

## MEETING LOG

**SUBJECT:** Standard for All-Terrain Vehicles (89 Fed. Reg. 4188)

**DATE OF MEETING:** February 27, 2024

**LOG ENTRY SOURCE:** Austin Schlick

**LOCATION:** 4330 East West Highway, Bethesda, MD

**LOG FILING ENTRY DATE:** March 13, 2024

**CPSC ATTENDEES:** Austin Schlick (Executive Director), DeWane Ray (Deputy Executive Director for Safety Operations); Duane Boniface (Assistant Executive Director, Hazard Identification & Reduction); Joel Recht (Deputy Assistant Executive Director, Hazard Identification & Reduction); Mark Kumagai, Caroleene Paul, Rob Kaye (Director of Compliance); Jennifer Sultan (Deputy Director of Compliance); Jessica Rich (General Counsel), Daniel Vice (Deputy General Counsel, Regulatory Affairs); Elisabeth Layton (Attorney).

**SVIA-AFFILIATED ATTENDEES:** Alex Berger, Scott Schloegel, Nicole Saharsky, Erika Jones, [ONE OTHER MAYER BROWN ATTORNEYS].

**OBSERVER:** Stephen Oesch

**SUMMARY OF MEETING:** The identified CPSC staff met with representatives of the Specialty Vehicle Institute of America (SVIA) to discuss SVIA's concerns regarding the effective date of the revised Standard for All-Terrain Vehicles. SVIA provided the presentation reflected in the attached slide deck, emphasizing SVIA's view that enforcement discretion should be afforded.



CPSC – SVIA Meeting

*Standard For All-Terrain Vehicles, 89 Fed. Reg. 4188*

February 27, 2024

# History Of CPSC-SVIA Collaboration

- CPSC and SVIA have a long history of collaborating on voluntary industry safety standards for ATVs.
- SVIA adopted the first industry standard in 1985 and has made five updates since then to add safety features and testing requirements. CPSC adopted the three most recent updates as mandatory safety rules.
- In March 2023, SVIA amended the voluntary standard (ANSI/SVIA 1-2023) and in January 2024, CPSC adopted that amendment as a mandatory safety Rule.
  - ANSI/SVIA 1-2023 introduced 13 new tests to ensure that fuel systems do not leak or crack and 1 test that sets maximum temperatures for surfaces that users contact.
- SVIA's members fully support CPSC's decision to adopt ANSI/SVIA 1-2023 as a mandatory Rule.

# The Rule's Effective Date

- Under the Rule, the new testing requirements take effect as of January 1, 2025.
  - The preamble states that this date provides more compliance time than previous ATV rules, and the industry already complies with some new tests based on EPA regulations and does not need additional time to comply.
- The industry's voluntary standard was scheduled to take effect with MY2026 vehicles, which manufacturers will release in mid-to-late 2025.
  - The industry took that approach to provide sufficient time for manufacturers to ensure that they satisfy the new testing requirements.
  - The industry proposed September 30, 2025, for the Rule's effective date because all manufacturers will have released MY2026 vehicles by then.

# Manufacturers Redesign ATVs On Model-Year Schedules

- Like auto manufacturers, ATV manufacturers generally implement design changes at the beginning of each model year.
- Vehicle models are finalized far in advance due to the complex ATV production process:
  - Component design and testing: Product engineers plan, develop, and test new designs and create prototypes with tooling suppliers.
  - Tooling: Product engineers work with tooling suppliers to create molds for production at scale.
  - Sourcing: Sourcing teams procure parts from around the world on 4-5+ month schedules.
  - Factory Design: Manufacturing engineers redesign factory floors by modifying computer networks, machine tools, and materials-handling equipment.
  - Literature: Engineering teams update user manuals and parts catalogs based on new vehicle designs, and sales teams update promotional materials and coordinate rollout of new model-year vehicles with dealers
- Sourcing and production schedules are set for MY2025 vehicles.

