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Lead Ban Stops Youth ATV and Motorcycle Sales



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Hilde is holding down the fort at MotoUSA's Southern Oregon HQ. With world-class dirt bike and ATV trails just minutes away, the hardest part is getting him to focus on the keyboard. Two wheels or four, it doesn't matter to our Off-Road Editor so long as it goes like hell in the dirt.

Monday, February 2, 2009

(Important CPSC Ruling Update: The Consumer Product Safety Commission voted on April 3 to grant a one-year stay of enforcement on the lead ban that has outlawed youth OHV sales. [CPSC Chair Votes to Delay Lead Ban]. The stay of enforcement is due in no small part to the lobbying efforts of industry organizations and the letters of concerned riders to their legislators. The fight is not over, however, and riders should still encourage lawmakers to pass legislation that exempts OHV models from the Consumer Product Safety Improvement Act lead restrictions.)

A deadline is fast approaching on February 10 that could potentially be deadly for the youth motorcycle and ATV market. In less than two weeks, the [Consumer Product Safety Improvement Act of 2008](#), enacted August 14 of last year, will go into effect and ban all products designed for children ages 12 or under which contain lead over specified limits. The [Specialty Vehicle Institute of America](#) and [Motorcycle Industry Council](#) are attempting to get an exemption for ATV and motorcycle parts.

(Read the sidebar to see how you can help.)

Regulations are outlined under Title I of the Act and sets the lead limit at "600 parts per million total lead content by weight for any part of the product." That limit will drop to 300 ppm one year after the date of enactment and 100 ppm three years after unless deemed technologically unfeasible.

The Act states that the CPSC will publish a rule providing guidance about a general exception for parts or components that are "not accessible to a child through normal and reasonably foreseeable use and abuse." That description includes swallowing, mouthing, breaking, other children's activity and product aging. We're no lawyer firm, but his seems like a possible way for motorcycles and ATVs to find some relief, though delayed.

To find out exactly what that means, we sent a list of questions to Taryn Sanchez, Senior Media Coordinator for the MIC, and this is what the Council had to say.

What exactly happens on Feb 10 for motorcycle dealers?

"On February 10 large inventories of motorcycle and ATV products that present no health risk to children could be rendered retroactively illegal and future products prohibited from sale. These products may need to be destroyed resulting in severe hardship for dealers and manufacturers in the motorcycle industry. Along with the current state of the economy, this may be a hit that dealers and manufacturers



Youth motorcycles and ATVs are included in the Act and OEMs will have to comply with testing and manufacturing regulations.

will not be able to recover from."

Can older models still be sold? Used bikes?

"New regulations will apply to all current inventory as well as future production at the commercial level."

Can replacement parts still be sold?

"No, replacement and aftermarket parts and accessories will be included in the ban."



Wheels are one of the possible target areas to contain lead. Manufacturers will have to fully test their machines in order to meet the tightening restrictions.

What components contain the lead?

"Motorcycle and ATV components containing lead include Lead battery terminals, tire valve stems, fittings and connectors made with brass or copper alloys, brake and clutch levers, throttle controls, engine housings, carburetors made with aluminum alloys, steel fasteners, and frames or structural components made with steel alloys."

What are the OEMs doing to combat this?

"MIC and SVIA, along with member company manufacturers, filed a petition for temporary exclusion of motorcycle and ATV products from the new lead regulations. We strongly encourage all stakeholders, dealers, and enthusiasts to support our petition by contacting the CPSC and their respective Members of Congress urging them to enact these temporary exclusions."

How long will an appeal process take if the ban sticks on Feb 10? How long before kid bikes can potentially be sold again?

"There is no current timeline for petitions for permanent exclusions. If the temporary exclusions are not granted, it could be several months before any further action to petition permanent exclusions can commence."

All of the Big Five manufacturers make a significant portion of their sales in the youth bracket. Can you imagine life without the **Honda** CRF50? Not only that but the 70, 80 and 100. **Kawasaki's** ultra-popular KLX110 and the KX65, the only competition for **KTM's** 65SX. Let's not even get into the Orange lineup. The Austrian brand, which already escaped the **beef-related ban**, has more goodies to entice kids than Michael Jackson. The Boys in Blue have a wide-ranging TT-R lineup and **Suzuki** offers mini bikes and quads also.



Will backyard racing become a pastime solely for adults?

"From this point on all products will need to be tested and certified," says Suzuki Communication Manager, Glen Hansen. "Some of the stuff that may include traces of lead would be the wheels, as it helps provide a good seal for the tires, and maybe possible some of the other metals, I'm not totally sure. Though none of it could be ingested and it's in such small levels that it would never affect children."

Keeping lead away from children is certainly a worthwhile concern which no industry bigwig or enthusiast parent will argue. However, unless lawmakers take a realistic look at the nature of ATVs and motorcycles, this blanket policy will be extremely disruptive in our already unstable economy. Obviously, losing the ability to sell motorcycles and ATVs to youths would be devastating, at least until the OEs can re-engineer the equipment to pass standards.

Yamaha National Communications Manager, Bob Starr explains **Yamaha's** approach like this. "We at Yamaha sent a release to our dealers this week asking them to stop selling any current or old TT-R50, TW50 and Raptor 50 models after February 10th when the law takes effect. Anything currently in the pipeline for those models will not be allowed to be sold after that date. We are seeking to get compliance for those models in the future. Also, as of February 10th, hang-tags and labels will be placed on all PW80, TT-R90, TT-R110, YZ85, Raptor 80, Raptor 90 and Grizzly 80 models explaining that are not for use by children under the age of 12 and production will continue on those as normal. We have our legal department doing all they can, but we need to comply with the law and ask the dealers do so as well."

Make sure to use the sidebar and write your own letter to the CPSC. You can also research your state and local representatives' contact info and send them the same letter. If you don't already know how to contact your reps, use the following websites to find your state

legislators and bookmark them for when the next issue arises.

- [US Congress Directory](#)
- [US House of Representatives Member Directory](#)
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Official US Government Website

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



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