

HELMET DANGERS

Collection of articles and studies which conclude that motorcycle helmets cause harm.

Message to Sam Hochberg, attorney for AIM/NCOM, 12/19/2007

Sam,

I agree with the points you make in yesterdays' email with the article "Let's study the benefits of no helmets". I've referenced some studies pertinent to helmets causing harm, and included some other interesting articles to reference.

1. an NTSB case that stayed open for several years, and was closed in 1980 or 1981 with no finding or conclusion. There was research in New York which showed increased neck injuries when wearing heavy helmets. I queried the NTSB about this. **Please see the attached reply** from the NTSB explaining it was probably closed due to the upcoming 1980 Hurt Study. I have also attached **H73-30.pdf** which says **75% increase in serious neck injuries!**
2. the **Goldstein study** done by a statistical researcher in Bowdoin College, Maine.
3. Are Fractures of the Base of the Skull Influenced by the Mass of the Protective Helmet? Journal of Trauma-Injury Infection & Critical Care. 41(5):854-858, November 1996. *Konrad, Ch. J. MD; Fieber, T. S. MD; Schuepfer, G. K. MD, MBA HSG; Gerber, H. R. MD.* Medical study concluded that **high weight helmets should be avoided**. Email to NTSB, NCHP, NC Governor Easley, NCGA, saying I am not willfully complying, so the State may be liable.
4. I am looking for and cannot find a video of a 3 part series news cast (from LA?) prior to the enactment of the California helmet laws, in which an emergency room physician stated that head injuries are something like 14% of the cause of death in motorcycle accidents. I wish I could find this again. Since other vehicles account for 89% of fatalities, it follows that they must be dying from some kind of injuries, so there could be as many as 9 or 10 times as many head injuries as a result of accidents in other vehicles as there are with motorcycles, but the government cherry picks the data based on what programs they are hot for, so we may never see the numbers. Motorists who push us to wear helmets ought to watch their own heads lest they be next.
5. Alert: Heat Stress and Motorcycle Helmets. References studies including one about Hyperthermic Brain Damage as a serious Public Burden.
6. CDC statistics about TBI. If one were to listen to the NHTSA, they might be led to believe that most head injuries are the result of motorcycle crashes.
7. You might also be extremely interested in the complaint on file with the ODI (department at US DOT) about the D-ring on the helmet strap allegedly causing stroke and brain damage. **ODI No 10193212**
8. Helmet Test Results Summary - Most helmets were failing their random tests, so what did the NHTSA do? Cut down the number of random tests.
9. NHTSA says use failed helmets unless notified by the manufacturer to stop.
10. Warren Woodward's Helmet Facts

There are over 500,000 helmets in the recalls database. NHTSA says some of these could cause serious injury or death. These are the only helmets which are actually deemed not compliant by make and model, yet, per emails from the DOT they have **no ability to do effective recalls**. These helmets are not accounted for. The NHTSA has done an atrocious job and deserve none of the credibility which they and the NTSB demand. The DOT symbol only means the helmet is self-certified by the manufacturer, or has been affixed with no certification. The DOT symbol has not earned any trust, so it is wrong for the government to force these on us. Many, such as the AFX FX3, are still being sold. The NHTSA FMVSS 218 and their DOT label is a farce which I refer to as "Better Marketing through Legislation".

Note that since California v. Richard Quigley ([see video](#)) and Judge Barton finding "there is no such term as DOT Approved, in fact, or in law", and the community has publicized this extensively, there is now a new trend for the US DOT Secretary Mary Peters and NTSB Chairman Mark Rosenker to begin using the term "**DOT certified**" rather than "DOT Approved" helmets. Likewise, there is no such term as DOT certified in fact or in law, because just as [DOT does not approve helmets](#) or have a list of approved helmets, the DOT does not certify or maintain a list of certified helmets. We need to get them to admit this, then force them to BACK OFF using the term "DOT Certified" as a very misleading phrase that has no meaning, just as we have done when they use the term "DOT Approved". The only certification is done by the manufacturer.

US DOT has no statutory authority over consumers or motorcycle operators. FMVSS 218 is a manufacturing standard to be followed by manufacturers, and the supply chain (exporters, importers, resellers, distributors). The only "law" pertinent to consumers and motorcycle operators are found in State codes or statutes. If those statutes are vague, either in their writing or by use of vague referencing standards not understood by the average citizen, the State violated the 14th Amendment of the US Constitution when they made the law, and every time they enforce the law:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State [deprive](#) any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Thus, it should be considered a proven fact that, there has been a miserable failure of the NHTSA. They do not screen helmets prior to the products reaching the consumer market, so the existence or lack of a DOT label does not prove compliance. In states which have embedded FMVSS 218 into their traffic statutes, the motorcycle operator is being told to comply, but with no list of approved helmets, they **cannot ensure compliance with certainty**. Therefore, the law is vague, and unconstitutional. Law enforcement officers are neither trained nor equipped to conduct compliance testing, so they are caught in the middle. (By the way, always be sure to say you do not consent to a search of yourself or your property - some LEO may want to look at labels inside your helmet). In NC, each helmet ticket that goes to trial costs the state \$872. It probably is expensive to the state you live in also, so be sure to ask for a trial, and learn how to fight those tickets! An increase in the court backlogs, and a money losing proposition, can render laws unenforceable.

jan

Question Authority

file: helmetdangers.odt