

Responses to submissions from the Public Consultation on draft All Terrain Vehicle Regulations

1 November – 30 November 2019

Submissions made via the online consultation portal.

Document Submitted by	
Organisation	Ryan Agri Consultancy
Email	ryanagri@gmail.com
Section	Draft All-Terrain Vehicle (Quad Bike) Regulations
Category	Draft All-Terrain Vehicle (Quad Bike) Regulations (related to)
Reference Number	WR-zx_41119
Submission Date	4 November 2019
Document reviewed by administrator the 14 November 2019 13:19	

Submission:

I would think all users of Quad Bikes should have a driving licence & mandatory safety helmets.

Comment:

The requirements in relations to driving licencing is outside the remit of the H.S.A., however the submission intent is noted as is the support in relation to mandatory safety helmets.

Document Submitted by	
Organisation	Safety Training Ni
Email	info@safetytrainingni.com
Section	Draft All-Terrain Vehicle (Quad Bike) Regulations
Category	Draft All-Terrain Vehicle (Quad Bike) Regulations (related to)
Reference Number	PM-sq_51119
Submission Date	5 November 2019
Document reviewed by administrator the 14 November 2019 13:19	

Submission:

100% agree that helmets should be worn when riding a quad, otherwise known as a sit astride ATV. I also believe that helmets should be worn on Sit in ATVs as a person's head can come in contact with the ROPS or doors, helmets must be worn when on the public road, as a Lantra approved instructor I strongly agree ATV approved or motorcycles helmets are a must,

Please feel free to contact me at any time

Comment: *The draft amending regulations intend to regulate sit astride ATV's only, however operators of side-by-side ATV units, which are fitted with a cab and seat belts, may also wear head protection but under the current proposed amendment will not be mandatory.*

Document Submitted by	
Organisation	Lantra
Email	
Section	Draft All-Terrain Vehicle (Quad Bike) Regulations
Category	Draft All-Terrain Vehicle (Quad Bike) Regulations (related to)
Reference Number	PS-ki_181119
Submission Date	18 November 2019

Submission:

Lantra is a nationally recognised Awarding Organisation with 50 years' experience specialising in training and qualifications. We work closely with professionals, businesses and trade associations to develop training and qualifications with the aim of ensuring that they have competent workforces that have the skills to carry out their jobs safely and effectively.

The nature of ATV riding demands that a user wears PPE. Although complete protection may not be possible, knowing what to wear and how to wear it can reduce the chance of injury in the event of a tumble. A user should never operate an ATV without an approved helmet, eye protection, boots, gloves, long trousers and a long-sleeved shirt or jacket. Additional protective clothing may be required for some operations, for example spraying. Lantra offer a range of ATV training courses, specific to ATV Sit Astride, ATV Sit in Conventional Steer and ATV Sit in Skid Steer. As per Lantra's training materials for ATV courses, users are advised of the full PPE requirements; the requirements specific to the use of helmets is as follows (this is based on HSE UK guidelines): HELMETS - Head protection is vital. A user's helmet is the most important piece of protective gear for safe riding; it can help prevent a serious head injury. Helmet types considered suitable for ATV operations, depending on the circumstances of use, are motorcycle helmets to BS 6658:1985 or UN ECE regulation 22.05, equestrian helmets to BS EN 1384:1997, including specialist ATV helmets, cycle helmets to BS EN 1078:1997 and mountaineering helmets to BS EN 12492:2000. All helmets should have a chinstrap and be capable of being used with suitable eye protection. They should fit snugly and be securely fastened. Full-face helmets help to protect your face as well as your head. Open face helmets are lighter and cooler but may need additional mouth protection depending upon your situation. The type of helmet chosen should be based on an assessment of the circumstances in which the ATV will be used, e.g. the types of surfaces travelled over and anticipated speeds. The harder the surface and higher the speed, the greater the degree of protection needed. Forestry helmets and industrial hard hats are not acceptable for any ATV operations. Eye protection - You must be able to see clearly in order to ride safely, if anything hits you in the eyes, you will be at least temporarily blinded. Regular glasses/sunglasses do not provide proper protection on an ATV. A visor or goggles will help protect you more fully. *A copy of Lantra's training materials for ATV operations is available for review on request.

