



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MD 20814

This document has been electronically approved and signed.

BALLOT VOTE SHEET

DATE: November 24, 2010

TO: The Commission
Todd A. Stevenson, Secretary

THROUGH: Kenneth R. Hinson, Executive Director
Cheryl A. Falvey, General Counsel
Philip L. Chao, Assistant General Counsel

FROM: Harleigh P. Ewell, Attorney, OGC

SUBJECT: Extension of the Date by Which Youth All-Terrain Vehicles Must Be Tested and Certified

Ballot Vote Due: December 1, 2010

The Office of the General Counsel is providing a draft *Federal Register* document that would extend for 60 days the date by which youth all-terrain vehicles must be tested and certified for compliance with 16 C.F.R. part 1420.

Please indicate your vote on the following options.

- I. Approve publication of the draft document in the *Federal Register*.

(Signature)

(Date)

II. Approve publication of the draft document in the *Federal Register* document with changes. (Please specify.)

(Signature)

(Date)

III. Do not approve publication of the draft document in the *Federal Register*.

(Signature)

(Date)

IV. Take other action. (Please specify.)

(Signature)

(Date)

Attachment: Draft *Federal Register* document titled, "Extension of the Date by Which Youth All-Terrain Vehicles Must Be Tested and Certified"

CONSUMER PRODUCT SAFETY COMMISSION

CPSC Docket No. CPSC-2011-00__

Extension of the Date by Which Youth All-Terrain Vehicles Must Be Tested and Certified

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of extension of date of testing and certification of youth all-terrain vehicles.

SUMMARY: The U.S. Consumer Product Safety Commission (“CPSC” or “Commission”) is announcing that the Commission has extended, by 60 days, the date by which manufacturers (including importers) of youth all-terrain vehicles (ATVs) must submit sufficient samples of such products to a third party conformity assessment body approved by the Commission for testing and, based on such testing, issue a certificate that the products manufactured after the deadline comply with certain CPSC regulations relating to ATVs. The extension is granted because there are an insufficient number of third party conformity assessment bodies accredited by the Commission to permit testing and certification under the original schedule.

DATES: The date after which youth ATVs must be tested by third party conformity assessment bodies accredited by the Commission to assess conformity with the CPSC regulations for all-terrain vehicles is extended until January 25, 2011.

Comments in response to this notice should be submitted by [INSERT DATE 21 DAYS AFTER PUBLICATION IN THE FEDERAL REGISTER]. Comments on this notice should be

captioned “Third Party Testing and Certification of Youth All-Terrain Vehicles: Request for Stay of Enforcement and Other Relief.”

ADDRESSES: You may submit comments, identified by Docket No. CPSC-2010-00___, by any of the following methods:

Electronic Submissions: Submit electronic comments in the following way:

Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments. To ensure timely processing of comments, the Commission is no longer accepting comments submitted by electronic mail (email) except through:

<http://www.regulations.gov>.

Written Submissions: Submit written submissions in the following way:

Mail/Hand delivery/Courier (for paper, disk, or CD-ROM submissions), preferably in five copies, to: Office of the Secretary, U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504-7923.

Instructions: All submissions received must include the agency name and docket number for this notice. All comments received may be posted without change to:

<http://www.regulations.gov>, including any personal information provided. Do not submit confidential business information, trade secret information, or other sensitive or protected information (such as a Social Security Number) electronically; if furnished at all, such information should be submitted in writing.

Docket: For access to the docket to read background documents or comments received, go to: <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Richard McCallion, Program Area Team Leader, Office of Hazard Identification and Reduction, U.S. Consumer Product Safety Commission, 10901 Darnestown Road, Gaithersburg, MD 20878; email: rmccallion@cpsc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

Section 14(a)(3)(B)(vi) of the CPSA, as added by section 102(a)(2) of the Consumer Product Safety Improvement Act of 2008 (“CPSIA”), Public Law 110-314, directs the CPSC to establish and publish a notice of requirements for accreditation of third party conformity assessment bodies to assess children’s products for conformity with “other children’s product safety rules.” Section 14(f)(1) of the CPSA defines “children’s product safety rule” as “a consumer product safety rule under [the CPSA] or similar rule, regulation, standard, or ban under any other Act enforced by the Commission, including a rule declaring a consumer product to be a banned hazardous product or substance.” Under section 14(a)(3)(A) of the CPSA, 15 U.S.C. 2063(a)(3)(A), each manufacturer (including an importer) or private labeler of products subject to those regulations must have products that are manufactured more than 90 days after the establishment and *Federal Register* publication of a notice of the requirements for accreditation tested by a third party conformity assessment body accredited to do so, and must issue a certificate of compliance with the applicable regulations based on that testing. Pursuant to section 14(a)(3)(F) of the CPSA, the Commission may extend the 90-day period by not more than 60 days if the Commission determines that an insufficient number of third party conformity assessment bodies have been accredited to permit certification for a children’s product safety

