



UNITED STATES
 CONSUMER PRODUCT SAFETY COMMISSION
 WASHINGTON, DC 20207

Memorandum

Date: AUG 22 2005

TO : The Commission
 Todd A. Stevenson, Secretary

THROUGH: Page Faulk, General Counsel *PCF*
 Patricia Semple, Executive Director *PS*

FROM : Jacqueline Elder, *je* Assistant Executive Director for Hazard Identification and
 Reduction
 Elizabeth W. Leland, Economic Analysis, Project Manager, 301-504-7706 *ELW*

SUBJECT : Staff Response to Testimony and Comments on CP-02-4/HP-02-1: Petition
 Requesting Ban of All-Terrain Vehicles Sold for Use by Children under 16
 Years Old

1. Introduction

On March 22, 2005, the staff of the U.S. Consumer Product Safety Commission (CPSC) briefed the Commission on CP-02-4/HP-02-1: Petition Requesting Ban of All-Terrain Vehicles Sold for Use by Children under 16 Years Old. After the staff briefing, a public meeting was held at which several individuals and organizations presented oral testimony regarding the staff's briefing package.¹ In addition, the Commission received public comments from individuals and organizations in response to a February 11, 2005, *Federal Register* (FR) notice about the staff briefing and public meeting.² Comments were accepted by the Commission through April 22, 2005.

This memorandum provides summaries of the March 22 testimony and of the 26 comments received in response to the FR notice. Following the summaries is the staff response to several issues raised by those who presented oral testimony and submitted written comments.

2. Summary: March 22, 2005, Oral Testimony

Twenty-one individuals representing consumer and medical organizations, ATV enthusiasts, ATV dealers, youth educational organizations, and a private sector consulting firm provided oral testimony at the March 22 public meeting; written submittals backed up the oral presentations.

¹ Appendix A lists the names of the individuals and organizations that presented testimony on March 22, 2005.

² A copy of the *Federal Register* notice can be found at www.cpsc.gov/BUSINESS/frnotices/fr05/allterrain.pdf. A listing of the individuals and organizations who submitted written comments can be found in Appendix B, and copies of the submitted comments can be found at www.cpsc.gov/LIBRARY/FOIA/FOIA05/pubcom/atv1.pdf.

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NOTE: This document has not been reviewed or accepted by the Commission.

Of the 21 presentations, four expressed disagreement with the CPSC staff's recommendation to deny the petition; three of these presentations were by petitioners.³ Eleven presenters specifically expressed agreement with the staff's recommendation.⁴ One presenter provided statistical information on deaths and injuries. Another provided information about an ATV educational program for schools.⁵ Two persons implicitly agreed with the CPSC staff's recommendation,⁶ while a third presented information about ATV-related legislation and events in West Virginia only, with no specific reference to the petition.⁷

Those who expressed disagreement with the staff's recommendation asserted that:

- the evidence presented by the CPSC staff does not support the staff's recommendation to deny the petition, and the conclusions in the staff's briefing package actually support the petition.⁸
- the briefing package ignores important facts and neglects to discuss all the benefits of a ban.⁹
- the staff's reasons for the "uncertainty" of a ban's effectiveness are unsubstantiated.¹⁰
- the staff's contention that a ban would be unlikely to change riding behavior does not consider that sales bans protecting children from products such as firearms, cigarettes, and alcohol have been effective.¹¹
- the voluntary approach is failing.¹²

Those who expressed agreement with the staff's recommendation stated that:

- a ban would not keep parents or other caretakers from allowing children to ride adult-size ATVs.¹³
- the proposed federal ban would be redundant with the current voluntary action plans, and dealers cannot control the use of ATVs once they leave the showroom.¹⁴

³ See testimony of Rachel Weintraub (Consumer Federation of America), Mary Aitken (American Academy of Pediatrics), and Scott Kovarovics (Natural Trails and Waters Coalition). These individuals represented organizations that were among the petitioners (Bluewater Network is a petitioner; the Natural Trails and Waters Coalition submitted a comment that disagreed with the staff's recommendation. Bluewater Network is a member organization of the Natural Trails and Waters Coalition.) The fourth organization that expressed disagreement with the staff's recommendation is the National SAFE KIDS Campaign, represented by Alan Korn.

