

ATV Public Meeting



October 16, 2008

This presentation has not been reviewed or approved by the Commission and may not reflect its views.

Overview

- **Section 232 of CPSIA:**
 - Bans three-wheel ATVs
 - Mandates voluntary standard (ANSI/SVIA-1-2007)
 - Requires action plans
 - Requires CPSC to issue final rule in pending rulemaking

Overview

■ Effective date

- Applies to new ATVs distributed in commerce or imported after April 2009

■ Preemption

- State training and use restrictions are not preempted

■ Other CPSIA provisions affecting ATVs

- Certification requirements to all applicable standards

Application to Inventory

- **Four wheeled ATVs:** “. . . Within 90 days after the enactment . . .the Commission shall publish in the Federal Register as a mandatory consumer product safety standard the . . .[American National Standard ANSI/SVIA – 1 – 2007). The standard shall take effect 150 days after it is enacted.”

CPSA section 9(g)(1): “A consumer product safety standard shall be applicable only to consumer products *manufactured after the effective date.*”

Statutory Definition of ATV

- Motorized, off-highway vehicle designed to travel on 3 or 4 wheels, with seat designed to be straddled by the operator, and handlebars for steering.
- Does not include prototype or R&D vehicle, unless it's offered for sale.

Three-wheel ban

- New three-wheel ATVs may not be imported into or distributed in commerce in U.S.
- Effective date: September 13, 2008 (i.e., 30 days after enactment).
- Violation of ban is violation of § 19(a)(1) of CPSA.

Mandate Voluntary Standard

- Within 90 days of enactment (November 12, 2008), Commission shall publish ANSI/SVIA - 1-2007 standard as a mandatory consumer product safety standard in the Federal Register.
- Takes effect 150 days after it is published in the Federal Register (April 2009).

Mandate Voluntary Standard

- After standard takes effect, unlawful for any manufacturer or distributor to import into or distribute in commerce in U.S. a new assembled or unassembled ATV unless it meets now mandatory standard (and meets requirements for action plans).

Mandate Voluntary Standard

- Will be published as an incorporation by reference.
- Deemed to be publication (5 U.S.C. § 552(a)).
- Can obtain from SVIA and may view at Commission's Office of the Secretary.

ANSI/SVIA-1-2007

- Developed through the Specialty Vehicle Institute of America.
- Published 1990.
- Revised 2001 and 2007.
- Most recently printed February 2008.

ANSI/SVIA-1-2007

Categories of ATVs

- Type I: intended for single operator
 - Includes general, sport, youth and transition models

- Type II: intended for operator and passenger

ANSI/SVIA-1-2007

- Youth ATVs
 - Y-6
 - Y-10
 - Y-12
- Transition (intended for age 14 and older)

ANSI/SVIA -1-2007

- Equipment and configuration requirements
 - Requirements for mechanical aspects (e.g., brakes, drive train controls, lighting).
 - Requirements for owner/operator manual, labels, hang tags.

ANSI/SVIA -1-2007

- Requirements for youth ATVs
 - maximum speeds
 - speed limiting devices

ANSI/SVIA -1-2007

- Performance requirements for:
 - service brakes
 - parking brakes
 - pitch stability
- Also requirements for electromagnetic compatibility and sound level limits
- PIN or VIN

ANSI/SVIA-1-2007

- Certification label required.
- Manufacturer certifies that *ATV* complies with ANSI/SVIA-1-2007.
- In location that allows viewing without removing any part of the *ATV*.

Revision of Standard

- Revise when ANSI/SVIA revises its standard.
- ANSI must notify Commission.
- Within 120 days, Commission must issue NPR if revision is reasonably related to safe performance of ATVs.
- Otherwise notify ANSI.
- Issue final amendment within 180 days of NPR publication.

Revision of Standard

- Commission may amend standard on its own if it determines that additional provision(s) necessary to reduce an unreasonable risk of injury associated with ATVs.
- Follow §§ 7 and 9 of CPSA.

Voluntary Standard Issues from Recent Recalls

Equipment and Configuration

- Lack of Front Brakes (§ 4.1)
- Lack of a Parking Brake (§ 4.2)
- Inadequate Suspension for all Wheels (§ 4.3)
- Lack of an Engine Stop Switch (§ 4.4)
- Lack of a Neutral Indicator Light (§ 4.9)
- Flag Pole Bracket– lack of or incorrect size (§ 4.13)
- Lack of a Manual Fuel Shut-off (§ 4.14)
- Lack of Padding on Handlebars (§ 4.15)
- Tire Labeling– e.g., date of manufacture (§ 4.19.1)
- Lack of a Tire Pressure Gauge (§ 4.19.2)
- Owner's Manual– content & storage (§ 4.21)

Voluntary Standard Issues from Recent Staff Testing

Performance Requirements

- Maximum Unrestricted Speed (§ 6.1)
- Service Brake Performance (§ 7.3)