rule. Irrespective of certification, the product in question must comply with applicable CPSC requirements (*see, e.g.*, section 14(h) of the CPSA, as added by section 102(b) of the CPSIA).

In the *Federal Register* of August 27, 2010 (75 FR 52616) (accessible at <http://www.cpsc.gov/businfo/frnotices/fr10/atv.pdf>), the Commission published a notice of requirements that provided the criteria and process for Commission acceptance of accreditation of third party conformity assessment bodies for testing of ATVs designed or intended primarily for children 12 years of age or younger pursuant to 16 CFR part 1420, the CPSC regulations under the CPSA relating to ATVs. The notice of requirements stated that, for youth ATVs manufactured after November 26, 2010, the manufacturer “must issue a certificate of compliance with 16 CFR part 1420 based on” testing performed by a third party conformity assessment body (75 FR at 52618). The notice also asked for comments on the notice to be received by September 27, 2010.

The notice of requirements also stated that the Commission will accept a certificate of compliance with 16 CFR part 1420, *Requirements for All Terrain Vehicles*, based on testing performed by an accredited third party conformity assessment body (including a government-owned or government-controlled conformity assessment body, or a firewalled conformity assessment body) prior to the Commission’s acceptance of its accreditation, if all the following conditions are met:

- When the product was tested, the testing was done by a third party conformity assessment body, which at that time, was ISO/IEC 17025 accredited by an International Laboratory Accreditation Cooperation-Mutual Recognition Arrangement (“ILAC/MRA”) signatory. For firewalled conformity assessment bodies, the Commission will not accept a certificate of compliance based upon testing performed by the third party conformity

assessment body, unless the firewalled conformity assessment body was accredited, by order, as a firewalled conformity assessment body before the product was tested, even though the order would not have included the test methods in 16 CFR part 1420.

- The third party conformity assessment body's application for testing using the test methods in 16 CFR part 1420 is accepted by the CPSC on or before October 26, 2010.
- The product was tested on or after November 4, 2008 (the date that 16 CFR part 1420 was published).
- The accreditation scope in effect for the third party conformity assessment body at the time of testing expressly included testing to 16 CFR part 1420.
- The test results show compliance with the applicable current standards and/or regulations.
- The third party conformity assessment body's accreditation, including 16 CFR part 1420 in its scope, remains in effect through the effective date for mandatory third party testing and manufacturer certification for conformity with 16 CFR part 1420.

75 FR at 52619. Obviously, the date specified in that notice for acceptance of such "retrospective" testing, October 26, 2010, has passed.

II. Requests for Extension

In response to the notice of requirements, the Specialty Vehicle Institute of America ("SVIA") filed a comment that included a request that the Commission extend by 60 days the date by which manufacturers must begin testing and certification of youth ATVs. Among the reasons given for the extension were the complexity of 16 CFR part 1420 and that no third party conformity assessment bodies have been accredited by an accrediting body that is a signatory to

the ILAC/MRA, a prerequisite for such conformity assessment bodies to be accepted by the CPSC.

On November 17, 2010, the SVIA filed a “Petition for Extension and Stay of Enforcement for Third Party Testing for Certain All-Terrain Vehicles.” The petition requested a 60-day extension of the date by which manufacturers must begin testing and certification of youth ATVs, stating that no third party conformity assessment bodies have been accredited by the CPSC to test for conformity with 16 CFR part 1420. The SVIA concluded that it is unlikely that a sufficient number of accredited third party conformity assessment bodies will exist by the end of the requested 60-day extension. As a result, the SVIA also requested that the Commission consider additional forms of relief, such as a further stay of enforcement of these requirements for one year (to November 27, 2011). Hereafter, the comment and the petition will be referred to collectively as “the petition.”

