



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MD 20814

This document has been electronically
approved and signed.

DATE: August 30, 2017

BALLOT VOTE SHEET:

TO: The Commission
Alberta E. Mills, Acting Secretary

THROUGH: Mary T. Boyle, General Counsel
Patricia H. Adkins, Executive Director

FROM: Patricia M. Pollitzer, Assistant General Counsel
Matthew T. Mercier, Attorney, OGC

SUBJECT: Proposed Rule: Amendment to Standard for All-Terrain Vehicles
Ballot Vote Due: Wednesday, September 6, 2017

The Office of the General Counsel is providing for Commission consideration the attached draft notice of proposed rulemaking for publication in the *Federal Register*. The draft proposed rule would amend the Commission's mandatory ATV standard to reference the 2017 edition of the ANSI/SVIA standard pursuant to section 232 of the CPSIA.

Please indicate your vote on the following options:

- I. Approve publication of the attached document in the *Federal Register*, as drafted.

(Signature)

(Date)

II. Approve publication of the attached document in the *Federal Register*, with changes. (Please specify.)

(Signature)

(Date)

III. Do not approve publication of the attached document in the *Federal Register*.

(Signature)

(Date)

IV. Take other action. (Please specify.)

(Signature)

(Date)

Attachment: Draft *Federal Register* Notice: Proposed Rule to Amend All-Terrain Vehicles (ATVs) Standard

Billing Code 6355-01-P

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Parts 1420

[CPSC Docket No. 2017-XXXX]

Amendment to Standard for All-Terrain Vehicles; Notice of Proposed Rulemaking

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY The Consumer Product Safety Improvement Act of 2008 (CPSIA) required the Consumer Product Safety Commission (CPSC or the Commission) to publish, as a mandatory consumer product safety standard, the *American National Standard for Four-Wheel All-Terrain Vehicles Equipment Configuration, and Performance Requirements*, developed by the Specialty Vehicle Institute of America (ANSI/SVIA 1-2007). CPSC published that mandatory consumer product safety standard on November 14, 2008. ANSI/SVIA issued a 2017 edition of its standard in June 2017. In accordance with the CPSIA, CPSC proposes to amend the Commission's mandatory ATV standard to reference the 2017 edition of the ANSI/SVIA standard.

DATES: Submit comments by **[INSERT DATE 75 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

ADDRESSES: Comments related to the proposed rule, identified by Docket No. CPSC-2017-XXXX, may be submitted electronically or in writing:

Electronic Submissions: Submit electronic comments to the Federal eRulemaking Portal at: <http://www.regulations.gov>. Follow the instructions for submitting comments. The Commission does not accept comments submitted by e-mail, except through

www.regulations.gov. The Commission encourages you to submit electronic comments by using the Federal eRulemaking Portal, as described above.

Written Submissions: Submit written submissions by mail/hand delivery/courier to: Office of the Secretary, Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504-7923.

Instructions: All submissions received must include the agency name and docket number for this proposed rulemaking. All comments received may be posted without change, including any personal identifiers, contact information, or other personal information provided, to: <http://www.regulations.gov>. Do not submit confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. If furnished at all, such information should be submitted in writing.

Docket: For access to the docket to read background documents or comments received, go to: <http://www.regulations.gov>, and insert the docket number, CPSC-2017-XXXX, into the “Search” box, and follow the prompts.

FOR FURTHER INFORMATION CONTACT: Caroleene Paul, Project Manager, Directorate for Engineering Sciences, U.S. Consumer Product Safety Commission, 5 Research Place, Rockville, MD 20850; telephone: (301) 987-2225; email: cpaul@cpsc.gov.

SUPPLEMENTARY INFORMATION:

I. Background and Statutory Authority

The CPSIA directed the Commission to “publish in the Federal Register as a mandatory consumer product safety standard the American National Standard for Four Wheel All-Terrain Vehicles Equipment Configuration, and Performance Requirements developed by the Specialty Vehicle Institute of America (American National Standard ANSI/SVIA 1-2007).” 15 U.S.C.

2089(a)(1), as added by section 232 of the CPSIA. Accordingly, on November 14, 2008, CPSC published a final rule mandating ANSI/SVIA 1-2007 as a consumer product safety standard. 73 FR 67385. The final rule was codified at 16 CFR part 1420. The Commission has revised the mandatory standard once in accordance with the revision procedures set out in the CPSIA. On February 29, 2012, the Commission published a final rule that amended the Commission's ATV standard to reference the 2010 edition of the ANSI/SVIA standard. 77 FR 12197. On June 14, 2017, ANSI notified the Commission that the 2010 edition of the ANSI/SVIA standard had been revised, and that the new standard, ANSI/SVIA 1-2017, was approved on June 8, 2017.

Section 42(b) of the CPSA provides that, if ANSI/SVIA 1-2007 is revised after the Commission has published a *Federal Register* notice mandating the standard as a consumer product safety standard, ANSI must notify the Commission of the revision, and the Commission has 120 days after it receives that notification to issue a notice of proposed rulemaking to amend the Commission's mandatory ATV standard "to include any such revision that the Commission determines is reasonably related to the safe performance of [ATVs] and notify the Institute of any provision it has determined not to be so related." 15 U.S.C. 2089(b)(1) and (2). Thereafter, the Commission has 180 days after publication of the proposed amendment to publish a final amendment to revise the ATV standard. *Id.*

II. Evaluation of ANSI/SVIA 1-2017

ANSI/SVIA 1-2017 contains requirements and test methods relating to ATVs, including vehicle equipment and configuration, vehicle speed capability, brake performance, pitch stability, electromagnetic compatibility, and sound level limits. The Commission reviewed the 2017 edition of the ANSI/SVIA standard and compared it with the 2010 edition, which is

currently the mandated consumer product safety standard for ATVs. The Commission considers the following revisions to be material changes:

- Requirements for stop lamps or combination tail-stop lamps on all categories of ATVs;
- Requirements for reflectors for all categories of ATVs.

The standard provides that it will take effect “beginning with 2019 model year vehicles.” As explained below, the Commission believes that these revisions are reasonably related to the safe performance of ATVs.

A. Stop Lamps and Reflectors

ANSI/SVIA 1-2017 Section 4.17, Lighting & Reflective Equipment, states that all ATVs shall be equipped with lighting and reflective devices.

1. Stop Lamps

ANSI/SVIA 1-2017 requires stop lamps or combination tail-stop lamps on all adult and transition category ATVs. In May 2015, CPSC requested that SVIA consider adding requirements relating to stop lamps to increase the detectability of ATVs. CPSC staff reviewed 1 year (2007) of ATV-related fatality data involving two ATVs colliding, and identified 13 rear-end collisions. Of the 13 incidents, eight involved a leading ATV slowing or stopping and a following ATV colliding with the leading vehicle. Although this is only a preliminary analysis, the data illustrate a hazard pattern of rear-end collisions related to braking. CPSC staff subsequently worked with SVIA to develop the stop lamp requirements contained in ANSI/SVIA 1-2017. The Commission believes that adding stop lamp requirements in ANSI/SVIA 1-2017 improves the optional provision in the 2010 edition of the voluntary standard, and that this addition may reduce rear-end collisions related to non-detection of a vehicle braking.

