



UNITED STATES  
 CONSUMER PRODUCT SAFETY COMMISSION  
 4330 EAST WEST HIGHWAY  
 BETHESDA, MD 20814

This document has been electronically approved and signed.

**BALLOT VOTE SHEET**

Date: July 6, 2011

TO : The Commission  
 Todd A. Stevenson, Secretary

THROUGH: Kenneth R. Hinson, Executive Director

FROM : Cheryl A. Falvey, General Counsel  
 Philip L. Chao, Assistant General Counsel, RAD  
 Patricia M. Pollitzer, Attorney

SUBJECT : All-Terrain Vehicles: Proposed Amendment of Consumer Product Safety Standard

BALLOT VOTE DATE: July 12, 2011

Staff is forwarding to the Commission a briefing package recommending that the Commission issue a notice of proposed rulemaking to amend the mandatory standard for all-terrain vehicles, which the Commission published on November 14, 2008, under the Consumer Product Safety Improvement Act of 2008 (“CPSIA”). A draft *Federal Register* notice is provided for your consideration.

Please indicate your vote on the following options:

- I. Approve publication in the *Federal Register* of the draft notice of proposed rulemaking, without change.

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Date

II. Approve publication in the *Federal Register* of the draft notice of proposed Rulemaking, with changes (please specify changes):

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\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

III. Do not approve publication in the *Federal Register* of the draft notice of proposed rulemaking.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

IV. Take other action (please specify):

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\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**[Billing Code 6355-01-P]**

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR PART 1420

**Amendment to Standard for All-Terrain Vehicles; Notice of Proposed Rulemaking**

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Consumer Product Safety Improvement Act of 2008 (“CPSIA”) required the Consumer Product Safety Commission (“Commission,” “CPSC,” or “we”) to publish, as a mandatory consumer product safety standard, the *American National Standard for Four-Wheel All-Terrain Vehicles Equipment Configuration, and Performance Requirements*, developed by the Specialty Vehicle Institute of America (American National Standard ANSI/SVIA 1-2007). We did so on November 14, 2008. 73 FR 67385. ANSI/SVIA has since issued a 2010 edition of its standard. In accordance with the CPSIA, we propose to amend the Commission’s mandatory ATV standard to reference the 2010 edition of the ANSI/SVIA standard.

**DATES:** Written comments must be received by **[insert date 75 days after publication in *Federal Register*]**.

**ADDRESSES:** You may submit comments, identified by Docket No. **[insert CPSC docket number]**, by any of the following methods:

**Electronic Submissions**

Submit electronic comments in the following way:

Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

To ensure timely processing of comments, the Commission is no longer accepting comments submitted by electronic mail (e-mail), except through [www.regulations.gov](http://www.regulations.gov).

**Written Submissions**

Submit written submissions in the following way:

Mail/Hand delivery/Courier (for paper, disk, or CD-ROM submissions), preferably in five copies, to: Office of the Secretary, Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504-7923.

*Instructions:* All submissions received must include the agency name and docket number for this rulemaking. All comments received may be posted without change, including any personal identifiers, contact information, or other personal information provided to: <http://www.regulations.gov>. Do not submit confidential business information, trade secret information, or other sensitive or protected information electronically. Such information should be submitted in writing.

*Docket:* For access to the docket to read background documents or comments received go to: <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Leland, Project Manager, Directorate for Economic Analysis, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504-7706; [eleland@cpsc.gov](mailto:eleland@cpsc.gov).

**SUPPLEMENTARY INFORMATION:**

**A. Background**

The Consumer Product Safety Improvement Act of 2008 (“CPSIA”) directed the Commission to “publish in the Federal Register as a mandatory consumer product safety

standard the American National Standard for Four Wheel All-Terrain Vehicles Equipment Configuration, and Performance Requirements developed by the Specialty Vehicle Institute of America (American National Standard ANSI/SVIA 1-2007).” 15 U.S.C. 2089(a)(1), as added by section 232 of the CPSIA. Accordingly, on November 14, 2008, we published a final rule mandating ANSI/SVIA 1-2007 as a consumer product safety standard. 73 FR 67385. The final rule is codified at 16 CFR part 1420.

## **B. The Proposed Amendment**

### **1. Procedure**

Section 42(b) of the Consumer Product Safety Act (“CPSA”) provides that, if ANSI/SVIA 1-2007 is revised after the Commission has published a *Federal Register* notice mandating the standard as a consumer product safety standard, ANSI must notify the Commission of the revision, and the Commission has 120 days after it receives that notification to issue a notice of proposed rulemaking to amend the Commission’s mandatory ATV standard “to include any such revision that the Commission determines is reasonably related to the safe performance of [ATVs] and notify the Institute of any provision it has determined not to be so related.” 15 U.S.C. 2089(b)(1) and (2). Thereafter, the Commission has 180 days after publication of the proposed amendment to publish a final amendment to revise the ATV standard. *Id.*

### **2. Changes from 2007 Edition**

On March 16, 2011, ANSI notified us that in December 2010, ANSI approved a revised version of the ANSI/SVIA standard for four-wheel ATVs, ANSI/AVIA 1-2010.

We reviewed the changes from the 2007 version. Many changes are minor revisions to the wording in the standard. We consider the substantive changes to be: (1)

elimination from the scope section, a provision calling for expiration of the definition and requirements for the Y-12+ youth ATV age category on July 28, 2011; (2) a change in how to calculate the speed for the braking test of youth ATVs; (3) a change in the force applied to passenger handholds during testing; (4) the addition of a requirement that youth ATVs shall not have a power take-off mechanism; (5) the addition of a requirement that youth ATVs shall not have a foldable, removable, or retractable structure in the ATV foot environment; (6) additional specificity concerning the location and method of operation of the brake control; (7) tightening the parking brake performance requirement by requiring the transmission to be in “neutral” during testing, rather than in “neutral” or “park”; and (8) the requirement that tire pressure information be on the label, when the previous requirement could be interpreted to allow tire pressure information to be on the label, *or* in the owner’s manual, *or* on the tires.

