

Booming Sales of Novelty Helmets Boost Toll of Motorcycle Deaths

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A fatal motorcycle accident in San Diego County on Jan. 30, 2011. (CAL FIRE San Diego)

The results were tragic but not surprising last May when Suzanne Randa and her fiancé, Thomas Donohoe, crashed while riding Donohoe's Harley Davidson on Highway 79 near the Southern California city of Loma Linda.

Donohoe, who was wearing a helmet meeting federal safety standards, escaped injury and walked away from the accident. Randa, 49, who wore a so-called novelty helmet that was cheap and stylish but offered no real protection, died at the scene after the strap broke and her head slammed onto the pavement.

"I just don't think these helmets should be permitted," said Randa's 23-year-old daughter, Kelli Meador, who still has her mother's scarred turtle-shell headgear.

Even as more than 800,000 novelty helmets are sold in the U.S. every year, and as motorcycle crash deaths mount, federal regulators have never acted with urgency to crack down on the popular but flawed headgear. Proposals to limit sales of the novelty helmets have been delayed over and over again.

It's not because the National Highway Traffic Safety Administration, which sets safety standards for helmets, is ignorant of the problem. Six years ago NHTSA hired an independent lab to study seven novelty models, and found they all shared a distinguishing characteristic: they were worthless in a crash.

"All analyses gave a 100-percent probability of brain injuries and skull fracture, indicating that the person wearing the helmet will sustain fatal head injuries," the [evaluation](#) found. It added: "Motorcycle riders who wear novelty helmets and believe that 'something is better than nothing' have a false sense of security regarding the protection afforded."

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It remains legal to make and sell novelty helmets as long as they aren't falsely represented as meeting federal standards. Wearing them is clearly against the law only in a dozen or so states that require motorcyclists to wear helmets meeting the federal standard.

NHTSA says it is studying ways to limit sales and will have a proposal within a few weeks. That, however, would be only one step in an approval process that, even if successful, could take many months or years.

So far the agency has gone no farther than to adopt a rule taking effect next month that it hopes will make it easier for police to spot helmets with fake safety labels. Meanwhile, sales of novelty helmets keep growing — as do the numbers of deaths among riders wearing them.

NHTSA officials declined to be interviewed for this article. A spokesman said the agency does not comment on issues that are the subject of a pending rulemaking.

The lack of resolve by NHTSA to tackle the threat troubles doctors, safety experts and families of crash victims. "It is a huge loophole," said David Thom, an El Segundo, Calif., engineering consultant and helmet expert.

[Numerous tests](#) have shown that certified helmets — those meeting federal standards — save hundreds of lives every year, and cut the risk of a deadly accident by more than a third. They are widely considered the best tool available to prevent fatalities. Novelty helmets, by contrast, account for hundreds of deaths. That is contributing to a troubling trend, as [FairWarning has reported](#), of rising motorcycle fatalities in recent years while traffic deaths generally have declined. The [latest federal figures](#), for 2011, show motorcycle crashes taking 4,612 lives, more than doubling since the mid-1990s and now accounting for one in seven U.S. traffic deaths.

The inaction also spotlights how politics may trump public health considerations in the debate over motorcycle safety. Arguably the most effective strategy in combating substandard helmets has been limited by legislation promoted by rider groups. States including California and Virginia have prohibited state and local police from using motorcycle checkpoints to ticket violators of helmet laws and other rules of the road.

What's more, even in some states where helmets are required, enforcement is often lax or inconsistent. It typically is left to the discretion of individual officers, many of whom don't see it as a priority or who have trouble distinguishing the novelty helmets from the certified ones.

Consumer advocates say the situation cries out for changes. "There needs to be more done in eliminating the supply but also in making sure that states with helmet laws are going to crack down," said Henry Jasny, general counsel of Advocates for Highway and Auto Safety, a Washington-based watchdog group. "People just don't want to touch it. It is hard to get leadership. It is too political."

Novelty helmets first became popular as a [symbol of resistance](#) in states that required bikers to wear certified helmets. A fight to have California's helmet law struck down in court was for years led by a man who was repeatedly arrested for violating the helmet law by wearing a baseball cap with a bogus "DOT," or U.S. Department of Transportation, safety label on the back.

One group, [BOLT of California](#), still takes the position that a state law requiring head protection can be met "so long as you have an object on your head that you claim is a helmet, and it has the letters 'DOT' on it."

But other people also buy the helmets, drawn by the low cost and the misconception that they provide a measure of safety. "I am sure there are lots of people out there who do not appreciate the fact it does not provide any protection," said Thom, the engineering consultant.