⁴ See testimony of Van Kleeck, Thomas Yager, Jeremy Brandwein, Jack Terrell, Brett Williams, Mike Twigg, E. Neal Gardiner, Greg Keoho, John Ross, Harold Silbaugh and James P. Cowgill.

⁵ See testimony of Nina Benton and from Edward J. Heiden, Ph.D.

⁶ See testimony of Tim Buche and Christopher Spaulding.

⁷ See testimony of Karen Coria.

⁸ See testimony of Rachel Weintraub, Scott Kovarovics, Alan Korn, and Mary Aitken.

⁹ See testimony of Rachel Weintraub, Scott Kovarovics, and Alan Korn.

¹⁰ See testimony of Rachel Weintraub and Scott Kovarovics.

¹¹ See testimony of Mary Aitken, Scott Kovarovics, and Alan Korn.

¹² See testimony of Rachel Weintraub, Scott Kovarovics, and Mary Aitken.

¹³ See testimony from E. Neal Gardiner, Mike Twigg, Brett Williams, James P. Cowgill, Greg Keoho, and John Ross.

¹⁴ See testimony of Harold Silbaugh, E. Neal Gardiner, Mike Twigg, Brett Williams, Greg Keoho, John Ross, and Kathy R. Van Kleeck.

- it is unrealistic to think that a federal ban that applies to dealers is going to make a difference in the real world where ATVs are purchased and used.¹⁵

Some of those who disagreed with the staff's recommendation suggested ways (other than or in combination with the proposed ban) to address ATV-related deaths and injuries; those who agreed with the staff's recommendations also suggested ways to address the ATV hazard. The recommendations include:

- implementing a "ban by labeling", similar to the CPSC "ban" of small parts in toys by "clear, conspicuous labeling."¹⁶
- continued emphasis (either singly or as a multi-faceted approach) on education, design changes, state legislation, proper training, use of safety gear, and parental supervision.¹⁷
- a re-evaluation by CPSC of the appropriateness of the age-size guidelines.¹⁸
- making available a wider selection of ATV models that are appropriately sized and powered for youth operators.¹⁹
- provision of well-managed recreational facilities and trails.²⁰
- ensuring that all companies in the market, including new entrants, adopt the same training and safety programs as those companies that already agree to the Voluntary Action Plans.²¹

3. Written Comments: February 11, 2005 – April 22, 2005

Twenty-six comments were received in response to the February 11, 2005 FR notice. Appendix C provides a copy of the FR notice and a listing of the individuals and organizations that submitted comments. Many of the written comments expressed views for or against a ban, without specifically indicating support or disagreement with the staff recommendation to deny the petition.

Of the 26 comments, 14 did not support a ban.²² Of these 14, six expressed concern about the current age/size guidelines, with some comments suggesting that weight and height be used for compliance with the guidelines, rather than age.²³ One of the 14 comments that did not support a ban provided information to support the view that CPSC cannot make the statutory findings to support the petition.²⁴

¹⁵ See testimony of Jeremy Brandwein.

¹⁶ See testimony of Alan Korn.

¹⁷ See testimony of Mary Aitken, Harold Silbaugh, E.Neal Gardiner, Mike Twigg, Gerg Keoho, and Tom Yager.

¹⁸ See testimony of Royce Wood and Doug Morris, Harold Silbaugh, Mike Twigg, James P. Cowgill, Greg Keoho, and Jeremy Brandwein.

¹⁹ See testimony of Harold Silbaugh, Mike Twigg, and Greg Keoho.

²⁰ See testimony of Tom Yager, Jack Terrell, and Kathy R. Van Kleeck.

