



May 11, 2011

The Honorable Mary Bono Mack
Chairman, Subcommittee on Commerce, Manufacturing and Trade
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, DC 20515-6115

Re: Enhancing CPSC Authority and Discretion Act of 2011

Dear Chair Bono Mack:

The Motorcycle Industry Council (MIC) and its members strongly support the proposed "Enhancing CPSC Authority and Discretion Act of 2011" (ECADA), set forth in the Discussion Draft dated May 10, 2011. We congratulate you on proposing much needed reforms while maintaining important protections included in the original Consumer Product Safety Improvement Act (CPSIA).

As you know, since its enactment in 2008, CPSIA has effectively banned the sale of age-appropriate youth ATVs, motorcycles and snowmobiles. As a result, the Act has actually created unsafe situations for youth off-highway vehicle riders by reducing the availability of appropriately-sized, speed-restricted youth models. While we continue to believe that the best way to ensure the continued availability of youth off-highway vehicles is to categorically exclude them from the lead content provisions, this proposed legislation, if enacted as drafted, would provide welcome relief and improve safety.

Specifically, this bill contains a provision (Section 3(a)) that codifies the lead content limits set by the Consumer Product Safety Commission (CPSC) when it granted a stay of enforcement that, although designed to provide some temporary relief to our industry, proved to be ineffective. The bill also mandates a total lead content limit of .03% or less for non-metal parts of outdoor recreational products and all other children's products not primarily intended for age 6 and younger.

In addition, the draft bill contains language (Section 4(a)) that would eliminate unnecessary, duplicative and costly testing requirements under CPSIA for these vehicles. ATVs and motorcycles do not present any lead-related health risk to young riders, and Congress has made it clear that it never intended the lead content restrictions and testing requirements for toys to apply to these vehicles.

Finally, in Section 9, the draft bill contains common-sense changes to the Public Database to create a more useful database with accurate and relevant information for consumers.

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Consumers will lose if these changes are not implemented because the database will likely become a “complaints” blog containing inaccurate and confusing information. The changes are also vitally needed to ensure fundamental due process for manufacturers, retailers and others that are identified in these reports.

For more than two years, our industry has worked in a bipartisan manner seeking relief from the unintended consequences of the CPSIA that have needlessly placed youth riders in danger, harmed thousands of dealers, and cost jobs in our industry. We are grateful that this bill will provide our customers and members with a permanent fix to this problem. We greatly appreciate your leadership and work in developing ECADA, and strongly urge bipartisan support and quick passage of this important and long-overdue legislation.

Respectfully submitted,



Paul C. Vitrano
General Counsel

cc: The Honorable G.K. Butterfield
Members of the Subcommittee on
Commerce, Manufacturing and Trade