

All-Terrain Vehicle–Related Nonfatal Injuries Among Young Riders: United States, 2001–2003

Ruth A. Shults, Stacey D. Wiles, Madhavi Vajani and James C. Helmkamp

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ATV
ANON

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~~Stevenson, Todd A.~~

From: Desertmouse@aol.com
Sent: Tuesday, November 15, 2005 11:44 PM
To: Stevenson, Todd A.
Cc: Earthhealing1@aol.com
Subject: Potential Spam: Children riding OHV's

I find myself in a big quandary about this issue. We, as a nation, spend lots of dollars, to insure the safety of people of all ages in cars. We require training, testing, insurance, age issue due to safe choices in driving, and have many laws governing driving to protect people. I do not understand why this is not done for OHV's for both adults and children. Just because the surface one rides on is different, it doesn't make it less safe...in fact it makes it less safe.

We also spend a lot of time and money making sure that the toys our children play with are safe or remove them from the market. If any toy killed or maimed even one child it would be pulled from the market.

And yet we don't do anything about our children riding ATV's or motorcycles. Just looking at the statistics is heartbreaking. And yet we continue to let our child ride this most dangerous toy. We know that kids are not capable of making mature decisions when it comes to driving. So why would we let our kids drive just because it is not on a road, and the vehicle is smaller and less protected???

I am afraid, like so many things in this country, that it has to do with the almighty dollar, form the OHV manufactures, and some very, very foolish adults.

I hope you do some hard looking at the real statistics, and disregard anything else in your evaluate of this issue.

Sincerely,
Linda L Van Voorhis
3978 2nd ST
Riverside CA 92501

11/16/2005

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Stevenson, Todd A.

From: Janice Bentley [bentlja1@memorialhealth.com]
Sent: Tuesday, November 15, 2005 3:35 PM
To: Stevenson, Todd A.
Subject: ATV - ANPR

Dear Sir or Madam:

Please accept my comments regarding the safety issues of ATV's.

I work in a level 1 Trauma Center in Savannah, Georgia. We are seeing increasing injuries from ATV's at our hospital, which are often extremely severe and debilitating. Of concern is the use of ATV's by children under 16 years of age. It is my opinion that children under 16 years of age should be disallowed from riding ATV's unless with a responsible adult. Additionally, safety and injury prevention education should be provided to all ATV users, regardless of age. Safety equipment for all ages should be required (helmets, specifically).

ATV's should be recognized as a recreational vehicle which can cause serious injuries. Mandatory education for the public is required.

Thank you.

Janice Bentley
Memorial Health University Medical Center
Savannah, GA


Stevenson, Todd A.

ATV man
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From: Brian and Diane Chapman [weathermeister@yahoo.com]
Sent: Thursday, November 17, 2005 8:40 AM
To: Stevenson, Todd A.
Subject: ATV ANPR

I have been told that your organization is considering the question of ATV safety.

I am new to the sport at this point, but feel that ATV's provide many people with the opportunity to go into the woods when walking is not an option because of age or disability.

I also see where, if used without regard for safety, they could get you in trouble fast. My problem is that just about everything in the real world can hurt you.

How many are hurt or killed in accidents related to cars, bicycle's, competition sports. One could rightly say that staying home doing nothing but sitting on the couch and watching TV will kill you.

Point is, life has it's risks. Risk management is what's needed. Parents need to keep small kids off of big machines, make sure safety equipment is used and supervision is in place.

At the same time, you need to realize that some kids in certain age brackets are too big for the machines that the law allows for.

Life is a risky proposition, and can never be made 100% risk free.

Rather than ban something that is used and enjoyed by thousands of people each day without problem, I feel that the right path to follow is education and responsible supervision.

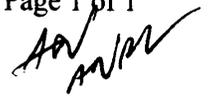
thank you for your time in this matter,

Brian M. Chapman
Cheyenne, WY

Is life so dear or peace so sweet as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take, but as for me, give me liberty, or give me death!

Patrick Henry

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Stevenson, Todd A.

From: Kristie Potts [kristi@hoho.org]
Sent: Friday, November 18, 2005 11:13 AM
To: Stevenson, Todd A.
Subject: ATV's and Children

To whom it may concern:

We are absolutely certain that children should not drive ATV's, the number of deaths and injuires to children show what ATV's do to young bodies. According to the American Academy of Pediatricians "The safe use of ATV's requires the same or greater skill, judgement, and experience as needed to operate an automobile."

Kristie Potts, BSN
Trauma Coordinator
Holland Hospital
602 Michigan Ave.
Holland, MI 49423
Phone:(616) 394-3681
Fax: (616) 394-3750
E-mail: kristi@hoho.org

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11/18/2005

Stevenson, Todd A.

