Record of Commission Action
Commissioners Voting by Ballot*

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

ITEM:
Notice of Proposed Rulemaking to Establish a Safety Standard for OHV Debris Penetration Hazard; Notice of Extension of Comment Period
(Briefing package dated August 31, 2022 – OS No. 0148)

DECISION:
The Commission voted (3-2) to approve publication of a Federal Register notice, as drafted, to extend the comment period for the notice of proposed rulemaking (NPR) regarding OHV debris penetration hazards.

On August 22, 2022, the Outdoor Power Equipment Institute (OPEI) requested that the Commission extend the comment period for this NPR from September 19, 2022, to October 28, 2022.

Chair Hoehn-Saric, Commissioners Baiocco and Feldman voted to approve publication of the Federal Register notice. Commissioner Feldman issued a statement with his vote (see attachment).

Commissioners Trumka and Boyle voted to not approve publication of the notice and deny the request for extension.

For the Commission:
ALBERTA MILLS
Alberta Mills
Secretary

*Ballot vote due September 7, 2022

Attachment: Statement by Commissioner Feldman
STATEMENT OF COMMISSIONER PETER A. FELDMAN
ON OPEI PETITION TO EXTEND THE COMMENT PERIOD FOR NPR TO
ESTABLISH A SAFETY STANDARD FOR OHV DEBRIS PENETRATION HAZARDS

SEPTEMBER 7, 2022

The Commission routinely grants requests to extend comment periods for rulemakings and other matters. The Outdoor Power Equipment Institute’s (OPEI) request for a one-month extension is reasonable. The Commission’s rulemaking to establish a safety standard for Off-Highway Vehicle (OHV) debris penetration hazards should be based on as complete a factual record as possible.