We were concerned initially that two changes to the ANSI/SVIA standard might reduce safety. These two changes were: (1) how the speed for the braking test of youth ATVs is calculated, and (2) the force applied to passenger handholds during testing. As discussed in sections B.2.a and b of this preamble, industry subsequently addressed one issue and is not opposed to addressing the second.

**a. Change in Calculation of Speed for Brake Test of Youth ATVs**

Section 7.2 of the 2010 edition of the ANSI/SVIA standard provides what appears to be a new formula for calculating the speed at which the braking tests for youth ATVs would be performed. As published, the 2010 formula would result in testing the brakes of some youth ATVs at much lower speeds than required under the 2007 edition of the standard. However, in a conversation with SVIA representatives on May 20, 2010,

CPSC staff and SVIA discovered that this provision has a typographical error, and the new formula, in fact, applies only to the Y-6+ category ATV. This would not result in a significant change in the brake testing speed. ANSI has since printed a memorandum and an errata sheet and distributed them to past purchasers of the standard. The memorandum and errata sheet will be included in all future printings of the standard. We are satisfied with SVIA's response to this issue and do not believe that this change (as corrected) justifies excluding this provision from any amendment to the current mandatory consumer product safety standard.

**b. Change in Force Applied to Passenger Handhold During Testing**

Section 4.12 of the ANSI/SVIA standard relates to the testing of passenger handholds on Type II (tandem) ATVs. These ATVs are designed for two riders, with one rider seated behind the other. The ANSI/SVIA 1-2007 standard, which the mandatory standard incorporated, states that these handholds “shall be designed in such a way that each is able to withstand, without failure or permanent deformation, a vertical force of 1000N (224 lbf) applied statically to the center of the surface of the handhold at a maximum pressure of 1 MPa (150 psi).” The ANSI/SVIA 1-2010 revision indicates that the force applied to the handhold must be *upward*. Although the previous version of the standard could have been interpreted to mean that the test could be performed in either a downward or an upward position, or both, we believe that the addition of the word “upward” limits the test procedure, and we believe that the test should be applied in both directions.

SVIA has indicated that the upward vertical direction is consistent with typical loading of an ATV. However, SVIA also stated that SVIA is not opposed to revising the

standard in the future to add a downward testing component, noting that such a change will be considered in the next revision of ANSI/SVIA 1-2010. We are satisfied with this response and do not believe that this change justifies excluding this provision from any amendment to the current mandatory consumer product safety standard.

**c. The Y-12+ Youth Category**

When the ANSI/SVIA 1-2007 voluntary standard was published, industry intended that the Y-12+ youth ATV category would expire in July 2011, leaving the Y-6+ and Y-10+ categories of youth ATVs in the marketplace, along with the T (Transition Model) category ATV for operators age 14 years or older. The scope section of the 2007 edition of the ANSI/SVIA standard provides: “The definition and other requirements of the standard for Category Y-12+ ATVs shall expire four (4) years after the date this standard is approved.” However, SVIA has indicated that it eliminated this provision from the scope section in the 2010 revision of the standard because it intends to continue to allow the Y-12+ category due to the impact of the CPSIA lead content requirements on the production and sale of Y-6+ and Y-10+ category ATVs. We do not consider the elimination of this scope provision to be a problem. The standard did not require manufacturers to stop making Y-12+ ATVs but provided that after a certain date, the definition of that category and other requirements would expire. If this category of ATVs will continue to be available, we believe that it is appropriate to revise the scope section to eliminate this provision as the 2010 revision does.

**d. Revisions and the Safe Performance of ATVs**

We do not believe that any of the revisions in the ANSI/SVIA 1-2010 standard would diminish the safety of ATVs. Many changes would likely have no direct impact

on safety. Whether any of the changes in the 2010 edition of the ANSI/SVIA standard are “reasonably related to the safe performance of ATVs” depends on the criteria for measuring or determining the meaning of “reasonably related” and “safe performance of ATVs.” Although some changes could be considered more related than others to the safe performance of ATVs, such as the requirement that there be no power take-offs on youth ATVs, all, in fact, could be related to the safe performance because the changes improve the standard’s clarity and consistency and, in that way, advance the standard.

Moreover, if we do not revise our mandatory standard to incorporate the ANSI/SVIA 1-2010 version, or if we adopt only some of the revised provisions, the result would be two standards: the current mandatory standard and the revised voluntary standard. This could lead to confusion in the marketplace, particularly for companies not affiliated with SVIA; for companies that are new to the market; for foreign companies that desire to enter or maintain a place in the U.S. market for ATVs; and for third party testing conformity assessment bodies.

### **3. Brief Description of the Proposed Rule**

The proposed rule would revise § 1420.3, “Requirements for four-wheel ATVs.” The current rule refers to the ANSI/SVIA 1-2007 standard, so the proposed rule would replace this reference with the ANSI/SVIA 1-2010 version.

### **C. Effective Date**

The CPSIA provides a timetable for the Commission to issue a notice of proposed rulemaking (within 120 days of receiving notification of a revised ANSI/SVIA standard) and to issue a final rule (within 180 days of publication of the proposed rule), but it does not set an effective date. We propose that the amendment updating the ANSI/SVIA

standard take effect 30 days after publication of a final rule. The differences between the 2007 version of the standard and the 2010 version are relatively minor and largely editorial. Because the 2010 version of the ANSI/SVIA standard is already in effect as a voluntary standard, we expect that very few manufacturers would need to make any modifications to meet a mandatory standard that references ANSI/SVIA 1-2010.

#### **D. Regulatory Flexibility Act**

The Regulatory Flexibility Act (“RFA”) generally requires that agencies review proposed rules for their potential economic impact on small entities, including small businesses. Because section 42(a)(1) of the CPSA required the Commission to publish ANSI/SVIA 1-2007 as a consumer product safety standard within 90 days of enactment of the CPSIA, we did not issue a notice of proposed rulemaking and, therefore, did not prepare a regulatory flexibility analysis. Moreover, section 42(a)(1) of the CPSA required the Commission to publish ANSI/SVIA 1-2007 as a consumer product safety standard “[n]otwithstanding any other provision of law.” 15 U.S.C. 2089(a). The Commission interpreted this statutory language to mean that provisions that might ordinarily apply to a rulemaking proceeding, such as those under the RFA, did not apply to the rulemaking mandating ANSI/SVIA 1-2007.