From: Azure, Rochelle M. [Rochelle.Azure@ihs.gov]
Sent: Friday, November 18, 2005 11:19 AM
To: Stevenson, Todd A.
Subject: FW: Concerned Families for ATV Safety Action Plan

From: Bruce, Alta M.
Sent: Friday, November 18, 2005 9:46 AM
To: Malaterre, Jennifer K.; 'maxined@iwon.com'; 'tmmadd@utma.com'; Patel, Sandeep D.; Erdrich, Angela M.; 'Dave Garcia'; Mosier, Dave M; Weaver, John
Cc: Dauphinais, Larry; Fogarty, Jon; 'Federal TBI Program Listserv'; Leith, John; 'jane martin'; TMCC-all users; Belcourt All Users; Belgarde, Bernice (BAO); Bill, Nancy M.; Hastings, Betty A.
Subject: FW: Concerned Families for ATV Safety Action Plan

Please respond, deadline is December 5th and PLEASE e-mail to ALL that you know. We have lost 3 children this summer to ATV crashes. Our local Safety Clan is working with all concerned entities to once again address this issue with our Tribal Council. Miigwetch.

*Alta Bruce
Injury Control Specialist
Indian Health Service
Box 160, #1 Hospital Road
Belcourt, ND 58316
(701) 477-8495
477-8488 Fax*

The children of our nation need your help.

Dear friend, colleague, concerned parent:

ATV (All Terrain Vehicle) use by children is taking a terrible toll on American families. Thousands of unsuspecting American children under the age of 16 have died in ATV crashes. The United States Consumer Product Safety Commission reports 154,700 children seriously injured on ATV's between 2001 and 2004. Over 3,300 children killed or seriously injured PER MONTH on ATV's is a preventable national tragedy.

The ATV industry's self-regulating approach to safety is not working. They advertise machines that weigh an average of 550 pounds and travel over 70 miles per hour as "family fun" and claim that voluntary fine print in ads and warning labels does enough to protect our children.

Here's how you can help. From now until December 5, 2005 the United States Consumer Product Safety Commission is accepting public comment on the issue of ATV safety. At the end of that period the commission will decide whether to act. Concerned Families for ATV Safety is a national organization working to reduce the number of children killed and injured by ATVs. We have proposed

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several key steps the commission can take that will make a difference.

Attached you will find a draft letter urging the commission to consider our proposals and take action to protect America's children. Please read the letter, we hope you will sign and send a copy to the Consumer Product Safety Commission at the address provided. We encourage you to add your personal comments.

We are absolutely certain that children should not drive ATV's, the number of deaths and injuries to children show what ATV's do to young bodies. The truth is "The safe use of ATVs requires the same or greater skill, judgment, and experience as needed to operate an automobile." (American Academy of Pediatricians)

1. If you email the letter, send it to cpsc-os@cpsc.gov
2. If you fax the letter, the number is 301-504-0127
3. If you send the letter regular mail, that address at the top of the letter is the correct mailing address

Don't forget to put the appropriate date at the top of the letter and put your name and address at the bottom. Also, the deadline for getting this into the CPSC is December 5th. So please do it as soon as you can.

Thank you in the name of our children,

Concerned Families for ATV Safety
56 Oneida Ave
Brockton, Massachusetts 02301
For more information visit our website: www.atvsafetynet.org

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Stevenson, Todd A.

From: Samantha Fett [sfett@inaneews.com]
Sent: Friday, November 18, 2005 11:37 AM
To: Stevenson, Todd A.
Subject: ATV ANPR

ATTN: TO WHOM IT MAY CONCERN

I want to comment on the new proposed rules on ATVs. I believe that the ATV sport is a growing sport that should be embraced and not discouraged. This is a safe sport for both adults and children. I believe that with proper training, the use of safety gear, parental supervision, and allowing children to ride right-size vehicles would do much to reduce ATV-related injuries and deaths involving children under 16.

The right size vehicles for children under 16 should be determined by weight and not age. Weight is an important factor in this sport, as it relates directly to the safety of the rider.

Please consider, that there are parents that approve this sport and supervise their children when riding.

Thank you.

Samantha Fett
515-251-8566

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ANPR

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~~Stevenson, Todd A.~~

From: craig smith [craigasmith@mac.com]
Sent: Friday, November 18, 2005 2:50 PM
To: Stevenson, Todd A.
Subject: "ATV ANPR."

I am against the over regulation of ATV's by the government. Study the statistics about injury rates and every other sport that kids are involved with today. The rate per capita is significantly lower by a lot when looking at ATV's and other sports. People get hurt when the basic safety rules are violated, such as helmets, boots, gloves, riding double, drinking alcohol. Even if a person does get hurt, its a risk just like any other sport. Kids still get hurt wearing all the pads and helmets with football. Reason must be our guide, besides how could you tell a 6' fourteen year old, "You are not big enough to ride an ATV bigger than a 90 cc motor"? That is what you would have to have told my son. Do not over regulate again. By the way, just in case you think I am talking out of ignorance, I am a 13 1/2 year veteran with the fire department, have been in EMS for about 15 years and have seen plenty of injuries, accidents and deaths.