Comment: *Detailed submission accepted and reference to other PPE requirements set out on the amending regulations.*

Document Submitted by	
Organisation	Department of Agriculture, Food and the Marine
Email	
Section	Draft All-Terrain Vehicle (Quad Bike) Regulations
Category	Draft All-Terrain Vehicle (Quad Bike) Regulations (related to)
Reference Number	RL-xv_271119
Submission Date	27 November 2019

Submission: The Department of Agriculture, Food and the Marine is in favour of the development of regulations for the use of ATVs in workplaces, including farms. The number of ATV related accidents remains far too high. The requirement for mandatory training of operators and correct use of PPE (helmets and gloves) is a proportionate response to the level of accidents with ATV's on farms.

ATV's have a useful role in agriculture when correctly used, however, their misuse has resulted in fatal farm accidents, including one earlier this year. The Department of Agriculture, Food and the Marine would also recommend the installation of speed limiters on ATVs, so that the top speed does not exceed 30 kilometres per hour (KPH). This may help to reduce the frequency of accidents occurring on rough ground due to excessive speed.

Comment: *Additional PPE requirements now set out on the amending regulations. The need for the installation of speed limiters should be largely negated by operators receiving professional training.*

Document Submitted by	
Organisation	IOSH Rural Industries Sector Ireland
Email	
Section	Draft All-Terrain Vehicle (Quad Bike) Regulations
Category	Draft All-Terrain Vehicle (Quad Bike) Regulations (related to)
Reference Number	GH-kh_291119
Submission Date	29 November 2019

Submission: November 2019 IOSH Rural Industries Ireland Sector Committee. We agree with the proposal that operators of ATV's will be required to wear PPE helmets at all times while operating ATV's as a safety requirement to protect the operator and reduce injury in the event of an ATV accident.

We support the proposal to introduce regulations requiring operators to satisfactorily complete a driver safety training course on ATV operations in the workplace as a competency measure and risk reduction measure associated with ATV operation. We suggest that

provision of training support aid should be investigated from within current governmental skill support mechanisms for employers including the self-employed.

Comment: *Reference to investigating grant aid for training noted.*

Document Submitted by	
Organisation	Teagasc - Irish Agriculture and Food Development Authority
Email	
Section	Draft All-Terrain Vehicle (Quad Bike) Regulations
Category	Draft All-Terrain Vehicle (Quad Bike) Regulations (related to)
Reference Number	JM-zx_291119
Submission Date	29 November 2019

Submission: ATV Safety. Following examination on the proposed Regulation and associated Regulatory Impact Assessment, I consider that the proposed Regulation will have an important impact on the safe use of ATV's at workplaces. In particular, the specification of Helmet use, to a suitable standard, will assist with getting the practice of using such PPE, as an accepted norm.

Regarding the requirement for training, this is necessary for safe ATV use. I note that training to an associated QQI specification is to be implemented under the regulation. I advise that consideration should be given to recognising prior training that ATV users have gained prior to the implementation of the Regulation passing date by other bodies (e.g. Lantra UK). Also, given the cost of ATV training, I suggest that consideration be given to funding part of training cost from a public source (e.g Skillsnet).

Comment: *Accepted and reference to recognition of prior learning and investigation of part funding of costs for training is noted.*

Document Submitted by	
Organisation	self employed Farmer
Email	
Section	Draft All-Terrain Vehicle (Quad Bike) Regulations
Category	Draft All-Terrain Vehicle (Quad Bike) Regulations (related to)
Reference Number	PG-sq_291119
Submission Date	29 November 2019

Submission: All quads sold in Ireland should be sold with training and a quality helmet. This includes quads sold from private individuals to other private individuals. The only exception

is private individuals trading in an old quad for a newer one, to the trade no training or helmets needed.

Even quads sold as scrap to private individuals, should be sold subject to training and a helmet. This should eliminate the practice of quads going into the hands of a young person under 18 years of age. Training on quads should be mandatory for all as low as 12 years of age.