III. Commission Action on the Petition

As to the request for a 60-day extension of the date by which manufacturers must begin testing and certification of youth ATVs, the Commission is not aware of any third party conformity assessment bodies that have the requisite accreditation by an ILAC-MRA signatory to test for conformity to 16 CFR part 1420. If the Commission denies the request for an extension, the likely result is youth ATVs will not be able to be sold or distributed in the United States for some period of time because youth ATV manufacturers would be unable to issue a certificate of compliance for their youth ATVs. Even if a few third party conformity assessment bodies become accredited quickly, they may be unable to provide the testing capacity and geographical distribution needed to test the large number of youth ATV models on the market.

While this certainly would present an adverse economic impact on many youth ATV manufacturers and dealers, it would also present a potential danger to the children age 12 years and younger who otherwise would be using the youth ATVs that cannot be sold because they have not been tested and certified. The potential danger is that such children, instead of riding youth ATVs, would, ride larger, faster, more powerful ATVs intended for older children or adults, creating a risk of increased injuries and deaths to these children. Given this likelihood, the Commission is granting the request for a 60-day extension.

The Commission is not granting or denying the request for a one-year stay of enforcement, or other relief, at this time. The Commission invites comment on this request. Comments should be filed by [INSERT DATE THAT IS 21 DAYS AFTER PUBLICATION IN THE FEDERAL REGISTER]. The Commission particularly is interested in comments on:

1. What efforts have been made by ATV manufacturers or others to obtain tests of youth ATVs by third party conformity assessment bodies and to encourage third party conformity assessment bodies to become accredited to do so?
2. What is the status of the efforts of third party conformity assessment bodies to become accredited to test youth ATVs, and how long will it take to obtain such accreditation?
3. Are there any barriers to the accreditation process?

IV. Dates Affected By This Extension

This extension is effective beginning on November 27, 2010. Accordingly, each manufacturer of a youth ATV subject to 16 CFR part 1420 must have samples of any such product, or samples that are identical in all material respects to such product, that is manufactured after January 25, 2011, tested by a third party conformity assessment body accredited to do so by the Commission. Further, for youth ATVs manufactured after January 25,

2011, the manufacturer must issue a certificate of compliance with 16 CFR part 1420 based on that testing. (Under the CPSA, the term “manufacturer” includes anyone who manufactures or imports a product. *See* 16 CFR part 1110.)

Furthermore, the Commission is changing the dates it had established for when it would accept the results of tests of youth ATVs conducted by a third party conformity assessment body before that body became accredited by the CPSC. Accordingly, the Commission will accept a certificate of compliance with 16 CFR part 1420, *Requirements for All Terrain Vehicles*, based on testing performed by an accredited third party conformity assessment body (including a government-owned or government-controlled conformity assessment body, or a firewalled conformity assessment body) prior to the Commission’s acceptance of its accreditation, if all the following conditions are met:

- When the product was tested, the testing was done by a third party conformity assessment body that at that time was ISO/IEC 17025 accredited by an ILAC-MRA signatory. For firewalled conformity assessment bodies, the Commission will not accept a certificate of compliance based on testing performed by the third party conformity assessment body unless the firewalled conformity assessment body was accredited by a Commission order as a firewalled conformity assessment body before the product was tested, even though the order will not have included the test methods in 16 CFR part 1420.
- The third party conformity assessment body’s application for testing using the test methods in the regulations identified in this notice is accepted by the CPSC on or before December 27, 2010.
- The product was tested on or after November 4, 2008 (the date that 16 CFR part 1420 was published).

- The accreditation scope in effect for the third party conformity assessment body at the time of testing expressly included testing to 16 CFR part 1420.
- The test results show compliance with the applicable current standards and/or regulations.
- The third party conformity assessment body's accreditation, including 16 CFR part 1420 in its scope, remains in effect through [INSERT DATE THAT IS 60 DAYS AFTER NOVEMBER 26, 2010].

Except for the dates that are adjusted by 60 days in this notice, all provisions of the notice of requirements published on August 27, 2010, 75 FR 52616, remain in effect.

Dated: _____, 2010.

Todd A. Stevenson,

Secretary, Consumer Product Safety Commission.



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MD 20814

This document has been electronically
approved and signed.

