



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

CPSA 6 (b)(1) Cleared
 10/27/98
 No further action
 Product
 Admitted
 Contact

MEMORANDUM

DATE: October 26, 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

<u>COMMENT</u>	<u>DATE</u>	<u>SIGNED BY</u>	<u>AFFILIATION</u>
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	Betty Wentland
CA98-1-4	9/18/98	Timothy Braun ASI Instructor	12139 Spring Creek Titusville, PA 16354
CA98-1-5	9/29/98	Randy Smith Secretary/ Treasurer	Kansas All Terrain Vehicle Association 3514 Clinton Pkwy. Suite A, Box 314 Lawrence, KS 66047
CA98-1-6	10/16/98	W. B. Audrey Vice President	Professional Cycle, Incorp.
CA98-1-6a	10/16/98	W.B. Audrey Vice President	Address same as above

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

CA98-1-7 THRU CA98-1-33	10/21/98	Darryl Gardner Karen Gardner Darrell Koepp David Lopeimski M. Cassanova Virginia Pence Christina Squires Michell Blasier Terry Sleeter Phil Frydrych Charles Kalkfer Skip Newton Susan Pulliam Leona Sloan Henry Sloan Wade Wentland Kurtis Sleeter J. Zoch Adam Danaff Lane Wentland Jenny Polart Terry Schwartz Mary E. Squires Ernie Crosslan Jeanette k Kristin Kozlowski Jodisiga Porada	Dun-Good Wilderness Riders, Inc. Goodman, WI 54125
CA98-1-34	10/21/98	Steve Schaefer Rural Youth Safety Specialist on behalf of America Honda Motor Co., Inc.	National Children's Center National Farm Medicine Center 1000 North Oak Ave. Marshfield, WI 54449
CA98-1-35	10/23/98	D.E. Meyer	DE Meyer & Assoc. P.O. Box 66 Pioneertown, CA 92268
CA98-1-36	10/23/98	Richard Sauer President & CEO	National 4-H Council 7100 Connecticut Ave Chevy Chase, MD 20815

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

CA98-1-37	10/26/98	Sonia Bartz Vice President	All Terrain Vehicle Assoc. of Minnesota P.O. Box 557 Osseo, MN 55369
CA98-1-38	10/26/98	Clifford Glidden Deputy Director	Off-Highway Motor Vehicle Recreation 1725 23rd St. Suite 220 P.O. Box 942896 Sacramento, CA 94296
CA98-1-39	10/26/98	Michael Brown on behalf of Heiden Assoc.	Brown & Freeston, PC 3201 New Mexico Ave, NW, Suite 242 Washington, DC 20207
CA98-1-40	10/26/98	N. Cvijanovich	The University of Utah Utah Crash Outcome Data Evaluation Sys. 410 Chipeta Way Suite 222 Salt Lake City, UT 84108
CA98-1-41	10/26/98	Lucinda Sikes PCLG Mary E. Fise CFA Ed. Mierzwinski US PIRG	Consumer Federal of America U.S. Public Interest Research Group
CA98-1-42	10/27/98	R. David Pittle Vice President Tech. Director & Sally Greenberg Sr. Product Safety Counsel	Consumers Union 1666 Connecticut Ave, NW, Suite 310 Washington, DC 20009

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

Author: <rharden@nohvcc.org (Randy Harden)> at INTERNET-MAIL
Date: 9/18/98 10:00 AM
Priority: Normal
TO: 'CPSC' <cpsec-os@cpsec.gov.> at internet-mail
CC: "'Ryherd Kim (work)'" <kryherd@nohvcc.org> at internet-mail
BCC: Todd A. Stevenson at CPSC-HQ1
Subject: ATV Action Plan response
To: CPSC request for comments

Please be advised of our response to the above draft resolution. We will be sending paper copies with more documentation in multiple copies in the US Mail.

Thank you.

Randy Harden
President
(920) 457-4141

Wisconsin ATV Association, Inc.
1020 Superior Avenue
Sheboygan, WI 53081

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

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@cpesc.gov>; Thu, 17 Sep 1998 18:55:34 +0100
From: "mcohn@cpesc.gov" <mcohn@cpesc.gov>
To: "mcohn@cpesc.gov" <mcohn@cpesc.gov>
Subject: Failed mail: unknown user
Date: Thu, 17 Sep 1998 18:55:34 +0100
Return-Path: <>
Message-Id: <22553484300296@cpesc.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@cpesc.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@cpesc.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.

-----8F82B183D92C8556D6545E78

Content-Type: text/html; charset=us-ascii

Content-Transfer-Encoding: 7bit

<HTML>

Office of the Secretary

Consumer Products Safety Commission

Washington, D.C. 20207

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-----8F82B183D92C8556D6545E78--

--==_22553484300297==_--

Author: "tbraun+pitt.edu" <tbraun+pitt.edu> at INTERNET-MAIL
Date: 9/18/98 7:21 AM
Priority: Normal
TO: "'cpsc-os@cpsc.gov'" <cpsc-os@ntmail.cpsc.gov> at internet-mail,
"Office of the Secretary" <cpsc-os@ntmail.cpsc.gov> at internet-mail
CC: Randy.Harden[rharden@nohvcc.org] at internet-mail
BCC: Todd A. Stevenson at CPSC-HQ1
Subject: ATV Action Plan

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

All-Terrain Vehicles - Comment Request - Proposed Resolution

Dated September 18th, 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, I state my comments as a father of four children (ages 11 to 17 years); an Assistant Professor of health and physical education (entering my 19th year); owner of six (6) adult-size ATVs; and a certified ASI Safety Instructor (April 1997).

Since becoming an ATV Safety Instructor, 16 months ago, I have established four training sites in this region to include the Allegheny National Forest, the City of Titusville, the township of Cranberry, and a private business enterprise. I have conducted 35 ATV safety classes and taught 175 students.

I agree 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 my 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.

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.

Out of the 175 students that have attended my classes, only one (1) was a youth. Countless times parents have expressed their desire to have their

child participate with them in the ASI RiderCourse. Numerous times adults have chosen not to attend but indicated they would bring their child if the opportunity was made available.

We are witnessing state and national organizations abandoning your youth-size recommendations. They are in-line with what is fact and taking the positive measures to address this issue by choosing to make available an educational opportunity for their youth that is realistic. I am experiencing the constraints associated with the CPSC's position on the youth-size recommendation and the ASI's standards.

This is a major obstacle to overcome. If we all wish to work toward the enhancement of safety efforts to resolve this contradictory dilemma, I feel 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.

I stand as opposed to this "ATV Action Plan Resolution" as it is now written.

Thank you for the opportunity to comment.

Timothy J. Braun
ASI Instructor #96814
12139 Spring Creek Rd.
Titusville, PA. 16354
(814) 827-1048

**Kansas All Terrain Vehicle Association
3514 Clinton Parkway Suite A
Box 314, Lawrence, Ks. 66047**

CPSC/OFFICE OF
THE SECRETARY
1993 SEP 29 P 2: 19

RE: "ATV Action Plan"

Office of the Secretary
Consumer Product Safety Commission
Washington, DC. 20207

Dear CPSC,

We, the Kansas All Terrain Vehicle Association (KATVA) would like to respond to your request for "Comments" regarding the "ATV Action Plan".

First, we would like you to know that the KATVA is a Non-Profit ATV Club that has been in existence since March of 1987 (11 years). We are made up of at least 300 members in which 65% of our members are "Family" memberships. The reason that we are mentioning this is that, "**we live the ATV life**". We are the people that are effected by the rules and guidelines that you help create and or enforce.

