OUTDOOR POWER EQUIPMENT INSTITUTE

February 21, 2014

Caroleene Paul
Mechanical Engineer
Division of Mechanical Engineering
U.S. Consumer Product Safety Commission

Re: CPSC Staff Letter to ROHVA (Suggested Requirements)

Dear Ms. Paul,

The Outdoor Power Equipment Institute (OPEI) is an international trade association representing more than 100 small engine, utility vehicle and outdoor power equipment manufacturers and suppliers of consumer and commercial outdoor power equipment. OPEI assists and advises members on key issues ranging from market information, statistics and forecasting, effective and safe product use and regulatory affairs. OPEI is a recognized Standards Development Organization for the American National Standard Institute (ANSI) and active internationally through the International Standards Organization (ISO) in the development of safety and performance standards.

As part of OPEI standards development activities, OPEI's UTV Committee (hereinafter "OPEI" or "the Committee") recently sponsored the publication of *ANSI /OPEI B71.9-2012, American National Standard for Multipurpose Off-Highway Utility Vehicles*. The standard established requirements for equipment, configuration and performance of Multipurpose Off-Highway Utility Vehicles (MOHUVs) produced starting in model year 2014. The standard targets off-highway utility vehicles primarily designed and intended for work-utility use, as defined by operating speed, size and weight. The standard does not apply to off-highway vehicles primarily designed and intended for recreational use.

Since publishing the standard in 2012, OPEI has initiated work on the 1st standard revision. In addition to standard and comment review, the Committee has met several times to review CPSC test reports and the *CPSC Staff Letter to ROHVA,* which includes CPSC Staff suggested changes to ANSI/ROHVA 1--2011.

OPEI appreciates the Commission's ongoing work with ROHVA, but is concerned that Staff recommendations fail to recognize differences between vehicles primarily designed and intended for utility work versus vehicles primarily designed and intended for recreational use, and the need for differing safety requirements for each category. OPEI is concerned that a CPSC rule, or inclusion of Staff's recommendations into ANSI/ROHVA 1-201X would further reduce the distinction between MOHUV's and Recreational Off-highway Vehicles (ROVs) and inappropriately impede or eliminate some of the functionality required of work-utility vehicles to perform in a safe, effective and efficient manner.

The vehicles within ANSI/OPEI B71.9's scope are designed to meet the needs of today's turf, agriculture and industrial professionals; not those of recreational users. It is imperative to preserve the function and features of MOHUVs for users needing a utility vehicle that is separate from a recreational vehicle. With this letter OPEI would like to review key material differences between work-utility and recreational units with the Commission and thereby explain the need for unique standard requirements for the respective machine categories. These differences include: maximum vehicle speed, engine and powertrain designs, cargo box configuration and capacity, towing provisions, and fundamental differences in the use of the equipment.

Vehicle speed is an important distinguishing factor between vehicles designed and intended for utility use versus vehicles for recreational use. Vehicles exceeding 25mph play an important role in today's utility vehicle market. Although there is some overlap between the ANSI/OPEI B71.9 and ROHVA standards speed ranges, the typical use of MOHUVs is around farms, ranches, barns, construction sites and landscape areas, and thus, are generally operated at slow speeds. One typical use would involve traveling for short distances with frequent stops where the operator exits the vehicle to perform a task before moving to the next stop, sometimes within feet of the previous stop, sometimes much further. Nonetheless, similar to large off-highway trucks, work capacity is at a premium, and the ability to purposefully and efficiently move from job to job, or across or between large farms, ranches, or work sites at higher speeds is also an important consideration for users. Thus, OPEI is of the opinion that the current standard maximum speed of 50 mph is an appropriate cutoff for MOHUVs.

MOHUV engines typically are derivations of small spark and compression ignited engines used in turf and industrial equipment. These small engines operate at lower engine speeds (rpms), typically governed by a set engine or ground speed, and create less horsepower than recreational units. Small engines have long been the choice for utility vehicles due to their installation flexibility for non-integrated equipment manufacturers, durability and low-end torque. ROV engines typically are derivations of recreational spark ignited engines used in ATVs or motorcycles. These recreational engines operate at higher engine rpms and create more horsepower than small spark and compression ignited engines of similar displacement. Recreational engines have become the choice of ROVs due to their higher performance and operating speed ranges. These engine performance differences generally translate into lower maximum vehicle speeds for vehicles like MOHUVs, designed for use in work environments.

Further, MOHUVs typically have tilting (dumping) cargo beds, with a large bed capacity and towing provision. Such are necessary requirements of work-utility vehicles. Tilting cargo beds allow operators to move and dump heavy payloads, such as feed, soil and brick pavers, while trailer provisions allow transport of larger (volumetric) loads, such as hay, sod and building materials from point A to point B. ROVs are not required to include any of these utility features and many do not. Most of these provisions are currently in the ANSI/OPEI B71.9 standard, but in order to further distinguish MOHUVs from recreational units, OPEI is proposing new provisions requiring specific and quantifiable utility features, including cargo beds with a minimum 400lb capacity and tilting (dumping) functionality as well as a minimum 1000lb towing capability.

The ANSI/OPEI B71.9 standard is relatively new, but vehicles meeting standard requirements have been in the marketplace for years, and OPEI is not aware of IDI data to indicate a concern with the level of performance or occupant protection required by the standard. Review of available OPEI member incident data for utility vehicles that fall within the scope of the ANSI/OPEI B71.9 standard indicates an estimated rate of rollover incidents, with and without injuries, including vehicles throughout the standard speed range (25-50mph) to be 0.009%. This incident data supports the conclusion that MOHUVs that comply with the ANSI/OPEI B71.9 standard are safe for their intended use and market, and are generally not being used in unexpected ways or in unintended manners.

Through the ANSI process, OPEI members continue to review the B71.9 standard to ensure that MOHUVs will meet the best performance standards for safety. OPEI believes that the ANSI/OPEI B71.9 standard, with the additional revisions suggested above, will provide a clear distinction between MOHUVs and ROVs and allow for parallel standard development based on safety, customer need, machine functionality and intended use. Therefore, OPEI recommends that, as supported and affirmed by the differences outlined above, review of available manufacturer incident and IDI data, and CPSC test vehicle selection, MOHVUs meeting the ANSI/OPEI B71.9 standard requirements be excluded from CPSCs recreational off-highway vehicle rule making efforts.

We look forward to further discussing the ANSI/OPEI B71.9 standard at the Commission's earliest convenience.

Sincerely,

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