In contrast, section 42(b)(2) of the CPSA requires the Commission to issue a notice of proposed rulemaking when it amends its ATV standard to reflect a revision to the ANSI/SVIA standard. Section 42(b)(4) of the CPSA provides that when the Commission amends its ATV standard to reflect revisions to the ANSI/SVIA standard, the procedures and findings required under sections 7 and 9 of the CPSA do not apply to such a rulemaking. However, this section does not explicitly exempt such a rulemaking

from the requirements of the RFA. Therefore, we examined the potential impact on small business that could occur from amending our ATV standard to reference the 2010 version of the ANSI/SVIA standard.

Our analysis indicates that, as of February 2011, 45 ATV manufacturers or importers had CPSC-approved action plans. (Section 42(a)(2) of the CPSA requires that ATV manufacturers or distributors have an ATV action plan filed with the Commission, in addition to complying with the mandated ATV standard.) However, two of the 45 companies appear to have stopped manufacturing or importing ATVs. Of the remaining 43 companies, 17 are either large domestic manufacturers or subsidiaries of foreign manufacturers. The remaining 26 companies could be small manufacturers or importers. However, in several cases there was not sufficient readily available information to make this determination. According to the criteria established by the U.S. Small Business Administration, manufacturers are considered to be small if they have fewer than 500 employees. Importers of ATVs that are not actually manufacturers would be considered to be wholesalers and would be considered to be small if they have fewer than 100 employees.

For the most part, the differences between the 2007 and 2010 editions of the ANSI/SVIA standard are relatively minor modifications or updates and are not expected to have a significant impact on any manufacturers or importers of ATVs. Some changes to the text of the ANSI/SVIA standard do not alter the actual requirements of the standard. For example, in the 2010 standard, the phrase “Also called the engine starter” was deleted from the definition of “electric starter.” If any revisions would affect manufacturers, the adjustments that would be required to comply with the 2010 standard

would be relatively easy to make, such as some changes in the design or warning labels or hangtags. Other changes, such as the restrictions on the use of power take-offs (devices that allow the engine of a vehicle to power an accessory device or other equipment) and non-fixed structures on Category Y ATVs, the minor changes to the test procedures for service brakes on Category Y ATVs and parking brakes on other ATVs, are unlikely to affect many ATV models. For ATV models that would be affected, the required modifications should be relatively easy to make.

Therefore, we conclude that amending the mandatory ATV standard to reference the 2010 edition of the ANSI/SVIA ATV standard would not have a significant impact on a substantial number of small businesses or other small entities.

#### **E. Paperwork Reduction Act**

This proposed amendment would not impose any information collection requirements. Accordingly, this rule is not subject to the Paperwork Reduction Act, 44 U.S.C. 3501–3520.

#### **F. Environmental Considerations**

The Commission’s regulations provide a categorical exemption for the Commission’s rules from any requirement to prepare an environmental assessment or an environmental impact statement as they “have little or no potential for affecting the human environment.” 16 CFR 1021.5(c)(2). This proposed amendment falls within the categorical exemption.

#### **List of Subjects in 16 CFR Part 1130**

Administrative practice and procedure, Business and industry, Consumer protection, Imports, Incorporation by reference, Information, Infants and children,

Labeling, Law enforcement, Recreation and recreation areas, Reporting and recordkeeping requirements, Safety.

For the reasons stated in the preamble, the Commission proposes to amend Title 16 of the Code of Federal Regulations as follows:

## **PART 1420 – REQUIREMENTS FOR ALL TERRAIN VEHICLES**

1. The authority citation for part 1420 continues to read as follows:

**Authority:** The Consumer Product Safety Improvement Act of 2008, Pub. Law 110-314, § 232, 122 Stat. 3016 (August 14, 2008).

2. In the second sentence of § 1420.1, remove the words, “April 13, 2009,” and add in their place “(date 30 days after publication of a final rule in the Federal Register).”

3. Revise § 1420.3 to read as follows:

### **§ 1420.3 Requirements for four-wheel ATVs.**

(a) Each ATV shall comply with all applicable provisions of the American National Standard for Four-Wheel All-Terrain Vehicles (American National Standards Institute, Inc. ANSI/SVIA 1-2010), approved December 23, 2010. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy from Specialty Vehicle Institute of America, 2 Jenner, Suite 150, Irvine, California 92618-3806; telephone 949-727-3727 ext.3023; [www.svia.org](http://www.svia.org). You may inspect a copy at the Office of the Secretary, U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD. 20814, telephone 301-504-7923, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA,

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call 202-741-6030, or go to:

[http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

Dated: \_\_\_\_\_

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Todd A. Stevenson, Secretary  
U.S. Consumer Product Safety Commission



UNITED STATES  
CONSUMER PRODUCT SAFETY COMMISSION  
4330 EAST WEST HIGHWAY  
BETHESDA, MD 20814

This document has been electronically  
approved and signed.

## Memorandum

Date: July 6, 2011

TO : The Commission  
Todd A. Stevenson, Secretary

THROUGH: Cheryl A. Falvey, General Counsel  
Kenneth R. Hinson, Executive Director

FROM : Robert J. Howell, Assistant Executive Director for Hazard Identification and  
Reduction  
Elizabeth W. Leland, Project Manager - ATVs, Directorate for Economic  
Analysis

SUBJECT : All-Terrain Vehicles: Amendment of Consumer Product Safety Standard

### 1. Introduction

This memorandum provides information about a 2010 revision to the voluntary American National Standards Institute/Specialty Vehicle Institute of America (ANSI/SVIA) 1-2007 standard for Four-Wheel All-Terrain Vehicles ("ATVs"). It also provides a U.S. Consumer Product Safety Commission ("CPSC") staff recommendation on whether the revision, in whole or in part, should be incorporated into the mandatory consumer product safety standard for four-wheel ATVs.

