



Record of Commission Action
Commissioners Voting by Ballot*

Commissioners Voting: Chair Alexander D. Hoehn-Saric
Commissioner Peter A. Feldman
Commissioner Richard Trumka Jr.
Commissioner Mary T. Boyle

ITEM:

Federal Register Notice: Amendment to Standard for All-Terrain Vehicles; Draft Final Rule

(Ballot vote package dated December 20, 2023)

DECISION:

The Commission voted (3-1) to approve publication of the Draft Final Rule: Amendment to Standard for All-Terrain Vehicles, in the *Federal Register*, as drafted.

Chair Hoehn-Saric, Commissioner Feldman and Commissioner Boyle voted to approve publication of the proposed final rule as drafted.

Commissioner Trumka voted to take other action and approve staff's recommendations as to ANSI/SVIA 1-2023 Section 12, Hot Surfaces; ANSI/SVIA 1-2023 Section 13, Fuel Systems; and ANSI/SVIA 1-2023 Section 4.21 Owner's Manual; and not approve staff's recommendations as to ANSI/SVIA 1-2023 Section 4.19 Tires. Commissioner Trumka issued a statement regarding this matter (see attachment).

For the Commission:

Alberta E. Mills
Secretary

*Ballot vote due January 5, 2024.

*Chair Hoehn-Saric voted on January 5, 2024.

*Commissioner Feldman voted on January 4, 2024.

*Commissioner Trumka voted on January 5, 2024.

*Commissioner Boyle voted on January 4, 2024.

Attachment: Statement by Commissioner Trumka



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

STATEMENT OF
COMMISSIONER RICH TRUMKA JR.

ATV RULE DEREGULATES MAX ATV TIRE PRESSURE; I FEAR IT WILL ENCOURAGE DANGEROUS ON-ROAD USE

January 8, 2023

All-terrain-vehicles (ATVs) and side-by-sides send approximately 100,000 Americans to the emergency room every year, most commonly from rolling over and crushing them.¹ As an owner of an ATV myself, I do my best to make sure my ATV is functioning smoothly when I use it, especially during hunting season. Like all ATVs today, mine has low PSI tires that help me climb muddy hillsides without tipping over. Those low PSI tires are very useful in the terrain ATVs are *supposed* to be used: offroad. Until now, the manufacturer-specified low tire pressure on ATVs was required by CPSC. However, members of the ATV industry asked CPSC to remove that safety measure, allowing the use of higher-PSI tires on ATVs, similar to tires on cars.

Industry claimed that if we did, they might innovate better suspensions that could work with the higher-pressure tires without creating a greater risk of ATVs rolling over. The majority of the Commission accepted that idea and approved the change. I do not because safety should not be left up to chance. No evidence was presented to me that shows industry is innovating towards safety in this instance.

I also voted against this change because I worry that it could fuel a dangerous trend that has been brewing for quite some time. People seem to be more frequently using ATVs and side-by-sides on roads, and many have died or sustained life-altering injuries as a result. Industry's request to allow higher-pressure tires on ATVs invites on-road use. At the same time, it could potentially make ATVs less safe when used off roads.

I will be keeping a close eye on this situation. To that end, I will be sending letters to industry seeking information related to any future models that have tire pressure in excess of 10

¹ Chao Zhang, "2022 Report of Deaths and Injuries Involving Off-Highway Vehicles with More than Two Wheels," Division of Hazard Analysis, *Consumer Product Safety Commission* (May 2023)(available at: <https://www.cpsc.gov/content/OHV-Annual-Report-2022>).

PSI. I encourage ATV manufacturers to test and demonstrate that any design changes will not decrease safety and will not increase the likelihood of on-road use.

I also call on the voluntary standards body to address lateral stability in the next safety standard revision. With great profits come great responsibilities, and consumer safety must be a certainty.