



U.S. CONSUMER PRODUCT SAFETY COMMISSION
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Mr. Thomas S. Yager
Vice President, Safety Programs
Specialty Vehicle Institute of America
2 Jenner Street- Suite 150
Irvine, California 92618-3806

Dear Mr. Yager:

The staff¹ of the U.S. Consumer Product Safety Commission (CPSC) has reviewed the canvass draft of the American National Standard for Four Wheel All-Terrain Vehicles (ATVs), dated December 5, 2016. Because the Commission recently updated 16 C.F.R. part 1031 to allow staff to vote in certain, preapproved voluntary standard activities, and I have received approval to vote, I am voting “Affirmative with comment” on the draft. This vote is based on the review of the draft by a number of technical and compliance staff (“we”).

Overall, staff is pleased to find that the technical advisory panel (TAP) has included requirements to increase the conspicuity of ATVs. We believe that increasing vehicle conspicuity is a relatively simple step that will help ATVs to be seen by other vehicles in a variety of lighting and weather conditions. In addition, we are similarly pleased to find that stop lamps (also known as brake lights) will be required on all adult and transition ATVs, as well as youth ATVs that have any other lighting equipment. Consistent lighting and signaling has been recognized by the National Highway Traffic Safety Administration (NHTSA) as an element of “the minimum motor vehicle equipment appropriate for motor vehicle safety” (FMVSS 500) to provide that a vehicle’s “presence is perceived and their signals understood” (FMVSS 108). CPSC staff agrees with NHSTA on the importance of consistent lighting and signaling, and that signaling the intention to stop with a stop lamp, is equally important in the off-road environment. Staff and members of the Commission continue to believe that ATVs are intended for and should always be used off-road.

In addition to the lighting and reflector requirements, we note that the TAP added a provision to allow for non-pneumatic tires (NPTs) and supplemental electronic owner’s manuals. Based on the information provided in the draft and the October 25, 2016 meeting in Dallas, we understand that NPTs for ATVs will have the same, or very similar, characteristics to pneumatic ATV tires—that is, NPTs will be functionally equivalent to 10psi or less pneumatic tires, but will not include plastic, toy-like tires. We also appreciate that the TAP agreed to keep the requirement of a hardcopy owner’s manual, which is stored on the

¹ The views or opinions expressed in this letter are solely those of the staff, and these views and opinions do not necessarily represent those of the Commission.

vehicle, in case a vehicle is unable to display the electronic manual (*i.e.*, if the vehicle is disabled or the display screen is damaged).

Regarding the effective date stated in section 1 Scope, “beginning with the 2019 model year vehicles,” staff reiterates the concerns expressed at the October 25, 2016 meeting in Dallas, and staff urges SVIA to select an earlier effective date. Staff believes that the standard update provision of CPSA section 42(b)(1) provides a model to guide selection of a reasonable effective date for modifications to the standard. 15 U.S.C. § 2089(b)(2). This provision anticipates that when SVIA revises its standard, the Commission will promulgate a final rule to update the standard 300 days after SVIA notifies CPSC of modifications to the standard, unless the Commission determines that the revision is not reasonably related to the safe performance of ATVs. In 2012, SVIA revised its standard and the Commission amended CPSC’s standard to reflect the revision. The Commission provided a 60-day effective date; therefore, the final rule was effective roughly 1 year after SVIA notified the Commission of the revision. We also urge SVIA to express the effective date in terms of production date, as was the case in ANSI-SVIA-1-2007 and ANSI-SVIA-1-2010, rather than the more ambiguous model year. Staff notes that, although the revision addresses several new optional provisions, such as NPTs, the requirement changes are limited to the increased conspicuity requirements. Given that many ATVs already meet these requirements in full or in part, staff does not believe an earlier effective date would be burdensome. Therefore, staff questions the need for 2 full years for the standard to become effective, and staff strongly encourages a production-based effective date in early 2018.

Finally, we noted that the canvass draft references two of the ANSI Z535 Safety Alerting family of standards, ANSI Z535.4-2007 and ANSI Z525.6-2006. Both of these standards were updated in 2011, and we encourage the TAP to reference the current approved versions of the Safety Alerting standards.

In closing, I would like to encourage further discussion regarding vehicle dynamic issues for future revisions of the voluntary standard. We are still interested in your offer of a technical meeting regarding a demonstration of NPTs, and we anticipate another test and evaluation demonstration in the spring. In addition, we have recently released the ATV annual report² and the full vehicle characteristic report³. We are working to release a more-detailed incident data summary for the voluntary standards committee to review.

If you have any questions or need additional information, you may contact me at hvesteruk@cpsc.gov or (301) 987-2579.

Sincerely,



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ATV Project Manager

CC: Patricia L. Edwards, CPSC Voluntary Standards Coordinator

² https://www.cpsc.gov/s3fs-public/atv_annualReport2015.pdf

³ https://www.cpsc.gov/s3fs-public/SEA_Report_to_CPSC_Vehicle_Characteristics_Measurements_of_All_Terrain_Vehicles.pdf