



October 9, 2008

U.S. Department of Transportation
1200 New Jersey Ave. SE
Ground Floor, Room W12-140
Washington DC 20590

RE: Docket No. NHTSA-2008-0157
Federal Motor Vehicle Safety Standards: Motorcycle Helmets

To Whom It May Concern:

The Governors Highway Safety Association (GHSA) has reviewed the Notice of Proposed Rulemaking (NPRM) on motorcycle helmets and wishes to submit comments thereon. GHSA is a national, nonprofit association that represents State Highway Safety Offices (SHSO). Its members administer federal motorcycle safety grants, among other things. Since the Association is focused on behavioral and not vehicle or infrastructure highway safety matters, our comments will be limited to the changes in the labeling requirements for helmets and not the refinements in the testing protocols.

GHSA is very concerned about the increase in motorcycle fatalities over the last decade. As noted in the NPRM, motorcycle fatalities have increased 127% in the last ten years. We strongly concur with the National Highway Traffic Safety Administration's (NHTSA) analysis that the increase in fatalities cannot be explained solely by increases in motorcycle registrations or vehicle miles of travel.

One of the most effective strategies for reducing motorcycle fatalities is to encourage the use of motorcycle helmets. As noted in the NPRM, motorcycle helmets are 37% effective in reducing fatalities. Few other countermeasures can boast such a high level of effectiveness. GHSA strongly supports mandatory motorcycle helmet laws for all riders and encourages the thirty states without such laws to enact them.

Not only do many states fail to have the most protective motorcycle helmet laws, there is a growing problem with evasion of mandatory motorcycle laws in all states. Novelty helmets use is popular among a large segment of motorcycle riders, and these helmets do not meet FMVSS 218 standards, nor are they in compliance with a state's motorcycle helmet law. Many of these riders use the novelty helmets as a means of expressing displeasure with mandatory motorcycle helmet laws. They are also using counterfeit "DOT" stickers on these helmets so as to appear to be in compliance with the federal standards when, in fact, they are not in compliance.

NHTSA has recently conducted testing of these noncompliant helmets and found that they do not provide the rider with adequate coverage. The analysis indicated that the novelty helmets provide "minimal protection during a crash." GHSA is also unaware of any evidence to support claims that fake DOT labels are being used for any purposes other than counterfeiting. In short, novelty helmets are dangerous, and bogus DOT stickers are misleading.

It is GHSA's position that all states with mandatory motorcycle helmet laws should enforce them and ensure that motorcycle riders are using DOT-compliant helmets. The Association also strongly supports any changes to FMVSS 218 that would make it easier for law enforcement personnel to enforce their states' motorcycle helmet laws.

Accordingly, GHSA strongly supports the changes in the motorcycling helmet labeling requirements proposed in this NPRM. By requiring a water decal beneath the clear coating for the helmet, the label is more likely to be tamper-proof. It will be easier for law enforcement to determine whether the label was part of the manufacturing process or simply a decal affixed afterwards. By specifying that the manufacturer's name or brand and model designation be included in the outside label and by allowing the manufacturers to use several different formats, it will be more difficult for counterfeit label producers to develop a single bogus decal. By requiring the word "certified," it will put the onus on legitimate manufacturers of helmets to stand by their products and will clarify that "certified" is a modifier to "DOT" and that the "DOT" does not have some other meaning.

GHSA also recommends that the month and year of manufacture (as already required by S.5.6.1 for the inside of the helmet) be included on the new label. This additional requirement would add another information point that would change monthly, thereby making it difficult for counterfeiters to replicate.

GHSA applauds the National Highway Traffic Safety Administration for promulgating this NPRM and directly addressing a problem that is a growing and pervasive one. Developing a regulation in the face of a vocal minority that opposes helmet laws and flagrantly violates those laws is not an easy task. We encourage the Agency to move forward and finalize this NPRM as quickly as possible so that helmet manufacturers can begin to produce helmets that meet the new standards and law enforcement officers will have the information they need to enforce improper helmet use.

Sincerely,

A handwritten signature in black ink, reading "Vernon F. Betkey Jr." with a stylized flourish at the end.

Vernon F. Betkey Jr.
Chairman
Governors Highway Safety Association