²¹ See testimony of John Ross.

²² See comment CA 05-1-2 (Hughes), CA 05-1-3 (Riley), CA 05-1-13 (Pulford), CA 05-1-14 (Kirby), CA 05-1-15 (Prunella), CA 05-1-16 (Monroe), CA 05-1-17 (Bellaire), CA 05-1-18 (Eaton), CA 05-1-19 (Perkins), CA 05-1-20 (Strange), CA 05-1-22 (Eddy), CA 05-1-24 (Trujillo), and CA 05-1-25 (American Honda Motor Co., Inc. and other ATV manufacturers).

²³ See comment CA 05-1-2 (Hughes), CA 05-01-3 (Riley), CA 05-1-13 (Pulford), CA 05-1-14 (Kirby), CA 05-1-17 (Belleaire), and CA 05-1-18 (Eaton).

²⁴ See Comment CA 05-1-25 (American Honda Motor Co., Inc. and other ATV manufacturers).

The remaining 12 comments, eight of which were submitted by medical professionals (and one of these was signed by about 135 medical professionals), support a ban.²⁵ The medical professionals indicated their belief that the staff's recommendation "deemphasized the significant public health and monetary benefits that could be achieved with a national standard" and questioned how the staff could make the recommendation when there is significant dealer non-compliance.²⁶ Others who support the petition indicated that the voluntary efforts are not working,²⁷ while another indicated that there is research to show that "if consumers do not perceive themselves to be at risk or don't believe that risk to be serious enough, then they are likely to disregard any message."²⁸ US PIRG stated its belief that there should be a better cost-benefit analysis and that the staff briefing package did not calculate the societal benefits of a ban; furthermore, US PIRG stated that numerous studies describing the economic costs of ATV-related injuries and deaths have been written, but weren't included in the staff briefing package.²⁹

Other comments offered suggestions for dealing with the ATV-related hazard. These suggestions include:

- allowing manufacturers to recommend safe size ratings and ranges for each ATV.
- producing youth four-wheelers that are designed to carry a 12-year-old who weighs 150 pounds.³⁰
- giving parents a ticket (citation) if they are not training their child to ride responsibly.³¹
- making parents aware of the real danger that adult ATVs pose to children, effectively communicating the risks and societal costs associated with the product, letting parents know that there is a federal agreement for dealers to tell parents that children should not ride adult ATVs, requiring an oral disclosure statement by sellers about the risks associated with ATVs, and developing an effective information campaign that draws the attention of parents to the hazards associated with ATVs.³²
- changing the name of the vehicle to indicate its true function (utility rather than recreational) to avoid the implication that ATVs can be ridden on all sorts of terrains.³³
- working with other sectors of the market that have an economic or financial interest in reducing the deaths and injuries associated with ATVs.³⁴

²⁵ See Comments CA 05-1-1 (Hilton), CA 05-1-4 (Quinlan), CA 05-1-5 (Monroe), CA 05-1-6 (Letourneau), CA 05-1-7 (Philbrook), CA 05-1-8 (medical professionals), CA 05-1-9 (Schwend), CA 05-1-10 (Gains), CA 05-1-11 (Leonard), CA 05-1-12 (Rabe), CA 05-1-21 (Pollack-Nelson), CA 05-1-23 (Art and Charlie), and CA 05-1-26 (US PIRG).

²⁶ See Comments CA 05-01-04 (Quinlan), CA 05-1-5 (Monroe), CA 05-1-6 (Letourneau), CA 05-1-7 (Philbrook), CA 05-1-8 (medical professionals), CA 05-1-9 (Schwend), CA 05-1-10 (Gains), and CA 05-1-11 (Leonard).

²⁷ See Comment CA 05-1-12 (parents), CA 05-01-15 (Prunella), CA 05-01-21 (Pollack-Nelson), and CA 05-1-26 (USPIRG).

²⁸ See Comment CA 05-1-21 (Pollack-Nelson).

