



March 4, 2009

**Remarks by Paul Vitrano, General Counsel,
Motorcycle Industry Council and Specialty Vehicle Institute of America**

Thank you, Representative Self, and thank you for your leadership and efforts that have given tens of thousands of your constituents and others a loud voice in this serious matter.

This ban on most youth all-terrain vehicles and off-highway motorcycles resulting from this legislation is very serious because of the consequences. Unintended or otherwise.

Serious because:

With these ATVs unavailable to families, we may see more kids on adult ATVs. We know this leads to crashes. The CPSC, the ATV industry, consumer groups, safety advocates and parents all agree: It's critical to keep riders under the age of 16 off of large ATVs designed for adults. The CPSC, consumer advocates and industry have worked for years to get kids onto youth model ATVs, many of which are now not available because of the unintended consequences of this legislation.

In addition, families with smaller dirt bike enthusiasts may be tempted to put young riders on motorcycles that are too large for them. This also raises the risk of injury.

It's serious because:

The potential losses for the industry are massive – up to \$1 billion in retail economic value annually. This at a time when our industry, along with thousands of big and small businesses, are struggling because of the economic downturn. Tens of thousands of small businesses across America have been severely hurt because these vehicles are sitting in warehouses and not on showroom floors. Meanwhile, the sales of goods like protective gear, accessories, and parts and services, are virtually non-existent.

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Thanks to the efforts of Tom Self and the thousands of dealers in the industry, the media is starting to report on the obvious, that kids won't eat or lick their ATVs and motorcycles.

While that is true, it is also important to note that the industry has submitted scientific evidence using the analytical method required by the legislation. This evidence demonstrates that the lead-containing components, parts and accessories of these vehicles – essential for safety or functionality issues – pose no risk of causing measurable increase in blood lead levels in children aged 12 and younger.

Unfortunately the signals from CPSC are not good. CPSC Commissioners voted just last night on procedures for determining exclusions. Based on both Commissioners' interpretations of the law, we are not optimistic that the exclusion for youth model ATVs and dirt bikes will be granted.

Now the industry is caught in the middle of a fight between Congress and the CPSC. Congress gave the CPSC the power to grant merited, common-sense exclusions, for products such as ATVs and off-highway motorcycles, from the lead standards. We urge the CPSC to grant our requests for exclusions. If CPSC believes its hands are tied because of the way the legislation was written, Congress needs to amend the law to restore common sense and make exclusions available for youth ATVs and dirt bikes.

These products present no health risk to children. There is no practical reason for our industry to be harmed by an unintended effect of this law. Each day this ban continues compounds the severe hardship on businesses and families, and works against the ATV safety efforts of CPSC, industry and consumer advocates. And it could well contribute to more crashes among young dirt bike riders.

We are asking Congress and the CPSC to end this ban – NOW.

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