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**MOTORCYCLE INDUSTRY COUNCIL:  
CPSC'S STAY OF ENFORCEMENT IS INADEQUATE;  
LEGISLATIVE SOLUTION NEEDED**

**IRVINE, Calif., May 4, 2009** – The Motorcycle Industry Council (MIC) and the Specialty Vehicle Institute of America (SVIA) issued the following statement in response to the Consumer Product Safety Commission's (CPSC) release of a Federal Register notice on a Stay of Enforcement for all-terrain vehicles (ATVs) and motorcycles from the new lead content limits contained in the Consumer Product Safety Improvement Act (CPSIA):

"MIC and SVIA thank CPSC Acting Chairman Nancy Nord and Commissioner Thomas Moore for attempting to get youth model ATVs and motorcycles back on showroom floors, and for acknowledging that the current ban on youth model ATVs and motorcycles creates a compelling safety issue because it likely will result in children 12 years of age and younger riding larger and faster adult-size vehicles, while, as the CPSC's staff scientists acknowledge, the presence of lead in metal alloys in these youth models does not present a health hazard to children. The Commission also acknowledges that children riding these vehicles only interact with a limited number of metal component parts that might contain small amounts of lead, like brake and clutch levers, throttle controls, and tire valve stems.

However, although the Commissioners' intentions are laudable, it is clear that the stay of enforcement as drafted is a temporary stop-gap measure with conditions largely unrelated to safety. It does not and cannot end the ban on these vehicles. Due to the highly restrictive language of the CPSIA and the fact that the CPSC is not the only agency responsible for enforcing the law, this stay of enforcement is simply inadequate in legal terms and leaves the industry vulnerable to lawsuits and actions by federal and state agencies.

For example, because the CPSIA has now branded these products as 'banned hazardous substances' due to their minimal lead content, they cannot be imported into the United States. U.S. Customs and Border Protection is responsible for enforcing this ban, and CPSC's stay cannot and does not bind this separate federal agency to follow it. Nor would the proposed stay prevent state Attorneys General from taking enforcement action against our member companies.

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It is clear that the only way to obtain adequate and permanent relief for riders and the powersports industry from the CPSIA's lead content requirements is for Congress to take action. The CPSIA must be amended to grant an exemption for youth ATVs, motorcycles and other off-highway vehicles, which present no lead-related health risk to children. The industry supports categorical exemptions provided by legislation introduced by Rep. Denny Rehberg (H.R.1587) and Senator Jon Tester (S.608).

MIC and SVIA urge Congress to end the ban of youth model ATVs and motorcycles once and for all by amending the CPSIA."

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The **Motorcycle Industry Council** is a not-for-profit, national trade association representing manufacturers and distributors of motorcycles, scooters, motorcycle/ATV/ROV parts and accessories, and members of allied trades such as publishing companies, advertising agencies, insurance firms and consultants.

The MIC is headquartered in Irvine, Calif., with a government relations office adjacent to Washington, D.C. First called the MIC in 1970, the organization has been in operation since 1914.

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Since 1983, the **Specialty Vehicle Institute of America**® has promoted the safe and responsible use of All-Terrain Vehicles through rider training programs, public awareness campaigns, and state legislation. The SVIA also serves as a resource for ATV research, statistics, and vehicle standards. The SVIA, based in Irvine, Calif., is a not-for-profit trade association sponsored by Arctic Cat, BRP, Honda, Kawasaki, KTM, KYMCO, Polaris, Suzuki, Tomberlin, Tomoto and Yamaha. For membership information, call (949) 727-3727. For safety information or to enroll in the ATV RiderCourse<sup>SM</sup> nearest you, visit [www.atvsafety.org](http://www.atvsafety.org) and click on "Online Enrollment" or call (800) 887-2887.

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