²⁹ See Comment CA 05-1-26 (US PIRG).

³⁰ See Comment CA 05-01-2 (Hughes), CA 05-01-13 (Pulford), CA 05-01-14 (Kirby), CA 05-01-17 (Bellaire), and CA 05-01-18 (Eaton).

³¹ See Comment CA 05-01-12 (Hughes), and CA 05-01-3 (Riley).

³² See Comments CA 05-01-12 (Rabe), CA 05-01-12a (Rabe), and CA 05-01-15 (Prunella).

³³ See Comment CA 05-01-15 (Prunella).

³⁴ Ibid.

- providing compensation for owners who believe that they were misinformed about the recreational nature of ATVs.³⁵
- instituting an organ donor program.³⁶
- initiating a joint CPSC-insurance industry risk/premium program.³⁷

4. Staff Response to Oral Testimony and Submitted Written Comments

The CPSC staff is providing a response to certain issues that were raised in the oral testimony and/or written comments. The issues selected for response are issues that are directly related to the petition and the February 4, 2005, staff briefing package.

A. Similarity of a Ban to Sales Prohibitions to Minors of Alcohol, Tobacco, and Firearms

As noted above, some testimony compared the ban the petitioners requested to laws prohibiting sales of alcohol, tobacco, and firearms to minors. The comments generally asserted that the effectiveness of these laws demonstrate that a CPSC rule prohibiting sale of an ATV for use by a child under 16 also would be effective.³⁸

CPSC Staff Response:

Laws restricting sales of alcohol, tobacco, and firearms to minors are state, not federal, laws. They have more in common with state ATV laws that place restrictions on use than they do on the type of federal regulation that the petitioners requested. For example, all states have laws prohibiting persons under 21 years of age from purchasing or publicly possessing alcohol. In addition, most states have laws prohibiting consumption of alcohol by minors (even when NOT in public.) These are restrictions on *use* – the type of requirements that CPSC does not have the authority to impose, but states do. Moreover, state laws restricting sales of alcohol or tobacco prohibit sales directly to a minor. Given the cost of an ATV, it is unlikely that a child would be the purchaser of an ATV.

The ban that the ATV petitioners requested would require determination of the buyer's intent to let a child ride the ATV. This would make the petitioners' requested ATV regulation more difficult to enforce in any realistic way than restrictions on sales of alcohol and tobacco to minors.

Finally, many factors have been involved in bringing down rates of youth smoking and alcohol consumption. It is difficult to sort out the effect of the state laws from such things as media campaigns and school education programs that are focused on the negative effects of smoking and alcohol consumption.

B. Comparison of Petitioner's Suggested Ban and the Small Parts Ban

As noted above, one commenter suggested that the Commission should "implement an ATV ban for children by using the same regulatory framework" it had used for small parts. The

³⁵ Ibid.

³⁶ Ibid

³⁷ Ibid.

³⁸ See testimony of Scott Kovarovics and Mary Aitken.

comment characterized the small parts ban as “effectuated in part by clear, conspicuous labeling, which was mandated by federal regulation.”³⁹

Staff Response:

The small parts regulation is a banning rule, not a labeling rule. The labeling requirements to which the commenter refers were specified in federal legislation, the Child Safety Protection Act (CSPA) of 1994, see 15 U.S.C. § 1278, and codified in regulations the Commission issued in 1995, 60 Fed. Reg.10742. The CSPA required specific choking hazard warning labels for toys and games for children ages three- to six-years-old and for balloons, small balls, and marbles. The small parts regulation bans toys or other articles intended for children under three years of age if the toys or articles have small parts. 16 C.F.R. § 1500.18(a)(9). That is, a toy or article is prohibited from being in commerce if it has small parts and, based on an objective evaluation of the product, is intended for children under three years old. A purchaser’s intent has nothing to do with whether a toy is banned. Under the petitioners’ requested ATV ban, by contrast, the same product would either be banned or not banned depending on the purchaser’s subjective intent at the specific moment of the sales transaction.

