

February 16, 2009

Acting Chairman Nancy Nord
Commissioner Thomas Moore
U.S. Consumer Product Safety Commission
4330 East-West Highway
Bethesda, MD 20814

Re: MIC and SVIA Petitions for Temporary Final Rule to Exclude a Class of Materials under Section 101(b) of the Consumer Product Safety Improvement Act

Dear Chairman Nord and Commissioner Moore:

My company is in the business of selling youth ATVs, youth off-highway motorcycles (OHMs), parts or accessories for and/or services relating to those vehicles. I am writing to urge you to grant the above-referenced petitions filed by the Motorcycle Industry Council (MIC), the Specialty Vehicle Institute of America (SVIA) and several manufacturers and distributors.

While most parts of youth powersports products are compliant with the CPSIA lead limits, some parts unavoidably contain small quantities of lead in excess of the CPSIA limits, such as the valve stems on the tires, the aluminum in some brake components and the terminals on the batteries, to name some examples. Lead in these components is necessary, either because small amounts of lead are needed for safety (such as machining the deep grooves on tire valves, which is needed to assure tire air retention) or functionality (such as the lead in battery terminals, which is needed to conduct electricity). Because these small quantities of lead are unavoidable, powersports businesses had to cease selling youth products on February 10, 2009 and will need relief from the CPSIA requirements in order to resume selling these products.

In enacting the CPSIA, Congress gave you the tools to grant merited, common-sense exclusions from the lead standards. Children do not eat, lick or mouth ATV or OHM parts. Relief from the CPSIA's lead content requirements for youth ATVs and OHMs should be granted because the lead-containing components, parts and accessories pose no risk of causing measurable increase in blood lead levels in children ages 12 and younger.

I also am very concerned about an unintended consequence of the CPSIA. Applying the new lead content regulations to youth ATVs has resulted in many youth models being unavailable to families, and may result in more youth riding adult size ATVs. CPSC, the ATV industry, consumer groups, safety advocates and parents all agree that the key to improving ATV safety for riders under the age of 16 is to keep them off of ATVs designed for adults.

I urge you to grant the petitions for temporary exclusions filed by MIC, SVIA and the manufacturers/distributors.

Respectfully Submitted,

Name: _____
Company: _____
Address: _____
