

U.S. Consumer Product Safety Commission
LOG OF MEETING

CPSC FILE # 118107
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SUBJECT: ATVs

DATE OF MEETING: October 18, 2006

LOG ENTRY SOURCE: Elizabeth W. Leland, EC

LOG ENTRY DATE: November 14, 2006

LOCATION: Sheraton Crystal City Hotel, 1800 Jefferson Davis Highway, Arlington,
VA 22202

CPSC ATTENDEE(S):

Sarah Brown, ESHF
Quin Dodd, CONN
Jacqueline Elder, EXHR
Robert Franklin, EC
Hope Johnson, ESHF
Mark Kumagai, ESME

Elizabeth Leland, EC
Lowell Martin, OEX
Caroleene Paul, ESME
Patty Pollitzer, OGC
Tim Smith, ESHF

NON-CPSC ATTENDEES:

Michael Brown	Brown & Gidding, Inc.
Ken D'Entremont	Polaris Industries, Inc.
Fernando Garcia	Bombardier Recreational Products US, Inc.
David Murray	Willkie, Farr & Gallagher, LLP
Russ O'Daly	American Honda Motor Co., Inc.
Kathy Van Kleeck	Specialty Vehicle Institute of America
Paul Vitrano	Ross, Dixon & Bell, Inc.
Michael Wiegard	Eckert Seamans Cherin & Melliott, LLC
Tom Yager	Specialty Vehicle Institute of America
Arika Pierce	American Academy of Pediatrics
Christina Ross	Consumer Federation of America
Brent Walth	The Oregonian

SUMMARY OF MEETING:

This meeting was requested by the Specialty Vehicle Institute of America (SVIA) for the purpose of briefing the U.S. Consumer Product Safety Commission (CPSC) staff about the draft proposed revision to ANSI/SVIA 2001, *American National Standard for Four Wheel All-Terrain Vehicles -- Equipment, Configuration, and Performance Requirements*. The draft proposed revision was sent to the Canvass Committee for ballot vote due November 13, 2006.

Industry representatives began the meeting by reviewing events of the past year that are related to the timeline for the ANSI revision process.

2005

September

The revision process was initiated by SVIA with a letter of notification to ANSI.

2006

January 11

SVIA technical representatives met with CPSC staff to provide information about the revision process.

May 31

The CPSC staff submitted a briefing package to the Commission.

August 19

The CPSC Notice of Proposed Rulemaking (NPR) was published in the Federal Register.

September 7

The SVIA Technical Advisory Panel (TAP) completed Proposed revisions to the voluntary standard, sent them to the SVIA Board and recommended that the draft proposed revised standard be approved and sent to members of the Canvass Committee.

September 9

The SVIA Board approved the draft proposed revised standard.

September 29

The canvass draft was sent to members of the Canvass Committee for ballot vote.

November 13

Ballot votes are due to SVIA.

After the comment period closes, SVIA will have four weeks to respond to the comments. If, as a result of the comments, substantive changes are made to the canvass ballot, then the draft proposed revised standard will be sent out for another round of balloting. ANSI procedures require that the standard be reviewed every five years. SVIA representatives stated that it has put this revision on a fast track due to the need for the five-year review, but also due to other concerns, including the presence of new foreign entrants into the market and CPSC's rulemaking activities.

Industry representatives then noted the sections of the draft proposed revised standard that have been changed substantively from the existing standard as well as the rationale for proposing the proposed changes. These sections (and the industry rationales) are:

Section 1. Scope. The scope establishes the timeframe for meeting the provisions dealing with the proposed new Category Y-10 and Category T ATVs and for the expiration of the definition and requirements for Category Y-12 ATVs.

Section 3. Definitions. The definition for "all-terrain vehicle (ATV)" has been expanded to include ATVs designed for use by an operator and a passenger (tandem or 2-up

ATVs). The definition for "utility ATV" has been deleted, because no company markets a utility ATV. The definition for Type I ATVs has been revised to include the proposed new age categories of youth ATVs (Y-10 and T). The Category T ATV is similar to the other youth models; however, it is faster, it has lights, and it is physically bigger. As with other youth models, it has a speed limiter. The Category T ATV is intended to fill the needs of the larger 14 and 15 year old ATV rider, but to also meet the needs of smaller adults or older teens. It will be able to be marketed for use by 14 and 15 year olds but also for use when the child is older; no larger size ATV would necessarily need to be purchased. The Category Y-10 ATV has been designed to fill the "too big" gap between the current Category Y-6 and Category Y-12 ATV.

Section 4-12. Passenger Handholds and 4-16 Foot Environment. These are new sections addressing passenger handholds and passenger foot environment on Type II ATVs. The Type II tandem ATV is a new product undergoing development. Requirements for a backrest are also being discussed, but are not included in this revision. It was noted that it will be important to design requirements that allow the backrest to provide support, but at the same time allow for escape.

Section 4.17. Lighting Equipment. This provision now would allow a headlamp on Category Y youth ATVs. As to why this section is being changed, industry believes that conspicuity is an important concern for Category Y ATVs since daytime riders can encounter dusty conditions or low light conditions. Industry noted that this is of concern especially when riders are separated. Even with respect to planned rides, unexpected events such as flat tires can cause the ride not to end before dark. Because there appears to be no clear path to resolve this issue, industry believes that it is best to take a permissive approach, but with clear specification.