# New Testing Requirements

The Rule introduces 14 new fuel system and hot surface tests:

- Hot surface test
  - Sets maximum temperatures of ATV surfaces that occupants may contact, Sec. 12
- Fuel system leakage tests
  - Prohibits leakage of submerged sealed fuel tank, Sec. 13.3
  - Prohibits leakage of submerged fuel filter and shut-off valve, Sec. 13.4
  - Prohibits leakage when cyclic pressure is applied to fuel tank, Sec. 13.5
  - Prohibits leakage of fuel tank at elevated temperature, Sec. 13.6
  - Prohibits leakage when weight is dropped on fuel tank at reduced temperature, Sec. 13.7
  - Prohibits leakage when fuel tank is flipped upside down, Sec. 13.15
- Fuel system cracking, breakdown, and design tests
  - Prohibits fuel tank impact with adjacent surfaces during rollover or tip over, Sec. 13.8
  - Requires fuel line to be designed to industry standard, Sec. 13.9
  - Prohibits fuel hose slippage when force is applied, Sec. 13.10
  - Prohibits cracking or breakdown when fuel system is soaked at an elevated temperature, Sec. 13.11
  - Prohibits cracking or breakdown when elastomeric component is soaked and exposed to ozone, Sec. 13.12
  - Prohibits cracking, breakdown, and leakage when filter and shut-off valve are exposed to UV light, Sec. 13.13
  - Requires fuel system to be designed to resist corrosion, Sec. 13.15

# New Testing Requirements (cont'd)

- For one test (the cyclic pressure integrity test, Sec. 13.5), compliance with the EPA pressure cycling requirement is sufficient.
- EPA does have several other fuel system requirements, but those are different than the Rule's requirements.
  - The UV requirement in the Rule (Sec. 13.13) applies to different components and tests for different issues.
  - The elevated temperature fuel soak requirement in the Rule (Sec. 13.6) has very different procedures.
- This means ATV manufacturers must pass 13 new tests in addition to existing EPA requirements.

# The Testing Process

- Manufacturers expect it to take at least 3-5 months to run the new tests across product lines.
  - Some tests involve specialized equipment and setup and run for multiple weeks.
  - CPSC's only approved lab cannot currently test youth ATVs.
- Examples of potential testing bottlenecks:
  - Sec. 13.6 - Hot soak in 140°F chamber for 20 days
  - Sec. 13.7 - Cold soak in 4°F medium; impact test with specialized assembly
  - Sec. 13.11 - Hot soak at 104°F for 7 days and 176°F for 4 hours
  - Sec. 13.13 - Exposure to UV light for 18 days



# The Redesign Process

- If product redesigns are necessary, manufacturers anticipate that will take 7-12 months, and possibly longer due to the difficulty of mid-model-year redesigns.
  - Sourcing parts and obtaining EPA or CARB recertification could prolong the redesign process.
- Examples of potential redesign bottlenecks:
  - Sec. 13.7 - Develop and source fuel tank with new or thicker material
  - Sec. 13.9 - Develop and source new fuel line
  - Sec. 13.10 - Use of screw clamps could present safety risks
  - Sec. 13.15 - Switch from conventional vents to carbon canisters

# Compliance With The January 1, 2025, Effective Date

Redesigning just one ATV likely will take one year or longer.

- Testing for compliance with ANSI/SVIA 1-2023 will take at least 3-5 months.
  - Testing youth ATVs could take longer.
- Any necessary product redesigns will take at least 7-12 months.
  - Developing a new product could take longer based on sourcing needs. Procuring parts takes 4-5 months or longer due to global supply chain constraints.
  - EPA and CARB recertification typically takes ~90 days but could take longer.
- Implementing design changes mid-model-year creates additional complications.
  - Manufacturers cannot simply reconfigure factories in the middle of MY2025 production.



# SVIA's Request

- SVIA respectfully requests that CPSC adopt a 180-day transitional period of enforcement discretion to June 30, 2025.
- Manufacturers are working hard to ensure their ATVs pass the new tests.
- Redesigning ATVs to pass the new tests will take time. Manufacturers plan to implement any necessary redesigns for MY2026 vehicles – and they can do so by June 30, 2025.
- If CPSC enforces the Rule on January 1, 2025, there may be a period when some manufacturers may not have any ATVs to sell. That will harm manufacturers and their employees, ATV dealers, and consumers.



# Conclusion

- Thank you for meeting with us.
- We appreciate your time and consideration of our concerns.
- If you need any additional information, we would be happy to provide it.
- We also would be happy to talk further to answer any of your questions.