Comment: *The submission intent to support both training and the wearing of head protection is accepted and reference to making the provision of these at point of sale will be considered.*

Document Submitted by	
Organisation	FRS Training
Email	
Section	Draft All-Terrain Vehicle (Quad Bike) Regulations
Category	Draft All-Terrain Vehicle (Quad Bike) Regulations (related to)
Reference Number	JD-bz_291119
Submission Date	29 November 2019

Submission: Under section 61A include "that training should be refreshed every 3 years", to ensure ongoing awareness is understood of ATV control, balance and safety. Training should be certified. Remember a certified training provider might deliver in-house training - Not suitable in this context state "that the training delivered is certified by a certified awarding body" C&G, Lantra or QQI also include in section 61A "That the event organisers must ensure" that operators of ATV's at shows or other agricultural or non agri events are trained" - in some cases the ATV operators are voluntary and may not see the "show or event venue" as a place of work.

Comment: *Proposal for the need for refresher training, certifying bodies, certified training providers and ensuring that the requirements are understood at "all places of work" is noted.*

Document Submitted by	
Organisation	Cohort Recruitment & Training
Email	
Section	Draft All-Terrain Vehicle (Quad Bike) Regulations
Category	Draft All-Terrain Vehicle (Quad Bike) Regulations (related to)
Reference Number	AR-ca_291119
Submission Date	29 November 2019

Submission: As a safety specialist and safety-training provider, I wish to express my support for the proposed regulations. I have some points to be considered in the preparation of the final regulations.

1. What constitutes “appropriate” in terms of the training requirement should be made specific and clearly defined. This is the case with pesticides training i.e. to a QQI, City & Guilds, Lantra or other recognized level of certification.
2. The parameters of what a registered training provider is should be made clear. This may simply be a training provider authorized by QQI, City & Guilds, Lantra or other named equivalent body to deliver certified ATV training. The alternative is that a register of providers be maintained by the Authority.

It would be best to avoid grey areas as to what appropriate training is and in particular, the type of certification required. By reading the draft regulations as it stands it seems that in-house certification from a registered training provider would suffice. To ensure consistency of training standards certified training is preferable. If the Authority will maintain a register it would be clear what a registered provider is, in the absence of such a register it would be necessary to define what constitutes a registered provider given that at present there is no national register of training providers.

Comment: *The reference to clarifying what or who is a recognised training provider and how controlled will be fully considered and reflected in the regulations.*

Document Submitted by	
Organisation	Agricultural Consultants Association (ACA)
Email	
Section	Draft All-Terrain Vehicle (Quad Bike) Regulations
Category	Draft All-Terrain Vehicle (Quad Bike) Regulations (related to)
Reference Number	BC-jh_291119
Submission Date	29 November 2019

Submission: Following a consultative process with the members of ACA, the following recommendations are being made:

1. Biannual NCT on all quads

Comment; *NCT requirements are specific to vehicles used on public roads and Quad Bike use on roads to minimal. Given that Motorbikes or Tractors to date do not require NCT there is little prospect of achieving this in the short-term.*

2. Helmets to be mandatory

Comment; *Agreed.*

3. Operators must be 16+ years of age

Comment; *Supported and will be considered, as this is a consistent Manufacturers Recommendations, which is based on the height and weight needed for a person to control an ATV.*

4. Every operator must complete a driving test for the initial licence

Comment; *This is outside the legislative remit of the Authority*

5. Safety training mandatory to be compulsory with a requirement for a safety revision every 3 years. If training is not completed, then insurance becomes null and void. Half-day training can be easily incorporated into other safety training events, if required.

Comment; *A refresher training requirement will be fully considered.*

6. Cut off switch to be installed under every seat similar to that which is available on tractor lawnmowers.

Comment; *To maintain control of the bike, operators of ATV's regularly must shift or completely remove their body weight off the saddle; particularly for steep uphill riding, making a cut-off switch on ATV's impractical.*

7. Speed regulator to be installed to limit speeds to 30km/hour

Comment; *A speed limiter will be fully considered.*

8. The hand throttle is too close to the brake control on most quads. This is a major contributor to accidents.

Comment; *The design of the thumb throttle is an international standard as a hand-throttle similar to those found on motorbikes are impractical as ATV riders hold these with hand pressure to control the bike.*

9. Make it illegal to have passengers on a quad.

Comment; *This will be fully considered.*

10. Roll over bars to be made compulsory on all quads.

Comment; *The provision of rollover bars is more appropriately to be addressed by manufacturers, and is not currently supported by manufacturers of ATV's.*

11. Training to be provided to ACA members as they can be the biggest influencers on farmer behaviours when visiting farms. Training to outline best practice and regulations, including any new regulations implemented as a result of this process. If the HSA would like to discuss any of our recommendations in greater detail, please contact its General Secretary Breian Carroll. Thank you for the opportunity to contribute.

