

December 30, 2014

The Honorable Elliot Kaye
Chairman
Consumer Product Safety Commission
Room 820
4330 East West Highway
Bethesda, MD 20814

Re: NPRM: Safety Standard for Recreational Off-Highway Vehicles

Dear Chairman Kaye:

On behalf of the Specialty Equipment Market Association (SEMA), I am writing to urge the Consumer Product Safety Commission (CPSC) to set aside efforts to establish a mandatory safety standard for recreational off-highway vehicles (ROVs) and instead support the most recent ANSI/ROHVA standard. SEMA believes the industry standard is more responsive to public safety needs and can be more easily adapted in the future to incorporate any new technological advances.

SEMA is a trade association made up of approximately 6,800 mostly small businesses nationwide that design, manufacture, distribute and retail parts and accessories for motor vehicles. SEMA represents a \$33 billion industry. The products produced by our companies include performance, functional, restoration and styling enhancement products for use on passenger cars, trucks and special-interest older vehicles along with ROVs and other off-highway vehicles (OHVs). OHVs and related equipment represent an important segment of products manufactured by SEMA members. SEMA proactively encourages and advocates for SEMA member compliance with existing federal laws and industry standards.

SEMA supports efforts by the American National Standards Institute (ANSI) and the Recreational Off-Highway Vehicle Association (ROHVA) to develop industry standards for ROVs. The current ANSI-approved version is ANSI/ROHVA 1-2014 and is the product of many years of cooperative efforts by industry and the CPSC to develop a voluntary approach to regulating these vehicles. SEMA believes the CPSC's proposed rule is unnecessary and largely reflects the outdated 2011 version of the ANSI/ROHVA rule. SEMA is also concerned that the CPSC rule would have the unintended effect of imposing design restrictions and stifling future safety innovations.

The law directs the CPSC to "*rely upon voluntary consumer product safety standards rather than promulgate a consumer product safety standard prescribing requirements described in*

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subsection (a) of this section whenever compliance with such voluntary standards would eliminate or adequately reduce the risk of injury addressed and it is likely that there will be substantial compliance with such voluntary standards.” 15 U.S.C. § 2056 (2014).

In light of this directive, SEMA believes that the Agency has no sufficient basis for abandoning the current industry standard.

Although the CPSC cites safety as the reason for promulgating an ROV standard, it is not clear that injuries or fatalities would be reduced beyond the reductions achieved under the ANSI standard. For example, with respect to the dynamic lateral stability and vehicle handling requirements, the Agency acknowledges that it does not *“have sufficient data to estimate the injury rates of models that already meet the requirements and models that do not meet the requirements. Thus, we cannot estimate the potential effectiveness of the dynamic lateral stability and vehicle handling requirements in preventing injuries.”* 79 Fed. Reg. 69004 (2014)

In the absence of data that demonstrates a need to establish a mandatory safety standard, Congress could direct the CPSC to pursue a rulemaking. This has not occurred.

An industry standard will be more beneficial than a government standard at this time. Industry standards are subject to periodic review and reconsideration and can be updated as new technologies emerge. The government can have an active voice in helping shape any such revisions. In contrast, it is more challenging to update a government safety standard since it requires the dedication of staff resources and formal rulemaking processes.

Regulatory oversight of wheels for passenger cars and light duty trucks is a useful example of the difference between government and industry standards. The National Highway Traffic Safety Administration (NHTSA) has never issued safety standards for these products. Rather, NHTSA has relied on industry standards issued for decades by the Society of Automotive Engineers (SAE). The SAE standards provide NHTSA with a basis for measuring a company’s product against a recognized standard if there are any questions about safety.

Although the CPSC is seeking to safeguard users by pursuing ROV performance and design issues, failure to wear seat belts, drinking and excessive speed are the hazards most frequently associated with ROV injuries and deaths. Industry, the CPSC and state and local agencies and organizations seek to address dangerous user behavior through education campaigns and travel management plans. SEMA respectfully recommends that continued diligence in these areas will have the greatest benefit in reducing injuries and deaths.

Again, SEMA urges the CPSC to continue to work collaboratively with industry on the ANSI/ROHVA voluntary standard in order to improve ROV safety.

Thank you for your consideration. If you have any questions, or require additional information please feel free to contact me at 202/777-1220 or stuartg@sema.org

Sincerely,

A handwritten signature in black ink, appearing to read "Stuart Gosswein", with a horizontal line extending to the right.

Stuart Gosswein
Sr. Director, Federal Government Affairs