Memorandum

Date: November 24, 2010

TO: The Commission
Todd Stevenson, Secretary

THROUGH: Cheryl A. Falvey, General Counsel
Kenneth R. Hinson, Executive Director

FROM: Richard McCallion
Mechanical-Recreational Hazards Program Area Team Coordinator
Office of Hazard Identification and Reduction

Robert J. Howell
Assistant Executive Director
Office of Hazard Identification and Reduction

SUBJECT: Extension of the Stay of Enforcement for Accreditation Requirements for Third
Party Conformity Assessment Bodies to Test Youth ATVs as Required by the
Consumer Product Safety Improvement Act of 2008

I. Purpose

This memorandum presents CPSC staff's recommendation to extend the date by which ATV manufacturers will be required to utilize third party testing to certify compliance of youth ATVs with 16 CFR part 1420. This recommendation is based on the lack of accredited laboratory capacity.

II. Background

On August 14, 2008, the Consumer Product Safety Improvement Act (hereafter referred to as the "Act" or the "CPSIA") was signed into law [Public Law 110-314]. Section 102 of the Act mandates that third party testing be conducted for certain children's products. Before importing for consumption or warehousing or distributing in commerce any children's product that is subject to a children's product safety rule, every manufacturer of such children's product (and the private labeler of such children's product if such product bears a private label) shall: (A) submit sufficient samples of the children's product, or samples that are identical in all material respects, to a third party conformity assessment body (hereafter referred to as a third party testing laboratory) accredited under requirements established by the Commission to be tested for compliance with such children's product safety rule; and (B) based on the assessment by the

CPSC Hotline: 1-800-638-CPSC (2772) ★CPSC's Web Site: <http://www.cpsc.gov>

- 1 -

third party testing laboratory, issue a certificate that certifies that such children's product complies with the children's product safety rule.¹

The CPSIA defines a third party testing laboratory as one that is not owned, managed, or controlled by the manufacturer or private labeler of a product assessed by such testing laboratory.

The Act establishes special provisions for laboratories that are owned, managed, or controlled by a manufacturer or private labeler. Such laboratories are commonly referred to as proprietary laboratories or "first party" laboratories. The Act stipulates that the Commission may accredit a proprietary laboratory as a third party testing laboratory if the Commission, by order, makes certain findings that the laboratory is protected from undue influence by the manufacturer or private labeler and that provisions are in place for immediate and confidential reporting to the Commission of any attempts by the manufacturer or other interested party to hide or exert undue influence over test results. The Act provides that a laboratory that satisfies these requirements is a "firewalled" testing laboratory. The Act also specifies that a third party testing laboratory may also include a government-owned or government-controlled laboratory, under certain conditions.

The Act provides that accreditation of third party testing laboratories may be conducted after the issuance of a notice of requirements, either by the Commission or by an independent accreditation organization designated by the Commission, and requires that the Commission maintain on its website an up-to-date list of laboratories that have been accredited to assess conformity with children's product safety rules.

On August 27, 2010, the Commission issued a notice of requirements for accreditation of third-party laboratories for certification of Youth ATVs within 90 days. This notice does not affect the preexisting requirements for lead content testing and certification for youth ATVs. The notice provides the criteria and process for Commission acceptance of accreditation of third party conformity assessment bodies for testing of all-terrain vehicles (ATVs) designed or intended primarily for children 12 years of age or younger, pursuant to 16 CFR part 1420, the CPSC regulations under the Consumer Product Safety Act (CPSA) relating to ATVs.

The Specialty Vehicle Institute of America (SVIA) submitted a letter, dated September 27, 2010 (Tab A), to the Commission outlining reasons third party test laboratories would be unable to certify youth ATVs prior to the expiration of the stay of enforcement on November 27, 2010. In the letter, the SVIA states that the CPSC has approved action plans for 44 youth ATV manufacturers located in at least five countries, including the United States, and multiple labs in each country would be required to provide sufficient testing capacity to meet production. Additionally, the federal regulation, ANSI/SVIA 1-2007, as codified in 16 CFR part 1420, was adopted in 2008, and is more complex in comparison to many other consumer product standards.

¹ On November 18, 2008, the Commission published a final rule in the Federal Register that limits the parties who must certify to the U.S. importer and, in the case of domestically produced products, the U.S. manufacturer. The rule also specifies the requirements that an electronic certificate must meet. The FR notice is available on the CPSC website at <http://www.cpsc.gov/businfo/frnotices/fr09/certification.pdf>.

The SVIA requests that the Commission consider extending the testing conformity and certification requirement for 60 days, until January 26, 2011.

