in incidents in which an ATV overturned. This rule must include a

lateral stability test and improve the pitch stability equation by requiring a higher pitch stability coefficient or the current pitch stability computation should be abandoned. The pitch stability coefficient is made without the weight of a rider, which will have a dramatic effect on the center of gravity and, therefore, the pitch coefficient. A better approach is to include a lateral stability test which would include a static and dynamic rollover test, such as the test the National Highway Traffic Safety Administration (NHTSA) uses for motor vehicles, and a comparative analysis of vehicle performance. It is dire that an effective test method for lateral stability be developed and set forth in this rule.

8. Seat Belts should be Standard

All ATVS should be equipped with seat belts and standards should be set forth that would create a minimum standard for seat belt integrity.

9. Roll Cage Required

This rule should include a provision that requires all ATVs to be equipped with a roll cage to prevent the driver from being crushed by the weight of the vehicle in the event of a rollover. The rule should set forth the necessary dimensions and should provide for a standard setting a minimum force and weight that the roll cage can withstand.

10. Headlights

This rule should provide that all ATVs be equipped with headlights that automatically turn on when the engine is started. This would improve visibility by other vehicles.

11. Require Helmet Sold with ATV

CPSC should require that helmets, that meet safety standards, are sold with ATVs to improve the likelihood of consumer use.

12. Free Training

We support the training provision of the Commission's proposed rule which would require manufacturers to provide free hands on ATV training for operators and all riders of ATVs. The addition of the "course accessibility" requirement for training is laudable; however, the Commission should provide guidelines for what "reasonable time from the date of purchase" and "reasonable distance from the place of purchase" mean. We also urge the Commission to monitor the training sessions to ensure that the courses are substantively appropriate and compliant.

13. Recalled ATVs Highlight Need for Standards to Address Many Types of Failures

CFA provided CPSC with its November of 2005, CFA analysis¹¹ all ATV recalls conducted by CPSC which appeared on CPSC's web site.¹² Our goal was to determine whether there were any pervasive hazards appearing among recalled ATVs. The hazard posed by over a majority of recalled ATVs is severe-- leading to the potential for a loss of control, serious injury or death. The seriousness of the potential hazard requires a critical look at the pervasive causes of ATV recalls and the serious consideration of solutions that

¹¹ CFA was assisted in this effort by an engineer who works for Consumers' Union, publisher of Consumer Reports Magazine. This engineer helped to categorize the failure type, system failure and type of hazard.

¹² <http://www.cpsc.gov/cgi-bin/recalldb/prodpr.asp>

will solve some of these problems. CFA is unaware of any other category of recalled products which could, in such large percentages, lead to such life threatening hazards.

CPSC's response to our analysis was that, "these particular recalls were virtually all manufacturing or quality control issues at the component level. They do not suggest the need for changes in the design of these components."¹³ CPSC has not provided any facts, any theories, or any evidence to support this response. These pervasive problems could be solved by adequate standards however CPSC has chosen to ignore these issues.

14. Actual Size, Speed and Power of ATVs—Unchecked

CPSC has documented that ATVs have gotten larger, faster and more powerful since they were first introduced into the market. CPSC has also documented that higher risks are associated with larger engine sizes. However, CPSC is ignoring this critical fact and doing nothing to potentially curb the ever increasing size, power and risk of ATVs. CPSC should not be silent on this issue.

Conclusion

Each and every year, more and more people, especially children, get killed or injured as they ride ATVs. The current voluntary approach to safety has allowed these deaths and injuries to not only continue but also to increase. Every year, more and more families have to deal with the loss of loved ones, caring for a severely injured family member as well as the vast costs of medical care all caused by riding ATVs. Unfortunately, the thrust of CPSC's proposed rule not only incorrectly touts the success of the voluntary standards but also recommends a continuation of the current voluntary regime. Thus,

¹³ CPSC Staff Response Regarding Follow-Up Questions from Commissioner Moore after the June 15, 2006 ATV Safety Review Briefing, July 11, 2006, page 10.