2. Reflectors

ANSI/SVIA 1-2017 requires one amber reflector on each side of the ATV (mounted as far forward as practicable), one red reflector on each side of the ATV (mounted as far rearward as practicable), one red reflector on the rear of the vehicle, and one white reflector on the front of the ATV, if not equipped with a headlamp or conspicuity light. These requirements are for all categories of ATV. In May 2015, CPSC requested that SVIA consider adding requirements relating to reflectors, and worked with SVIA in developing the reflector requirements contained in ANSI/SVIA 1-2017.

Reflector use may increase the detectability of ATVs. CPSC staff's preliminary review of 331 fatal ATV-related vehicular collision incidents found that more than 30 percent of these incidents occurred at night and an additional 5 percent occurred in low light (*i.e.*, dusk). Although many factors contribute to incidents, increasing the visibility of ATVs at night will raise the likelihood that the driver of an oncoming vehicle will detect the ATV. Early detection of an ATV may allow the driver of an oncoming vehicle sufficient time to react and avoid a collision.

Because fatalities occur when ATVs cross public roads between fields or trails, CPSC believes that the requirement for side reflectors is crucial to any new efforts to increase vehicle visibility. The Commission believes that the ANSI/SVIA 1-2017 reflector requirements improve the 2010 edition of the voluntary standard (which lacked a reflector requirement), and that requirements for reflectors to increase the visibility of an ATV at night may reduce vehicular collisions related to non-detection of other vehicles.

III. Effective Date

The CPSIA provides a timetable for the Commission to issue a notice of proposed rulemaking (within 120 days of receiving notification of a revised ANSI/SVIA standard) and to issue a final rule (within 180 days of publication of the proposed rule), but it does not set an effective date. Since issuing the ATV standard in 2009, the Commission has revised it once, in accordance with the revision procedures set out in the CPSIA. Based on comments to the NPR from several ATV companies, the final rule amending the Commission's ATV standard to reference the 2010 edition of the ANSI/SVIA standard provided for an effective date of 60 days from publication of the final rule.

Data from CPSC's ATV Special Study show that 97 percent of consumers who reported that their vehicle had a tail lamp, also claimed that the vehicle had a stop lamp. This suggests that adding stop lamps to ATVs to meet the new ANSI/SVIA 1-2017 requirements will require minimal changes to current production. Additionally, reflectors are a low-technology product that can be obtained in bulk as sheets or rolls of tape. Attaching reflectors in the correct positions on ATVs does not require test and evaluation effort. This suggests that adding reflectors to ATVs to meet the new ANSI/SVIA 1-2017 requirements will require minimal design and labor changes. CPSC believes that the revisions to the 2010 edition of the voluntary standard will not require significant vehicle design and testing, and that a 60-day effective date for this proposed rule will allow companies sufficient time to update their certification labels. Thus, the Commission proposes that the rule would take effect 60 days after publication of a final rule in the Federal Register, and it would apply to ATVs manufactured or imported on or after that date.

IV. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) requires that agencies review a proposed rule for the rule's potential economic impact on small entities, including small businesses. Section 603 of the RFA generally requires that agencies prepare an initial regulatory flexibility analysis (IRFA) and make the analysis available to the public for comment when the agency publishes an NPR. 5 U.S.C. 603. Section 605 of the RFA provides that an IRFA is not required if the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As explained in this section, the Commission certifies that ANSI/SVIA standard, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. 5 U.S.C. 605(b).

The proposed rule would revise the mandatory ATV standard to incorporate the revisions in the 2017 edition of the ANSI/SVIA standard. The most significant changes involve requirements for brake-actuated stop lamps and reflectors. CSPC believes that the vast majority of ATVs already comply with these requirements. Consequently, the Commission anticipates that the cost of the changes required to bring ATVs that do not comply into compliance with the rule will be very low on a per-unit basis. Furthermore, other changes to the standard either increase the options for manufacturers in designing and equipping their vehicles, or are minor changes that clarify—but do not change—the standard's requirement. For these reasons, the Commission certifies that the proposed rule will not have a significant impact on a substantial number of small entities.

V. The Proposed Rule

The proposed rule would revise § 1420.3, "Requirements for four-wheel ATVs." The current rule refers to the ANSI/SVIA 1-2010 standard; the proposed rule would replace this reference with the ANSI/SVIA 1-2017 edition of the standard.

VI. Paperwork Reduction Act

This proposed amendment would not impose any information collection requirements. Accordingly, this rule is not subject to the Paperwork Reduction Act, 44 U.S.C. 3501–3520.

VII. Environmental Considerations

The Commission’s regulations provide a categorical exemption for the Commission’s rules from any requirement to prepare an environmental assessment or an environmental impact statement as they “have little or no potential for affecting the human environment.” 16 CFR 1021.5(c)(2). This proposed amendment falls within the categorical exemption.

VIII. Incorporation by Reference

The Commission proposes to incorporate by reference ANSI/SVIA 1-2017. The Office of the Federal Register (OFR) has regulations concerning incorporation by reference. 1 CFR part 51. For a proposed rule, agencies must discuss in the preamble to the NPR ways that the materials the agency proposes to incorporate by reference are reasonably available to interested persons or how the agency worked to make the materials reasonably available. In addition, the preamble to the proposed rule must summarize the material. 1 CFR 51.5(a).

In accordance with the OFR’s requirements, section II of this preamble summarizes the provisions of ANSI/SVIA 1-2017 that the Commission proposes to incorporate by reference. ANSI/SVIA 1-2017 is copyrighted. Interested persons may purchase a copy of ANSI/SVIA 1-2017 from Specialty Vehicle Institute of America, 2 Jenner, Suite 150, Irvine, CA 92618-3806; telephone: 949-727-3727 ext.3023; www.svia.org. One may also inspect a copy at CPSC’s Office of the Secretary, U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814, telephone: 301-504-7923.

IX. Preemption

Section 26(a) of the CPSA, 15 U.S.C. 2075(a), provides that when a consumer product safety standard is in effect and applies to a product, no state or political subdivision of a state may either establish or continue in effect a standard or regulation that prescribes requirements for the performance, composition, contents, design, finish, construction, packaging, or labeling of such product dealing with the same risk of injury unless the state requirement is identical to the federal standard. Section 26(c) of the CPSA also provides that states or political subdivisions of states may apply to the Commission for an exemption from this preemption under certain circumstances. Section 232(a)(1) of the CPSIA refers to the rules to be issued under that section as “consumer product safety standards.” Therefore, the preemption provision of section 26(a) of the CPSA would apply to a rule issued under section 232 of the CPSIA.

