United States
CONSUMER PRODUCT SAFETY COMMISSION
Washington, D.C. 20207

MEMORANDUM

DATE: September 24, 1998

TO : Distribution

Through: Sadye E. Dunn, Secretary

FROM : Martha Kosh
Office of the Secretary

SUBJECT: All-Terrain Vehicle - Comment Request - Proposed Resolution FR., Vol 63, No. 172, September 9, 1998

ATTACHED ARE COMMENTS ON THE CA98-1

COMMENT	DATE	SIGNED BY	AFFILIATION
CA98-1-1	9/09/98	Randy harden President	Wisconsin ATV Association, Inc. 1020 Superior Ave. Sheboygan, WI 53081
CA98-1-2	9/16/98	Scot M. Tway President	Twin Cities Yamaha
CA98-1-3	9/17/98	Betty Wentland	

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Requests For Comments - Federal Register DOCID: fr09se 98-46

All-Terrain Vehicles - Comment Request - Proposed Resolution

Dated September 9th, 1998 On Line via GPO Access

Re: ATV Action Plan

Adhering to the Consumer Products Safety Commission (CPSC) request for comments before entering a Commission Resolution in the Federal Register on or after October 26th, 1998, find below the comments of the Wisconsin ATV Association, Inc. (WATVA). This organization has approximately 35 chapter clubs, 20 associate business members, and 40 dealership members. Our organization represents ATV/OHV issues in this state that has over 125,000 registered ATVs. We work with state, county, local, and national land management agencies pertaining to safety issues, environmental concerns, and ethical uses of OHVs. Our association has a proven track record with the responsible citizens concerned with providing a positive future for this OHV recreational activity.

The Wisconsin ATV Association agrees with the majority of actions taken during the 10 year period that the Consent Decree was in place. However, there continues to be a major flaw in the communications to the public that is contradictory to our interpretation of the intent in the original Consent Decree. That is to provide effective safety measures that limits or curtails injuries and deaths of youth on ATVs. We also have a major concern with the wording used in the draft resolution that singles out Honda's approach in a seemingly negative way. Their desire (Honda's) seems similar to ours (WATVA) in that improvements and adjustments need to be made that more effectively address the weak areas of the original recommendations.

On page 10 (also shown as 48204), the draft document reads "*Whereas, the Commission remains concerned about the current level of deaths and injuries associated with ATVs, especially those involving children younger than 16, and believes enhanced safety efforts may achieve a further reduction in such deaths and injuries.*" The contradiction in achieving this "enhancement" of safety efforts remains in the flawed terminology/definition of a **YOUTH-SIZED ATV.**

The 70-90cc engine sized ATVs, as mandatory equipment on which the under aged 16 youths must take the All-Terrain Safety Institute (ASI) classes, *prevents* the same targeted youth, in almost every case, from partaking in the very safety class the Decree was meant to provide! In the vast majority of circumstances, this antiquated "engine size/youth age" formula is not credible to the ATV owner/parent, is not believable in common sense thinking to the ATV enthusiast thus invalidating the perceived need for safety training itself. In many situations, conducting the youth class on the supposed proper sized ATV is actually unsafe, in that the youth in need of training is often too LARGE for the improperly termed **youth-size ATV**.

This is a ***major*** obstacle to overcome. If we all wish to work toward the *enhancement of safety efforts* to resolve this contradictory dilemma, the WATVA feels your Resolution should reflect such wording in the permanent record of the Federal Register. Indeed, if there is to be any real chance to make the needed adjustments to the worthwhile accomplishments of the Consent Decree, this is the opportune time to make them.