The 1988 Consent Decrees required the placement of several warning labels on ATVs, including an age recommendation label. The Consent Decrees specified exact language, dimensions, format, type size, type font, color scheme, durability, and location of the labels; there was no allowance for any deviation from the specified requirements. Under the ATV Voluntary Action Plans, manufacturers agreed to continue to provide the same labeling that the Consent Decrees required.

The Consent Decrees also required that owner’s manuals state the same safety warnings as the required warning labels (and additional warnings also). This, too, is continued under the ATV Voluntary Action Plans. The staff does not have any indication the manufacturers are not continuing to label their ATVs and provide warning information in owners’ manuals as they have agreed.

C. Effectiveness of the Requested Ban

At several points in the briefing package, the staff suggests that while the impact of the proposed federal sales ban is uncertain, there are a number of factors that would tend to limit its effectiveness. According to one comment, the staff did not clearly define the terms “effectiveness” or “uncertainty”; furthermore, the commenter notes that staff seems to be saying that the sales ban would have to be 100 percent effective before it would be justifiable (thereby making the “perfect the enemy of the good”).⁴⁰ Similarly, according to another comment, the analysis and conclusions of the briefing package appear “to be based on the unspoken premise that the Commission must be assured of 100 percent compliance before developing any regulation”.⁴¹

³⁹ See testimony of Alan Korn.

⁴⁰ See testimony of Rachel Weintraub, p. 7.

⁴¹ See testimony of Scott Kovarovics, p. 1.

Staff Response:

The staff was not asserting that a sales ban would have to be 100 percent effective before it could be justified. Rather, it was providing its opinion that the impact of a sales ban on usage patterns would likely be small. While the staff acknowledges that the impact of a sales ban is to an extent uncertain, it is a real and likely possibility that such a ban would have little, if any, effect on the use of adult ATVs by children. The primary reasons for this assessment include the following: 1) major distributors already agree not to sell adult ATVs for the use of children (and the majority of dealers comply with these requirements), 2) consumers are already warned in a number of ways at the point-of-sale that children should not drive adult ATVs, 3) the sales ban has no direct impact on the use of ATVs once they are sold, and 4) the sales ban would have little, if any, impact on the secondary market for used ATVs.

D. Cost-Benefit Analysis

Some commenters were critical of what they called the cost-benefit analysis in the briefing package. The Consumer Federation of America stated that “This cost-benefit analysis is missing one essential component - an analysis.”⁴² Similarly, the Natural Trails and Waters Coalition stated that “the package is devoid of what most would consider cost-benefit analysis. It documents substantial monetary benefits and outlines some potential costs. However, it does not evaluate whether those benefits are outweighed by or outweigh the costs of the regulation.”⁴³

Staff Response:

The staff did not conduct, or attempt to conduct, a full and thorough cost-benefit analysis of the petitioners’ requested ban on the sale of adult-size ATVs for the use of children under the age of 16, nor is a cost-benefit analysis required or typically provided at this stage of the regulatory process. The purpose of the economic analysis was to describe some of the possible effects of the petition, as well as provide a preliminary discussion of the types of benefits and costs that could result if the requested ban were implemented. To do this, the staff discussed in Tab G of the briefing package the societal costs associated with the use of adult ATVs and, in general, the possible benefits of getting children off adult ATVs. Similarly the staff discussed the types of costs that households with children would face when making a purchase decision, as well as the possible costs of enforcing a sales ban.

As indicated in the briefing package, insufficient information was available to fully estimate the benefits or the costs of the action requested by the petition or to make any firm comparisons between them. In large part, this is because the likely effectiveness of the proposed sales ban in getting children off adult ATVs, if any, is unknown and therefore not quantifiable. Additionally, estimating the costs of the action requested by the petition is particularly difficult because the primary costs of the petition – those that would be experienced by households if they purchased a youth model instead of or in addition to an adult model – would vary by household circumstances and could, even with a sales ban, be avoided entirely if purchasers of new ATVs chose not to tell dealers that the ATV would be used by children.