X. Notice of Requirements

The CPSA establishes certain requirements for product certification and testing. Certification of children’s products subject to a children’s product safety rule must be based on testing conducted by a CPSC-accepted third-party conformity assessment body. 15 U.S.C. 2063(a)(2). The Commission is required to publish a notice of requirements (NOR) for the accreditation of third-party conformity assessment bodies to assess conformity with a children’s product safety rule to which a children’s product is subject. *Id.* 2063(a)(3). On August 27, 2010, the Commission published an NOR for accreditation of third-party conformity assessment bodies for testing ATVs designed or intended primarily for children 12 years of age or younger. 75 FR 52616. Because the revisions to the 2010 edition of the ANSI/SVIA standard would not substantially alter third-party conformance testing requirements for ATVs designed or intended primarily for children 12 years of age or younger, the current NOR for third-party

testing of youth ATVs will remain unchanged. Thus, the Commission considers the existing accreditations that the Commission has accepted for testing to the ATV standard also cover testing to the revised ATV standard.

XI. Request for Comments

This NPR begins a rulemaking proceeding under section 232 of the CPSIA to amend the Commission's mandatory ATV standard to reference the 2017 edition of the ANSI/SVIA standard. We invite all interested persons to submit comments on any aspect of this proposal. During the comment period, ANSI/SVIA 1-2017, *American National Standard for Four-Wheel All-Terrain Vehicles Equipment Configuration, and Performance Requirements*, is available for inspection at the CPSC's Office of the Secretary, U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814, telephone 301-504-7923. Comments should be submitted in accordance with the instructions in the **ADDRESSES** section at the beginning of this notice.

List of Subjects in 16 CFR Part 1420

Consumer protection, Imports, Incorporation by reference, Infants and children, Information, Labeling, Law enforcement, Recreation and recreation areas, Reporting and recordkeeping requirements, Safety.

For the reasons stated in the preamble, the Commission proposes to amend Title 16 of the Code of Federal Regulations, as follows:

PART 1420—REQUIREMENTS FOR ALL-TERRAIN VEHICLES

1. The authority citation for part 1420 continues to read as follows:

Authority: The Consumer Product Safety Improvement Act of 2008, Pub. Law 110-314, § 232, 122 Stat. 3016 (August 14, 2008).

2. In the second sentence of § 1420.1, remove the words, “April 30, 2012,” and add in their place “(date 60 days after publication of a final rule in the Federal Register).”
3. Revise § 1420.3 to read as follows:

§ 1420.3 Requirements for four-wheel ATVs.

(a) Each ATV shall comply with all applicable provisions of the American National Standard for Four-Wheel All-Terrain Vehicles (American National Standards Institute, Inc. ANSI/SVIA 1-2017), approved on June 8, 2017. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy from Specialty Vehicle Institute of America, 2 Jenner, Suite 150, Irvine, CA 92618-3806; telephone: 949-727-3727 ext.3023; www.svia.org. You may inspect a copy at the Office of the Secretary, U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD. 20814, telephone: [301-504-7923](tel:301-504-7923), or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

Dated: _____

Alberta E. Mills,
Acting Secretary, Consumer Product Safety Commission



BRIEFING PACKAGE

NOTICE OF PROPOSED RULEMAKING (NPR) TO AMEND ALL-TERRAIN VEHICLES (ATVs) STANDARD

August 2017

For Further Information Contact:

Caroleene Paul
Project Manager
Directorate for Engineering Sciences
301-987-2225

This document has been electronically
approved and signed.

Memorandum

August 30, 2017

TO: The Commission
Alberta E. Mills, Acting Secretary

THROUGH: Mary T. Boyle, General Counsel

Patricia H. Adkins, Executive Director

DeWane Ray, Deputy Executive Director for Safety Operations

FROM: George A. Borlase, Ph.D., P.E., Assistant Executive Director
Office of Hazard Identification and Reduction

Caroleene Paul, Project Manager
Directorate for Engineering Sciences

SUBJECT: All-Terrain Vehicles: Amendment of Consumer Product Safety Standard

I. INTRODUCTION

This memorandum provides information about the June 2017 revision to the American National Standards Institute/Specialty Vehicle Institute of America (ANSI/SVIA) 1-2010 voluntary standard for Four-Wheel All-Terrain Vehicles (ATVs). The memorandum also provides U.S. Consumer Product Safety Commission (CPSC) staff's recommendation on whether the revision should be incorporated into the mandatory consumer product safety standard for four-wheel ATVs. Staff recommends that the Commission propose to amend the current mandatory ATV standard to include the June 2017 revision so that the proposed rule would require ATVs to comply with the ANSI/SVIA - 1- 2017 American National Standard for Four-Wheel All-Terrain Vehicles.

II. BACKGROUND

In October 2008, the CPSC, as directed by Section 232(b) of the Consumer Product Safety Improvement Act of 2008 (CPSIA), published a *Federal Register* notice mandating the *American National Standard for Four Wheel All-Terrain Vehicles Equipment Configuration, and Performance Requirements* developed by the Specialty Vehicle Institute of America (American National Standard ANSI/SVIA 1-2007) as a consumer product safety standard. The mandated standard, 16 C.F.R. part 1420, became effective on April 13, 2009.

The CPSIA directs the CPSC to take certain actions when the voluntary ANSI/SVIA standard is revised through the applicable consensus standards development process. Specifically, when the ANSI/SVIA standard is revised, ANSI is to notify the Commission of the standard's revision. Within 120 days of receiving notice from ANSI, the Commission must issue a notice of proposed rulemaking (NPR) to amend the product safety standard and include in the NPR any revision that the Commission determines is reasonably related to the safe performance of ATVs. In addition, the Commission is to notify ANSI of any provision that the Commission determines is not related to the

safe performance of ATVs. Within 180 days after the date on which the NPR for the amended consumer product safety standard is published in the *Federal Register*, the Commission must promulgate an amendment to the ATV standard.

Since issuing the ATV standard in 2009, the Commission has revised the standard once in accordance with the revision procedures set out in the CPSIA. On February 29, 2012, the Commission published a final rule that amended the Commission's ATV standard to reference the 2010 edition of ANSI/SVIA that took effect on April 30, 2012.¹

On June 8, 2017, ANSI/SVIA 1-2017, was approved and on June 14, 2017, ANSI notified the Commission that ANSI/SVIA 1-2010 was revised. CPSC staff reviewed the revised standard and prepared this package for Commission consideration.

III. DISCUSSION

A. ANSI/SVIA Voluntary Standard for ATVs

On May 1, 2015, CPSC staff sent a letter to SVIA requesting that the standards committee consider adding reflectors and rear light requirements when revisiting ANSI/SVIA 1-2010 for its 5-year periodic review. Specifically, staff suggested the following additions to the voluntary standard: (1) mandate stop lamps or combination tail-stop lamps on all categories (adult, transition, and youth) of ATVs; and (2) add requirements for reflectors for all categories of ATVs.²

On March 10, 2016, CPSC staff met with SVIA to discuss the suggestions in staff's letter dated May 1, 2015, and SVIA announced that it was initiating the process to revise ANSI/SVIA 1-2010.³ SVIA sent a pre-canvass draft of proposed changes for staff to review on August 5, 2016. The pre-canvass draft proposed new requirements for:

- enhancing vehicle visibility including rear stop lamps and side/rear/front reflectors,
- using non-pneumatic tires (NPTs),
- providing the owner's manual in electronic form only, and
- setting an effective date based on an unspecified model year of vehicle.