NHTSA's [helmet standard](#) for manufacturers, known as Federal Motor Vehicle Safety Standard No. 218, has been in place since 1974. As with other motor vehicle equipment regulations, it's enforced through a kind of honor system. Manufacturers determine whether their helmets meet the standard, and attach a "DOT" sticker certifying compliance. The agency conducts spot checks only after the helmets are on the market, with help from independent labs. The numbers of those inspections were halved by NHTSA recently due to budget cuts.

The many helmets that, because of poor performance or false labeling, have gotten failing grades — as many as 30 percent to 40 percent every year — do little to inspire confidence that bad products are kept off the market. (Officials say the percentage is high because they focus testing on suspect helmets.) Critics also say the agency is slow to respond when problems are detected; it issued a consumer alert last year about a helmet made by a California manufacturer that was deemed defective more than three years earlier. (The agency has said that a bankruptcy filing by the helmet firm delayed the notice.)

Sales of novelty helmets have climbed even as the number of states requiring riders to wear helmets has declined. That's partly because more and more riders are hitting the road. Also, the novelty helmets usually are about one-third the cost of a certified helmet. Some riders find comfort in their lighter weight, even though that is also what makes them dangerous.

It has also been relatively easy to pass them off as legal. The simple stickers NHTSA has required on certified helmets are easy to reproduce for anyone with a computer and printer, while other counterfeit versions are widely available over the Internet. For example, riders can [buy two for a dollar](#) at <http://www.chopperstickers.com/>. The website says customers are responsible for how they use the stickers. The site's operator anonymously goes on to tout the product, saying: "I have had one on my helmet for about a year now and it has held up fine in [sic] through all kinds of weather and abuse."



Suzanne Randa, who was killed last May in Southern California in a motorcycle crash while wearing a novelty helmet, with a grandson. (Courtesy of Kelli Meador)



Jeff Miller, who suffered multiple skull fractures in a Vermont motorcycle crash last September, with his wife, Dawn. (Courtesy of Dawn Miller)

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Flawed Helmets and Motorcycle Deaths

Even as U.S. traffic deaths have been declining in recent years, more and more people are dying in motorcycle crashes. Among the key reasons: Riders either aren't wearing helmets or are wearing so-called novelty helmets that don't meet federal safety standards and are worthless in an accident.

- **U.S. motorcycle deaths in 2011:** 4,612, up 2.4 percent from 2010 and more than double the total of 2,116 in 1997.
- **Share of traffic deaths suffered by motorcycle riders in 2011:** 1 in 7.
- **Share of traffic deaths suffered by motorcycle riders in 1997:** 1 in 20.
- **Novelty helmets sold annually:** More than 800,000 in states that require helmets for all riders, according to a federal estimate. Currently, 19 states have such laws.
- **Number of deaths per year in states with mandatory helmet laws due to use of novelty helmets instead of certified headgear:** Estimate ranges from 438 to 754.
- **Lives saved annually because of riders who wore certified helmets:** 1,438.
- **Average cost of a novelty helmet:** \$52.07
- **Average cost of a helmet meeting federal standards:** \$154.85

Source: National Highway Traffic Safety Administration

A rule that NHTSA hopes will make the stickers harder to copy by requiring that they be more detailed — first proposed during the Bush Administration — goes into effect in May. Yet people debate the difference the rule will make, and even NHTSA acknowledges it is unlikely to significantly reduce the annual death toll from motorcycle accidents.

NHTSA has estimated that as many as 754 people die each year in states with mandatory helmet laws because they wore novelty helmets instead of safe headgear, which amounts to nearly one in six rider fatalities nationwide. Yet in the 19 states that require riders of all ages to wear some form of protection, the novelty versions account for about one of every five helmets sold.

Cheap imports from Asia have dominated the novelty market in the U.S., even as some Asian governments have started cracking down on the headgear in their own countries. Another big distributor of novelty helmets, Voss Extreme Sports, is based in the Canadian province of British Columbia. Concerned about rising deaths, provincial officials last year banned motorcyclists from wearing novelty helmets.

Novelty Helmets are sold over the Internet by companies with names such as "[Helmets Gone Wild](#)" and "[Iron Horse Helmets](#)." Iron Horse sells German World War II-styled novelty helmets, available in camouflage, gun metal, leather and chrome finishes; a "Bone Yard" model with skull-and-crossbones design, available in pink, blue and red; and a "Gladiator" helmet with spikes. Prices start at around \$30, and top out with a [glittery three-quarter shell](#) model for \$305.99 that resembles a '70s disco ball.

Marketers of novelty helmets are unapologetic, dismissing safety concerns and saying they simply are accommodating consumer demand.