### 2. Background

In October 2008, the CPSC, as directed by Section 232(b) of the Consumer Product Safety Improvement Act of 2008 ("CPSIA"), published a Federal Register ("FR") notice mandating the ANSI/SVIA 1-2007 voluntary standard for four-wheel all-terrain vehicles (ATVs) as a consumer product safety standard.<sup>1</sup> The mandated standard, 16 CFR part 1420, became effective on April 13, 2009.

The CPSIA directs the CPSC to take certain actions when the voluntary ANSI/SVIA standard is revised through the applicable consensus standards development process. Specifically, when a revision is made to the ANSI/SVIA standard, ANSI is to notify the Commission of such revision of the standard. Within 120 days of receiving the notice from ANSI, the Commission must issue a notice of proposed rulemaking (NPR) to amend the product safety standard and include in the NPR any revision that the Commission determines is reasonably related to the safe performance of ATVs. In addition, the Commission is to notify ANSI of any provision that it determines to be not related to the safe performance of ATVs.

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<sup>1</sup> 73 FR 67385 (November 14, 2008).

Within 180 days after the date on which the NPR for the amended consumer product safety standard is published in the FR, the Commission must promulgate an amendment to the standard for ATVs. The CPSIA indicates that Sections 7 and 9 of the Consumer Product Safety Act (“CPSA”) do not apply to promulgation of any amendment covered under the ANSI/SVIA revision procedures.

On March 16, 2011, ANSI notified the Commission that ANSI/SVIA 1-2010, the revision to ANSI/SVIA 1-2007, was approved as an American National Standard on December 23, 2010.

### **3. Discussion**

CPSC staff reviewed the December 2010 revision of the ANSI/SVIA standard and compared it with the ANSI/SVIA 1-2007 standard, which is the mandated consumer product safety standard for all-terrain vehicles. The specific changes made in the revisions are described in Tab A.

While many changes in the 2010 edition of the standard are editorial, staff considers the substantive changes to be: (1) elimination from the scope section a provision calling for expiration of the definition and requirements for the Y-12+ youth ATV age category on July 28, 2011; (2) a change in the way the speed for the braking test of youth ATVs is calculated; (3) a change in the force applied to passenger handholds during testing; (4) the addition of a requirement that youth ATVs shall not have a power take-off mechanism; (5) the addition of a requirement that youth ATVs shall not have a foldable, removable, or retractable structure in the ATV foot environment; (6) additional specificity concerning the location and method of operation of the brake control; (7) tightening the parking brake performance requirement by requiring the vehicle’s transmission to be in “neutral” when being tested, rather than “neutral” or “park”; and (8) requiring that tire pressure information must be on the label, when previously, the requirement could have been interpreted to allow tire pressure information to be on the label, *or* in the owner’s manual, *or* on the tires.

When the ANSI/SVIA 1-2007 voluntary standard was published, industry intended the Y-12+ youth ATV category to expire in July 2011, leaving the Y-6+ and Y-10+ categories of youth ATVs in the marketplace, along with the T (Transition Model) category of ATVs for operators age 14 years or older. The scope section of the 2007 edition of the standard provides: “The definition and other requirements of the standard for Category Y-12+ ATVs shall expire four (4) years after the date this standard is approved.” However, SVIA has indicated that they eliminated this provision from the scope section in the 2010 revision of the standard because they intended to continue allowing manufacturers to make the Y-12+ category of ATVs due to the impact of the CPSIA lead content requirements on the production and sale of the Y-6+ and Y-10+ categories of ATVs. CPSC staff does not consider the elimination of this scope provision to be a problem. The standard did not require manufacturers to cease making Y-12+ ATVs but provided that after a certain date, the definition of that category and other requirements would expire. If this category of ATVs will continue to be available, CPSC staff believes that it is appropriate to revise the scope section of the mandatory standard to eliminate this provision as the 2010 revision of the standard does.

CPSC staff was initially concerned that two of the substantive changes listed above might reduce safety. These are the provisions that (1) change the way in which the test speed for the braking test of youth ATVs is calculated, and (2) change the force applied to passenger handholds during testing. As described below, industry has subsequently addressed one of these issues and is not opposed to addressing the second.

Section 4.12 of the standard relates to the testing of passenger handholds on Type II (tandem) ATVs. These ATVs are intentionally designed for two riders, with one rider seated behind the other. The ANSI/SVIA 1-2007, which the mandatory standard incorporated, states that these handholds “shall be designed in such a way that each is able to withstand, without failure or permanent deformation, a vertical force of 1000N (224 lbf) applied statically to the center of the surface of the handhold at a maximum pressure of 1 MPa (150 psi).” The ANSI/SVIA-1-2010 revision indicates that the force applied to the handhold must be *upward*. While the previous version of the standard could have been interpreted to mean that the test could be performed in either a downward or an upward position, or both, CPSC staff believes that the addition of the word “upward” limits the test procedure and that the test should be applied in both directions.

SVIA has indicated that the upward vertical direction is consistent with the typical loading of an ATV. However, SVIA also stated that it is not opposed to changing the standard to add a downward testing component and that such a change will be considered in the next revision of ANSI/SVIA 1-2010. CPSC staff is satisfied with this response and does not believe that this change justifies excluding this provision from any amendment to the current mandatory consumer product safety standard that the Commission might decide to make.

The second change that initially concerned staff was a revision to the service brake performance test for youth ATVs in Section 7.2. The 2010 edition of the standard provides what appears to be a new formula for calculating the speed at which the braking tests for youth ATVs would be performed. As published, this new formula would result in testing the brakes of some youth ATVs at much lower speeds than required under the 2007 edition of the standard. In a conversation with SVIA representatives on May 20, 2011, CPSC staff and SVIA discovered that this provision has a typographical error. The new formula, in fact, applies only to the Y-6+ category ATV. This would not result in a significant change in the brake testing speed. Industry has since printed a memorandum and an errata sheet and distributed it to past purchasers of the standard. It will be included in all future printings of the standard. CPSC staff is satisfied with SVIA’s response to this issue and does not believe that this change (as corrected) provides cause to exclude this provision from any amendment to the current mandatory consumer product safety standard that the Commission might decide to make.