Your text does state on page 10 (48203) that the Commission believes there needs to be greater attention to the "age" issue at the state levels. We concur with that action. As the WATVA has demonstrated in Wisconsin, we have our own safety legislation in place that fits the more realistic "age/fit" of the youth OHV user group. However, because of the precedent the Consent Decree (and now the Resolution) establishes (size of machine/age of child), we will be unlikely to combine the ASI class with our own State Department of Natural Resources (DNR) youth ATV safety class program. This dramatically reduces the

chances of providing more effective class completion numbers for our state youth that ride the ATV units. Please consider a stipulation that allows for a state to determine their own unique needs which will allow us to make use of our talented but very limited instructor base. I would be most willing to explain this in detail with the authors of this document.

This leads us to comment on the Commission's refusal to commend Honda's ATV program. While our statewide organization and our sister organization's across the country have certain relationships and partnerships with all of the original equipment manufactures (OEMs), Honda has consistently participated in grass roots involvement for the sake of gleaning useful information that most certainly includes the reality of motivations to enhance safety training enrollment numbers. I say this from our own experiences, that Honda participates willingly and often in discussion groups and gatherings that provide the most realistic means to formulate successful results and systems to promote proper riding behavior changes and safety management decisions. It appears to us, that because Honda is using a different approach based upon their research methods at a grass roots level, that the Commission is implying Honda is not equally committed to overall safety practices. This is not right.

While we commend all of the different OEMs and the Commission for their commitment to ATV safety issues, specifically our youth, Honda has made known their explanations and logic's based upon the OHV world the WATVA works and recreates in. History has proven to us that Honda understands the ATV marketplace environment, as they live in it with us. To suggest Honda is not providing enough safety alerts (item #1 page 7), that Honda doesn't have a grasp of dealer awareness issues (item #2 page 8), that the training incentive and motivations are improper (item #3) and that Honda has to notify in advance of a topic that is of as much importance (if not more?) than any of the rest of the committed parties, we feel is a mistake on the part of the Commission. Honda continues to provide financial and human resources towards our various grass roots efforts that compliment the other components surrounding the Consent Decree era. We endorse Honda's commitment and different strategies with an intent to further improve the results of responsible training and OHV riding opportunities. As part of the comments requested, the WATVA encourages the Commission to offer the same commendations to Honda, as they are certainly deserving of that recognition.

Without the two adjustments to the Resolution provided in comments by the Wisconsin ATV Association, our comments stand as *opposed* to this ATV Action Plan Resolution. With the two provisions and adjustments mentioned, we would then certainly go on record as supporting the plan.

Thank you for the opportunity to comment. We look forward to the opportunity of working with your agency to better serve the safety of the youth and adults alike in our chosen recreational pursuit.

On behalf of the Wisconsin ATV Association Board of Directors,

Randy Harden
President
WATVA, Inc.
1020 Superior Avenue
Sheboygan, WI 53081
(920) 457-4141

Received: from web.cpsc.gov (web.cpsc.gov [127.0.0.1]) by (NTMail 3.03.0014/4c.afbp) with ESMTP id mcohn for <mcohn@cpsc.gov>; Thu, 17 Sep 1998 18:55:34 +0100
From: "mcohn@cpsc.gov" <mcohn@cpsc.gov>
To: "mcohn@cpsc.gov" <mcohn@cpsc.gov>
Subject: Failed mail: unknown user
Date: Thu, 17 Sep 1998 18:55:34 +0100
Return-Path: <>
Message-Id: <22553484300296@cpsc.gov>
Mime-Version: 1.0
Content-Type: multipart/mixed; boundary="==_22553484300297==_"

This is a MIME-encapsulated message

--==_22553484300297==_
Content-Type: text/plain; charset="us-ascii"

This mail message has been delivered to the default mailbox.