CFA is vastly disappointed that the proposed rule does not chart a bolder course of action for CPSC that would reduce deaths and injuries associated with these vehicles.

Submitted by,

A handwritten signature in black ink that reads "Rachel Weintraub". The signature is written in a cursive style with a long horizontal stroke at the end.

Rachel Weintraub

Director of Product Safety and Senior Counsel

Consumer Federation of America

Stevenson, Todd A.

From: Michael Phillips [motorfisher1@msn.com]

Sent: Saturday, October 07, 2006 12:28 AM

To: Stevenson, Todd A.

Subject: ATV Safety Program

The one thing our federal government could add to this program to TRULY emphasize ATV safety would be to open more federal land to ATV use and encourage state governments to promote the same effort on state land. The lack of safe areas to ride is also a major contributors to ATV related accidents and it desperately needs to be addressed.

Thank You For Your Consideration and Efforts

Mike Phillips
Burlington, Vermont

96

Stevenson, Todd A.

From: Daughn Quinlivan [jdjquin5@verizon.net]**Sent:** Tuesday, January 09, 2007 8:32 PM**To:** Stevenson, Todd A.**Subject:** ATV Safety

Dear Sir, I am writing you this message to urge you to take seriously the upcoming regulations in regard to ATVs. In August 2004 my son died at the age of 13 in an ATV accident. Since then the void that has been created in our lives is something that can never be filled. The danger of these machines and the risk people take allowing their children to ride them can not be minimized. My own lack of knowledge of the dangers and the error in judgement on my part to allow my son to ride what I assumed was a safe machine will haunt me every day for as long as I live. You have the power to make a change in the laws to prevent any more parents from making the same tragic decision that I made. Please review and change the requirements on informing the public of the real dangers to children on ATVs. It is too late for my family but you can make it a safer world for the thousands of families that will suffer the same as we have. Look into your own hearts and think of your own children and their safety. It is our right to live safely and it is your duty to ensure it.. Thank you for your time. Joseph Quinlivan

97

Stevenson, Todd A.

From: LernerMichelle@aol.com
Sent: Friday, January 12, 2007 12:41 PM
To: Stevenson, Todd A.
Subject: [Possibly SPAM (k):] - ATV NPR - Found word(s) free adult risk free in the Text body

Office of the Secretary
U.S. Consumer Product Safety Commission
Bethesda, Maryland 20814-4408

Re: ATV NPR

This letter concerns the U.S. Consumer Product Safety Commission's August 10, 2006, Notice of Proposed Rule Making (NPR) on ATV's. I am encouraged that the CPSC has decided to propose legislation. The staggering and growing number of serious injuries and deaths each year, well over a hundred thousand now for many years, is certainly a very sad and compelling setting. One that demands action beyond the obviously ineffective voluntary standards, many of which have been in place since 1998.

So with regard to several key elements in the proposed legislation, I herein now offer my comments and suggestions.

Concerning the proposal that adult and youth ATVs meet specific mechanical and performance requirements:

- I support the aspect of the proposal that would require all manufacturers, both domestic and imported, meet the same standards. The rationale outlined by the CPSC in this regard is sound.
- I support the mechanical requirement that the youth ATVs have speed limiting devices and automatic transmissions.
- I do not support the proposal that youth ATVs not have a front head light. Recognizing that the CPSC has deduced a connection between youth accidents and driving after dark, I do not believe that eliminating the front head light will be an effective deterrent to driving these vehicles after dark and moreover, without a head light, it could likely result in more accidents due to reduced visibility both to the driver of the vehicle and in being seen by other proximate or approaching vehicles.
- I strongly oppose the aspects of the proposed legislation availing changes to the frame design or eliminating engine size restrictions on youth ATVs. While the CPSC has cited better traction (in respect of engine size) and a better physical fit to the rider (in respect of frame size) as arguments for deviating from the current voluntary standards, the CPSC has not performed a study that would support the conclusion that this will be an effective way to reduce the number of serious injuries and deaths. Paradoxically, it has been the CPSC in the past that has shunned what would otherwise seem to be "common sense" suggestions on ATV safety made by outside concerned parties for that very same reason, no study or supporting data.