⁴² See testimony of Rachel Weintraub, p. 5.

⁴³ See testimony of Scott Kovarovics, p. 6.

E. Reduced Risk of Serious Injury and Death with Implementation of a Sales Ban

Two comments suggest that the briefing package shows that the sales ban proposed in the petition would yield substantial benefits. According to the Natural Trails and Waters Coalition, “staff’s analysis demonstrates that a national safety standard would reduce the risk of serious injury and death caused by ATVs by half.”⁴⁴ Similarly, according to the Consumer Federation of America, “Significantly, the staff briefing package finds that a national standard barring the sale of adult-size ATVs for use by children under 16 would have **substantial benefits.**”⁴⁵

Staff Response:

The staff made no conclusions about the effects of the proposed sales ban; the staff made only a conditional statement that if an effective means of getting children off adult ATVs, and onto the youth models, could be found, it could *potentially* reduce the risk of injury by half and thereby result in substantial benefits. The staff concluded that the effectiveness of a sales ban was uncertain and likely to be low in this regard.

F. Recommendation to Deny the Petition is Tantamount to Deemphasizing Ban’s Benefits

As noted above, numerous healthcare professionals sent identical comments asserting that the staff’s recommendation to deny the petition “deemphasizes the significant public health and monetary benefits that could be achieved with a national standard, including the fact that moving children from adult-size ATVs to youth models could cut the risk of serious injury and death in half.”⁴⁶

Staff Response:

The CPSC staff’s briefing package estimated the benefits that might be associated with a risk reduction and was the source of the potential risk reduction estimate mentioned by the commenter. However, the briefing package provided information to show that the requested sales ban would likely not effectively achieve these benefits.

G. Estimation of Societal Costs

According to US PIRG, CPSC staff did not calculate the “societal benefit of reducing the number of young people that die each year on adult-size ATVs. Most importantly, there is no estimated benefit of the reduced cost to our health care system if the ban prevented consumers from buying adult-size ATVs for children. Numerous studies describing the economic costs of ATV related injuries and deaths have been written, but none were included in the CPSC staff analysis of potential benefits.”⁴⁷

Staff Response:

The briefing package (Tab E) did estimate the societal costs associated with the deaths and injuries of children on adult ATVs. In 2001, the societal costs of the more than 100 ATV-related deaths involving children on adult ATVs were reported to amount to at least \$550 million. Additionally, the societal costs of children injured on adult ATVs amounted to about \$2 billion

⁴⁴ See testimony of Scott Kovarovics, p. 1.

⁴⁵ See testimony of Rachel Weintraub, p. 2.

⁴⁶ See Comments CA 05-01-4 through CA 05-01-11 (Quinlan, Monroe, Letourneau, Phlibrook, Medical Professionals, Schwend, Gains, and Leonard).

⁴⁷ See Comment CA 05-01-26 (U.S. PIRG), p. 2.

in 2001. While medical costs were not broken out separately, they accounted for about 10 percent of the aggregate social costs, or roughly \$200 million. These medical costs estimates are substantially higher than any of the estimates from studies cited by US PIRG. They also are considerably higher than the \$74 million in hospital charges over a two-year period for children's injuries reported in a March 2005 *Pediatrics* article.⁴⁸

H. Trends in the ATV-Related Risk of Injury and Death.

One commenter discussed trends in the risks of injury and death associated with ATVs.⁴⁹ The comment and testimony contain a discussion of trends in the risks of injury and death associated with ATVs. The commenter argues that the injury risk estimate in 1997 may be high due to a change in the CPSC injury data system NEISS. The comment notes that, for the years 1998 to 2003, the most recent year available for injuries, the injury risk has been stable and even may have decreased in the most recent years. The comment also contains a summary of an analysis that purports to show that the injury risk for children under 16 has improved on a per vehicle basis.