The KATVA is "**very Safety oriented**" Club that requires members to wear Safety Protective clothing (Helmets, Gloves, Long Pants, Boots etc.). Many of our members have been Safety Instructors for the SVIA and ASI and many more "adult" members have taken the same SVIA or ASI Safety classes. (**NOTE:** None of the children in the KATVA have been able to take a Safety Course due to current unrealistic CPSC restrictions). In fact one of the KATVA's Motto's is "**Family Fun with Safety Number One**". This all, hopefully will show you our commitment to **ATV Safety**.

The Problems and Flaws with the current **Age Restrictions** are as follows.

#1. The current **Age vs Size** limitations (in regards to Safety Training) actually **prevent children from getting the Safety Training that they so badly need**. In your reports you mention (several times) the concerns with children getting hurt and to quote "Risk declines with driving experience", yet the current age restrictions prohibit a child from taking a safety course before age 6. Then the next age groups (up to and including age 15), would require large and heavy children to take a Safety Course on a machine that they are simply too large for, which actually "**causes unsafe conditions for the child**". Their knees hit the handle bars and throttle, their feet cannot operate the foot brakes properly etc. **This must be changed!**

#2. As mentioned above, **“we, the KATVA, live the ATV Life”**. It’s our own children that we watch ride and grow. The current **Age vs Size** limitations **“are NOT realistic”**. **We believe that the “Common Sense” approach to the machine size is the correct answer**. According to the current standards, nearly every child in the KATVA is in violation of the Age vs Size requirements, yet in 11 years of being a Club we have NOT had one serious injury. Why is this? you ask. The parents in our Club know their children better than anyone. They know what limitations to place on their own children. They work with the children when they are very young and give the children the much needed “driving experience” that your statistics show reduce accidents and injuries. It all sums up to **“Common Sense”**.

Here are some examples of the Age vs Size that the KATVA see’s in the “Real World” of ATV use. **NOTE:** These are **not** requirements, guidelines, minimums or maximums.

Only what we see in a normal Family that is in our Club or at public riding areas.

***Ages 2 to 6.** Most of these children are beginning to ride the smallest available ATV’s made. The 50cc Suzuki 4 wheelers are most common due to the nice features that this machine has. There is a cord that is attached to a rear of the machine which is plugged into a engine shut off switch. The parent can walk behind the child and coach the child in proper riding then “if needed” the parent can simply pull this cord and shut the engine off to prevent a run away child and machine or it can also be used to instantly stop the machine “if needed” for any other reason. Also, all the smaller child sized machines have “throttle stop screws” that allows a parent to restrict how much throttle the child is allowed to use. Then as the child grows and gains that much needed experience, the parent can slowly allow more throttle by adjusting the screw. By age 6 “most” of the children are way to large for these sized machines and now have several years of experience and move up to bigger machines.

***Ages 7 to 11.** Most of the children in this age group are riding 4 wheeled machines in the 80cc & 90cc range. Honda, Suzuki & Yamaha all make these machines. These machines all feature “throttle stop screws” that allow the parent to restrict the power given to the child. By age 10 or 11, “most” of the children have physically outgrown these machines and must move up to a larger machine.

***Ages 12 to 15.** Most of these children are of middle school age and are over 5 foot tall and over 100 lbs. (some are closer to 6 foot and 160lbs). If they were to comply with the past CPSC requirements these children could only ride a “small” 80cc or 90cc machine which is ridiculous and also very unsafe. These “big” kids are so large on these small machines that they can’t turn or brake the machines properly. Also taken into consideration is the fact that many children in this age group have been riding ATV’s for an average of 10 years already. The majority of kids in this age group are riding 200cc to 250cc sport type 4 wheelers such as Yamaha Blaster 200cc, Suzuki QuadSport 230cc, Honda 250X 250cc etc.

So how do these children get these machines? Most are purchased used because parents are forced into becoming liars if they want to buy a new machine for their child. It only

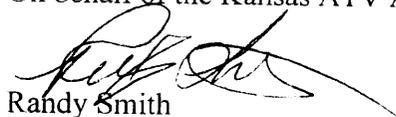
takes one trip to the ATV dealer to find out that you **can't** by a "sensible" sized machine for your child without lying because of this foolish Age vs Size restrictions.

By using the current CPSC requirements and restrictions, NOT ONE OF THESE ABOVE MENTIONED CHILDREN could be given a ASI Safety Course! These Age vs Size limitation are GREATLY FLAWED and need to be removed. The very recommendations that are meant to protect "the children" prohibit these same children from getting proper Safety Training.

As mentioned before, a "**Common Sense**" approach is needed. There is **No Way** that a certain age makes a person (child or adult) qualified to ride a certain machine based on engine size. There are many adults who have no experience riding ATV's and lack the proper skills to operate a ATV "Safely" without proper training and education. You see, **Training, Education, Safety Features and Experience are the answers, NOT age restrictions.**

Thank you for this opportunity to comment on the "ATV Safety Plan".

On behalf of the Kansas ATV Association Board of Directors,



Randy Smith
Secretary/Treasure
KATVA

Author: <Nrsnichole@aol.com> at INTERNET-MAIL
Date: 10/16/98 6:19 PM
Priority: Normal
TO: cpssc-os@cpssc.gov at internet-mail
BCC: Todd A. Stevenson at CPSC-HQ1
Subject: atv resolution

Classy 10/16/98 ✓

Hello, I am just a concerned parent whose 13 year old daughter was seriously injured on an ATV. Despite stricter controls over the sale and use of these machines, children are still riding them and getting hurt and or dying. There has to be stricter penalties to the owners of these machines who allow minors to ride them. In our case, a former Polaris worker purchased the machine for the owners on discount. The owners never recieved the training provided but did recieve an owners manual (which they claim they never read) and the atv had warning stickers on it (which they claim they never saw. Furthermore, they said in their deposition that they will continue to ride atvs like they used to including letting minors drive and allowing passengers to ride. What can the CPSC do about that? It's really the owners buying these things that are allowing all of these accidents to happen. Awareness has to be a continuing process. I feel stricter criminal penalties towards parents or owners of atvs should be dealt out when it comes to children riding atvs.

Author: "Bruce Andrey" <andrey@alltel.net> at INTERNET-MAIL
Date: 10/16/98 1:00 PM
Priority: Normal
TO: "CPSC" <cpsc-os@ntmail.cpsc.gov> at internet-mail
BCC: Todd A. Stevenson at CPSC-HQ1
Subject: ATV Action Plan

Let the ATV market flourish. Your ten-year plan had to have been a success. Injuries are down dramatically and sales of new units are at an all-time high. Continue with age recommendations and allow the OEMs to police themselves. Save us taxpayers some tax dollars. The ATV economy is very healthy and the demise of the Consent Decree will not see a return to the dark ages.

Implementing the proposed ATV Action Plan will be burdensome on the OEMs and can only contribute to higher prices and the continued misconception by many that ATVs are dangerous, killer machines.

Step aside CPSC, go find some other consumer product to pick on, like maybe bicycles, those things are really dangerous.

