



RECREATIONAL
OFF-HIGHWAY
VEHICLE
ASSOCIATION

October 7, 2010

Via E-Mail

Mark Kumagai
U.S. Consumer Product Safety Commission
4330 East-West Highway
Bethesda, MD 20814

RE: October 7 Meeting: Presentation and Background

Dear Mark:

In preparation for our meeting on October 7, 2010 at 1:00 PM, I wanted to share a copy of our presentation so you may review in advance. Although you probably are familiar with it, I also wanted to take the opportunity to review ROHVA's history to put our current efforts in context. I would appreciate it if you would forward this letter and presentation to other CPSC staff planning to attend our meeting.

As of late 2007, no design standards covering a relatively new class of off-highway vehicle, then known as UTVs or side-by-sides, had been established and other efforts to develop standards were not moving forward quickly enough to timely fill the standards void. In addition, no industry association or other organization was addressing safety issues related to these vehicles.

At that time, the leading manufacturers and distributors determined that current and prospective consumers, government and industry would benefit from a not-for-profit industry organization dedicated to promoting the safe and responsible use of those vehicles. As a result of that leadership and commitment, the Recreational Off-Highway Vehicle Association (ROHVA) was founded. The start-up organization undertook two ambitious initiatives to begin to fulfill its purpose of promoting the safe and responsible use of these vehicles: (1) developing an American National Standard for the design, configuration and performance of the vehicles; and (2) addressing operator and passenger behaviors that appeared to contribute to vehicle crashes and resulted in injuries and fatalities.

ROHVA and its members immediately began work on an American National Standards Institute (ANSI) standard for the broad and diverse class of vehicles dubbed "Recreational Off-Highway Vehicles" (ROVs). ROHVA received its ANSI accreditation in November 2008 and officially initiated the ANSI process that same month. Following a meeting with CPSC staff in December 2008, ROHVA reconsidered some aspects of its standards direction and retained an outside consultant to review incident data to further guide development. ROHVA circulated the initial draft of the standard to the canvass body in June 2009, the second draft in October 2009 and the final draft in December 2009.

Over a 26 month period, the ROHVA Technical Advisory Panel (TAP) worked expeditiously to develop the standard, which to that point had proven elusive. The TAP studied, analyzed and debated what CPSC now understands are complex issues and competing objectives associated with this unique class of vehicles. Notwithstanding the daunting nature of the task and the self-imposed added complexity

of repeatedly soliciting and exchanging views with CPSC and its staff, the TAP completed the ANSI process and obtained ANSI approval of the first standard in the world for these vehicles – ANSI/ROHVA 1-2010 – on March 5, 2010. Even though ANSI/ROHVA 1-2010 (the ANSI/ROHVA standard) now provides a much-needed benchmark for ROV design, configuration and performance, ROHVA believed some issues required further study, evaluation and development. For this reason, on March 9, 2010, ROHVA initiated the ANSI process for revising the newly-approved standard, as it had committed to CPSC that it would. Since that time, ROHVA has been working quickly, but thoroughly, to develop new performance standards and other requirements for ROV, such as dynamic stability testing and occupant retention systems, in order to add them to the next iteration of the ANSI/ROHVA standard.

ROHVA looks forward to elaborating on the overview of these efforts set forth in our presentation. We also look forward to working cooperatively with CPSC staff to further develop and refine the new standards.

While developing the standard, ROHVA became concerned that operator and passenger behavior – largely in violation of pre-existing warnings – was unfortunately contributing to crashes and resulting in injuries and fatalities. In response, ROHVA became the first – and remains the only – national entity with a unified plan to educate consumers and to attempt to change behavior to increase safety, as a supplement to all of the individual manufacturer and distributor efforts. In November 2008, ROHVA first published and began promoting the ROV Safety Rules. As a result of researching and analyzing incident data, ROHVA has continued to evolve the ROV Safety Rules since their initial publication. Available at www.rohva.org, the ROV Safety Rules urge operators and passengers to:

1. Always wear a helmet and other protective gear, use the seat belts, and keep all parts of your body inside the ROV.
2. Never drive on paved roads except to cross when done safely and permitted by law. ROVs are designed to be operated off-highway.
3. Drive only in designated areas, at a safe speed, and use care when turning and crossing slopes.
4. Never drive under the influence of alcohol or other drugs.
5. Never drive an ROV unless you're 16 or older and have a valid driver's license. ROVs are not toys.
6. Never carry more passengers than the ROV is designed for, and never allow a passenger who is too small to sit in a passenger seat to ride in the ROV.
7. Read and follow the operator's manual and warning labels.

In order to encourage states to mandate compliance with the ROV Safety Rules, ROHVA drafted and has promoted Model State Legislation.

ROHVA also has undertaken the development of the ROV *DriverCourse*, a comprehensive education and training program designed to promote the safe and responsible use of ROVs. The first module of the ROV *DriverCourse* – the ROV E-Course – is a state-of-the art on-line learning program to further convey and instill critical safety messages. The ROV E-Course was launched in July 2010. As announced to Chairman Tenenbaum in July, the second module of the course is a hand-on training component. The hands-on component currently under development will be research-based and field-tested, like the other hands-on powersports training courses. We expect the ROV *DriverCourse* to be completed in Summer 2011.

ROHVA remains hopeful that CPSC will partner with ROHVA to promote these important initiatives, which are focused on changing behavior that, CPSC data suggests, actually will improve ROV operator and passenger safety.

We look forward to meeting with you and your colleagues tomorrow and discussing all of these important initiatives.

Very truly yours,

A handwritten signature in black ink, appearing to read "Paul C. Vitrano". The signature is written in a cursive, slightly slanted style.

Paul C. Vitrano
Executive Vice President & General Counsel