



**MOTORCYCLE
INDUSTRY
COUNCIL®**



March 3, 2025

The Honorable Luke Clippinger
Chair, House Judiciary Committee
101 Taylor House Office Building
6 Bladen Street
Annapolis, MD 21401

Re: Exclude powersports from PFAS requirements in HB 1112

Dear Chair Clippinger:

The Motorcycle Industry Council (MIC)¹, the Specialty Vehicle Institute of America (SVIA)², and the Recreational Off-Highway Vehicle Association (ROHVA)³ strongly urge that **you specifically:**

- 1. Exclude motorcycles, ATVs and OHVs (commonly referred to as ROVs, UTVs, or side-by-sides) and their replacement parts which are largely internal and would not come into regular contact during normal use of the vehicle from the 2026 ban.**
- 2. Specifically exclude youth OHVs, including all-terrain vehicles (ATVs), off-highway motorcycles, replacement parts, and equipment used when operating a motorcycle or off-highway vehicle from the 2026 ban because having youth riding adult sized and powered machines is far more dangerous.**
- 3. Include safe harbor provisions for product already in inventory at the time of implementation.**

Non-polymer vs. Polymer PFAS

When introducing PFAS legislation, it is essential to consider the differences between non-polymer and polymer PFAS. Across the country, there has been a casual use of the term “PFAS” and most legislation does not take into consideration that different types of PFAS have different properties and therefore have different impacts on a consumer’s health and the environment. The powersports industry understands your desire to address those PFAS that easily enter the environment and can bioaccumulate; however, the currently unavoidable use PFAS in powersports are polymerized and have very low risk of entering the environment or your body.

The type of PFAS used in motorized vehicles are fluoropolymers (polymerized PFAS). According to a [2021 OECD report](#), “the term ‘PFASs’ does not inform whether a compound is harmful or not, but only communicates that the compounds under this term share the same trait for having a fully fluorinated methyl or methylene aliphatic carbon moiety.” In the wake of nearly impossible implementation of their overly broad PFAS law, Maine recently passed sweeping legislation (LD 1537/SP 610) to amend the law and **exclude several categories of products - including motor vehicles, motorcycles, all-terrain vehicles,**

¹ The Motorcycle Industry Council (MIC) is a not-for-profit, national trade association representing several hundred manufacturers, distributors, dealers and retailers of motorcycles, scooters, motorcycle parts, accessories and related goods, and allied trades.

² The Specialty Vehicle Institute of America (SVIA) is the national not-for-profit trade association representing manufacturers, dealers, and distributors of all-terrain vehicles (ATVs) in the United States. SVIA’s primary goal is to promote safe and responsible use of ATVs.

³ The Recreational Off-Highway Vehicle Association (ROHVA) is a national, not-for-profit trade association formed to promote the safe and responsible use of recreational off-highway vehicles (ROVs – sometimes referred to as side-by-sides or UTVs) manufactured or distributed in North America. ROHVA is also accredited by the American National Standards Institute (ANSI) to serve as the Standards Developing Organization for ROVs. More information on the standard can be found at <https://rohva.org/ansi-standard/>.

and recreational off-highway vehicles - from their PFAS in products ban. We urge you to follow Maine's lead and provide exclusions in HB 1112 rather than having to go back and run correction legislation in the future.

Fluoropolymers are used, and are essential, in motorized vehicles for fuel and electric systems, powertrains, brakes, semiconductors, and cables and wires. This type of PFAS is critical to the system's safety, increases the service life and lower maintenance costs for consumers, results in better fuel economy and reduced emissions, and enables use of alternative fuels and power storage batteries. Fluoropolymers do not pose a risk to human health or the environment as they are not bioavailable, not water soluble, not mobile, and do not bioaccumulate⁴.