Sincerely,

W. Bruce Andrey
Vice President
Professional Cycle, Inc.

Author: "Bruce Andrey" <andrey@alltel.net> at INTERNET-MAIL
Date: 10/16/98 6:00 PM
Priority: Normal
TO: "CPSC" <cpsec-os@ntmail.cpsc.gov> at internet-mail
ECC: Todd A. Stevenson at CPSC-HQ1
Subject: ATV Action Plan

Sirs,

I have just read the details of your proposed "ATV Action Plan" and it looks like you are attempting to continue to halt the growth of the ATV segment of the national motorsport retail community. As a large motorcycle and ATV service, parts and accessories dealer in the northeast, we rely on ATVs for much of our revenue. We employ six full-time personnel year-round. We also contribute significantly to the local area's economy via our grass-roots promotional, sales, and marketing plans on a seasonal basis.

The Consent Decree has expired. I'm sure the CPSC has seen the #'s of ATV related injuries fall drastically while sales of new ATVs have increased dramatically. I think your educational programs have succeeded with a lot of help from the OEMs. The word is out. Let people purchase the machines they desire and stop trying to legislate safety.

I would like to see continued labeling of the machines as to age recommendations and OEM dealers should continue to stress the importance of choosing the proper size ATV for the intended operator. The importance of wearing the proper safety equipment and being a responsible operator is a very important part of our business as I'm sure it is with the OEM dealers. As you know, we profit from protective gear sales!

Save the taxpayers some money and allow the OEMs to police their own ranks. The CPSC should consider their job finished with ATV's, and allow the market to flourish and not stagnate or decline as it may if the Action Plan is implemented.

Sincerley,
W. Bruce Andrey



DUN - GOOD WILDERNESS RIDERS, INC.

**A JOINT VENTURE FOR A BETTER TRAIL SYSTEM
THE CLUBS OF DUNBAR & GOODMAN**



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

Dear Director:

Recently you published a document regarding the injuries and deaths relating to ATV accidents. Children need to be trained on machines that fit them, not by cc size alone.

Wisconsin has over 125,000 registered ATV's along. Many clubs work countless volunteer hours to promote and insure utmost safety for recreational ATV enthusiasts. However, even the safest trails cannot replace common sense and good judgement. Most accidents are due to lack of parental supervision, alcohol and/or drug use, and excessive speed.

Your position on the recent document lacks validity and no further action is needed. We take our form of recreation very seriously.

Sincerely,



ATV & Snowmobile Enthusiast



DUN - GOOD WILDERNESS RIDERS, INC.
A JOINT VENTURE FOR A BETTER TRAIL SYSTEM
THE CLUBS OF DUNBAR & GOODMAN



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

Dear Director:

Recently you published a document regarding the injuries and deaths relating to ATV accidents. Children need to be trained on machines that fit them, not by cc size alone.

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Your position on the recent document lacks validity and no further action is needed. We take our form of recreation very seriously.

Sincerely,

ATV & Snowmobile Enthusiast



DUN - GOOD WILDERNESS RIDERS, INC.
A JOINT VENTURE FOR A BETTER TRAIL SYSTEM
THE CLUBS OF DUNBAR & GOODMAN



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Sincerely,

David L. Lepinski

ATV & Snowmobile Enthusiast



DUN - GOOD WILDERNESS RIDERS, INC.

A JOINT VENTURE FOR A BETTER TRAIL SYSTEM

1998 OCT 27 A 9 31
THE CLUBS OF DUNBAR & GOODMAN



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Sincerely,

Melissa Mae Casanova

ATV & Snowmobile Enthusiast



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Sincerely,

ATV & Snowmobile Enthusiast

Virginia Lynn Pence



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Sincerely,

Christina Squires

ATV & Snowmobile Enthusiast



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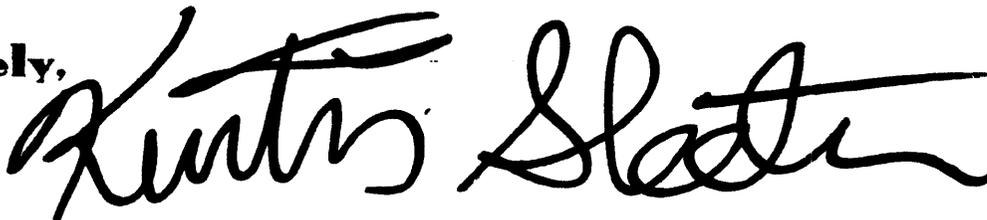
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Sincerely,

Michelle Lynn Blasie

ATV & Snowmobile Enthusiast

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Sincerely,

PAUL FRYDRYCHA

ATV & Snowmobile Enthusiast



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ATV & Snowmobile Enthusiast

Charles W Kalkof



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THE CLUBS OF DUNBAR & GOODMAN



**OFFICE OF THE SECRETARY
CONSUMER PRODUCTS SAFETY COMMISSION
WASHINGTON, D. C. 20207**

DEAR DIRECTOR:

RECENTLY YOU PUBLISHED A DOCUMENT REGARDING THE INJURIES AND DEATHS RELATING TO ATV ACCIDENTS. CHILDREN NEED TO BE TRAINED ON MACHINES THAT FIT THEM, NOT BY CC SIZE ALONE.

WISCONSIN HAS OVER 125,000 REGISTERED ATV'S ALONG. MANY CLUBS WORK COUNTLESS VOLUNTEER HOURS TO PROMOTE AND INSURE UTMOST SAFETY FOR RECREATIONAL ATV ENTHUSIASTS. HOWEVER, EVEN THE SAFEST TRAILS CANNOT REPLACE COMMON SENSE AND GOOD JUDGEMENT. MOST ACCIDENTS ARE DUE TO LACK OF PARENTAL SUPERVISION, ALCOHOL AND/OR DRUG USE, AND EXCESSIVE SPEED.

YOUR POSITION ON THE RECENT DOCUMENT LACKS VALIDITY AND NO FURTHER ACTION IS NEEDED. WE TAKE OUR FORM OF RECREATION VERY SERIOUSLY.

SINCERELY,



ATV & SNOWMOBILE ENTHUSIAST



DUN - GOOD WILDERNESS RIDERS, INC.
A JOINT VENTURE FOR A BETTER TRAIL SYSTEM
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Sincerely,

A handwritten signature in black ink, appearing to read "Ken R. Ryan".

ATV & Snowmobile Enthusiast

DUN - GOOD WILDERNESS RIDERS, INC.

OFFICE OF THE SECRETARY
A JOINT VENTURE FOR A BETTER TRAIL SYSTEM
1998 OCT 27 A 9:31
CLUBS OF DUNBAR & GOODMAN

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Consumer Products Safety Commission
Washington, D. C. 20207

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Sincerely,

Susan Pulliam

ATV & Snowmobile Enthusiast



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Sincerely,

Henry Sloan

ATV & Snowmobile Enthusiast



DUN - GOOD WILDERNESS RIDERS, INC.

