

First State IRATE

Intelligent Riders for Awareness, Training & Education

10 FACTS in favor of FREEDOM of CHOICE in regards to Helmet Laws

1. Manufacturers of DOT approved motorcycle helmets are not required by law to test their helmets prior to "self-certifying" them as meeting the Federal Standard. The self-certification by the manufacturer stands until that model is randomly selected for testing and either passes or fails compliance tests.
2. Any DOT motorcycle helmet that experiences the shock of even a fall from as low as waist height is no longer able to provide protection and requires replacement, as per manufacturer's instructions, even if no visible damage is apparent. Approved helmets are fragile and can be easily damaged beyond their ability to provide protection.
3. The greatest impact any DOT helmet is required to withstand is being dropped vertically from 6 feet.
4. Between 1980 and 2008 over 61% of all DOT helmets randomly tested failed to meet Federal Standard. This would suggest a high percentage of helmets in use today do not meet the Federal Standard.
5. Manufacturers recommend replacing DOT helmets after 3 to 5 years of use due to degraded ability to protect as designed. Although law enforcement cannot tell how old a helmet is by visually inspecting it, a helmet that age is probably no longer to meet the Federal Standard. This means a large number of helmets in use today are no longer providing effective protection to the user.
6. According to the National Highway Traffic Safety Administration (NHTSA) 81% of fatal crashes involving helmeted motorcyclists, the fatal injury was to a part of the body other than the head. In the same report NHTSA also stated that the same was true in 61% of fatal accidents involving helmetless motorcyclists.
7. The effectiveness of DOT motorcycle helmets in preventing fatal injuries according to NHTSA is only 37%.
8. According to the National Center for Health Statistics un-helmeted motorcyclists injuries account for less than 0.001% of all American health care costs.
9. Washington State Police's own "Bogus Helmet" brochure states "any helmet that doesn't meet the federal standard is a "bogus helmet". The same brochure states "You are more likely to die in a motorcycle collision if you are wearing a bogus helmet than if you wear no helmet at all".
10. The Center for Disease Control (CDC) found that between 2002 and 2006, 35% of all emergency room visits due to automobile accidents were traumatic brain injuries (TBI) related, while only 3.3% of motorcycle emergency room visits were related to TBI. During this same period, 13% of all automobile crash hospitalizations were TBI related compared to 2.2% of all motorcyclists hospitalization.

FACTS IN SUPPORT OF "FREEDOM OF CHOICE"

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- ✓ A recent search of NHTSA's web site revealed that helmet standard compliance tests show a failure rate of 64% of all helmets tested since 1994. NHTSA is the safety arm of the U.S. Department of Transportation (DOT) who is the chief proponents of mandatory "CRASH" helmets.
- ✓ DOT tests helmets by a 6-foot vertical drop, impacting at 13.66 mph. Even at these low impacts 64% fail. That would explain why the last new helmet I purchased a few years ago had a sticker in the lining that read, "Warning: No protective head gear can protect the wearer from unforeseeable impacts. This helmet is not designed to provide neck or lower head protection. This helmet exceeds Federal Standard FMVSS218: Even so, death or serious injury may result from speeds as low as 15mph while wearing a helmet". Now the sticker makes sense.
- ✓ Motorcycle helmet manufacturers do not warrant their helmets for anything other than cosmetic injury or "skipping" types of head injuries, where the rider is propelled along the road and does not come in direct contact with an obstacle at a speed above 15mph. (*The manufacturers must have read the DOT report*).
- ✓ A British study stated "Helmets reduce side vision an average of 41 degrees, representing a 16% impairment to the normal field of vision. Add to that Isaac Newton's Law of Motion, when applying the law of inertia, and a 4 pound helmet at 50 mph becomes 200 pounds upon impact. The weight factor adds to discomfort and fatigue and fatigue is the leading cause of motor vehicle accidents".
- ✓ A series of scientific studies by engineer D.R. Fisher concluded, "Helmets increase the temperature of a wearers head more than three times as much as a wool hat and trap two-thirds of the heads heat without allowing it to dissipate: sound attenuation represents an impairment in the ability of a rider to perceived or discriminate warning or other useful sounds that decrease the risk of being involved in an accident".
- ✓ Contrary to statements by some lawmakers, members of the media and other proponents of mandatory helmet laws, helmets reduce hearings and vision levels that would not allow a driver to obtain a drivers license in most states. It may sound contrite, but wearing a helmet while driving an automobile is against the law in most states, including California, which tried to pass a helmet bill for all motor vehicle operators in 1989.
- ✓ The study conducted by Dr. Jonathan Goldstein, Bowdoin College states: "Motorcycle helmets have no statistically significant effect on the probability of fatality, and past a critical impact speed, helmets increase the severity of neck injuries".
- ✓ Research conducted by The Brain Injury Association of America and the Ontario Head Injury Association concluded that most brain injuries are caused by the secondary impact, or Contrecoup, which occurs when the brain comes in forced contact with the inside of the skull. The sadly well-known phenomenon of the Shaken Baby Syndrome is a prime example of how brain injuries occur.
- ✓ What protection would a 4 pound plastic bowl on your head provide when your brain, traveling at 55 MPH, hits the inside of your skull, and slams into the opposite side of the initial impact, causing additional contusion? Wouldn't it be better to avoid the impact in the first place? And wouldn't it be better to try to beat the odds prior to the accident than afterwards? That's another reason why I think I deserve the Freedom of Choice.
- ✓ The point here is that if we can see and hear the other guy, are not fatigued to the point our reaction time is decreased, we have a considerably better chance of avoiding the accident. And by avoiding the accident we don't have to rely on a safety device that has not been proven to be effective.
- ✓ Social Burden is another one that always rears its ugly head during the Helmet debate. How are we a burden on society because we choose to ride a motorcycle without a helmet? We're not, considering the fact that the automobile driver is at fault in more than 70% of all car/motorcycle conflicts, according to the Second International Congress on Automobile Safety.

