



## **Representative Michael Burgess Addresses Motorcycle Awareness and the CPSIA**

On May 5, 2009 Congressman Michael Burgess R-Texas, co-chair of the Congressional Motorcycle Safety Caucus, delivered the following statement during consideration of H. Res. 269 on the floor of the U.S. House of Representatives. The statement addresses the ban on youth sized ATVs and dirt bikes, noting that CPSC's stay of enforcement is inadequate and urging support for legislation (H.R. 1587) to permanently stop the ban.

### **Transcript of Michael Burgess Statement**

I want to offer a special thanks to the Motorcycle Industry Council and the American Motorcyclist Association for their help with this endeavor.

\$300. That's what I paid for my first motorcycle. Then there was another \$20 for the helmet. The freedom, the fresh air, and exhilaration the bike afforded me: priceless.

There are a lot of bikers out there who know exactly how I feel about riding along the open road in a place as beautiful as my home state of Texas. And with better weather heading our way, more people across America will start using their motorcycles to get to work...to the store...to travel... or just go for a ride.

Yet, as ridership increases, so does the risk for everyone on our roads. Last year in the Lone Star state alone, preliminary numbers reveal more than 9,100 motorcycle crashes accounted for more than 400 deaths.

As a doctor, I've been in plenty of emergency rooms and trauma centers. Take it from someone with nearly 25-years' experience in medicine: you don't want to be involved in a crash of any kind, especially one involving a motorcycle.

As the old saying goes: an ounce of prevention is worth a pound of cure. For bikers, prevention is riding the right way – and that is responsibly. That means getting trained... wearing protective gear... and being aware of the cars and trucks around you.

For other drivers, prevention means keeping your eyes open and staying alert. Something as simple as chatting on your cell phone or comforting a crying child is a dangerous distraction that can lead to a crash as well.

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Abundant caution for all drivers is essential and encouraged. But, accidents happen. When they do, people need to receive the proper medical care to treat their injuries. That's why I have introduced a bipartisan bill to fix a loophole in the HIPAA health care law that allows insurers to deny payment for injuries sustained while engaged in certain recreational activities like motorcycling. That bill, HR 1253, the Health Insurance Source of Injury Clarification Act, passed the House of Representatives on March 31, 2009. I am hopeful the Senate will take up this important bill so it can be signed into law by the President.

The original point of this law was to make health plans more accountable to the people they cover. Now these same provisions are hurting the people they intend to help!

Congress is charged with making laws to protect people. When these laws have the opposite effect, we also have a responsibility to fix them immediately. This loophole has been a problem for more than 10 years. The time has come to finally fix it.

And as I stand here in support of Motorcycle Safety Awareness Month, I am extremely cognizant of the current problems the Motorcycle Industry has been having with the Consumer Product Safety Commission, specifically with the bill H.R. 4040, the Consumer Product Safety Improvement Act.

It has been reported today that President Obama intends to provide the CPSC with 71% more resources than what they had before to enforce three sweeping laws passed by the 110th Congress.

No law was more sweeping than the CPSIA. Unfortunately it has swept up businesses Congress did not intend to be swept up.

Yesterday, the CPSC issued a Federal Register notice providing a stay of enforcement for the Motorcycle Industry, but a stay is not enough.

I introduced H.R. 1587 to permanently exclude the ATV, motorcycle and snowmobile industry from the application of the CPSIA because what child under the age of 12 will get lead poisoning from an ATV? In fact there is a potential for more harm to a child by having them ride an adult ATV than the risk of a child licking a battery and perchance getting more than 600 ppm of lead in them.

So while I applaud President Obama for trying to give the CPSC more resources, what the CPSC really needs is leadership. I would ask President Obama to nominate an Administrator for the CPSC so they can provide the leadership to winnow through Congressional intent.

If ever there was a bipartisan issue which both Republican and Democrat can agree to, it is that the CPSC needs a new Administrator, and common sense needs to be applied to the act we passed in the last congress called the Consumer Product Safety Improvement Act.

Finally, I urge my colleagues to support the passage of this resolution recognizing May as Motorcycle Safety Awareness Month, and supporting the goals of motorcycle safety.