1978 OCT 21
A JOINT VENTURE FOR A BETTER TRAIL SYSTEM
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Sincerely,

Wade Wentland

ATV & Snowmobile Enthusiast



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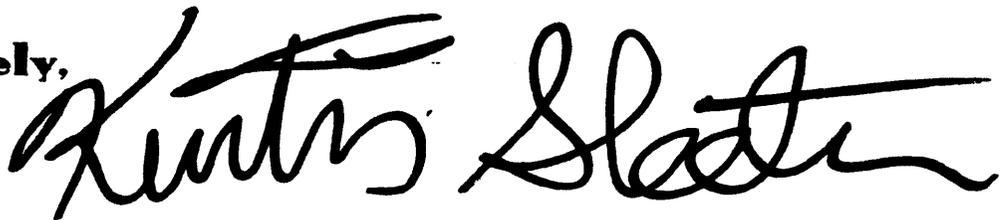
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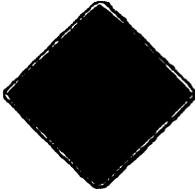
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ATV & Snowmobile Enthusiast



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Tony Medda

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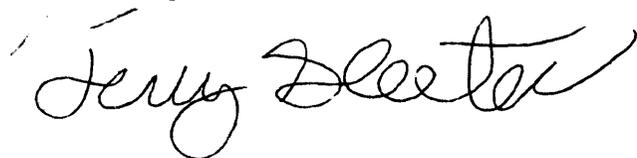
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Sincerely,

A handwritten signature in black ink that reads "Jerry Zeeber". The signature is written in a cursive style with a large, sweeping initial "J".

ATV & Snowmobile Enthusiast

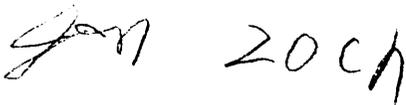
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Sincerely,

Adam Danoff

ATV & Snowmobile Enthusiast

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Ilane Wentland

ATV & Snowmobile Enthusiast



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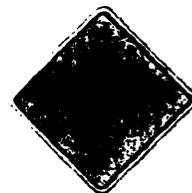
Jenny Polart

ATV & Snowmobile Enthusiast



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Sincerely,

A handwritten signature in cursive script that reads "Terry Schwartz".

ATV & Snowmobile Enthusiast

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Sincerely,

May Ellen Squires

ATV & Snowmobile Enthusiast

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Sincerely, *Ernie Crosslan*

ATV & Snowmobile Enthusiast

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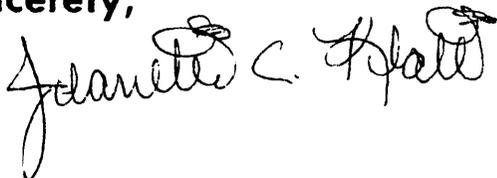
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Sincerely,

A handwritten signature in cursive script that reads "Jeanette C. Hall". The signature is written in black ink and is positioned below the word "Sincerely,".

ATV & Snowmobile Enthusiast

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Sincerely,

A handwritten signature in cursive script that reads "Kristen Kozlowski".

ATV & Snowmobile Enthusiast

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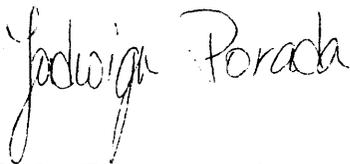
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Sincerely,

A handwritten signature in cursive script that reads "Jadwiga Porada".

ATV & Snowmobile Enthusiast

National Injury Prevention Council
1000 North Oak Avenue
Marshfield, WI 54449-5790

1-888-924-7233
1-888-924-7233
Fax 1-5389-4996



National Children's Center
for Rural and Agricultural Health and Safety

September 4, 1998

Chief Executive Officer
American Honda Motor Co., Inc.
4475 River Green Pkwy.
Duluth, GA 30096

Stupid Hurts Campaign

I would like to compliment American Honda on their *Stupid Hurts* campaign. I was pleased to see the full-page ads in *ATV Magazine* and the *Progressive Farmer*. I specialize in injury prevention to children from recreational activities. I am very interested in programs that are designed to reduce injuries to children.

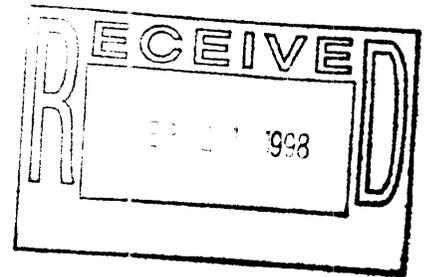
The National Children's Center strives to enhance the health and safety of all children exposed to rural and agricultural hazards in the United States. The Center provides guidance for childhood agricultural injury prevention programs in both private and public sectors. In addition, the Center guides and supports efforts of major organizations in identifying potential interventions to protect children from rural and agricultural hazards.

In 1997, an estimated 17,900 youth under the age of 16 were treated in hospital emergency departments for injuries associated with ATVs. We need to continue our efforts to reduce ATV-related injuries to children.

Efforts such as Honda's *Stupid Hurts* campaign helps to educate the public on the potential hazards associated with the inappropriate operation of ATVs. Please let me know if my colleagues and I can provide support or guidance as you continue this important work. Thank you for your efforts towards the reduction of injuries to children.

Sincerely,

Steve Schaefer, MS, RS
Rural Youth Safety Specialist
schaefer@mfldclin.edu



\\fs8\home\infmc\csn\corresp\honda letter.doc



National Children's Center
for Rural and Agricultural Health and Safety

August 1998

Media Alert: ATV Safety & Youth

In 1997, an estimated 17,900 youth younger than 16 years were treated in hospital emergency departments for injuries associated with all-terrain vehicles (ATV). Injuries occur when adult-sized ATVs are operated by youth younger than 16 years, operators are not wearing personal protective equipment, and three-wheeled ATVs are being used.

It is crucial that the media contribute positively to ATV safety to assist in the reduction of injuries. A photo can speak a thousand words. All of your safety messages can be negated by one photo that unintentionally gives the wrong message to youth. Convey only safe activities.

The following recommendations give editors, illustrators, cinematographers, and photographers a list of guidelines to communicate ATV safety. This list is not inclusive of all safe ATV depictions.

Guidelines for "Safe" Communication about ATVs

Do...portray ATV operators in proper clothing and protective equipment.

In 1997, head injuries accounted for 20% of all individual ATV-related injuries with 65% of those who received head injuries not wearing a helmet.

- Display all ATV operators wearing helmets, goggles, long-sleeved shirts, gloves, long pants, and boots
- Include helmets in pictures of stationary ATVs

Do not...publish photos of ATV operators without helmets.

Do...promote age-appropriate ATV operation.

Youth younger than 16 years have 2.5 times greater risk of injury on an ATV as compared to older operators. The ATV manufacturers and the American Academy of Pediatrics recommends ATV operation by children 12 to 15 years of age limited to ATVs with engine sizes between 70cc and 90cc and operation of ATVs greater than 90cc to youth 16 years of age and older.

- Show youth on age-appropriate ATVs
- Show adult supervision for youth-related ATV activities

Do not...publish photos of youth on adult ATVs.

(continued)

Do...portray ATV operation in appropriate environments.

The American Academy of Pediatrics recommends that ATVs not be used on unfamiliar terrain or on public roadways.

- Show ATV operators on ATV designated trails or environments
- Show ATV operators traveling at moderate speeds for the conditions
- Promote safe, alcohol-free ATV operation

Do not...use three-wheeled ATVs in your stories or pictures.

Do not ... take aggressive action shots of ATV operation or show ATV operation on public roadways.

Do...display one operator per ATV.

The Consumer Product Safety Commission, the American Academy of Pediatrics and the ATV manufacturers all recommend no passengers on ATVs.

- ATVs are designed for one rider with no passengers

Do not...publish photos of passengers on ATVs.

Do...cover positive stories of youth and adults involved in ATV safety programs.

The ATV Safety Institute sponsors and identifies ATV training opportunities throughout the United States. Contact the Institute for information on training programs in your area by calling 1-800-887-2887 or contact your local ATV enforcement agency or health care provider.