Quite frankly, there are several common sense arguments against what the CPSC is proposing in that more powerful machines with likely larger and heavier frames will actually further contribute to the severity of injuries in an accident as a result of additional speed and/or weight. And the CPSC is clearly well aware that many of the serious injuries and deaths with ATVs result from the crushing weight of the machine striking or resting on top of the rider.

Concerning the proposal requiring a Risk Disclosure Statement and Age Acknowledgement Form to be provided to purchasers of both adult and youth ATVs, I strongly support all elements of this proposal including that such disclosures be done in **advance** of the purchase, that such forms be signed by the purchaser, and that the forms be maintained by the dealer for a period of five years.

I would like to offer three comments/suggestions concerning these proposed forms.

1. Concerning the idea that these forms will be provided to the prospective purchaser in advance of any sale, it will be important to more specifically delineate within the regulation the timing and protocol surrounding the notion of being done "in advance". If the form is delivered in the midst of, or even at the back end of the various forms and documents that are part of a typical sale transaction, then the intent of this proposed legislation will have largely been defeated. Sequencing is critical here. Many consumers will no doubt feel pressure, if even unsaid, to simply just finalize a transaction having just spent considerable time with a sales representative. But the information in these forms is critical, vitally critical, to making an informed purchase. Thus, these disclosure forms should be required to be served up FIRST, at the very outset of any paperwork, and signed by the consumer before any other purchase documents are tendered to the consumer in connection with the sale.

2. Also in connection with achieving the intent of the proposed forms, they must have all relevant content and be presented in a truly effective manner. Generally speaking, much of the general public is not inclined to thorough, detailed reading. Consequently, it will be of the utmost importance that these forms effectively communicate the intended messaging as quickly as possible. Therefore, I strongly recommend the CPSC seek additional input from one or more qualified sources in this area, most likely marketing and advertising professionals.

3. Because the information being provided to the purchaser is so important, I think it is imperative that the purchaser of the ATV also receive a copy of the Risk and Age Disclosure forms they signed. To have that document can serve not only as a reminder to the purchaser, but it can also be a way to inform a spouse or child who was not with the purchaser at the time of purchase.

Concerning the proposal entitling free training to the purchaser of an ATV and each of his or her immediate family members, I support the proposal from the perspective that, the more people receiving training the better. Overall though, I believe what the CPSC has proposed in the area of training falls well short of doing anything effective and that a huge opportunity to save lives is being missed. The CPSC staff, the manufacturers and dealers are well aware that for years free training has been offered and that far less than 10% of ATV users ever takes formal training. Training that is strongly recommended by all of the aforementioned parties, training that is vital to learning how to control an ATV with measured strength and split second reaction times under difficult settings, and training which the CPSC has indicated could likely reduce deaths and injuries by as much as 50%! And yet, the proposed legislation in no way addresses the reasons why people are not taking the training or offering a solution for that. What the CPSC has proposed is largely just a carry forward of the same ineffective measures within the voluntary standards.

I want to strongly encourage the CPSC to reconsider its proposal regarding training and to minimally make it mandatory for anyone purchasing an adult ATV and who acknowledges having children under the age of 16 in their household to evidence that both the adult purchasing the ATV and his or her child (or children) have received the industry approved training in advance of the purchase. This should also be mandatory for anyone purchasing a youth ATV.

Concerning the proposal requiring safety warnings by way of hang tags, labels, a safety video and the owner instruction manual, I fully support the proposal and any opportunities to inform and warn ATV owners and operators of the serious risks of injury and death. As mentioned earlier however, to accomplish the intentions of the proposed legislation requires quick and effective communication within these purviews and so I again recommend that the CPSC seek external, professional consultation from one or more parties to ensure that the location, content, and readability of all these elements manifest in the most effective communication possible.

Concerning the proposal to now legally ban three-wheel ATVs, I fully support such a ban.