On October 25, 2016, CPSC staff met with SVIA to discuss the pre-canvass draft of proposed changes to ANSI/SVIA 1-2010.⁴ At the meeting, staff suggested clarifying the lighting requirements, expressed reservations about removing the requirement for a hard-copy owner's manual, and questioned the time frame for the new standard to become effective. In addition, staff asked for the rationale to include non-pneumatic tires in the standard. SVIA agreed with staff's suggestions for clarifying lighting requirements and requiring paper copies of the owner's manual.

¹ 77 FR 12197

² Letter from Hope Nesteruk, CPSC, to Thomas Yager, SVIA, dated May 1, 2015. Retrieved from: https://www.cpsc.gov/s3fs-public/pdfs/blk_media_SVIA-ANSI-Comment-Letter.pdf.

³ Meeting log dated March 10, 2016. Retrieved from: https://www.cpsc.gov/s3fs-public/pdfs/foia_031016SVIAmeetingonATVvoluntarystandard.pdf.

⁴ Meeting log dated October 25, 2016. Retrieved from: <https://www.cpsc.gov/s3fs-public/10%2025%2016%20SVIA%20public%20meeting%20with%20CPSC.pdf?ggklf3uhlQOrxNDksAytZU4GNFwBJIXM>.

SVIA stated that its rationale for including NPTs was based on recognition of NPTs as a developing tire technology that is functionally equivalent to a low-pressure pneumatic tire (10 psi or less) while providing superior puncture resistance and durability.

On December 5, 2016, CPSC staff received a canvass draft and ballot for the proposed revision of ANSI/SVIA 1-2010. The canvass draft proposed new requirements for: vehicle visibility (revised per CPSC staff's suggestions), the allowance for the use of NPTs, and an effective date beginning with 2019 model year vehicles. On January 26, 2017, CPSC staff sent SVIA a letter stating staff's vote of "Affirmative with comment" on the ballot.⁵ Staff was pleased that stop lamps would be required on all adult and transition ATVs, as well as youth ATVs with headlamps (lights intended to provide illumination) or conspicuity lights (lights intended to make ATVs more visible), and that all ATVs would be required to have reflectors. Staff also encouraged SVIA to choose an effective calendar date in early 2018 and to reference the latest editions of ANSI Z535 Safety Alerting family of standards.

On March 30, 2017, staff received a letter from SVIA agreeing with staff's suggestion of referencing the latest 2011 editions of ANSI Z535 Safety Alerting family of standards.⁶ As for the effective date of the voluntary standard, SVIA advised staff that it expects that 2019 model year vehicles compliant with the conspicuity requirements will be in production for release in the 2018 calendar year. Therefore, SVIA advised CPSC staff that it believes the 2019 model year effective "date" will satisfy staff's desire for an effective date in 2018.

On April 7, 2017, CPSC staff received a recirculation ballot with all accepted comments (clarifications, corrections and typographical errors). The changes did not result in a material change from the December 5, 2016 ballot; therefore, no new voting was required, unless a canvass member decided to change their vote. CPSC staff did not respond to the ballot because staff's affirmative vote did not change.

ANSI/SVIA 1-2017 was approved on June 8, 2017, and the revised standard published on June 30, 2017.

B. Evaluation of ANSI/SVIA 1-2017

CPSC staff reviewed and compared the 2017 revision of the ANSI/SVIA standard with the 2010 version, which is currently the mandated consumer product safety standard for ATVs. The specific changes made in the revision are described in Appendix A (Tab A).

Staff considers the following revisions to be material changes:

⁵ Letter from Hope Nesteruk, CPSC, to Tom Yager, SVIA, dated January 26, 2017. Retrieved from: https://www.cpsc.gov/s3fs-public/01_26_17_CPSC_letter_to_SVIA_affirmative_vote_and_comment_to_canvass_draft_12-05-16.pdf?goZVYpB7MK9CfyATdXp5Hn6ldX40yjd7.

⁶ Letter from Tom Yager, SVIA, to Hope Nesteruk, CPSC, dated March 30, 2017. Retrieved from: <https://www.cpsc.gov/s3fs-public/03%2030%2017%20SVIA%20letter%20to%20CPSC%20%28response%20to%20comment%20letter%2001%2026%2017%29.pdf?ossjTtYBSMekwLuW0JXEzTvzXNIEFSg>.

- Requirements for stop lamps or combination tail-stop lamps on all categories of ATVs;
- Requirements for reflectors for all categories of ATVs; and
- Requirement for an effective date “beginning with 2019 model year vehicles” within the scope of the standard.

1. Evaluation of Vehicle Conspicuity⁷ Requirements – Stop lamps and reflectors

Section 4.17 Lighting & Reflective Equipment of ANSI/SVIA 1-2017 states that all ATVs shall be equipped with lighting and reflective devices, as outlined in the following tables that compare requirements in ANSI/SVIA 1-2010 with those in ANSI/SVIA 1-2017:

Lighting

| Lighting Requirement | ANSI/SVIA 1-2010 | ANSI/SVIA 1-2017* |
|---|--|--|
| Headlamps consisting of a single white light projecting to the front of the vehicle. | Required on all adult and transition category ATVs. | Required on all adult and transition category ATVs. |
| | Optional on youth ATVs. | Optional on youth ATVs. |
| Tail lamps consisting of a single red light projecting to the rear of the vehicle. | Required on all adult and transition category ATVs. | Required on all adult and transition category ATVs. |
| | Optional on youth ATVs. | Optional on youth ATV but required if ATV equipped with head lamp or conspicuity light. |
| Stop lamps consisting of a single red light projecting to the rear of the vehicle that is actuated by the vehicle’s brakes. | Optional on all categories of ATVs. | Required on all adult and transition category ATVs. |
| | | Optional on youth ATV but required if ATV equipped with head lamp or conspicuity light. |
| Combination tail-stop lamps may be used in lieu of a separate tail lamp and stop lamp. | Combination tail-stop lamp may be used in lieu of required tail lamp and optional stop lamp. | Combination tail-stop lamp may be used in lieu of required tail lamp and required stop lamp. Optional on youth ATV but required if ATV equipped with head lamp or conspicuity light. |
| Conspicuity light consisting of white light projecting to the front of the vehicle. Conspicuity light is defined in Section 3 as forward-facing white light intended to make the ATV more visible (unlike a headlamp that is designed to provide illumination for the ATV operator). | No requirement. | Optional on all categories of ATVs |

* Requirements that are different from ANSI/SVIA 1-2010 are highlighted in blue.

⁷ “Conspicuity” refers to the trait of being visible and noticeable to others.

