

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 572 Session of
2009

INTRODUCED BY HANNA, BELFANTI, CAUSER, CONKLIN, DeWEESE, GEORGE,
GODSHALL, HESS, HORNAMAN, KORTZ, PASHINSKI AND READSHAW,
DECEMBER 17, 2009

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, DECEMBER 17, 2009

A RESOLUTION

1 Urging the Congress of the United States to amend the Consumer
2 Product Safety Act to exclude youth all-terrain vehicles,
3 off-highway motorcycles and snowmobiles from the lead-limit
4 requirements of the Consumer Product Safety Act.

5 WHEREAS, A recent amendment to the Consumer Product Safety
6 Act (Public Law 92-573, 15 U.S.C. § 2051 et seq.), aimed at
7 protecting children from lead in toys, has also forced a
8 nationwide halt in sales of off-highway motorcycles and
9 recreational vehicles built for young riders, a multimillion
10 dollar industry that was thriving despite the recession; and

11 WHEREAS, On February 10, 2009, the amendment to the Consumer
12 Product Safety Act that limits the lead content in all products
13 made for children went into effect; and

14 WHEREAS, Under the Consumer Product Safety Act, "children's
15 product" means a consumer product designed or intended primarily
16 for children 12 years of age and younger; and

17 WHEREAS, Youth-model all-terrain vehicles (ATVs), off-highway
18 motorcycles and snowmobiles, as well as the parts and

1 accessories for youth ATVs, off-highway motorcycles and
2 snowmobiles, are severely impacted by the new lead limits
3 established under the Consumer Product Safety Act; and

4 WHEREAS, As a result of the Consumer Product Safety Act,
5 thousands of powersports dealers were told to halt all sales of
6 new and used vehicles designed for children 12 years of age and
7 younger; and

8 WHEREAS, Consumers have borrowed significant amounts of money
9 on hundreds of thousands of youth ATVs, off-highway motorcycles
10 and snowmobiles; and

11 WHEREAS, Parts for these youth ATVs, off-highway motorcycles
12 and snowmobiles are unavailable, which in many cases renders the
13 ATVs, off-highway motorcycles and snowmobiles inoperable or
14 unsafe to operate or causes the machines to perform improperly;
15 and

16 WHEREAS, Congress needs to adopt a common sense approach to
17 the implementation of the lead provisions in the Consumer
18 Product Safety Act in order to avoid major disruptions to youth
19 ATV, off-highway motorcycle and snowmobile enthusiasts, owners,
20 manufacturers and the dealer network of thousands of small,
21 independent businesses which employ tens of thousands of
22 Americans; and

23 WHEREAS, While protecting children from those products that
24 truly present a lead risk is important, there should be an
25 exclusion for products that do not truly present a lead risk to
26 children; and

27 WHEREAS, While the Consumer Product Safety Act provides for
28 exclusions and authorizes the Consumer Product Safety Commission
29 to grant exclusions under certain conditions, the Consumer
30 Product Safety Commission has not granted any exclusions for

1 youth ATVs, off-highway motorcycles and snowmobiles to date; and

2 WHEREAS, Although the Consumer Product Safety Commission has
3 issued a stay until May 1, 2011, any further delay in providing
4 permanent relief for youth ATVs, off-highway motorcycles and
5 snowmobiles creates an untenable situation for thousands of
6 owners, manufacturers and dealers, many of whom are small
7 businesses; and

8 WHEREAS, Large inventories of products that present no health
9 risk to children are rendered retroactively illegal, and future
10 products are prohibited from sale; and

11 WHEREAS, State Attorneys General have the authority to
12 enforce the Consumer Product Safety Act regardless of the stay;
13 therefore be it

14 RESOLVED, That the ~~Senate~~ HOUSE OF REPRESENTATIVES of the
15 Commonwealth of Pennsylvania urge the Congress of the United
16 States to pass legislation that excludes all youth all-terrain
17 vehicles, off-highway motorcycles and snowmobiles from the
18 provisions of the Consumer Product Safety Act; and be it further

19 RESOLVED, That a copy of this resolution be transmitted to
20 the President of the United States, to the presiding members of
21 each house of Congress, to each member of Congress from
22 Pennsylvania and to the members of the Consumer Product Safety
23 Commission.