Concerning the CPSCs proposal to engage non-regulatory actions to enhance awareness and ATV safety, I fully support all approaches within the two suggested phases.

Finally, I'd like to offer four additional suggestions for the CPSC to consider as it finalizes its intentions for legislation:

1. The CPSC has acknowledged that lateral stability is a key consideration and has oftentimes been a

contributing factor in numerous ATV accidents and deaths. This has been known for decades yet sadly, neither the manufacturers nor the CPSC appear to have done much in its study no less making suggestions for change and improvement. This is a very serious matter that has not been taken seriously at all. So whether promulgated through this legislation or through non-regulatory means, the CPSC needs to get the manufacturers and industry firmly committed to conducting a comprehensive study on lateral stability with a stated deadline for making recommendations on how to improve it. Key manufacturers in the auto industry have embraced the importance to safety of lateral stability, they funded the research, made improvements, and even now the front runners have gained a very favorable competitive edge because of their commitment to protecting drivers and passengers. The ATV industry should do the same and if not voluntarily, then the CPSC should do all it can to force that upon them.

2. Concerning the more general issue of informing the public about the serious risks of death and injury from ATV operation, I recommend that the dealerships be required to disclose the statistical and other information that is to be included on the proposed Risk Disclosure Form on a board or other posting, in full view, inside of the dealerships. It is my understanding that there was a similar requirement in connection with the 1988 Consent Decree and it makes very good sense. There is no valid reason why a prospective purchaser should have to wait until the commencement of the sale paperwork to become informed of such information and risks.

3. It has been acknowledged that getting approved training, locationally speaking, has been and continues to be a considerable challenge. Nothing in this proposed legislation appears to address or suggest solutions to this problem however, I would like to suggest that the CPSC collaborate with industry representatives and other concerned parties to consider and investigate the Internet as an alternative means for getting ATV operators some training. There is certainly a great deal of training that occurs over the internet every day, and while this medium cannot provide the very important training component of hands-on driving, there are certainly elements of the currently approved training that are of an information nature that might be provided on-line, perhaps in an interactive manner that ensures the trainee is receiving and responding to the information being provided. Such an on-line training course could even have testing within with a certification upon successful completion.

4. Finally, none of the proposed legislation addresses the growing market of ATV renters. This is a burgeoning market, particular as people take vacations in recreational areas that would seem to lend themselves to riding an ATV. And just as the CPSC has deemed it important to provide Risk and Age Disclosure Forms to prospective purchasers of ATVs, it is certainly no less important that renters of ATVs be advised of the same information and risks. Actually, these renters are probably more likely first-time and/or one-time users and for that reason, with likely little if any experience or knowledge of ATVs, they are probably in even greater danger of getting into a serious accident. So to this end, I strongly recommend that the CPSC do whatever it can legislatively to ensure that such disclosures are made to renters as well. And if something cannot be done mandatorily, then the CPSC should use whatever influence it can through non-legislative measures to get the manufacturers and dealers to voluntarily embrace such a requirement. If the industry refused, that would certainly be telling.

Thank you for providing the opportunity to provide comment on the ATV NPR. The CPSC, in seemingly perfect concert with its mission statement of protecting the public from unreasonable risks of injury and death, is right to propose mandatory, legally binding legislation. Much of the general public is largely unaware of the serious and oftentimes deadly risks associated with ATV use and the CPSC is at a profound point in its history to do what it must - to inform, protect, and save lives.

Sincerely,
Michelle Lerner, Esq.
66 River Rd.
Flanders, NJ 07836

ATV
98

Stevenson, Todd A.

From: Raymond Turner [rturner@commspeed.net]
Sent: Monday, January 15, 2007 7:43 PM
To: Stevenson, Todd A.
Cc: Raymond Turner
Subject: ATV

ATV ATVS

I have been in this buisness sence the very firs one was mad from a ATC in the right hands avery usfull too , But when the state licences a vehicle that has tires that state NOT FOR HIGHWAY USE. wat do you expect I see people rideing whit there small children or young pepole 2 3 at a time and I wounder did the dealer explane to them . did he give the proper training course?