Todd Sobel, the founder and president of Birmingham, Ala.-based Iron Horse, says that people who buy his helmets know what they are getting into. Most of his helmets, he says, are sold to people in states that do not require headgear, and who just want to look good. "They are not bought for safety. They are bought for style," he said. He also makes the much-disputed assertion that the headgear provides at least some protection for people who otherwise would not wear anything on their head.

Novelty helmets are usually sold with disclaimers that they are not intended for highway use. But NHTSA is skeptical. The agency said [in a notice](#) two years ago that novelty helmets are "minimally used" by groups other than motorcycle riders, and are often sold online on the same websites as motorcycle gear. Its authority to regulate novelty helmets appeared bolstered last year by a change in federal law that puts motor vehicle equipment sold "with the apparent purpose" of safeguarding users within its jurisdiction.

The agency seemed to be getting serious about novelty helmets in 2007 when it subjected seven popular brands to testing by an independent lab. Six of the seven models, distributed by such firms as "Helmets R Us" and "Helmets, Etc.," failed every phase of the three-part evaluation. In some cases the products allowed more than twice the legally permissible energy impact to the head from a hard fall.

Much of the problem was due to the flawed design of the outer shell and flimsy liners inside. But the straps didn't work, either, separating on impact — meaning that even if the helmets were more substantial, they were unlikely to stay on a rider's head and provide critical protection during a crash.



A novelty helmet for sale on the Internet.

Since April 2011, NHTSA says, it has considered developing a rule to crack down on the importation and distribution of novelty helmets. The agency has gone so far as to set an internal timetable for issuing a proposed rule and obtaining public comment. But it has twice postponed plans, most recently citing a need for "additional coordination." The agency now says it intends to submit a proposal for review to the Office of Management and Budget by late this month.

Meanwhile, around the country, people continue to die and suffer grievous injuries. In Vermont, Jeff Miller, a truck driver who taught helmet safety for a local Harley dealer, crashed his bike into the back of an SUV last September, suffering multiple skull fractures; he was wearing a novelty helmet. "It is not like he didn't know that the helmet he was wearing was not safe," said his wife, Dawn. "He thought it was cool." His medical bills already total more than \$500,000 with more surgery and therapy to come. The family is looking to Medicaid, the federal healthcare program for the poor, to help cover some of the costs.

California has also seen a rise in accidents involving novelty helmets. "It's a trend we see quite often up here," Ariel Gruenthal, deputy coroner in Northern California's Humboldt County, said of a surge in novelty helmet-related deaths last summer. "We have had straps rip, helmets pop right off."

"I realize it is a very personal decision, and a lot of people who ride motorcycles don't want to be wearing a helmet at all, so they wear the bare minimum," Gruenthal said. "I really encourage people to think about their safety and think about their family and everybody who will be left behind if something happens."

Randa was a free spirit, who got married as a teenager, divorced, and then lived for a time raising her family on a chicken ranch. She told friends the best job she ever had was working the graveyard shift as a waitress at Denny's. In a tragic irony, the father of two of her children was killed years ago in a head-on collision on the same road where she perished, just a few miles away.

According to her children, she struggled with alcohol, drug and gambling addictions, but lately seemed to have found happiness with Donohoe, 69, a retired electrician.

Motorcycles were a new adventure, and the experience both exhilarated and terrified her. "My mom was not what you call bike literate," said Meador, her daughter. "She said it was fun. But then there were a couple of times when she said it was scary because [Donohoe] drove like an idiot. ... She loved being on the back of the bike."

Donohoe was headed to a doctor's appointment at the VA hospital in Loma Linda when the crash occurred. "He was basically cutting through traffic, misjudged a car ... and went down," said Darren Meyer, a spokesman for the California Highway Patrol. "As she tumbled down the road she took more impacts. ... He did not even go to the hospital."

Meyer said the choice of helmets "absolutely" made a difference in their fates.

Randa's son, Tyler Meador, built a seven-foot cross, which he erected as a memorial near the crash site, with handprints of three of her children, in turquoise, her favorite color. Her children, to cover the cost of her funeral, raised money through an appeal on the Internet.

Donohoe was charged with vehicular manslaughter and with having a provisional motorcycle permit that did not allow him to carry passengers. He said he had purchased the novelty helmet from a roommate. "I tried to get her to get a helmet like mine," he said, but Randa did not like how she looked in the DOT-certified helmet.

"Of course I feel a sense of responsibility," he said, adding that he has a new point of view about novelty helmets following the tragedy. "I think they should be regulated. I don't think they should ever be sold, period."



Jeff Miller, who faces more surgery and therapy to recover from his head injury suffered in a motorcycle crash. (Courtesy of Dawn Miller)