Staff Response:

CPSC has used the year 1997 as a base for comparison because there is a comprehensive exposure survey available for that year. Likewise, there is such a study available in 2001. Risk estimates based on years other than 1997 and 2001 make use of a model of the number of operating ATVs and are not based on direct survey estimates. CPSC staff is currently developing a methodology to test the statistical significance of the changes in the annual risk estimate. A valid test of statistical significance will be able to detect whether there are changes in the actual ATV risks on a yearly basis.

For children, the risk measure considered by the commenter is the number of youth injuries divided by the number of ATVs in use. This measure is potentially misleading, since the number of ATVs in use includes all ATVs, whether or not they are used by youths. An increase in the number of ATVs used by non-youths reduces the calculated magnitude of the commenter's risk measure. As shown by the 1997 and 2001 exposure studies, the number of non-youth riders increased at a much greater rate than the number of youth riders. The stated decrease in the number of youth injuries per ATV may result from a large increase in ATVs used by non-youths.

5. Conclusion

After a review of the testimony at the March 22, 2005, public meeting and the written comments submitted in response to the February 11, 2005, *Federal Register* notice, the staff continues to recommend that the Commission deny petition CP-02-4/HP-02-1.

⁴⁸ Jeffrey B. Killingsworth, John M. Tilford, James G. Parker, James J. Graham, Ronda M. Dick, and Mary E. Aitken, "National Hospitalization Impact of Pediatric All-Terrain Vehicle Injuries", *Pediatrics* 2005; 115; 316-321, March 2005.

⁴⁹ See Appendix B (Edward J. Heiden, "Potential Reductions in ATV-Related Fatal and Non-fatal Head Injuries from Upgraded State Safety Laws on Helmet Usage", April 21, 2005) of Comment CA 05-01-25 (Wiegard).

A

ATV Petition Public Meeting
Tuesday, March 22, 2005
10:00 a.m.

Oral Presentations

Rachel Weintraub
Assistant General Counsel
Consumer Federation of America
Washington, DC

Scott Kovarovics
Director
Natural Trails and Waters Coalition
Washington, DC

Mary Aitken
American Academy of Pediatrics
Washington, DC

Alan Korn
Director of Public Policy & General Counsel
National SAFE KIDS Campaign
Washington, DC

Doug Morris (will give presentation)
All-Terrain Vehicle Association
Royce L. Wood (available for questions)
American Motorcyclist Association
Pickerington, OH

Karen Coria
Government Relations Specialist
Specialty Vehicle Institute of America

Harold Silbaugh
Executive Director
Pennsylvania Off-Highway Vehicle Association (PaOHV)

E. Neal Gardiner
Vice President, Marketing
Gardiner Outdoor Products Corporation
Waldorf, MD

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Mike Twigg

Owner

Twigg Cycles Inc.

Hagerstown, MD

Brett Williams

General Manager

Coleman PowerSports

Woodbridge, VA

James P. Cowgill

Associate Member

Trail Search And Rescue

Springfield, VA

Greg Keoho

General Manager

Criswell Powersports L.L.C.

Germantown, MD

John Ross

Owner

Shenandoah Honda

Winchester, VA

Nina Benton

Director, Client Services

Weekly Reader Corporation

Thomas Yager

Vice President, Safety Programs

ATV Safety Institute

(a division of the SVIA)

Irvine, CA

Jack Terrell

Project Coordinator

National Off-Highway Vehicle Conservation Council

Kathy R. Van Kleeck

Vice President, Government Relations

Specialty Vehicle Institute of America

Arlington, VA

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Christopher Spaulding
Law Enforcement Officer
Charles County Sheriff's Office
LaPlata, MD

Edward J. Heiden
Heiden Associates
Washington, DC

Jeremy Brandwein
ATV Chairman and ATV Congressman
District 7 (Maryland, Delaware, Washington, DC)
American Motorcycle Association