Reflectors

| Reflector Requirements | ANSI/SVIA 1-2010 | ANSI/SVIA 1-2017* |
|--|------------------|---|
| Two amber reflectors located on each side of vehicle, towards the front as far as possible. | No requirement. | Required on all categories of ATVs. |
| Two red reflector located on each side of vehicle, towards the rear as far as possible. | No requirement. | Required on all categories of ATVs. |
| One red reflector located centrally on the rear of -the vehicle. | No requirement. | Required on all categories of ATVs. |
| One or two white reflectors located centrally on the front of the vehicle. | No requirement. | Required on youth category ATVs unless vehicle already equipped with headlamp or conspicuity light. |

* Requirements that are different from ANSI/SVIA 1-2010 are highlighted in blue.

CPSC staff recommended that SVIA require stop lamps and reflectors in the voluntary standard for ATVs because staff believes increasing conspicuity is a relatively simple step that will help ATVs to be seen by other vehicles in a variety of lighting and weather conditions. Staff's recommendations were based on a CPSC ATV special study titled, "National Estimates of Victim, Driver, and Incident characteristics for ATV-Related, Emergency Department-Treated Injuries in the United States from January 2010 – August 2010 with an Analysis of Victim, Driver and Incident Characteristics for ATV-Related Fatalities from 2005 through 2007," which was published in 2014.⁸ The ATV special study analyzed injury data from follow-up telephone-based surveys of ATV emergency department-treated injuries that occurred between January 1, 2010 and August 31, 2010, where the victim was the driver or passenger of an operational ATV. The study also analyzed ATV-related fatality data from deaths reported to the CPSC between 2005 and 2007.⁹

Results of the study show that at least 28 percent of the ATV-related injuries analyzed and 45 percent of fatalities involved a collision. Of the collision-related fatalities, 34 percent involved a second vehicle (primarily cars and trucks). The data indicate that driving ATVs on paved roads, although not recommended by ATV manufacturers or the CPSC, occurs with enough frequency that it is a foreseeable misuse. Therefore, staff believes increasing conspicuity is necessary to improve ATV detection by other vehicle drivers. In addition, staff believes increased vehicle conspicuity may reduce vehicular collisions in off-road environments as well.

⁸ Garland, S. (2014). National Estimates of Victim, Driver, and Incident characteristics for ATV-Related, Emergency Department-Treated Injuries in the United States from January 2010 – August 2010 with an Analysis of Victim, Driver and Incident Characteristics for ATV-Related Fatalities from 2005 through 2007. CPSC ATV Special Study. Retrieved from: <https://www.cpsc.gov/s3fs-public/pdfs/ATVSpecialStudyReport.pdf>.

⁹ The CPSC's All-Terrain Vehicle Deaths database (ATVD) contains all ATV-related fatalities reported to CPSC staff since the early 1980s. The version used for the 2014 ATV special study is ATVD 2011, which contains all deaths reported to CPSC staff through December 31, 2011. The 3 years chosen for the study were 2005–2007.

The National Highway Traffic Safety Administration (NHTSA) also recognizes the need for consistent lighting and signaling in the Federal Motor Vehicle Safety Standards (FMVSS) for automobiles. FMVSS 108 *Lamps, reflective devices, and associated equipment* specifies requirements for head lamps and reflective devices to enhance the “conspicuity of motor vehicles on the public roads so that their presence is perceived and their signals understood.” FMVSS 500 *Low-speed vehicles* specifies requirements for low-speed vehicles (vehicle with a maximum speed of 25 mph) and lists various items as the minimum safety equipment required for low-speed vehicle use on roads. Those requirements include headlamps, tail lamps, stop lamps, and reflectors as “the minimum motor vehicle equipment appropriate for motor vehicle safety.” CPSC staff focused on stop lamps and reflectors to increase ATV conspicuity because head lamps and tail lamps are already addressed in ANSI/SVIA 1-2010 and ANSI/SVIA 1-2017.

Stop Lamps

ANSI/SVIA 1-2017 requires stop lamps or combination tail-stop lamps on all adult and transition category ATVs. Staff believes this is an improvement from the optional provision in the 2010 edition of the voluntary standard.

Stop lamp use may increase the detectability of ATVs. Staff’s preliminary review of 1 year (2007) of ATV-related fatality data involving two ATVs colliding identified 13 rear-end collisions.^{10,11} Of the 13 incidents, eight involved a leading ATV slowing or stopping and a following ATV colliding with the leading vehicle. Although this is only a preliminary analysis, the data illustrate the hazard pattern of rear-end collisions related to braking. Staff believes the ANSI/SVIA 1-2017 addition of stop lamps may reduce rear-end collisions related to non-detection of a vehicle braking.

Staff is not aware of any data that indicates the addition of stop lamps on ATVs is likely to increase on-road use of the vehicles. Staff continues to believe that ATVs are intended for and should always be used off-road.

Reflectors

ANSI/SVIA 1-2017 requires one amber reflector on each side of the ATV (mounted as far forward as practicable), one red reflector on each side of the ATV (mounted as far rearward as practicable), one red reflector on the rear of the vehicle, and one white reflector on the front of the ATV, if not equipped with a headlamp or conspicuity light. The aforementioned requirements are for all category ATVs. Staff believes this is an improvement from the 2010 edition of the voluntary standard, which lacked requirements for reflectors.

Reflector use may increase the detectability of ATVs. CPSC staff’s preliminary review of 331 fatal ATV-related vehicular collision incidents found that more than 30 percent of these incidents occurred at night and an additional 5 percent occurred in low light (*i.e.*, dusk). Although many

¹⁰ 2012 All-Terrain Vehicle Deaths (ATVD 2012) database, U.S. Consumer Product Safety Commission, Directorate of Epidemiology/Division of Hazard Analysis and Directorate for Engineering Sciences/Division of Human Factors.

¹¹ Letter from Hope Nesteruk, CPSC, to Thomas Yager, SVIA, dated May 1, 2015. Retrieved from: https://www.cpsc.gov/s3fs-public/pdfs/blk_media_SVIA-ANSI-Comment-Letter.pdf.

factors contribute to incidents, increasing the visibility and conspicuity of ATVs at night will raise the likelihood that the driver of an oncoming vehicle will detect the ATV. Early detection of an ATV may allow the driver of an oncoming vehicle sufficient time to react and avoid a collision.

In addition, NHTSA's FMVSS 500 requires the following reflectors for on-road motor vehicles: "one red on each side as far to the rear as practicable, and one red on the rear." FMVSS 108 states that reflectors shall be mounted "on the rear, at the same height, symmetrically about the vertical centerline, as far apart as practicable." Because fatalities occur when ATVs cross public roads between fields or trails, staff believes that the requirement for side reflectors is crucial to any new efforts to increase vehicle conspicuity. As such, staff believes requirements for reflectors to increase the conspicuity of an ATV at night may reduce vehicular collisions related to non-detection of other vehicles.

Staff is not aware of any data that indicates the addition of reflectors on ATVs is likely to increase on-road use of the vehicles. Staff continues to believe that ATVs are intended for and should always be used off-road.