Comment; *This will be fully considered in due course.*

Comment: Responses to each bullet point is provided in italics above.

Standalone submissions made by post

1.

Hackett Agricultural Consultants

Knock Cross, Balbriggan, Co. Dublin

15/11/19

Re: Draft All terrain Vehicle regulations submission - Hackett Agricultural Consultants

Background

Dr Richard Hackett established Hackett Agricultural Consultants (HAC) in 2007. The consultancy is based in North County Dublin but operates Nationwide. Hackett Agricultural Consultants provides specialist agricultural and expert witness services to all levels of the Agricultural industry, from producers, suppliers and procurement companies upstream and downstream of producers and state and semi state bodies. Richard Hackett is a founding member of the Irish Tillage Consultants Association, Tillage Industry Ireland and is a member of the Agricultural Consultants Association.

Submission

Hackett Agricultural Consultants are in favour of the proposal to introduce mandatory training and helmets for use with quad bikes. As well as head protection, the use of a helmet focusses the operator to the job at hand of driving the quad bike, as the helmet narrows the range of vision and closes off extraneous noises, such as mobile phones ringing etc. This reduces distractions to the operator.

I would suggest that PPE for quad bikes should be extended to include appropriate footwear and appropriate clothes as well as helmets.

I would also suggest that the legislation be extended to include an obligation on owners and operators to maintain the ATV in an appropriate condition to the work the ATV is tasked to do. A small list of essential maintenance areas, such as brakes, tyre condition, tyre tread depth, covers, shields should be maintained as part of the compliance with the legislation.

Sincerely,

Hackett Agricultural Consultants

Comment: *Accepted and reference to investigating grant aid for training is noted.*

2.

Irish Farmers' Association

Submission on Draft All-Terrain Vehicle (Quad Bike) Regulations

Side by Side's Vs. ATVs

While ATVs and Side by Side's are very similar in some ways, there could not be a clearer distinction between them, than when it comes to safety. With Side by Side's you're enclosed, protected from the environment with a roll cage over the top, in ATVs you have none of those things. Side by Side's come equipped with seat belts, roll bars, doors and windshields, whereas ATVs don't.

Cost

The cost can often be a mitigating factor when a farmer purchases a Side by Side over an ATV.

IFA has long proposed that VAT should be removed on farm safety equipment to support farmers to purchase and maintain equipment to the best safety standards and thereby minimising the risk.

IFA proposes that to encourage farmers to invest in Side by Side's or when replacing an ATV on a farm, VAT should be allowed to be claimed back ref. VAT 58, on any expenditure associated with the Side by Side.

Training

There is a number of ATV safety trainers in Ireland, with various different qualifications, which have been ascertained in different countries, UK, America, France etc. The vast number have been obtained in the UK.

IFA proposed that the Regulations are not introduced until it is established that the UK qualified trainers will meet the necessary standard for the Regulations after Brexit.

Comment: *Accepted and reference to investigating grant aid for training is noted.*

3.

ICMSA

John Feely House, Dublin Road, Limerick

Submission on ATV Operation

To whom it may concern,

The operation of ATV's can be dangerous, and we welcome the HSA's proposal to review the regulations that apply to ATVs. ICMSA agrees that helmets should be provided and worn by all operators of ATVs.

Regarding the proposed requirement of a training course for all operators, ICMSA would question the effectiveness of such a proposal and in practical terms, how will the HSA prevent an untrained person from using an ATV. The requirement for a training course while on paper may appear to address an issue, it is unlikely to have the expected impact.

ICMSA believes that in order to prevent or reduce accidents, the design of ATV's needs to be examined. The effectiveness of roll bars should be considered

I hope you will take our views on board.

Comment; *The provision of rollover bars is more appropriately to be addressed by manufacturers, and is not currently supported by manufacturers of ATV's.*

4.

