

United States Senate

WASHINGTON, DC 20510

April 2, 2009

Ms. Nancy A. Nord
Acting Chairman
Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Mr. Thomas Hill Moore
Commissioner
Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Dear Chairman Nord and Commissioner Moore:

We understand that the CPSC will in the next few days be voting on petitions for exclusion submitted by the off-highway motorcycle and all-terrain vehicle industry. We are writing to urge you to use your authority to expedite consideration and grant these petitions. This request for exemption of off-highway vehicles (OHVs) is consistent with the European Union standards and mirrors what the Consumer Product Safety Commission (CPSC) adopted for electronics.

The Act signed into law on August 14, 2008 and effective February 10, 2009, subjects any consumer product that is designed or intended primarily for a child age 12 years or under to the new limits on lead content (section 101). While the Act was passed with laudable intent, it has created a well-documented safety hazard for children, a severe and unwarranted disruption to families who recreate together, and a deleterious effect on youth amateur racing. Additionally, the inclusion of OHVs has created an economic disaster for an industry which is already reeling from the recession, is facing countless lay-offs and is estimated to be losing three million dollars per day due to the Act.

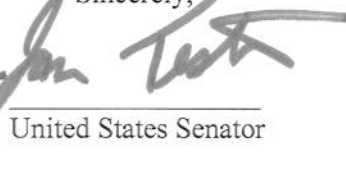
Of greatest concern are the unintended safety consequences for youth OHV riders. As you may know, the OHV community and the CPSC have worked extensively together to develop appropriate OHV size and operating guidelines for young riders. To suddenly eliminate the availability of all youth OHVs is counterproductive to all the work that the OHV community and the CPSC have done to promote youth rider safety. If the petition requesting an exclusion is not granted, some consumers will likely purchase vehicles that are physically too large for young riders, exposing them to unnecessary risk. By eliminating these vehicles because of the *suspicion* that they may pose a theoretical threat of a lead hazard effectively trades away a proven safety intervention with an unproven one.

In accordance with the foregoing, we respectfully request the CPSC to immediately consider and grant the petition for exclusions submitted by the OHV industry that mirrors both the European Union standards and what the CPSC adopted for electronics.

Thank you for your time and consideration of our request. We look forward to your timely response to this matter. Should you have any questions or request additional information, please do not hesitate to contact Senator Debbie Stabenow's staffer Ms. Kimberly Johnson Trinca at 202-224-4822, Senator Jon Tester's staffer Ms. Alpha Lillstrom at 202-224-2644 or Senator Sam Brownback's staffer Ms. Annie Wilcox at 202-224-6521.

Sincerely,


United States Senator


United States Senator


United States Senator

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Amy Klubhan

Em Bayh

Mike Enzi

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Lee Neubauer

Jim Johnson

Jeffrey A. Markley

Paul Bayh