- Cover stories of youth or adults involved in safe ATV operation
- Recognize youth who complete ATV training courses
- Advocate for ATV safety training prior to ATV operation
- Publish ATV training opportunities

Do not...glorify injured ATV operators or place youth in a risky situation for the sake of the story.

For more information:

National Farm Medicine Center
Marshfield Clinic
1000 North Oak Avenue
Marshfield, WI 54449
Ph: 1-888-924-SAFE (7233)
Fax: 715-389-4996
Email: schaefes@mfldclin.edu
<http://www.marshmed.org/nfmc/children/>



BROWN & FREESTON, P.C.

CPSC/OFFICE OF
THE SECRETARY

1998 OCT 21 P 1:51

October 21, 1998

Sadye Dunn,
Secretary
U.S. Consumer Product Safety Commission
4330 East West Highway
Room 502
Washington, D.C. 20207

ATV Action Plan

Dear Ms. Dunn:

Pursuant to the Commission's request for comments on its proposed actions on ATVs in the Federal Register notice of September 9, 1998, Honda submits the enclosed letter from the National Children's Center for Rural and Agricultural Health and Safety. The National Center gave Honda permission to submit this letter to CPSC.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Michael A. Brown'.

Michael A. Brown

Enclosure

Author: "demeyer.telis" <demeyer@mail.telis.org> at INTERNET-MAIL

Date: 10/23/98 12:47 PM

Priority: Normal

TO: "Carey Bohn" <Carey@mail.epginc.com> at internet-mail,
"Randy Harden" <rharden@nohvcc.org> at internet-mail,
"Glenn Hansen" <GLENN@mail.epginc.com> at internet-mail,
"Ron Nordyke" <rnordyke@iswest.com> at internet-mail,
"Office of Secretary" <cpsc-os@mail.cpsc.gov> at internet-mail,
"Pete terHorst" <pterhorst@amerhonda.com> at internet-mail,
"Wade Sherman" <wsherman@outdcorchannel.com> at internet-mail

BCC: Todd A. Stevenson at CPSC-HQ1

Subject: comment on CPSC proposed ATV Action Plan

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

All-Terrain Vehicles - Comments request - Proposed Resolution

Dated 23 October 1998 On Line via GPO Access

Re: ATV Action Plan

As per the Consumer Products Safety Commission's (CPSC) request for comments on or before October 26, 1998 regarding the Commission Resolution in the Federal Register, see the following.

I would like to address several important issues of concern in the proposed resolution. First, the statistics showing ATV injuries, although down an astounding 72% from pre-consent decree days, don't reflect the fact that a large percentage of the injuries recorded result from existing older ATVs and ATVs being sold to new owners through the used marketplace. This statistical skew is used to exacerbate the perceived problem of under 16-year-old riders and over 90cc ATVs, when in fact the very age-size requirements may be caused by a lack of information and education (I&E) due to this supposed problem, creating a situation causing the law to be skewed.

Perhaps the most important error in the proposed resolution though, is the lack of freedom given to manufacturers in an attempt to inform and educate the entire ATV market. Based on the fact that our country has flourished under the free enterprise system, where ideas can blossom and bear fruit if of value, we should do more than allow for differences in approach to the (I&E)? we should promote it.

The CPSC states that, although it has no power to regulate the use of ATVs, it is nonetheless concerned with the safe use of ATVs, especially by children under the age of 16. The CPSC also states that its own statistics show that, although less than 20% of all ATV riders are under the age of 16 years, these riders account for almost 50% of all injuries sustained. Another related CPSC statistic states that the vast majority (95%) of under 16-year-old injuries are caused by those riders operating an ATV not considered age-appropriate by the CPSC. Another CPSC statistic says that one of the factors that can cause a decline in the injury rate is experience while one final statistic says that the overall injury rate has dropped by %.

Just what can be gleaned from these statistics as far as our concerns about the safety of those riders under 16 years of age? Beyond the fact that these riders make up a vastly disproportionate number of the injuries, the conclusions are not as simple as the fact that they are riding ATVs too large for their age. Other factor may very well be a part of this injury equation. One factor, certainly a part of his possible statistical skew, is the unaccounted for impact by the vast numbers of existing ATVs already in the market.

A multifold problem enters when trying to include the used ATV market. Used ATVs are typically purchased by the lower income groups. Being relegated to the less expensive ATVs available on the used market often means they are left to ride older

models, which are most often the least safe ATVs?3-wheelers. Most of these 3-wheelers are not only of a larger engine size, but also lack the more forgiving engine characteristics and safer suspensions of the new models. They often are in much less than ideal mechanical condition as well. Now add to that the fact that they are acquired without proper (I&E) and perhaps even supervision, while entering the ATV market through the used ATV back door,² and you have now combined a volatile mix surely to create injury by ignorance.

We must not be misled by the statistics to believe that all injuries are a result of new ATV purchases, thereby continually adjusting and changing the already work end of an equation. The used market has no age requirements, size requirements or training available. Don't overweigh the new ATV market with guidelines and procedures that have no affect on the used ATV market. While new purchasers not only have all the safety information available, they also most likely have the much more important ingredient?an adult role model to oversee their ATV use.

Many of the under 16-year-old riders purchasing new ATVs may actually have the proper training and experience that would allow them to be safer on an ATV that fit them more correctly. It is often the case that an under 16-year-old rider is not only adult-sized, but also has several years of proper rider training and experience yet, by law, is not able to ride a safer (remember that only the adult-sized ATVs have the good, long-travel suspension systems) machine without skirting the law. So, age suggestions should be only that?dealer suggestions regarding the age, as well as the size of the youth, and therefore the proper size of the ATV.

The proper fit of an ATV to a rider should be based on that particular rider's ability, training, and experience; then sized to that rider based on their ability to comfortably reach and operate all the controls. It should be obvious that there is no more danger in a rider not being able to operate the controls because of lack of reach than it is for one attempting to operate the very same controls from a cramped position.

While it is indisputable that a valid knowledge of the correct use of an ATV, as well as the dangers involved in its use, should help to create a safer ATV marketplace, the methods to inform and educate should be as many and as varied in ideas as the riders themselves. Safety packets and rider-safety classes reach only a small portion of the total ATV market?the new ATV buyers. Many new buyers are selling their ATVs in the private marketplace.

A proper advertising campaign or manufacturer-supported safety campaign through community programs and local schools may have a far more significant impact on the ATV market as a whole. Because of the discrepancies in getting the safety issue out to all ATV riders, in both the new and used markets, it is all the more important to allow for variances in how manufacturers see and deal with the perceived problem of educating the young and new ATV riders.

Perhaps the best contribution the government can make is to compile the raw statistical data and then monitor the results of the manufacturer's responses, thereby allowing the best methods to be highlighted and emulated?not mandated. Because of this, there is no reason for this proposed ATV Action Plan to become a Commission resolution. It provides no more protection for our children than the manufacturer already propose to implement. This proposal is merely a continuation of unnecessary governmental interference in an industry fully capable of self control.

Thank you for the opportunity to comment on the proposal.

DE Meyer

Contributing Editor
ATV Magazine
ATV Sport Magazine

Sand Sports Magazine

DE Meyer & Assocs.
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CH 98-1-36



CPSC/OFFICE OF THE SECRETARY

Richard J. Sauer
President
Chief Executive Officer

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1998 OCT 27 A 10:30

October 23, 1998

"ATV Action Plan"
Office of the Secretary
U.S. Consumer Product Safety Commission
Washington, D.C. 20207

TO: Commissioners Ann Brown, Mary Sheiia Gall and Thomas H. Moore
U.S. Consumer Product Safety Commission

FROM: Richard J. Sauer, Ph.D.
President and CEO
National 4-H Council

National 4-H Council recommends that Honda be commended for its continuing commitment to underwrite a nationwide volunteer-led experiential ATV safety education program for youth.

