



**MOTORCYCLE
INDUSTRY
COUNCIL**



January 27, 2016

The Honorable Mia Costello
Chair
Senate Labor and Commerce Committee
State Capitol
Juneau, AK 99801

Dear Chairwoman Costello:

The Motorcycle Industry Council (MIC) is a not-for-profit, national trade association representing manufacturers and distributors of motorcycles, motorcycle and ATV parts and accessories and members of allied trades. The Specialty Vehicle Institute of America (SVIA) is the national nonprofit trade association which represents manufacturers and distributors of all-terrain vehicles (ATVs) in the United States.

MIC and SVIA strongly urge you to **amend SB 111** to exclude off-highway vehicles (OHVs) from the bill's requirements by providing an amendment specifying that "the provisions of this Act shall not apply to all-terrain vehicles or off-highway motorcycles." SB 111 would ban the sale of a product that is used primarily for or by a child if a component contains 100 or more ppm of TRIS. Thus the ban on TRIS would apply to off-highway motorcycles and ATVs designed and manufactured specifically for children 12 years of age or under.

TRIS flame retardants serve an important safety function in OHVs as they do in electrical components of on-highway motor vehicles. The unique nature of these products' components as compared to other children's products, such as toys or child care articles, warrants special consideration given the necessity of flame retardants to safely operate these products. It is very important that wiring harnesses have flame retardants and these harnesses may contain TRIS. However, riders do not come into contact with these components, which are not readily accessible. Therefore, OHVs should be excluded from SB 111's requirements.

It is also vitally important from a safety perspective for youth-model OHVs to be available. Banning TRIS in children's products is intended to eliminate the health risks associated with its exposure. However, the more immediate health risk associated with banning the sale of youth OHVs is the increased potential for children to operate adult-sized OHVs should the sale of youth models be prohibited. Youth OHVs are sized and powered for children. Please consider the comments made by the U.S. Consumer Product Safety Commission (CPSC) while discussing the risks associated with lead exposure from youth ATVs pursuant the passage of the Consumer Product Safety Improvement Act, which banned lead over certain limits in children's products (youth OHVs were subsequently excluded from such lead limits by P.L. 112-28). CPSC stated that the unavailability of youth ATVs poses a "serious and immediate risk of injury or death" for children under 12 who instead then ride larger and faster adult-size ATVs. (*See* 74 Fed. Reg. 22154.)

For these reasons, we respectfully request that you amend SB 111 to exclude off-highway vehicles from its requirements. Thank you for your consideration of these comments.

Sincerely,

Kathy R. Van Kleeck
Sr. Vice President, Government Relations