CPSC staff does not believe that any of the revisions in the ANSI/SVIA 1-2010 standard would diminish the safety of ATVs. Many of the changes would likely have no direct impact on safety. Whether any of the changes in the 2010 edition of the ANSI/SVIA standard are “reasonably related to the safe performance of ATVs,” depends on the criteria for measuring or determining the meaning of “reasonably related” and “the safe performance of ATVs.” While some changes could be considered more related than others to the safe performance of ATVs, all, in fact, could be related to the safe performance because the changes tighten the clarity and consistency of the standard, and from that perspective, move the standard forward.

Moreover, if the Commission does not revise its mandatory standard to incorporate the 2010 version, or it adopts only some of the revised provisions, the result will be two standards: the current mandatory standard and the revised voluntary standard. Conceivably, this could lead to confusion in the marketplace, particularly for companies that are not affiliated with SVIA, companies that are new to the market, foreign companies that wish to enter or maintain a place in the U.S. market for ATVs, and for third party testing laboratories, as well. Manufacturers and importers would need to specify exactly which standard the product meets; and purchasers would need to understand the differences between the two standards to ensure that the vehicle they are purchasing meets the mandatory standard. With two standards, there is a chance that ATVs could be mislabeled regarding the standard to which they were tested.

#### **4. Economic Impact of Implementing Changes to the Current Mandatory Product Safety Standard**

As noted in Tab B from the Directorate for Economic Analysis, information available to the Commission indicates that making any or all of these changes to the current mandatory standard for ATVs would be unlikely to have a significant impact on a substantial number of small entities.

#### **5. Options Available to the Commission**

Three options are available to the Commission to respond to the CPSIA direction. These options are: (1) do not amend the current mandatory product safety standard; (2) amend the current mandatory product safety standard, in part, by incorporating only those provisions that the Commission believes “are reasonably related to the safe performance” of ATVs; or (3) amend the current mandatory product safety standard, in whole, by replacing the current mandatory standard with the ANSI/SVIA 1-2010 standard.

If the Commission determines that no provisions of the 2010 revision are reasonably related to the safe performance of ATVs, it could decide not to amend the current mandatory consumer product safety standard which is, by reference, the 2007 edition of the ANSI/SVIA standard. Not amending the current mandatory standard would result in different mandatory and voluntary standards for ATVs. As discussed above, this could result in confusion.

The Commission could decide to amend the current mandatory product safety standard, in part, by incorporating only those provisions that it determines are “reasonably related to the safe performance of ATVs.” If the Commission were to adopt only some of the changes, however, then two different ATV standards would be in effect: the current mandatory standard with some of the 2010 ANSI/SVIA revisions, and the revised 2010 voluntary standard. As noted above, it is conceivable that this could lead to confusion in the marketplace, particularly for companies not affiliated with SVIA, for companies that are new to the market, for foreign companies that wish to enter or maintain a place in the market, and for third party testing laboratories.

The Commission could decide to amend the current mandatory standard, wholly, by replacing it with the ANSI/SVIA 1-2010 standard. This would move the standard forward in terms of strengthening some provisions, offering greater consistency and clarity, and providing

one standard for companies that are in or are entering the marketplace, and for testing laboratories.

## **6. CPSC Staff Conclusion and Recommendation**

CPSC staff believes that the ANSI/SVIA 1-2010 standard (as corrected with the errata sheet dated "as of May 26, 2011") does not reduce the safety of the ATV vehicle. Further, CPSC staff believes that it is important and useful that ATV manufacturers, importers, and third party testing laboratories have one standard for ATVs. CPSC staff recommends that the Commission propose to amend the current mandatory ATV standard by replacing it wholly with the ANSI/SVIA - 1-2010 American National Standard for Four-Wheel All-Terrain Vehicles.

CPSC staff recommends that the Commission propose an effective date of 30 days after the publication of the final rule in the *Federal Register*. Because the 2010 edition of the ANSI/SVIA standard is already in effect as a voluntary standard, we expect that few manufacturers, if any, would need to make any modifications to meet a mandatory standard that references ANSI/SVIA 1 -2010. In addition, CPSC staff believes that it would be beneficial to move in the direction of a mandatory standard and a voluntary standard that are consistent with one another, rather than having a mandatory standard that differs from the voluntary standard.

CPSC staff also notes that the question at issue here is limited: whether to amend the existing mandatory ATV standard to adopt any or all of the revisions in the ANSI/SVIA 2010 standard, as directed by the procedures specified in the CPSIA. The question does not relate to the Commission's current open rulemaking proceeding on ATVs or to the Commission making its own changes to the mandatory standard. At a separate date a few months from now, CPSC staff anticipates presenting to the Commission a briefing package discussing options for the Commission to complete that proceeding and make its own changes to the mandatory standard.

A

## Comparison of ANSI/SVIA I - 2007 and ANSI/SVIA I - 2010

### Section 1. Scope

**ANSI/SVIA I - 2007:** This section describes the scope of the standard, which is to establish minimum requirements for four-wheel all-terrain vehicles that were produced after the approval date of the standard. This section has two exceptions: (1) requirements for labels, hangtags, certification label, and owner's manual were effective with the 2009 model year; and (2) the category Y-12+ ATV would expire four years after the date that the standard was approved (i.e., July 2011).

**ANSI/SVIA I - 2010:** This section differs from ANSI I - 2007 in that the two exceptions have been removed.

**Additional Information:** Industry has indicated to CPSC staff that the exception about the expiration date of the Y-12+ category ATV was removed from this edition of the standard so that one category of youth ATVs could continue to be sold. Some companies are not selling category Y-6+ and Y-10+ youth ATVs due to CPSIA lead content requirements. If the Y-12+ category were to expire on July 11, 2011, then there would be a further reduction in the number of youth ATVs available to purchasers.

### Section 2. Referenced Standards

**ANSI/SVIA I - 2007:** Six other standards pertaining to various parts of an ATV or to the labeling on an ATV are referenced in this section. These standards are developed or maintained by other organizations and one federal government agency.