It is incomplete to state that "Honda's I&E effort will consist primarily of a nationwide advertising campaign." The approach Honda took nine years ago in building a partnership with National 4-H Council and the U.S. CPSC to engage communities - youth and adults as partners - will continue. The media campaign and the 4-H hands-on efforts with volunteers nationwide are complementary and add strength to education and outreach efforts which cannot be achieved by merely mailing materials to schools and libraries. The decision by Honda to invest in ATV safety initiatives which involve youth directly as partners in promoting safe behaviors of their peers and younger children should be commended in the CPSC resolution. This strategy will result in much more effective safety education efforts than simply continuing training incentives to adults. **Youth** safety is the issue.

The 4-H Community ATV Safety Program initiated in 1989 continues. Supported by American Honda Motor Company, Inc., National 4-H Council and its partners in state and county Cooperative Extension System offices nationwide will offer school-based and non-formal education programs, engage youth as partners in conducting ATV safety education and awareness initiatives, and provide training for volunteers to expand the number of people who are qualified to carry this important message and conduct training in their communities. In addition, comprehensive evaluation research strategies will continue to be applied so that we can offer information on the effectiveness of our combined efforts and continually improve the program and supporting materials.

To be an uncommon youth development organization fostering innovation and shared learning for youth workers and young leaders.

The "ATV Action Plan" as presented in the Federal Register of September 9, 1998 neglected to acknowledge the significant ATV safety education accomplished through the partnership of the U.S. Consumer Product Safety Commission, National 4-H Council and American Honda Motor Company, Inc.. Since 1990, this combined effort has reached millions of youth with learning experiences which promote behavior change on the ATV risk factors documented by CPSC epidemiological research. This program also promotes the development of broad partnerships at the state and local community levels. Partners include: state health departments, youth, public land management agencies, and other health and education professionals. Evaluation research, including interventions with adults responsible for youth access to all-terrain vehicles, has consistently documented statistically significant positive behavior change on all of the key risk factors of concern to the CPSC.

Based on experiences resulting from the work of the National 4-H Council/CPSC/ American Honda partnership for ATV safety during the past nine years, I believe that our future efforts will prove more expansive and more effective in keeping youth who choose to ride all-terrain vehicles safe. Again, National 4-H Council urges the Commission to commend Honda on its significant and continuing support of ATV safety education -- support which goes far beyond media campaigns.

October 26, 1998

650/K
10/27/98

Office of the Secretary
Consumer Product Safety Commission
Washington, DC 20207

Re: ATV Action Plan

In response to your request for comments on the proposed resolution outlined in Federal Register DOCOD: fr09se 98-46, the position and comments of the All Terrain Vehicle Associations of Minnesota (ATVAM) are discussed below.

In a state with over 90,000 registered ATV's and 43% of fatalities involving riders under 18 years old, ATVAM supports the Commission's concern about the current level of deaths and injuries associated with ATV's and need for enhanced safety efforts to achieve a further reduction in such deaths and injuries. Our concern lies with the continued definition of a youth-sized ATV.

Due to the size of most youths and the limitations of a 90cc engine size ATV, many youths 16 years old or younger are unable to participate in safety classes. Often times, it is unsafe for these larger sized children to ride a 90cc ATV. ATVAM urges the Commission to change the language in the Resolution to reflect a more realistic "age/fit" of the youth to promote enhanced safety efforts. As another viable option, ATVAM would encourage Manufacturers to increase the frame size of the ATV while maintaining the 90cc engine size.

Although ATVAM agrees with the Commission's statement that there needs to be greater attention to the age issue at the State level, we are concerned that the ATV Action Plan will prohibit implementation of a combined DNR / ASI youth ATV safety class program.

Thank you for the opportunity to comment on the proposed Commission Resolution.

On behalf of the All Terrain Vehicle Associations of Minnesota Board of Directors,

Sonia Bartz
1st Vice President
ATVAM
P.O. Box 557
Osseo, MN 55369

Author: <Quadinator@aol.com> at INTERNET-MAIL
Date: 10/26/98 10:48 PM
Priority: Normal
TO: cpssc-os@ntmail.cpsc.gov at internet-mail
CC: Todd.Craft@Remmele.com at internet-mail, sperson@midstate.tds.net at internet-mail,
Dave_Kryzer@ATK.COM at internet-mail, SBartz@uhc.com at internet-mail,
Raybohmga@aol.com at internet-mail
BCC: Todd A. Stevenson at CPSC-HQ1
Subject: Comments - "ATV Action Plan"

On behalf of the All Terrain Vehicle Associations of Minnesota Board of Directors, I respectfully submit the attached Word document in response to your request for comments on the "ATV Action Plan".

Sonia Bartz
1st Vice President
ATVAM
PO Box 557
Osseous, MN 55369



October 26, 1998

Chairman Ann Brown
Office of the Secretary
Consumer Product Safety Commission
Washington, DC 20207

Dear Chairman Brown:

Subject: ATV ACTION PLAN

As Deputy Director for the Off-Highway Motor Vehicle Recreation Division of the California State Park System, I am responsible for managing California's Green Sticker Program. This is a very ambitious program that has an annual budget of \$31,000,000 and is totally funded through off-road registrations and that portion of the gas tax that is consumed during off-road use. The Green Sticker program provides off-road recreation at over 100 sites throughout the state of California. Over 5 million people use these recreation areas every year.

We are all aware that the number of children injured and killed in ATV accidents in the 1980's was unacceptable. We applaud the work that the Consumer Product Safety Commission did to resolve the problem. In addition to the consent degree, California adopted several laws in 1988 that pertain to ATV's. In summary, California law states that:

- Anyone that operates an ATV must wear a helmet.
- Anyone under the age of 18 that operates an ATV must have attended safety training.
- It is illegal to carry passengers on an ATV.
- A parent or guardian must supervise anyone under the age of 14.

The combination of these laws and the training provided by the manufacturers has been very successful in California. The injury rate for all ATV enthusiasts is very low.

We keep accurate statistics on the accidents that occur in the 6 State Vehicular Recreation Areas (SVRA's). My staff is unaware of any fatalities and very few serious injuries that involved children operating ATV's in the last 5 years.

I have surveyed the Ranger staff at all of the SVRA's in California and not one of my staff believe that children operating adult sized ATV's is a problem or has contributed to any accidents.



CALIFORNIA STATE PARKS

Chairman Ann Brown
Page Two

Actually, we have found the opposite is true. We have developed a training program with our local Police Athletic Leagues that train at-risk youth how to ride ATV's and motorcycles. Many of these "at-risk" kids are 6 feet tall and weigh up to 200 pounds. There is no way that we can safely put them on a youth sized ATV.

The federal government should not mandate what size of ATV that children should ride. This is an issue for the parents of the child and the instructor of the safety class to determine the proper fit. One size does not fit all children.

The federal government does not mandate:

- What size motorcycles children should ride.
- What size skis children should wear.
- What size soccer shoes children should wear.

The parents or guardians normally make these decisions.