2. Evaluation of Effective Date

The CPSIA provides a timetable for the CPSC to issue an NPR (within 120 days of receiving notification of a revised ANSI/SVIA standard) and to issue a final rule (within 180 days of publication of the proposed rule), but it does not set an effective date. Since issuing the ATV standard in 2009, the Commission has revised it once in accordance with the revision procedures set out in the CPSIA. On February 29, 2012, the Commission published a final rule that amended the Commission's ATV standard to reference the 2010 edition of ANSI/SVIA (77 FR 12197). Based on comments to the NPR from several ATV companies, the final rule provided for a 60-day effective date from publication of the final rule to allow companies time to update their certification labels.

CPSC staff believes the revisions to the 2010 edition of the voluntary standard will not require significant vehicle design and testing. Although the revision addresses several new optional provisions, such as NPTs, the revisions specify requirements that are limited to the increased conspicuity requirements—stop lamps and reflectors. Data from CPSC's ATV Special Study show that 97 percent of consumers who reported that their vehicle had a tail lamp, also claimed that the vehicle had a stop lamp. This suggests that adding stop lamps to ATVs to meet the new ANSI/SVIA 1-2017 requirements will require minimal changes to current production. In addition, reflectors are a low-technology product that can be obtained in bulk as sheets or rolls of tape. Attaching reflectors in the correct positions on ATVs does not require test and evaluation effort. This suggests that adding reflectors to ATVs to meet the new ANSI/SVIA 1-2017 requirements will require minimal design and labor changes.

"Section 1. Scope" of ANSI/SVIA 1-2017 states that the requirements become effective beginning with 2019 model year vehicles. In a letter to CPSC staff dated March 30, 2017, SVIA stated that the 2017 voluntary standard will actually become effective in calendar year 2018 because that is when

2019 model year vehicles will be in production and released.¹² Therefore, SVIA believes that the effective dates for the mandatory product safety standard for ATVs and the voluntary standard for ATVs will correspond if CPSC follows the timeline directed by the CPSIA to publish a final rule, with a similar 60-day effective date as provided in the final rule published on February 29, 2012 (77 FR 12197).

Given the enhanced safety and the fact that many ATVs already meet the new stop lamp requirements in ANSI/SVIA 1-2017, and the effort to meet the new reflector requirements require minimal effort, staff believes these requirements can and should be implemented in calendar year 2018. Therefore, based on SVIA's comments that the 2017 voluntary standard will become effective in calendar year 2018, staff recommends an effective date of 60 days from the publication of the final rule in the *Federal Register*.

IV. ECONOMIC IMPACT OF REVISION ON SMALL ENTITIES

When considering an NPR, the Regulatory Flexibility Act requires that agencies consider the potential impact of the proposed rule on small entities. This section summarizes the Directorate of Economics' analysis of the economic impact of the revised ATV standard on small businesses (see Tab B).

The draft proposed rule would revise the mandatory ATV standard to incorporate the revisions in the 2017 version of the ANSI/SVIA standard. The most significant changes involve requirements for brake-actuated stop lamps and reflectors. The majority of ATVs are believed to comply already with these requirements. Accordingly, staff anticipates that the cost of the changes required to bring ATVs that do not comply into compliance will be very low on a per-unit basis. The other changes to the standard either increase the options for manufacturers in designing and equipping their vehicles or are minor changes that clarify requirements, but do not actually change the standard's requirement. The addition to the standard regarding lighting equipment and the option to use NPTs increase options for manufacturers. Therefore, the draft proposed rule is not expected to have a significant impact on a substantial number of small entities, and the Directorate for Economic Analysis believes that the Commission could certify to that effect.

V. OPTIONS AVAILABLE TO THE COMMISSION

Three options are available to the Commission to respond to the CPSIA direction. These options are: (1) The Commission could determine that no provisions of the 2017 revision are reasonably related to the safe performance of ATVs, and thus, decide not to amend the current mandatory consumer product safety standard; (2) The Commission could determine that only some provisions of the 2017 revision are reasonably related to the safe performance of ATVs, and decide to amend the current mandatory product safety standard, in part, by incorporating only those provisions that the Commission believes "are reasonably related to the safe performance" of ATVs; or (3) The

¹² Letter from Tom Yager, SVIA, to Hope Nesteruk, CPSC, dated March 30, 2017. Retrieved from: <https://www.cpsc.gov/s3fs-public/03%2030%2017%20SVIA%20letter%20to%20CPSC%20%28response%20to%20comment%20letter%2001%2026%2017%29.pdf?ossjTtYBSMekwLuW0JXEzTvzXNIEFSg>.

Commission could determine that all provisions of the 2017 revision are reasonably related to the safe performance of ATVs, and therefore, decide to amend the current mandatory product safety standard, in whole, by replacing the reference in the current mandatory standard so that it references the ANSI/SVIA 1-2017 standard.

VI. STAFF CONCLUSION AND RECOMMENDATION

CPSC staff believes that the ANSI/SVIA 1-2017 standard improves the safety of ATVs with additional requirements to increase the conspicuity of ATVs. Specifically, the 2017 standard requires reflectors on all category ATVs, requires stop lamps or combination tail-stop lamps on all adult ATVs, and requires stop lamps or combination tail-stop lamps on youth ATVs when a headlamp or conspicuity light is present. Staff recommended that SVIA add these requirements to the voluntary standard to address ATV-related incidents that involved collisions with other vehicles because increasing conspicuity is a relatively simple step that will help ATVs to be seen by drivers of other vehicles in a variety of lighting and weather conditions. CPSC staff recommends that the Commission propose to amend the current mandatory ATV standard by replacing the reference in the standard to refer to the ANSI/SVIA - 1- 2017 American National Standard for Four-Wheel All-Terrain Vehicles.

CPSC staff recommends that the Commission propose an effective date of 60 days after the publication of the final rule in the *Federal Register*. Staff's recommendation is based on a letter to CPSC dated March 30, 2017, in which SVIA states that the effective dates for the mandatory product safety standard for ATVs and the voluntary standard for ATVs will correspond if CPSC follows the timeline directed by the CPSIA to publish a final rule with a similar 60-day effective date as provided in the final rule published on February 29, 2012 (77 FR 12197). Given that many ATVs already meet the new stop lamp requirements in ANSI/SVIA 1-2017, and the effort to meet the new reflector requirements require minimal effort, staff believes these requirements can and should be implemented in calendar year 2018.

TAB A

Appendix A: Comparison of ANSI/SVIA 1-2017 and ANSI/SVIA 1-2010

Section 1. Scope

ANSI/SVIA 1-2010: This section states that the standard will be effective for models produced after the date the standard is approved.

ANSI/SVIA 1-2017: This section states that the standard will be effective beginning with 2019 model year vehicles.

Additional information: In a comment letter to SVIA, CPSC staff suggested a production-based effective date in early 2018. SVIA declined to use a production-based effective date, but reasoned that 2019 model year vehicles will be released in the 2018 calendar year.