**ANSI/SVIA I - 2010:** The same six standards referenced in the ANSI/SVIA I- 2007 standard are referenced in this section. One difference is that the referenced date for the U.S. Department of Agriculture Forest Service Standard for Spark Arresters is not listed.

**Additional Information:** Industry indicated that the standard is being revised. Because Section 4.18 of the ANSI/SVIA I- 2010 standard requires that spark arresters be qualified according to the U.S. Department of Agriculture Forest Service Standard for Spark Arresters, they are qualified according to the most recent version of the spark arrester standard and listed on the Forest Service website. Thus, manufacturers meeting this requirement must use a spark arrester that meets the most recent version of the Forest Service standard.

### Section 3. Definitions

**ANSI/SVIA I - 2007:** This section provides definitions of terms and phrases used in the standard.

**ANSI/SVIA I - 2010:** The wording of the definitions for three terms is changed in this edition of the standard; none of the changes are substantive. The terms are “all-terrain vehicle,” “electric starter,” and “vehicle curb weight.” The wording of the term “all-terrain vehicle” has been changed to clarify the specific ages for which the various categories of youth ATVs are intended. The phrase “also called the engine starter” has been deleted from the definition of “electric starter.” The definition of “vehicle curb weight” is more specific about what constitutes the vehicle curb weight; the 2010 definition makes clear what constitutes a “full load of fuel, oil, and water.”

### Section 4. Vehicle (ATV) Equipment and Configuration

**ANSI/SVIA I - 2007:** This section provides equipment and configuration requirements for the following parts of an ATV: service brakes, parking brake and parking mechanism, mechanical suspension, engine stop switch, manual clutch control, additional clutch control, throttle control, drive-train controls, neutral indicator, reverse indicator, electric start interlock, passenger handholds for tandem ATVs, flag-pole bracket, manual fuel shutoff control, handlebars, foot environment, lighting equipment, spark arrester, tires, security, owner’s manual, ATV identification number, labels, and hangtags.

**ANSI/SVIA I - 2010:** With the exception of the nine provisions described below, this section provides information that is identical to the 2007 edition of the standard. The nine sections are: service brakes, additional clutch control, passenger handholds, foot environment, lighting equipment specifications, spark arrester, tire marking, information requirements, and labeling requirements.

- A.** Service brakes (Section 4.1): This provision gives more specificity about the mechanisms of front and rear brakes that are not independently-operated. In both editions of the standard, the service brakes must meet the same performance requirements. The annex to the standard indicates that this specificity standardizes the location and method of operation of the brake control. Further, “the specified control locations are consistent with current ATV practice.”
- B.** Additional clutch control (Section 4.6): The 2010 edition of the standard adds a sentence about power take-offs (“PTOs”). A power take-off is an external drive mechanism that provides rotational power so that the ATV can drive accessory equipment or other devices. The 2010 revision states that youth ATVs shall not have PTOs.

- C.** Passenger handholds (section 4.12): This section concerns the passenger handholds that are on Type II or tandem ATVs. These ATVs are designed for two riders, with one rider seated behind the other. The handholds, according to the standard, must be designed to withstand a force of 1000 N (224 lbf) that is applied statically to the center of the surface of the handhold at a maximum pressure of 1 Mpa (150 psi). This test psi is designed to ensure that the handhold will not fail or be deformed when pressure of a certain amount is applied to it. The 2007 edition of the standard required that the force pressure be a vertical force; whereas, the 2010 edition of the standard states that the force shall be an *upward* vertical force.
- D.** Foot Environment (section 4.16): This provision deals with the configuration of the footboard or footpeg area of the ATV. It is intended to reduce the possibility of inadvertent contact between the rider's feet and the ground immediately in front of the rear tire or with the rear tire itself. Some ATVs are equipped with a foldable, removable, or retractable structure, and this section contains a provision requiring that these types of structures meet certain requirements. The 2010 edition of the standard adds a sentence to these provisions, indicating that youth ATVs shall not have non-fixed structures in the foot area of the ATV.
- E.** Lighting Equipment Specifications (section 4.17): This provision states the standards that headlamps, tail lamps, and stop lamps must meet. The change to this provision in the 2010 edition of the standard is editorial only; the word "models" is changed to "ATVs."
- F.** Spark Arrester (section 4.18): The change in this provision in the 2010 edition of the standard was discussed earlier in Section 2: Referenced Standards.
- G.** Tire Marking (section 4.19): This section delineates the required markings on ATV tires. The 2010 edition of the standard changes the 2007 edition requirement for marking the date code of manufacture on both tire sidewalls to require the date code of manufacture on one tire sidewall only.
- H.** Information Requirements (section 4.21): This section provides requirements for the content of information provided in the owner's/operator's manual. There is only one change in the 2010 edition from the 2007 edition. The provision about the section of the owner's manual that describes proper operating procedures indicates that that section shall address all of the topics included in the warning *labels*; the 2007 edition of the standard used the word "statements" rather than "labels."
- I.** Labeling Requirements: This section provides requirements for the wording of the Tire Pressure Warning Label, the Combined Tire Pressure and Overloading Warning Label, the General Warning Label, and the Passenger Warning Label, as well as requirements for label durability, additional labels, and general format.

With respect to the Tire Pressure Warning and the Combined Tire Pressure and Overloading Warning labels, the 2010 edition of the standard deletes a provision allowing reference to either the owner's manual or the tires for tire pressure information. By deleting this allowance, the requirement now is that the tire pressure information must be on the label.

With respect to the Combined Tire Pressure and Overloading Warning Label, the 2010 edition adds the statement that the label may include other compliance and vehicle identifying information.

With respect to the General Warning and Passenger Warning labels, the 2010 edition of the standard provides alternative places on the ATV where labels must be placed if they cannot be placed in the first designated area. For example, the requirement for the general warning label is that it must be affixed to the left front fender so that it can be easily read by an operator who is seated in the proper operating position. In the 2010 edition, an alternative position on the ATV (right front fender) is allowed, if the left front fender is not appropriate for a particular vehicle. In all cases, the label must be affixed to a location on the ATV where it can be seen easily and read by the operator, or, if it is a tandem ATV, by the passenger.