Tim Buche
President
Specialty Vehicle Institute of America
Irvine, CA

B



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

MEMORANDUM

DATE: April 25, 2005

TO : EC

Through: Todd A. Stevenson, Secretary, OS *fast*

FROM : Martha A. Kosh, OS *mak*

SUBJECT: Proposed Ban for Sale for Full Size ATV's to 16 and Under

ATTACHED ARE COMMENTS ON THE CA 05-1

<u>COMMENT</u>	<u>DATE</u>	<u>SIGNED BY</u>	<u>AFFILIATION</u>
CA 05-1-1	01/13/05	George Hilton	14347 State Route 220 Waverly, OH 45690
CA 05-1-2	02/15/05	Kevin Hughes	76 FJ40 TLCA 5985 BBRC Ventura County, CA
CA 05-1-3	02/24/05	Jeff Riley	<u>Jriley@levalleng.com</u>
CA 05-1-4	03/15/05	Kyran Quinlan M.D., M.P.H. Clinical Assoc. Professor Pediatrics	The University of Chicago Dept. of Pediatrics 5841 S. Maryland Ave MC6082 Chicago, IL 60637
CA 05-1-5	03/15/05	Kathy Monroe M.D.	The University of Alabama at Birmingham School of Medicine 1600 7 th Ave Birmingham, AL 35233
CA 05-1-6	03/15/05	P. Letoruneau RN	Baystate Medical Center Children' Hospital Dept of Surgery and Trauma Services Springfield, MA 01199
CA 05-1-7	03/15/05	Julie Philbrook RN, MA Trauma Prevention Specialist	MCNC Trauma Services 701 park Ave, 09 Minneapolis, MN 55415

Proposed Ban for Sale for Full Size ATV's to 16 and Under

CA 05-1-8	03/15/05	Medical Professionals	Natural Trails & Waters The Wilderness Society 1615 M St, NW Washington, DC 20036
CA 05-1-9	03/15/05	Richard Schwend MD, Associate Professor of Orthopaedic Surgery, Rehabilitation, and Pediatric, Chief Pediatric Orthopedics	The University of New Mexico Health Sciences Center 1127 University Blvd, NE Albuquerque, NM 87102
CA 05-1-10	03/15/05	Barbara Gains, MD Director of Trauma And Injury Prevention Asst Professor Of Surgery	Children's Hospital of Pittsburgh 3705 Fifth Ave Pittsburgh, PA 15213
CA 05-1-11	03/15/05	Leonard	P.O. Box 733 Reserve, NM 87830
CA 05-1-12	04/02/05	Tom & Sue Rabe (group of parents)	Turner, OR
CA 05-1-12a	03/20/05	Tom & Sue Rabe	Turner, OR
CA 05-1-13	03/23/05	Ken Pulford	Bbchevelle@aol.com
CA 05-1-14	03/27/05	Ann Kirby	Annkirby@aol.com
CA 05-1-15	04/04/05	Warren Prunella	10911 Wickshire Way Rockville, MD 20852
CA 05-1-16	04/05/05	Terry Monroe Beth Monroe	proracer23@netzero.net
CA 05-1-17	04/06/05	Jack Bellaire	465 Kaleb Mark Dr. Lyman, SC 29365
CA 05-1-18	04/06/05	Dave Eaton	eatonpark@netzero.net
CA 05-1-19	04/13/05	John Perkins	John.Perkins@grace.com
CA 05-1-20	04/14/05	Wendy Strange	wstrange@tgti.net
CA 05-1-21	04/14/05	Carol P-Nelson	13713 Valley Dr. Rockville, MD 20850
CA 05-1-22	04/19/05	Bryce Eddy	beddy@fs.fed.us
CA 05-1-23	04/19/05	Art & Charlie	Artandcharlie@aol.com

Proposed Ban for Sale for Full Size ATV's to 16 and Under

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