--==_22553484300297==_
Content-Type: text/plain; charset="us-ascii"

The requested destination was:
cpcs-os@cpsc.gov

The text of the message follows:

--==_22553484300297==_
Content-Type: message/rfc822
Content-Disposition: inline

Received: from cybrzn.com (unverified [207.250.166.141]) by vop.cybrzn.com
(Vircom SMTPRS 1.0.169) with ESMTP id <B0001889475@vop.cybrzn.com>;
Thu, 17 Sep 1998 17:42:29 -0500
Message-ID: <36018D01.8617CF2@cybrzn.com>
Date: Thu, 17 Sep 1998 16:28:17 -0600
From: Betty Wentland <bbwentland@cybrzn.com>
X-Mailer: Mozilla 4.05 [en] (Win95; I)
MIME-Version: 1.0
To: cpcs-os@cpsc.gov, Dave Schultz <smoltz0319@aol.com>
Subject: 'ATV ACTION PLAN'
Content-Type: multipart/alternative; boundary="----------8F82B183D92C8556D6545E78"

----------8F82B183D92C8556D6545E78
Content-Type: text/plain; charset=us-ascii
Content-Transfer-Encoding: 7bit

Office of the Secretary
Consumer Products Safety Commission
Washington, D.C. 20207

The latest document regarding Honda's noncompliance with the safety standards of ATV's is absurd. They do foster education regarding safety for both the riders and the trainers of safety classes. In many cases,

the injury or death of the driver is pure stupidity on the part of that driver or the juveniles parents. When you can re-legislate common sense to be mandatory we will then have safe trails. It does not take legislation or a brain surgeon to keep riders safe. It simply takes good judgement and good parenting, something this entire country lacks. ATV clubs nor property owners should be held liable for any infractions where accidents occur. Recreational enthusiasts need to held accountable for their own stupidity or lack of good judgement, often mixed with drugs, alcohol, or excessive speed. Please rethink your position on the ATV accidents document.

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<HTML>
<FONT SIZE=+2>Office of the Secretary</FONT>

<FONT SIZE=+2>Consumer Products Safety Commission</FONT>

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<P><FONT SIZE=+2>The latest document regarding Honda's noncompliance with the safety standards of ATV's is absurd. They do foster education regarding safety for both the riders and the trainers of safety classes. In many cases, the injury or death of the driver is pure stupidity on the part of that driver or the juveniles parents. When you can re-legislate common sense to be mandatory we will then have safe trails. It does not take legislation or a brain surgeon to keep riders safe. It simply takes good judgement and good parenting, something this entire country lacks. ATV clubs nor property owners should be held liable for any infractions where accidents occur. Recreational enthusiasts need to held accountable for their own stupidity or lack of good judgement, often mixed with drugs, alcohol, or excessive speed. Please rethink your position on the ATV accidents document.</FONT></HTML>

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Author: Scot & Nancy Tway <twayscyc@mindspring.com> at INTERNET-MAIL
Date: 9/16/98 8:25 PM
Priority: Normal
TO: cpsc-os@ntmail.cpsc.gov at internet-mail
BCC: Todd A. Stevenson at CPSC-HQ1
Subject: ATV Action Plan

Dear Sirs & Madams:

Being an ATV dealer for over 12 years has given me a knowledge of the original Consent Decree and brought the new proposed 'Action Plan' to my attention. While I have generally agreed with the ideology of the Consent Decree it was majorly flawed, as the Action Plan continues to be, in respect to Youth Models. I wish I had photos of the various 6'2" 240lbs 15 year olds, or of similar demensions, sitting on a Yamaha YFM-80 Badger! It would be dangerous for anyone of that size, regardless of age, to try to attemp to operate such a small ATV. Also, It is VERY OFFENSIVE to most consumers when you tell them what they are allowed to let their children do! As one 'Gentleman' told me in no uncertain Terms " It's non of your's or the goverments business what I let my kids do!" And in some respects he was correct.....The burden of the Consent Decree and now the Action Plan is put on Us Dealer's sholders. It has made our lives and jobs Much more difficult with respect to Youth Model ATVs. Something needs to happen with respect to the Youth Model definitions or handling of the recommendations and training of young riders. I'm afraid most of young riders are not being trained because of the "Age Recommendations".

Before any 'Action Plan' is approved this matter should be resolved.

Sincerely Yours,
Scot M. Tway
President
Twin Cities Yamaha