### **Section 5: Maximum Speed Capability Measurement**

In the 2010 edition of the standard, this section is identical to that in the 2007 edition.

### **Section 6: Category Y and Category T ATV Speed Capability Requirements**

In the 2010 edition of the standard, this section is identical to that in the 2007 edition.

### **Section 7: Service Brake Performance**

**ANSI/SVIA I - 2007:** This section provides the required conditions and procedures for testing the service brakes of an ATV. A part of the procedure is determining the speed at which the braking test should be conducted; a formula for determining this speed is included in the provision.

**ANSI/SVIA I - 2010:** This edition of the standard provided a new formula for calculating the braking test speed of youth ATVs. Under the formula, it appeared that youth ATVs would be tested at lower speeds than they would have been under the ANSI-/SVIA I-2007 edition of the standard.

**Additional Information:** After CPSC staff's discussion with SVIA, a typographical error in the 2010 edition was discovered. SVIA has issued a memorandum and an errata sheet indicating that the formula for calculating the braking test speed is for category Y-6+ ATVs, not all categories of youth ATVs; the errata sheet has been distributed to all past purchasers of the standard and will be issued with all future printings of the standard.

## **Section 8: Parking Brake/Mechanism Performance**

**ANSI/SVIA I - 2007:** This section outlines the test conditions and performance requirements for the parking brake and parking brake mechanism.

**ANSI/SVIA I - 2010:** This edition of the standard clarifies that the test condition for the ATV test weight is the vehicle curb weight plus weight secured to the seat or cargo area (s), if equipped, which is equal to the vehicle load capacity. The 2007 edition of the standard stated that the test condition would start with the unloaded ATV weight (rather than vehicle curb weight). "Vehicle curb weight" has been defined more clearly in the 2010 edition of the standard and, this change in terms standardizes the test condition.

With respect to the parking brake performance requirements, the 2007 edition of the standard states that the transmission of the ATV must be in "neutral" when tested for performance. This differs from the 2007 standard, which allowed the vehicle to be in "neutral" or "park." In addition, requirements were added for the situation where a tilting platform would be used to carry out the testing of parking brake performance.

## **Section 9. Pitch Stability**

There is no change in the 2010 edition of the standard.

## **Section 10. Electromagnetic Compatibility**

There is no change in the 2010 edition of the standard.

## **Section 11. Sound Level Limit**

There is no change in the 2010 edition of the standard.

## **Section 12. Certification Label**

This section was moved into section 4 of the 2010 edition of the standard. There is no change in content.

## **Figures**

**ANSI/SVIA I- 2007:** There are 17 figures in the 2007 edition of the standard. The first four figures show relative dimensions for the operator foot environment on single-rider ATVs and relative dimensions for the operator and passenger foot environment for a tandem ATV. The remaining 13 figures show the required content and minimum size of warning labels.

**ANSI/SVIA 1- 2010:** The same 17 figures are in the 2010 edition. The changes include a clarification in the minimum sizes required for the warning labels. The dimensions in the 2010 edition of the standard exclude any portion of the label outside the outermost line, border, or the label panel edge if there no use of a line or border. All labels continue to be required to meet ANSI Z535.4–2007 Product Safety Signs and Labels. In addition, Figures 5 and 7 change the cold tire pressure for the front and rear tires from  $2.9 \pm 0.4$  psi ( $20.0 \pm 0.2$ kPa) to 2.9 psi (20.0 kPa).

**B**



UNITED STATES  
CONSUMER PRODUCT SAFETY COMMISSION  
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## Memorandum

Date: July 5, 2011

TO : Elizabeth Leland  
Project Manager  
All-Terrain Vehicles

THROUGH: Gregory B. Rodgers, AED, Directorate for Economic Analysis  
Deborah V. Aiken, Senior Staff Coordinator, Directorate for Economic Analysis

FROM : Robert Franklin, Economist, Directorate for Economic Analysis

SUBJECT : Regulatory Flexibility Analysis of Amending the Product Safety Standard for  
ATVs to Incorporate the 2010 Revision the Voluntary Standard

The Consumer Product Safety Improvement Act of 2008 (CPSIA) mandated that a voluntary standard for all-terrain vehicles (ATVs), ANSI/SVIA 1–2007, be published as a mandatory consumer product safety standard. When the voluntary standard is revised, the Commission has 120 days to issue a notice of proposed rulemaking (NPR) to amend the standard to include any such revision that the Commission determines is reasonably related to the safe performance of all-terrain vehicles. The Commission is now considering an NPR that would amend the mandatory standard for all terrain vehicles to incorporate the most recent revision to the voluntary standard (ANSI/SVIA 1–2010). When considering an NPR, the Regulatory Flexibility Act requires that agencies consider the potential impact of the proposed rule on small entities. This memorandum provides information about the potential impact on small entities of amending the mandatory ATV standard to incorporate the revisions in the 2010 ANSI/SVIA standard.

### Number of Small Entities Affected

The ANSI/SVIA standard establishes requirements for equipment configuration and performance requirements for ATVs. It also includes requirements for certain warning labels and hangtags to be provided with the ATVs. Therefore, the standard would directly affect manufacturers and importers of ATVs that are responsible for ensuring that the ATVs that are distributed in the United States meet the standard. The standard would not have any direct impacts on other businesses, such as ATV dealers, or other small entities, including small governmental jurisdictions or other organizations.

In order to be distributed in the United States, an ATV must be covered by an “ATV Action Plan,” which among other things, describes the actions that the manufacturer or importer

will undertake to ensure that consumers are offered safety training and describes the efforts that the manufacturer or distributor will undertake to promote ATV safety.

As of February 2011, 45 ATV manufacturers or importers had CPSC-approved action plans. However, two of these companies appear to have stopped manufacturing or importing ATVs. Of the remaining 43 companies, 17 are either large domestic manufacturers or subsidiaries of foreign manufacturers. The remaining 26 companies could be small manufacturers or importers. However, in several cases there was not sufficient readily available information to make this determination. According to the criteria established by the U.S. Small Business Administration, manufacturers are considered to be small if they have fewer than 500 employees. Importers of ATVs that are not actually manufacturers would be considered wholesalers and would be deemed to be small if they have fewer than 100 employees.