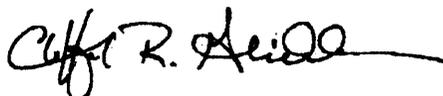
Our data indicates that the majority of the fatality and injury accidents that occurred in the 1980's involved the 3 wheeled ATV's. Since that time, the number of 3 wheelers has decreased significantly and the number of injuries and fatalities has dropped similarly. The consent decree solved that problem.

The CPSC did a good job of solving a problem that existed 10 years ago. That does not mean that the same problems exist today, or does it take into account that many states have adopted their own laws and regulations.

I would also like to address the issue of the safety training. It would have been nice if Honda had agreed to make the same offer as the other companies to encourage people to take the safety training. However, the important issue to remember is that all of the companies are willing to provide an excellent training session for free. Whether the companies give away a \$50 bonus or a \$100 bonus is a secondary issue.

I cannot support the ATV action plan as long as it contains the existing language for age and size limitations, as I do not believe that they are realistic nor effective.

Sincerely,



Clifford R. Glidden
Deputy Director

Three- and Four-Wheel ATV Injuries in Utah, 1992-1996

- Nearly \$4.3 million have been spent on hospital charges for ATV injuries in Utah
- Between 1992 and 1996 there were 543 hospitalizations for ATV injuries in the state of Utah
- 34% (183) of the 543 hospitalized people were 16 years of age or younger
 - Over \$1.2 million were spent on hospital charges for these younger participants
- There were 5 deaths in hospitalized patients
 - 20% (1) of fatalities were 16 or younger
- Most frequently injured organ system was musculoskeletal, followed by central nervous system
- Average length of stay was 3.9 days
- Most patients were discharged home, but
 - 7.6% (41) were discharged with specialized care

This is a sketch of the Utah statistics. We are continuing to analyze the data and have recently received the data for 1997 hospitalizations and ED visits in Utah as well. Please contact me with suggestions or questions at any time.

Natalie Z. Cvijanovich, M.D.
Fellow, Pediatric Critical Care
Primary Children's Medical Center
Intermountain Injury Control Research Center
Salt Lake City, Utah
Natalie.cvijanovich@hsc.utah.edu
(801)581-6410



Facsimile Transmittal

Date: 10/26/98

To: Office of the Secretary

Of: Consumer Product Safety Commission

Fax Number: (301) 504-~~0000~~ 0127

Cover Page Plus: 1 Pages to Follow

From: Natalie Cvijanovich

Our Fax Number is: (801) 581-8686

Comments: ATV Action Plan

Please call us if there is a problem with any of the material received

Thank You!

Confidentiality Note

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Consumer Federation of America

 U.S. Public Interest Research Group
National Association of State PIRGs

ATV Action Plan

Comments of Public Citizen, Consumer Federation of America, and the United States Public Interest Research Group on the Consumer Product Safety Commission's Proposed Resolution on All-Terrain Vehicle Action Plans 63 Fed. Reg. 48199 (September 9, 1998)

On behalf of Public Citizen, Consumer Federation of America, and the United States Public Interest Research Group (U.S. PIRG), we submit these comments on the Consumer Product Safety Commission's proposed Resolution responding to the industry's ATV action plans. We are concerned that the ATV Action Plan does not do enough to protect children from being killed and injured on these vehicles, and we urge the Commission to devote significant resources to monitoring companies' actions and to developing additional measures to reduce ATV-related deaths and injuries.

Despite the provisions of the consent decree, approximately 240 people die every year and an additional 54,000 are injured riding ATVs. ATVs are particularly dangerous for children, as the most recent Commission-sponsored studies confirm. Although only 14% of ATV drivers are children under the age of 16 years, 47% of the ATV-related injuries and 35% of the ATV-related deaths involve children under 16. The risk for children is about 2.5 times the risk for drivers aged 16 to 34, and about 4.5 times the risk for drivers aged 35 to 54. Thus, even though a major goal of the consent decree was to reduce deaths and injuries to children, more than 80 children die and 25,000 are injured every year riding ATVs.

The consent decree did not adequately reduce ATV-related risks. Yet, rather than implementing a tougher response to the mounting ATV deaths and injuries to children, the Commission proposes to commend the ATV industry for undertaking an ATV Action Plan that simply replicates the key provisions of the Consent Decree. The tragic toll of childhood deaths and injuries will continue until more is done to get these hazardous vehicles out of the hands of children.

Only two provisions of the ATV Action Plan have the potential of improving ATV safety beyond what the consent decree offered: the informational/educational effort and the increased incentive for training.

Information & Education (I&E) Program

The I&E program will educate the public and, in particular, parents about the need to keep children off of ATVs. A well-designed program may reach those ATV users who purchased used ATVs from previous owners and therefore, may not have gotten all the safety warnings.¹ The Commission should require the ATV companies' to supply evaluation measures, and the agency should independently monitor the I&E programs on an on-going basis and develop follow-up surveys to determine the effectiveness of the I&E program at changing ATV rider behavior.

Training and Incentives

While we support the ATV Action Plan's increased incentive for training because training decreases the risk that adults will be injured or killed riding ATVs, we are concerned that the incentive plan ignores the 40% of ATV purchasers who buy their vehicles outside of the dealerships. The Commission should continue to develop alternative ways to encourage training, particularly for those consumers who buy their ATVs from previous owners.

With respect to ATVs sold at dealerships, we recommend that the Commission make explicit in the letters of undertaking from each company that the free training and incentives apply whether the dealer sells a new or used ATV. We urge the Commission to carefully monitor the training statistics for each of the ATV companies, so that the Commission can determine whether the increased cash incentive succeeds in encouraging more training.

Honda Plan

We are concerned that Honda's refusal to offer the increased cash incentive will result in fewer new ATV purchasers obtaining the necessary training. In addition, Honda's refusal to offer the safety alert, to monitor their dealers on a random basis, and to provide the Commission with advance notice of changes in its ATV program are of significant concern. The safety alert is the only communication to purchasers that includes data on ATV-related deaths and serves as a powerful message of the dangers associated with riding ATVs, particularly to children. Dealers are the people to whom ATV buyers are most likely to direct their ATV-related questions, and thus, dealer compliance with the age recommendations is critical if we want to ensure that ATV buyers prevent children from riding ATVs. Although volume of sales and prior non-compliance should be factors for apportioning CPSC monitoring efforts, we believe that Honda's failure to agree to the

¹The recent exposure survey revealed that 51% of ATVs were purchased as used vehicles, and that about 80% of the used vehicles were purchased from the previous owner rather than from an ATV dealer.

additional safety provisions will necessitate increased CPSC monitoring of Honda dealerships.

Enforcement

Of course, the biggest difference between the ATV Consent Decree and the ATV Action Plan is the Plan's enforceability. The Commission should therefore devote significant resources to monitoring the ATV companies' actions. For example, dealers may believe that now that the consent decree has expired they are no longer required to comply with the age recommendations. We strongly support the Commission's plans to enhance its efforts to assure dealer compliance, and urge the Commission to devote sufficient resources to conduct the undercover dealership inspections proposed.

In addition, we urge the Commission to require the ATV companies to pay for the mailing of a letter from the Commission to every dealership in the country setting out the terms of these agreements and underscoring the manufacturers' promise to terminate dealerships for non-compliance and the Commission's ability to take further action should these measures prove unsuccessful.