Section 2. Referenced Standards

ANSI/SVIA 1-2010: This section lists the standards and recommended practices that are referenced in the voluntary standard's requirements for lighting, spark arrester, tires, labels, and electromagnetic compatibility.

ANSI/SVIA 1-2017: This section lists the standards and recommended practices that are referenced in the voluntary standard's requirements for lighting, spark arrester, tires, labels, and electromagnetic compatibility. The referenced standards are updated from the 2010 edition of the voluntary standard, and are organized by standards development organization (e.g., American National Standard Institute (ANSI) and European Union (EU)).

Section 3. Definitions

ANSI/SVIA 1-2010: This section provides definitions of terms and phrases used in the standard.

ANSI/SVIA 1-2017: The wording of the definitions for two terms is changed in this edition of the standard, and two new terms are added. The changed terms are "all-terrain vehicle" and "owner's manual." The new terms are "conspicuity light" and "non-pneumatic tires (NPT)." A conspicuity light is defined as "a forward-facing white light intended to make the ATV more visible. Unlike a headlamp, such lighting is not designed to provide illumination for the ATV operator." Non-pneumatic tires are defined as "tires not supported by air pressure but having the same or similar stiffness characteristics of a pneumatic tire of similar dimensions and load carrying capability."

Section 4.17. Lighting and Reflex Reflector

ANSI/SVIA 1-2010: This section states that all adult category ATVs shall have a headlamp (single white light to the front) and tail lamp (red light to the rear). Stop lamps (rear red light actuated by the brake) are optional on adult and youth category ATVs. Headlamps are also optional on youth category ATVs.

This section has no requirements for reflex reflectors.

ANSI/SVIA 1-2017: This section states that all adult and transition category ATVs shall have a headlamp, tail lamp, and stop lamp (this was formerly an option in the 2010 standard). Headlamps are still optional on youth category ATVs; however, if a youth ATV comes equipped with a headlamp, it must also have a tail lamp and stop lamp. Conspicuity lights are optional on adult and youth category ATVs

This section also states that all category ATVs shall have reflex reflectors installed on the sides (amber and red in color) and rear (red in color) of the ATV. White reflectors on the front of the ATV are required if the ATV does not come equipped with a headlamp or conspicuity light.

Section 4.19 Tires

ANSI/SVIA 1-2010: This section states that ATVs shall be equipped with off-highway “AT” designated tires that follow the load and pressure guidelines as defined by the Tire and Rim Association, Inc. or the Japan Automobile Tire manufacturers Association, Inc. or tires designed for off-highway use on all-terrain vehicles and designated with “NHS,” and having a recommended tire pressure of no more than 69 kPa (10 psi).

This section does not have description of non-pneumatic tires.

ANSI/SVIA 1-2017: This section includes “MST” as a tire designation, and includes the European Tyre and Rim Technical Organisation (ETRTO) Standards manual as a guideline. This section states that non-pneumatic tires must be rated for the vehicle’s weight and speed, and vertical stiffness shall be designed to produce a ground pressure of 69 kPa (10 psi) or less with the subject vehicle. This section also differentiates between pneumatic tires (Section 4.19.1 and Section 4.19.4) and non-pneumatic tires (Section 4.19.2 and 4.19.5) in terms of specifications and tire markings.

Section 4.19 Tire Pressure Gauge

ANSI/SVIA 1-2010: Section 4.19.2 Tire Pressure Gauge states that ATVs shall be provided with a tire pressure gauge appropriate for the recommended operating tire pressure(s).

ANSI/SVIA 1-2017: Section 4.19.6 Tire Pressure Gauge clarifies that all ATVs “equipped with pneumatic tires” shall be provided with a tire pressure gauge appropriate for the recommended operating tire pressure(s).

Section 4.21 Owner's Manual

ANSI/SVIA 1-2010: This section states that 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.

ANSI/SVIA 1-2017: This section clarifies that all ATVs shall be provided with a manual "in paper form" and adds that the paper manual "may be supplemented at the manufacturer's option in electronic form viewable on a display on the ATV or other device."

Additional information: The pre-canvass draft proposed allowing electronic form of the owner's manual but CPSC staff objected. The revised proposal allows the electronic form as a supplement to, but not replacement for, the owner's manual in paper format.

Section 4.23 Labels

ANSI/SVIA 1-2010: This section states that all ATVs shall be equipped with a variety of labels that convey general information on warnings, as well as specific information on areas such tire pressure and load capacity. The requirements reference the 2007 version of the relevant ANSI Z535 Safety Alerting family of standards.

ANSI/SVIA 1-2017: This section states that all ATVs shall be equipped with a variety of labels that convey general information on warnings, as well as specific information on areas such tire pressure and load capacity. The requirements reference the 2011 version of the relevant ANSI Z535 Safety Alerting family of standards.

Additional information: In a comment letter dated January 26, 2017, CPSC staff encouraged SVIA to reference the 2011 versions of ANSI Z535 Safety Alerting family of standards.

Section 5. Maximum Speed Capability Measurement

The 2017 edition of the standard is identical to the 2010 edition.

Section 6. Category Y and Category T ATV Speed Capability Requirements

The 2017 edition of the standard is identical to the 2010 edition.

Section 7. Service Brake Performance

The 2017 edition of the standard is identical to the 2010 edition.

Section 8. Parking Brake/Mechanism Performance

The 2017 edition of the standard is identical to the 2010 edition.

Section 9. Pitch Stability

The 2017 edition of the standard is identical to the 2010 edition.

Section 10. Electromagnetic Compatibility

The 2017 edition of the standard adds, “Directive 2014/30 EU as amended, or Regulation (EU) 44/2014 Annex VII as amended, or Regulation (EU) 2015/208 Annex XV as amended or, UNECE R10” to the list of standards to which the electronic systems can conform to avoid electromagnetic interference issues.

Section 11. Sound Level Limits

The 2017 edition of the standard is identical to the 2010 edition.

Figures

ANSI/SVIA 1-2010: There are 17 figures in the 2010 edition of the standard. The first four figures show relative dimensions for the operator foot environment on single-rider ATVs and relative dimensions for the operator and passenger foot environment for a tandem ATV. The remaining 13 figures show the required content and minimum size of warning labels.

ANSI/SVIA 1-2017: The figures in the 2017 edition of the standard are identical to the 2010 edition.