### **Potential Impacts of Adopting the 2010 ANSI/SVIA Standard**

CPSC staff has examined each difference between the 2007 standard and the 2010 standard. A complete list of these changes is in Tab A. The revision was developed through a consensus process in which several ATV manufacturers participated. For the most part, the changes are relatively minor modifications or updates and are not expected to have a significant impact on manufacturers or importers of ATVs. For example, the 2007 ANSI/SVIA standard references the 2002 ANSI standard for warning signs (ANSI Z535.4); the 2010 ANSI/SVIA standard references the 2007 ANSI Z535.4 standard. This change, at most, should cause some manufacturers to make adjustments to the warning labels or hangtags on their ATVs. Some changes were made to the text of the standard that do not change the actual requirements of the standard. For example, in the 2010, the phrase “Also called the engine starter” was deleted from the definition of “electric starter.”

CPSC staff identified four differences between the 2007 and 2010 standards that could potentially require changes in the design or configuration of some ATVs. Each of these is discussed below. In each case, CPSC staff believes that the change actually will impact few, if any, manufacturers, and if any are impacted, the changes that would be required to comply with the new standard would be relatively easy to make.

In Section 4.6 (Additional Clutch Control), the 2010 standard specifies that Category Y ATVs are not to be equipped with power take offs (PTOs). PTOs are devices that allow the engine of a vehicle to power an accessory device or other equipment, such as snowblowers or wood splitters. These would be more likely to be found on ATVs intended for utility purposes and not Category Y ATVs, which would generally be expected to have a less powerful engine. CPSC staff is not aware of any youth ATV models that have PTOs. If any Category Y ATV model does have a PTO, the manufacturer could bring the model into compliance with the 2010 standard by removing the PTO.

In Section 4.16.1.5 (Requirements for ATVs with Non-Fixed Structures), the 2010 standard specifies that Category Y ATVs are not to be equipped with non-fixed structures. Non-fixed structures are removable, foldable, or retractable structures or devices that are intended to

allow the ATV to meet the requirements of the standard. This restriction would only impact manufacturers that offer Category Y ATVs that have non-fixed structures. CPSC staff is not aware of any Category Y ATV model with non-fixed structures. Moreover, the additional requirements for any ATV that has non-fixed structures, such as warning devices to indicate when the structure is not in place, or a device to prevent the ATV from operating when the structure is not in place, would be a disincentive for a manufacturer of Category Y ATVs to incorporate non-fixed structures. Therefore, staff believes that this change will affect few, if any, manufacturers.

In Section 7.2 (Service Brake Test Procedure), the 2010 standard specifies that, for Category Y ATVs that have a maximum speed of less than 10 miles per hour, the braking test must be performed at the maximum speed of the vehicle. For Category Y-6 ATVs that have a maximum speed greater than 10 mph, the braking test must be performed at 10 mph.<sup>2</sup> The 2007 standard required that the braking test be performed at the speed that was a multiple of 5 mph which was 4 mph to 8 mph less than the maximum speed of the vehicle. Thus, a Category Y ATV with a maximum speed of 9 mph would be tested at 5 mph (multiple of 5 that is between 1 mph and 5 mph). The 2010 standard would require that same vehicle to be tested at 9 mph. Similarly, the maximum permitted speed of a Y-6 ATV is 15 mph or less. The 2007 standard method of calculating the brake testing speed would have required the brake performance test to be performed at 5 mph for vehicles with a maximum speed between 9 and 14 mph and at 10 mph for vehicles with a maximum speed between 14 and 15 mph. The 2010 standard simplifies the test speed to be 10 mph for all vehicles with a maximum speed greater than 10 mph. Therefore, the 2010 standard could require a slightly more stringent test for some Category Y ATVs. However, the difference is small, and CPSC staff believes that few, if any Category Y ATVs that meet 2007 requirements will not be able to meet the 2010 requirements.

In Section 8.0 (Parking Break/Mechanisms Performance), the 2010 standard requires this test to be performed with the transmission in “neutral.” The 2007 standard allowed the test to be performed with the transmission in “neutral” or “park.” Therefore, the 2010 standard is somewhat more stringent than the 2007 standard. This could impact ATV manufacturers with ATV parking brakes that could meet the 2007 standard if tested in “park,” but cannot meet the standard when tested in “neutral.” However, CPSC staff believes that most, if not all, ATVs that could meet the 2007 requirements will be able to meet the 2010 requirements. If an ATV model is not able to meet the 2010 requirements, the manufacturer could probably bring the model into compliance by making adjustments to the parking brake mechanism on the ATV. Moreover, because ATVs with manual transmissions do not have a “park” setting, this change would apply only to ATVs with automatic transmissions. Therefore, it would be expected that parking brakes that enable an ATV with a manual transmission to meet the requirements of the 2007 requirements would also enable an ATV with an automatic transmission to meet the requirements of the 2010 standard.

## Summary and Conclusion

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<sup>2</sup> As originally published, ANSI/SVIA 1-2010 had a typographical error in this section. This discussion is based on the section as corrected by the Errata Sheet issued by Specialty Vehicle Institute of America on 26 May 2011.

Amending the ATV product safety standard to incorporate the revisions in the 2010 ANSI/SVIA standard is unlikely to have a significant impact on a substantial number of small entities. Many of the differences between the 2007 standard and the 2010 standard are minor changes in the language or wording of some of the requirements that do not actually make substantive changes to the requirements. Of the changes that do alter the requirements, some are expected to necessitate, at most, minor modifications, such as some changes in the design of warning labels or hangtags. Other changes, such as the restrictions on the use of PTOs and non-fixed structures on Category Y ATVs, and the minor changes to the test procedures for service brakes on Category Y ATVs and parking brakes on other ATVs, are unlikely to affect many ATV models; and if any are affected, the required modifications should be relatively easy to make.