This distinction could be accomplished by amending the PFAS definition as follows:

"PFAS chemicals" means, when used in fire-fighting agents, fire-fighting equipment, food packaging, rugs and carpets, and certain consumer products, ~~a class a group of~~ synthetic perfluoroalkyl and polyfluoroalkyl substances containing at least two (2) sequential fully fluorinated ~~organic chemicals that contain at least one fully fluorinated~~ carbon atoms including perfluoroalkyl and polyfluoroalkyl substances, but excluding polymers, gases and volatile liquids. The prohibition does not apply to components of such products that would not regularly come into direct contact with an individual's skin or mouth during reasonably foreseeable use of such product.

There should be differentiation made between the types of PFAS and **fluoropolymers and fluoropolymer applications should not be restricted.**

Youth OHVs Powered for Children

We urge HB 1112 be amended to specifically exclude youth off-highway vehicles as follows:

(B) On or after July 1, 2026, a person may not manufacture, sell, offer for sale, or distribute in the state a consumer product, except motor vehicles, including motorcycles and off-highway vehicles and off-highway vehicles used by children under the age of 12, that contains PFAS chemicals.

Youth off-highway vehicles are designed and powered specifically for children. Without an explicit exemption, these provisions could have the unintended effect of banning all youth model ATVs, off-highway motorcycles, and youth protective riding apparel and equipment from the marketplace.

Youth OHVs are specifically sized and powered for children. While banning PFAS in consumer products is intended to eliminate potential health risks associated with exposure, if you ban youth-sized OHVs you create a much more immediate health risk due to the potential for children to then operate adult-sized OHVs. 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 to the passage of the Consumer Product Safety Improvement Act, which banned certain limits of lead in children's products. Youth ATVs were subsequently excluded from such lead limits by P.L. 112-28 in part due to CPSC's statement that banning youth ATVs would pose a **"serious and immediate risk of injury or death" for children under 12 who would instead ride larger and faster adult-size ATVs.** (See 74 Fed. Reg. 22154.) PFAS is currently necessary in parts such as gaskets, o-rings, tubing, and other components that are exposed to high heat and to complex chemical blends in fuels and other fluids. These are not parts that would be in regular contact with a child's mouth or skin and therefore would not put a child at risk.

Standards to Protect Riders

Manufacturers must ensure our vehicles and safety gear meet durability standards that are sufficient to protect riders. Any potential PFAS free alternates must also meet durability and safe operation standards that are equal to or exceed current quality in order to be deemed a suitable replacement. This takes considerable resources and time that is not provided in HB 1112. Due to the volume of products requiring

⁴ [Henry et al. 2018](#), [Korzeniowski et al. 2022](#)

testing, manufacturers are not confident they can comply with quick effective date requirements, especially given that our vehicles include hundreds or even thousands of parts and nearly every industry supplier will be competing for product testing under proposed legislation.

Our member companies continue searching for suitable replacements for PFAS in their vehicle parts and products, but currently PFAS is an unavoidable use to ensure safety and proper functioning of our vehicles. Maryland must allow manufacturers sufficient time to find replacements and not subject consumers to risk of harm resulting from unavailability of these youth products.

Safe Harbor Provision

When powersports vehicles are manufactured, we are required to also manufacture replacement parts for the anticipated life of the vehicles. Dealerships, aftermarket suppliers, distributors, and parts stores all stock inventory in anticipation of replacements and repairs. For businesses in your state, this could account for a significant amount of inventory that those businesses cannot be expected to just dispose of without recouping their expenses. As such, we also request a safe harbor provision be added to HB 1112 to ensure existing inventory may be sold rather than disposed. This should also include a several year window of opportunity to sell the inventory.

We understand your desire to address issues related to PFAS and we believe that our proposed amendments are consistent with protecting the health and safety of children utilizing our products. Thank you for your consideration of these proposed amendments and if you have any questions, please contact me at 703-416-0444 ext. 3202.

Sincerely,



Scott P. Schloegel
Senior Vice President, Government Relations
Motorcycle Industry Council
Specialty Vehicle Institute of America
Recreational Off-Highway Vehicle Association