Road Safety Authority | Moy Valley Business Park, Primrose Hill, Dublin Road, Ballina, Co. Mayo

Safety, Health and Welfare at Work (General Application) (Amendment) Regulations 2019

The Safety, Health and Welfare at Work (General Application) (Amendment) Regulations 2019 propose that requirements be introduced such that those operating all-terrain vehicles (ATVs) wear appropriate head protection, and complete ATV safety training delivered by a registered training provider, approved by the Health and Safety Authority (HSA). The Road Safety Authority (RSA) of Ireland would support these proposed amendments.

According to the RSA's road traffic collision data, during 2014-2018 there were 5 fatalities and 45 injuries in Ireland where at least one ATV or scrambler was recorded¹. These collisions occurred on a public road, were reported to An Garda Síochána, and the vehicle involved was specified as being an ATV or scrambler.

Although these figures are not ATV specific, they also do not include ATV collisions which occurred off-road (e.g. on a farm), and as such are likely an underestimation of the casualties resulting from all collisions involving ATVs in Ireland. According to figures provided by the HSA, during 2009-2018 30% of workplace fatalities in the agriculture sector have involved tractors, ATVs or other vehicles, with ATV fatalities showing a significant increase in recent years [1]. 11 deaths have been attributed to the operation of ATVs during this time.

Measures to improve the safety of those operating ATVs are clearly needed, and the RSA are in favour of the Safety, Health and Welfare at Work (General Application) (Amendment) Regulations 2019 as a means of achieving this. In terms of the specific amendments proposed, the RSA would present the following in support of these.

First, in relation to the protective effects of helmet usage, the road safety research is clear. The use of helmets by cyclists and motorcyclists, for example, greatly reduces the likelihood and severity of injury should a collision occur [e.g. 2, 3, 4].

The benefits of requiring helmet usage can also be seen when examining the RSA's observational study data for cyclists and motorcyclists [5]. It is not mandatory for cyclists to wear helmets, for example, and in 2018 under half (47%) of the 33,945 observed cyclists were wearing one. A helmet is required by law when driving a motorcycle in Ireland however, and in 2018 99.5% of the 6,273 observed motorcyclists wore a helmet. The critical importance of wearing a helmet which meets the relevant safety standards has also been emphasised throughout the research literature [e.g. 6, 7].

Industry transitioned from three-wheeled to four-wheeled ATVs in the 1980s due to instability concerns with the former. However, as a result, cornering of a four-wheeled ATV is more difficult due to their construction. At higher speeds, proper handling of these four-wheeled vehicles (e.g. when cornering, on gradients) is important to counterbalance weight

¹ Please note that 2017 and 2018 figures are provisional and subject to change.

distribution and to maintain the centre of gravity so that the ATV is stable. For this reason, riding with a passenger or with an unbalanced load presents even more difficulties.

The RSA is in favour of HSA's proposal for rider training, to provide know-how on preventing roll-overs and consequent crush injuries, and this is critical to avoiding fatalities. The RSA also recommends that training includes a module concerning ATV maintenance, checks and service frequency, including keeping tyre pressures at the manufacturer's recommended pressure. The HSA should restrict the age for such training courses in keeping with the legal requirement to drive one of these vehicles on the road (to those 17 years and over).

The RSA can attest to the safety benefits of implementing mandatory driver training programmes for those driving for work, which have been designed and delivered by trained professionals. The RSA Driver Certificate of Professional Competence (CPC) programme, for example, is an established training course for professional bus and truck drivers which sets and maintains high standards of road safety amongst drivers of trucks and buses. Benefits of this programme include the enhanced safety of drivers and other road users, in addition to reduced vehicle repair and fuel costs and environmental benefits (such as reduced emissions) [8].

Similarly, Initial Basic Training (IBT) and Essential Driver Training (EDT) are mandatory RSA training courses designed to teach basic riding and driving skills to learner motorcyclists and car drivers completing the Graduated Driver Licensing scheme. They were developed to improve the road safety of the learner driver (and thus the safety of other road users), through teaching essential skills and safe driving practices by an approved instructor.

In line with this, and in acknowledgement that ATVs may be driven on- as well as off-road, the RSA would lastly recommend that consideration is given to requiring a testing and certification protocol as part of the approved ATV training process, to ensure that drivers are sufficiently skilled to safely use an ATV.

Comment: *Accepted and reference to inclusions in ATV Training Programmes are noted.*