Expanded Action by the Commission

The Commission should not consider the ATV problem solved. The ATV Action Plans simply serve to continue the status quo negotiated with the industry in 1988. The Commission should continue to work to reduce ATV-related deaths and injuries, particularly to children. Although state laws may improve ATV safety, the Commission should not rely on state efforts to solve the problem.

The continued viability, use and danger of three-wheel ATVs, as identified in the exposure survey and risk analysis is of particular concern.² The Action Plan does not directly address these highly hazardous vehicles. We urge the Commission to require the ATV companies that produced these vehicles to provide incentives to consumers to take these three-wheel vehicles out of use. These incentives should not be tied to a future ATV purchase.

Our organizations have repeatedly urged the Commission over the years to take two strong steps to reduce ATV-related deaths and injuries to children: (1) ban the sale of ATVs for use by children, and (2) order a recall of ATVs sold for use by children. We believe these measures send a very powerful message to parents that children under 16 should not ride these vehicles. It is unclear whether the I&E program will succeed in

²Despite the Commission's determination back in 1988 that three-wheel ATVs have a 7-year life span, ten years later, about 22% of the ATVs in use are the three-wheel models. The risk is 2.5 to 3 times higher on three-wheel ATVs than on four-wheel ATVs.

PUBLIC CITIZEN LITIGATION GROUP

1600 20TH STREET, N.W.
WASHINGTON, D.C. 20009-1001

(202) 588-1000

October 26, 1998

By Facsimile and by Mail

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

Re: ATV Action Plan

To Whom it May Concern:

Enclosed please find the comments of Public Citizen, Consumer Federation of America and the U.S. Public Interest Research Group on the ATV Action Plan published in the Federal Register on September 9, 1998. 63 Fed. Reg. 48199.

Sincerely,



Lucinda Sikes

**Comments of Consumers Union
on the
United States Consumer Product Safety Commission's
Proposed Resolution on
All-Terrain Vehicle Action Plans
63 Fed. Reg. 48199 (September 9, 1998)**

Consumers Union (CU), publisher of *Consumer Reports* magazine, submits these comments on the Consumer Product Safety Commission's (CPSC's) proposed Resolution responding to the All-Terrain Vehicle industry's Action Plans. At the outset, CU acknowledges the difficulty of regulating a product where the very design of that product and the environment in which it is used makes it a safety hazard. We believe that in the case of All-Terrain Vehicles (ATVs), the Commission has, for the most part, done all that it can do within the limits of its authority and resources to decrease the incidence of death and injury.

CU supports the Commission's efforts to adopt a favorable Resolution in the belief that maintaining even the status quo is preferable to terminating altogether the current safety outreach programs of ATV manufacturers. These programs include manufacturers' continuing efforts to provide information and education to the public emphasizing ATV safety and continuing to offer incentives to all new ATV purchasers to attend training courses. CU has no reason to believe, however, that children under 16 will be any better protected from injury and death by these provisions in the future than they have been in the past, or are today. The Commission's recent survey, "*All-Terrain Vehicle Exposure, Injury, Death, and Risk Studies*," [hereinafter Exposure Survey] demonstrates the severity of the problem for children: while 14% of ATV drivers are children under 16, 47% of ATV injuries involve children under 16, and even more tragic, over 35% of the deaths from ATVs involve children under 16. In addition, according to the Exposure

Survey, the injury risk to children driving ATVs is 2.5 times the risk for drivers aged 16-34, and about 4.5 times the risk for drivers aged 35 to 54.

As Consumers Union said in April of this year upon the expiration of the 1988 Consent Decree regulating ATV manufacturers, we continue to believe that the limitations on the Commission's resources and authority require that the Congress step in. We believe that only Congress has the power to bring about bona fide changes in the regulation of ATVs, changes that will begin to reduce by significant numbers the deaths and injuries from these vehicles. CU believes that Congress should hold hearings on the continuing dangers, especially to children, posed by ATVs, and enact legislation that will provide financial incentives to the states to help keep children off All-Terrain Vehicles and promote safety measures for all other ATV drivers.

Such incentives should include requirements that all ATVs driven on public lands be registered by the state, that all ATV drivers be age 16 or over, and that all drivers take a state-certified training course through which they obtain a license to drive an ATV. In addition, federal legislation should provide incentives to states to require the wearing of helmets while riding ATVs. The Exposure Survey revealed that 32% of ATV riders never wear a helmet and another 23% only sometimes wear a helmet. The Survey also found that 22% of injuries from ATVs were to the head, most of those concussions or brain injuries, and that 65% of those suffering head injuries were not wearing helmets. Further, incentives should be provided to those jurisdictions that prohibit the carrying of passengers. The Exposure Survey revealed that 77% of ATV drivers at times carry passengers, despite manufacturer warnings against it for reasons of safety, and that 25% of the injuries from ATVs are to passengers.

Some states have some of these requirements. None have all of them.

Having acknowledged that the Commission has done much of what it can do within the limits of its authority and resources, and citing above what we believe to be the only real solution to the continuing hazards of ATVs to children, we turn our attention to the proposed CPSC Resolution on the Action Plan.

Action Plan Provisions

In many respects, we agree with the comments submitted jointly by three organizations, Public Citizen, Consumer Federation of America and United States Public Interest Research Group. In addition, Consumers Union does have some additional recommendations on this Resolution. All of these are highlighted below.

- The Action Plan does not address the need for training among those who buy used vehicles from individuals who are not dealers. We believe the Commission should urge manufacturers to track resale of products, which they could do with ease in those states with ATV registration requirements, and offer training for second-hand ATV buyers.
- Dealers selling used ATVs should be required to offer training to such buyers, not simply offer training only to purchasers of new ATVs.
- Honda Corporation's unwillingness to provide increased cash incentives for training will likely mean fewer ATV purchasers will receive such training and is of great concern. Honda's refusal to offer the safety alert, to monitor their dealers on a random basis, and to provide the Commission with advance notice of changes in its ATV program are also of great concern, and as a result, Honda dealerships will need a higher level of monitoring by Commission staff than those of the other manufacturers.

- CU urges the Commission to require manufacturers to inform every ATV dealership, in a letter approved by the Commission, of the pertinent provisions of this Action Plan, and note the manufacturer's promise to terminate dealerships that are found out-of-compliance with these provisions through random, unannounced checks of the dealership.
- The Commission's Exposure Survey notes that the most hazardous of ATVs—three-wheelers—have remained in circulation far longer than originally projected. In 1988, the Commission estimated the life of the three-wheel ATV to be about seven years. The exposure survey estimates that about 22% of ATVs currently in use are three-wheel vehicles. The risk of injury on a three-wheel ATV is 2.5 to 3 times higher than on a four-wheel ATV. The Action Plan does not address the continuing safety hazards of these three-wheelers. If, as the dealers claim, they are serious about reducing injury and deaths from ATVs, as part of the Action Plan we believe they should devise a mechanism, whether through cash incentives, discounts on products or other means, to get these three-wheel vehicles out of circulation.
- CU finds the notion of commending those ATV manufacturers that have agreed to the provisions of the Action Plan illogical. An agency such as the CPSC, whose primary mandate is to promote safety, should reserve commendations for those companies that have taken especially courageous or innovative approaches to saving lives and preventing injury. For example, reserve such commendations for any company that recalls its three-wheel ATVs. We do not find any of the provisions of the manufacturers' Action Plans to be particularly courageous or innovative. Indeed, with over 54,000 injured and over 200 dead each year on ATVs, this is an industry

that could do far more to promote the safety of its customers and protect the lives of children.

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Respectfully submitted
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