On November 17, 2010, the SVIA submitted a petition to the Commission (Tab B) for a 60-day extension to comply with the third party testing and certification requirement for youth ATVs. The SVIA stated that there were currently no CPSC-accredited labs, and that it would be unlikely that enough lab capacity would exist at the expiration of the 60-day extension. The SVIA requested that the CPSC consider other forms of relief such as extending the stay of enforcement for a period of one year (to November 27, 2011) to allow for sufficient lab capacity.

III. Staff Recommendation

Currently, the Commission has not received any applications from any laboratories to test conformity of youth ATVs. Therefore, CPSC staff recommends that the Commission issue a 60-day extension of the effective date for required third party testing for ATV manufacturers, to be published in a Federal Register (FR) notice as drafted by the Office of the General Counsel. The FR notice would require manufacturers (including importers) of youth ATVs to submit sufficient samples of such products to a third party conformity assessment body approved by the Commission for testing and, based on such testing, issue a certificate that the products manufactured after January 25, 2011 comply with certain CPSC regulations relating to youth ATVs.

Staff is soliciting comments in the FR notice from interested parties on the efforts made by ATV manufacturers and others to have youth ATVs tested by a third party assessment body and to encourage third party conformity assessment bodies to become accredited to do so. In addition, staff is soliciting comments on the status of the efforts of third party conformity assessment bodies to become accredited to test youth ATVs, and how long will it take to obtain such accreditation, and any barriers to the accreditation process.

References

[1] ISO/IEC 17000:2004 Conformity Assessment – Vocabulary and General Principles

[2] White paper: Should Laboratories be Accredited to ISO/IEC 17025 or Certified to ISO/IEC 9001?
www.aiclasscorp.com

[3] International Standard ISO/IEC 17025:2005 – General Requirements for the Competence of Testing and Calibration Laboratories

[4] ISO/IEC 17011:2004 Conformity Assessment – General Requirements for Accreditation Bodies Accrediting Conformity Assessment Bodies

[5] www.ilac.org

[6] SVIA Letter (dated September 27, 2010) – Docket No. CPSC-2010-0090; Third Party Testing for Certain Children’s Products; All-Terrain Vehicles; Requirements for Accreditation of Third Party Conformity Assessment Bodies

[7] SVIA Letter (dated November 17, 2010) – Petition for Extension and Stay of Enforcement for Third Party Testing for Certain All-Terrain Vehicles

Tab A



September 27, 2010

U.S. Consumer Product Safety Commission
Office of the Secretary, Room 820
4330 East West Highway
Bethesda, MD 20814

Re: Docket No. CPSC-2010-0090; Third Party Testing for
Certain Children's Products; All-Terrain Vehicles;
Requirements for Accreditation of Third Party
Conformity Assessment Bodies

Dear Sir or Madam:

The following comments are submitted by the Specialty Vehicle Institute of America (SVIA) in response to CPSC's August 27, 2010 Notice of Requirements for Accreditation of Third Party Conformity Assessment Bodies for youth ATV testing (75 Fed. Reg. 52616). SVIA is the national not-for-profit trade association representing manufacturers and distributors of all-terrain vehicles (ATVs) in the United States. SVIA's principal goal is to promote the safe and responsible use of ATVs.

Background

As a result of this notice, Y-6+ and Y-10+ model ATVs soon will be subject to third party conformity testing for the first time. Manufacturers are required to certify compliance based on third party testing and provide a certificate of compliance based on such testing for products manufactured ninety days after publication of these accreditation requirements for test labs (i.e., November 27, 2010). CPSC may extend this deadline by up to sixty days provided that, in CPSC's discretion, there are an insufficient number of third party labs accredited to test for conformity with the product safety standard for ATVs.

Compared to other products under CPSC's jurisdiction, ATVs are large in size and complex in design and performance. In addition, the mandatory federal standard for ATVs – ANSI/SVIA 1-2007, as codified in 16 C.F.R. Part 1420 – only became effective last year and is likely among the more complex standards subject to third party testing and certification, incorporating literally hundreds of technical and performance requirements. Moreover, to date, no third party labs accredited to test for conformity with 16 C.F.R. 1420 are listed on the CPSC website and SVIA is not aware of the existence of any such labs.

Comments

The current timeline for accreditation of third party conformity assessment bodies (referred hereafter as test labs) to test for youth ATVs' compliance with ANSI/SVIA 1-2007 is problematic for multiple reasons.