- ✓ Most of the "Burden" on us is brought on by the other guy. If the car operator is at fault, he's the burden on society, if anyone is. We're the victim. If the helmet would have or could have kept him from running us over or off the road, then and only then, the helmet and us become the burden.
- ✓ We also pay into the social nets every week. Medi-Care, welfare and all the other social nets are an important part of society. Motorcyclists are as insured as or better than the average motorist. No social burden here. Quite the contrary. Social burden is an attitude. People only hear what they want to and it makes them feel better if they can cast blame away from themselves.
- ✓ The average motorcyclist, according to a survey by the Motorcycle Industry Council (MIC), is 38 years old, has a median income of \$44,250 and almost 59% are married. Just over 31% are in the professional / technical category of professions, 36% have completed some college and 23% are college graduates. We contribute our "fair share" to society.
- ✓ Motorcyclists are considerably less reliant on the social nets than any other group. We are just as likely, or more so, than any other group admitted to Trauma Centers to be insured. We have the highest insurance payment rate of any group. Motorcyclists make up a smaller percentage than any other group of road trauma cases, based on vehicle miles traveled. Bottom line is that no other group is less a burden on society than we are. We're just an easy target.
- ✓ A study done by Harborview Medical Center, used in numerous arguments for mandatory helmet use by the National Traffic Highway Transportation Safety Administration (NHTSA), found that 63.4% of injured motorcyclists taken to a trauma center relied on public funds to pay for their hospital bills. The study also noted that 67% of the general patient population relied on public money to pay their hospital stays during the same time period. This is the part of the study that the proponents of mandatory helmet laws fail to include.
- ✓ A similar study by the University of North Carolina's Highway Safety Research Center showed that 49.5% of all injured motorcyclists had their medical costs covered by insurance, almost identical to the 50.4% of the other road trauma victims that were similarly injured.
- ✓ The North Carolina study also stated "Helmet use is not associated with overall injury severity, discharge status or insurance status". In another study released by the Arizona Governor's Office of Highway Safety it was found that "There is no appreciable differences found relative to fatality rate, severity of injury, hospital stay and discharge status between victims who wore a helmet or those who did not".
- ✓ Motorcyclists are NOT a public burden. We DO carry health insurance as often as other vehicle operators. Consider the findings the "Journal of Trauma" that stated, "Automobile accidents account for 45.5% of head injured patients and are responsible for 37.1% of all fatalities involving head injuries. Or the National Safety Councils "Accident Facts" that states "Motorcycles comprise 2.5% of vehicles in the United States, yet are involved in 1.1% of the accidents".

What does all this mean? It means that educated motorcycle riders should have the right to choose to wear a helmet or not. Motorcycle riders are no greater burden to society than any other group, and less a burden than most.

The real answer is for NHTSA, the government entity charged with correcting safety issues, to turn from the flawed philosophy of "safer crashing" and focus its efforts on the promotion of motorcycle education and awareness and accident prevention.

In closing, I'm not against helmets, just the mandatory use of them. Helmets are not the answer. Awareness and Education is the answer. Helmets are for after the accident, where Awareness and Education come before the accident and help to prevent it in the first place. It's a safety issue with me. I feel safer without it. Many of my fellow riders would not think of riding without a helmet on. I certainly appreciate that. I just ask that my reasoning be considered as well.

"EDUCATE - DON'T LEGISLATE"