TAB B



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MD 20814

DATE: May 26, 2017

TO : Caroleene Paul, Project Manager All-Terrain Vehicles

THROUGH : Gregory B. Rodgers, Ph.D., Associate Executive Director,
Directorate for Economic Analysis

Robert Franklin, Senior Staff Coordinator,

FROM : Mark Bailey, Directorate for Economic Analysis

SUBJECT : Revision of ATV Standard: Effects on Small Businesses

The Consumer Product Safety Improvement Act of 2008 (CPSIA) mandated that a voluntary standard for all-terrain vehicles (ATVs), ANSI/SVIA 1–2010, be published as a mandatory consumer product safety standard. When the voluntary standard is revised, the Commission has 120 days to issue a notice of proposed rulemaking (NPR) to amend the standard to include any such revisions that the Commission determines are reasonably related to the safe performance of all-terrain vehicles. The Commission is now considering a draft proposed rule that would amend the mandatory standard for all terrain vehicles to incorporate the most recent revision to the voluntary standard (ANSI/SVIA 1–2017). When considering an NPR, the Regulatory Flexibility Act requires that agencies consider the potential impact of the proposed rule on small entities. As described below, the proposed rule is not expected to have a significant adverse impact on a substantial number of small entities, and staff believes that the Commission could certify to that effect.

Number of Small Entities Affected

The ANSI/SVIA standard establishes requirements for equipment configuration and performance requirements for ATVs. It also includes requirements for certain warning labels and hangtags to be provided with the ATVs. Therefore, revisions to the standard would directly affect manufacturers and importers of ATVs that are responsible for ensuring that the ATVs that are distributed in the United States meet the standard. The standard would not have any direct impacts on other businesses, such as ATV dealers, or other small entities, including small governmental jurisdictions or other organizations.

In order to be distributed in the United States, ATVs must be covered by “ATV Action Plans” which, among other things, describe the actions that manufacturers or importers will undertake to ensure that consumers are offered safety training and describes the efforts that the manufacturer will undertake to monitor their dealers to ensure that they do not sell ATVs intended for adult riders for the use of children. Through the ATV Action Plans, staff has unique

knowledge and certainty as to the size of the ATV market. As of May 2017, there are 36 ATV manufacturers or importers with ATV Action Plans registered with the CPSC.¹³ Of these, 15 are either large domestic manufacturers or subsidiaries of foreign manufacturers. The remaining 21 companies could be small manufacturers or importers. However, in several cases there was not sufficient readily available information to make this determination. According to the criteria established by the U.S. Small Business Administration,¹⁴ manufacturers of ATVs (North American Classification System (NAICS) category 336991-Motorcycle, bicycle, and parts manufacturing) are considered to be small if they have fewer than 1000 employees. Importers of ATVs that are not actually manufacturers would be considered wholesalers (NAICS category 423110-Automobile and other motor vehicle merchant wholesalers) and are considered to be small if they have fewer than 250 employees.

Potential Impacts of Adopting the 2017 ANSI/SVIA Standard as a Mandatory Rule

CPSC staff has examined differences between the 2010 standard and the 2017 standard. The revision was developed by means of a consensus process in which a number of ATV manufacturers participated. For the most part, the changes are relatively minor modifications or updates and are not expected to have a significant impact on manufacturers or importers of ATVs.

Section 4.17 of the revised standard (Lighting and Reflective Equipment) includes some changes that potentially require changes in the design or configuration of some ATVs. The changes are discussed below. In each case, CPSC staff believes that the change will only impact a few manufacturers, and for those that are impacted, the changes that would be required to comply with the new standard would be relatively inexpensive to make.

The most important changes relate to the number of lights and reflex reflectors that must be present on ATVs, including some changes for Youth models (Category Y). The revised standard would require that all ATVs intended for adults have a brake actuated stoplight. Youth ATVs (Category Y) would be required to have a brake actuated stoplight if it also has one or more headlights or a conspicuity light. The revised standard would also require a total of five reflectors on all ATVs: two amber reflectors on each side as close to the front as possible, two red reflectors on each side as close to the rear as possible, and one red reflector on the rear (which may be combined with a tail light/stop lamp). Additionally, Category Y ATVs must have a white reflector located at the front if they are equipped with a headlamp or conspicuity light. The reflex reflectors must comply with the requirements specified in the revised standard.

Cost impacts related to the additional lighting and reflective equipment requirements are expected to be minor for both material and labor. Based on a review of ATV model specifications on manufacturer and importers websites, we believe that approximately ninety-

¹³Section 42 of the CPSA requires firms distributing ATVs in the U.S. to have ATV Action Plans. Firms with active ATV Action Plans can be found at <https://www.cpsc.gov/business--manufacturing/business-education/business-guidance/atv/atv-action-plan-list>

¹⁴ Available at: <https://www.sba.gov/contracting/getting-started-contractor/make-sure-you-meet-sba-size-standards/table-small-business-size-standards>

five percent of ATV models would already meet the lighting and reflector requirements in the revised standard. Most non-conforming models found were youth models produced without headlamps, conspicuity lights, or reflectors.¹⁵ These components are typically added near the end of the manufacturing process. Wholesale costs for small reflectors range from \$0.10 to \$1.00, which would result in an approximate cost per non-conforming ATV of \$0.10 to \$5.00.¹⁶ Reflective tape and stickers could also meet the requirements of the draft standard with a cost range of \$0.05 to \$0.50 per non-conforming ATV.¹⁷

Generally, for purposes of a regulatory flexibility analysis, we consider that impacts that amount to less than one percent of revenue to not be significant. The cost of an adult ATV ranges from \$500 to \$17,000 although a few of youth models can be found for less than \$500. As discussed above, the cost of bringing an ATV model into compliance with the revised lighting and reflector requirements could be as low as \$0.05 to \$5.00 per unit. Consequently the cost for bringing a non-conforming ATV into conformance with the revised standard would be less than one percent of the revenue expected from the sale of the ATV.

Section 4.17 of the 2017 standard provides some additional flexibility to manufacturers for complying with the lighting requirements by adding additional standards with which the lighting equipment may comply. This has the impact of increasing manufacturers' options in selecting lighting equipment for their models. Therefore, it would not increase the cost to manufacturers or importers and may be somewhat cost reducing.

Section 4.19 (Tires), of revised standard would allow manufacturers to use non-pneumatic tires (NPTs). The current standard contains no provision for NPTs and, therefore essentially prohibited their use. This change will not increase costs to manufacturers because NPTs are optional and were added to the standard to accommodate their use in ATVs.

All other changes in the revised standard are editorial changes to the language to clarify the requirements, but do not actually change the requirements for ATVs.

Summary and Conclusion

The draft proposed rule would revise the mandatory ATV standard to incorporate the revisions in the 2017 ANSI/SVIA standard. The most significant changes involve requirements for brake actuated stop lamps and reflex reflectors. The vast majority of ATVs are believed to already comply with these requirements and the cost of the changes that would be required to bring those that do not comply is expected to be very low on a per unit basis. The other changes in the standard either increase the options for manufacturers in designing and equipping their vehicles, such as the additional standard with which lighting equipment may comply and the option to use NPTs) or are minor changes in the language to clarify requirements, but do not actually change the requirements. Therefore, the draft proposed rule is not expected to have a

¹⁵ Only one adult ATV did not conform

¹⁶ Wholesaler online quotes for 1000+ pieces

¹⁷ Assumes 1 square meter of reflector tape used per ATV which may be an overestimate

significant impact on a substantial number of small entities, and the Directorate for Economic Analysis believes that the Commission could certify to that effect.