First, multiple test labs, located throughout the world, will need to be accredited in order for there to be a sufficient number. Youth ATVs currently are manufactured in Canada, China, Japan, Taiwan and the United States, perhaps among other countries. To date, there are 44 ATV manufacturers/distributors with CPSC-approved Action Plans, many of which produce one or more youth models. In order for there to be a sufficient number of test labs to perform the necessary third party conformity testing, multiple test labs must be accredited in each country in which ATVs are produced. Without multiple test labs in each producing country, particular

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U.S. Consumer Product Safety Commission
September 27, 2010
Page Two

test labs may seek to charge exorbitant rates for testing. In addition, given manufacturing and supply chain time constraints and costs, great difficulties would be created if manufacturers had to ship multiple samples of these vehicles abroad for testing.

Second, once a sufficient number of third party labs have been accredited, test labs will need time to develop their testing infrastructure and processes for conducting the complex testing for conformity with the many technical and performance requirements of ANSI/SVIA-1-2007. Contracts, protocols and time lines will need to be established and capacity will need to be determined. SVIA is concerned that, if a small number of test labs is deemed sufficient, there will be a significant delay from the time that a manufacturer retains a test lab to the completion of testing and receipt of results upon which to base certification. During that delay, due to no fault of the manufacturers, the youth model vehicles will not be permitted to be imported or sold.

Conclusion

In light of the above considerations, CPSC should act now to extend by 60 days (to January 26, 2011) the date on which ATV manufacturers must begin third party conformity testing and certification. In addition, in the event that there still are not a sufficient number of accredited third party labs prepared to conduct and complete testing by January 26, 2011, CPSC will need to be prepared to consider other forms of relief from the testing and certification requirements, such as a possible further stay of enforcement of these requirements with respect to Y-6+ and Y-10+ model ATVs.

If the testing and certification requirement takes effect without adequate accredited test lab capacity world wide to complete conformity testing on a timely basis, these youth model ATVs will cease to be readily available, or at least be less available. As CPSC has noted, such unavailability of appropriate size youth models 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.)

Finally, it is important to note that, in the absence of permanent relief from the CPSIA's lead content provisions, testing and certification of youth ATVs may be moot in any event as of May 11, 2011.

SVIA member companies are committed to meeting all third party testing and certification requirements, but remain concerned that adequate testing capacity will not exist by the deadline, resulting in the unavailability of youth ATVs.

Respectfully submitted:



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

Tab B



November 17, 2010

Mr. Todd Stevenson
Secretary
Office of the Secretary, Room 820
4330 East West Highway
Bethesda, MD 20814

Re: Petition for Extension and Stay of Enforcement for
Third Party Testing for Certain All-Terrain Vehicles

Dear Mr. Stevenson:

On behalf of its members, the Specialty Vehicle Institute of America (SVIA) requests an extension of the third party testing and certification deadline for certain youth ATVs pursuant to CPSC's August 27, 2010 Notice of Requirements for Accreditation of Third Party Conformity Assessment Bodies for youth ATV testing (75 Fed. Reg. 52616). SVIA is the national not-for-profit industry association representing manufacturers and distributors of all-terrain vehicles (ATVs) in the United States. SVIA's principal goal is to promote the safe and responsible use of ATVs.

On November 27, 2010, ninety days after the publication of the Notice of Requirements for Accreditation, Y-6+ and Y-10+ ATVs will be subject to mandatory third party testing and certification for compliance with ANSI/SVIA 1-2007. CPSC may extend this deadline by up to sixty days provided that, in CPSC's discretion, there are an insufficient number of assessment bodies accredited to test for conformity with the product safety standard for ATVs. SVIA respectfully requests a 60 day extension of the deadline (to January 26, 2011) given that, as of today, there are no third party conformity assessment bodies accredited to test youth ATVs' compliance with ANSI/SVIA 1-2007.

Moreover, since there are no accredited assessment bodies as of today, it is unlikely that a sufficient number (as set forth in our September 27, 2010 comments) of accredited assessment bodies will exist by January 26, 2011. As a result, SVIA further requests the CPSC consider other forms of relief, such as a further stay of enforcement of these requirements for one year until November 27, 2011.

SVIA member companies are committed to meeting all third party testing and certification requirements, but remain concerned that adequate testing capacity does not exist in advance of the deadline and will not exist by an extended deadline, resulting in the unavailability of certain youth ATVs. CPSC, SVIA members and all other stakeholders agree that the key to youth ATV safety is to ensure that children under 16 do not ride adult-size ATVs.

Respectfully submitted:

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

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