



UNITED STATES  
CONSUMER PRODUCT SAFETY COMMISSION  
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STATEMENT OF COMMISSIONER THOMAS H. MOORE  
ON THE NOTICE OF STAY OF ENFORCEMENT PERTAINING TO YOUTH MOTORIZED  
RECREATIONAL VEHICLES

May 1, 2009

The Commission voted today to stay enforcement of the lead limit in the Consumer Product Safety Improvement Act of 2008, as it applies to certain metal parts of youth motorized recreational vehicles, for a two-year period. In making this decision, the safety of the **riders** of youth all-terrain vehicles, youth off-road motorcycles and youth snowmobiles was the Commission's paramount concern. It is unlikely that many other products would pose the same safety versus safety tradeoff, in the context of the lead provisions, which these vehicles pose.

The manufacturers of these vehicles have argued, and presented evidence in support of their argument, that these vehicles need to have a certain amount of lead in them, at least for the time being, for safety reasons such as corrosion resistance and durability. The industry has also said that it is working to reduce the amount of lead in their vehicle components and to make certain of the leaded parts inaccessible to children. They indicate they need time to do testing to see how much of a reduction in lead can be made without introducing other safety problems. The Commission expects them to use the stay of enforcement to follow through on these initiatives.

It is the Commission's responsibility to weigh all of the safety implications of changes made to products under its jurisdiction. No one as yet knows what is possible with regard to changing or shielding all of the accessible lead-containing components of the various kinds of youth motorized recreational vehicles that are on the market. What we do know is that it will take some time to accomplish this and that in the interim the absence of youth vehicles from the marketplace would lead to some children driving adult vehicles. The Commission has seen all too frequently the tragedies that result from combining a child and a powerful adult motor vehicle—the all terrain vehicle. It is a deadly combination.

The Commission also does not want to create a scenario where a reduction in lead could result in vehicles that have structural weaknesses or brake components that fail during operation. Not only are these obvious safety hazards which would expose their riders to the risk of serious injury, but such a result would be counterproductive to the work our engineering staff has been doing on some of these vehicles to see what safety improvements can be made to them.

By staying enforcement for a period of time, we are not downplaying the hazard of children absorbing lead—a hazard that will have different implications for every child since each child will already have a different level of lead in his or her blood and each child will have

different lead exposures from a host of substances in his or her daily life. Nevertheless, our staff scientists do believe that the amount of lead absorbed, while not zero, would likely be small for most of the children riding these vehicles. We have to balance that risk to some children against the known causes of death and serious injury that every child would face who rides an adult vehicle or a vehicle that may be more prone to failure.

Striking the right safety balance in this situation will require the industry to do the testing that is necessary to find out how low the lead level in accessible parts can go without compromising the integrity of their vehicles. They also will have to tell us, with specificity, what parts have high lead levels, what that level is and what steps they plan to take to bring their vehicles into compliance with the new lead standard. The stay gives them deadlines by which they are to provide information to the Commission on these issues.

For the riders of youth recreational vehicles, the stay allows them to continue to ride their youth-sized models, to have them repaired and to acquire new or used ones while the industry works to reduce unnecessary and excessive amounts of lead from the components children can touch. The industry has a duty to make their vehicles as safe as possible in every respect and we expect them to take the opportunity granted them to do that.