Section 4.22. Owner's Manual. This section is new and represents an effort to include "soft" issues.

Section 4.24. Labels. This section defines the content and location of the labels.

Section 6. Category Y and Category T ATV Speed Capability Requirements. Industry developed these categories on the basis of advice received from outside experts.

Industry representatives then delineated differences between the proposed revised voluntary standard and the CPSC NPR. These differences include:

16 CFR Part 1307

Three-Wheeled ATVs. There is no definition for a three-wheeled ATV in the proposed revised voluntary standard. Industry noted that there are no manufacturers of three-wheeled ATVs, and it was deemed unnecessary to include that in the proposed revised standard.

16 CFR Part 1410

Subpart B

Section 1410.5(a) Service brakes. Industry representatives noted that this section of CPSC's proposed rule omits standardization of control location and operation.

Section 1410.5(b). Parking brake. This section of CPSC's proposed rule omits any reference to the parking brake *mechanism*.

Section 1410.5(d). Engine stop switch. This section of CPSC's proposed rule omits the standardization of color of the engine stop switch.

Section 1410.5(e). Manual clutch control. This section of CPSC's proposed rule omits any reference to the required location of the clutch lever, which is necessary for standardization.

Section 1410.5(g)(iii)(3). Neutral Indicator. This section of CPSC's proposed rule does not address models with a manual clutch. Most ATV models have a manual clutch.

Section 1410.5(l). Lighting Equipment. This section of CPSC's proposed rule requires one stop lamp. All ATVs now have a *tail* lamp. Industry feels that there is no data related to the safety benefits of requiring a stop lamp. In fact, having a brake light would make it easier to take the ATV on to the street. In addition, for the smaller models, an electrical capacity upgrade would be needed.

Section 1410.5(q). Vehicle Identification Number (VIN) or Product identification Number (PIN). Industry believes that requiring a sequence in the VIN number's characters has no apparent safety benefit. PIN numbers currently have no sequence characteristics. All 50 states require a VIN or PIN. CPSC's proposed rule's requirement would require all 50 states to change their implementation programs at great cost.

Section 1410.7(a)(1). Service brake performance test. The CPSC's proposed rule calls for the ATV test weight to be "the unloaded vehicle weight plus the vehicle load capacity (including test operator and instrumentation) with any added weight secured to the seat or cargo area(s) (if equipped)." Industry representatives questioned the use of "vehicle load capacity" rather than the use of the "215 lb. test rider", as is specified in the proposed revised voluntary standard (the current standard uses a 200 lb. test rider). The 215 lb. test rider represents the weight of a 95th percentile U.S. adult male. Industry representatives indicated that because the test is conducted at maximum speed on a paved surface and with abrupt braking, it would be hazardous to take a full load onto asphalt.

Section 1410.9(a). Pitch stability requirements -- test conditions. The CPSC's proposed rule requires that "tires shall be inflated to the ATV manufacturer's recommended settings for normal operation. If more than one pressure is specified, the highest value shall be used". This differs from the current standard as well as the proposed revised ANSI/SVIA standard which requires that "if more than one pressure is specified, the *lowest* value shall be used". Using the highest psi rather than the lowest psi for the test does not increase

the center of gravity, and using the lowest psi reflects the worst case scenario. Thus, industry questions why the CPSC proposed rule requires using the highest psi tire pressure.

Section 1410.9(b)(2). Pitch stability requirements -- tilt table procedure. Industry says it is not clear in the CPSC's proposed rule whether this test is an "or" test or an "and" test, relative to the test procedure in Section 1410.9(b)(1)(v). Industry has no indication that the current test (as described in Section 1410.9 (b)(1)(v) is inadequate.

Subpart D

Section 1410.10. Labeling Requirements. Industry has concerns about the labels that are proposed in the CPSC rule. There would be costs associated with changing the current labels, including the cost of new dyes and different attachment methods. With respect to the age recommendation label, there are concerns with the specific wording that has been proposed. With respect to the passenger label, there are concerns about redundancy. Industry plans to present these concerns to the CPSC staff in written form.

Section 1410.12. Age Acknowledgement. Industry plans to provide comments on this section to the CPSC staff.

Section 1410.14. Safety Video. SVIA does provide a safety video to each purchaser; however, they do not see the need to have this in CPSC's proposed standard.

Section 1410.15. Instructional Training. SVIA did not include training in the proposed revised voluntary standard because doing so could constitute a barrier to entry. In addition, other ANSI standards do not include training requirements.

Section 1410.20. Certification. The statement required by this section of CPSC's proposed rule would need to be stamped onto the vehicle at the location of the VIN or PIN number. At the location on the ATV where the VIN and PIN generally are currently placed, the statement would be difficult to read. A more user-friendly location is needed.

Section 1410.21. Testing. Industry indicated that it is not economically feasible to test *each* ATV. Doing so would have a great impact on production timeframes; it would slow down production. It is more feasible to test each *model* (and this is currently done by the "traditional" manufacturers). Sixty percent of the ATVs sold in the U.S. are made in the U.S.

Industry representatives indicated that the information presented at this meeting, as well as the analyses conducted by outside organizations, would be sent to the CPSC staff.

The CPSC staff members expressed their appreciation to SVIA for this briefing, indicated that they would consider all that had been presented at the meeting, and stated that they looked forward to receiving the additional analyses and information.