I must agree with Mr. Morris: "We believe that proper training, the use of safety gear, parental supervision, and allowing children to ride right-size vehicles would do much to reduce ATV-related injuries and deaths involving children under 16," Morris said." Parents must find the right size for the individual, its not the government's responsibility. People must take responsibility for their own actions and quit passing the buck.

Thank you for you time.

Sincerely,
Craig A. Smith and Cheryl J. Smith
Henderson, NV

11/18/2005

ATV
MPR

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Stevenson, Todd A.

From: LuvDaRacinThrill@aol.com
Sent: Friday, November 18, 2005 10:16 PM
To: Stevenson, Todd A.
Subject: atv safety

I have ridden and raced atvs for almost 15 years. The safety issue is a no brainer! I have never wrecked an atv unless it was my own fault. I do not need anyone to tell me how to ride my own atvs or motorcycles(which are more dangerous). Now my son races and at 16 is one of the 5 best riders in the state of missouri and finished in the top ten in the TT national A class.(he was the only 16 in the class). The injuries are amazingly few considering how many riders and racers there are. My son started riding a 50cc atv at age 5. He started racing at age 7. At age 13 he had an accident and was admitted in the hospital. The thing I remember most is when my wife said she wouldn't let him race anymore, the surgeon told her he was much more likely to be injured in a car accident than on an ATV! This coming from someone whose job is to save lives! My son was so happy when she finally told him he could race again. It is his life and most likely his career. Another funny thing is my daughter played basketball from 4th grade through soph. in college. She has been hurt more and has had more surgeries doing that! So tell me, should basketball and automobiles be banned and everyone go back to horses? Oh yea horses are a danger too. Anyway my point is you can stay healthy as long as you use good judgement and common sense, which the government has proved time and time again that they don't. People need to be responsible for their own actions instead of always wanting to blame someone else! Thanks for taking time to read this and please feel free to write or question me any time.

Brent shipman

11/21/2005

Stevenson, Todd A.

From: Miachael [hinesdg@comcast.net]
Sent: Saturday, November 19, 2005 9:34 AM
To: Stevenson, Todd A.
Subject: Atv sale ban

Well i believe everyone is different in the way they go about things. Some of the more irresponsible people will get into things without doing any homework or giving things any thought. I know cause i rode horses all my life and in high school i worked for a horse trader. People were always coming in there questioning about horses they have and that they bought it under the influence of being "kid safe". Well the problem 9 times out of 10 was that they always seemed to have the horse at grandpas farm or someone elses place besides there own. Meaning they didnt take any part in caring for the horse or actually maintaining it. Which means the once a month time they decided to go out and ride it, it had been so long that the horse got a little spirit under its belt and wasnt "kid safe" anymore. Yet I would still go out there and ride it for three or four days and it would be fine again, work with the youngster on the proper things and the proper ways of general taking care of the horse.

Well i refer to this cause i think this has alot to do with the way this whole atv sale ban is going to affect everyone. It definetly effects me cause one day when I have a son/daughter I wont be to happy when the law tells me I cant buy a quad cause they arent old enough. Even though I would be responsible in training and teaching them the proper ways of riding and taking care of the quad just like my father did. I dont believe that just because of ignorant peoples actions that it should affect me. Everyone knows someone whos wrecked or done something on a off-road vehicle that ended up in an accident. 8 times out of 10 it was because they were doing somthing they shouldnt have been or were doing something that was beyond there skill level.

That being said we should be debating on the ways of educating people who are going to be walking into a motosports store and impulse buy. Not punish the people who have many years experience and know right from wrong.

Thanks for taking the time to read this. Even though its only the thought of another face located in Murfreesboro, TN.

Sincerely,
Michael Mantor

Stevenson, Todd A.

1/19/05
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From: Gary Moore [gmoore@socket.net]
Sent: Saturday, November 19, 2005 11:34 AM
To: Stevenson, Todd A.
Subject: ATV ANPR

Dear Sirs:

I am writing this to you to ask that you don't ban the use of ATV by children. I don't feel that injuries are caused by ATV's, but by parents who do not provide proper training, safety equipment, and supervision. Our son has been riding for 2 years, and it was made very clear to him that he is not allowed to ride without all of his safety gear on at all times and he cannot ride unless either my husband or myself is with him. He has also taken 2 training courses. It is also very important that parents choose an ATV that the appropriate size for their child. Please do not make it difficult, for the people who use common sense and do the right things, just because there are people out there with no common sense. I am suggesting that you make training courses mandatory for both parents and children. Parents need it made clear to them that if their child is going to ride an ATV, they need to supervise them and they need to provide ALL safety equipment. Thank you.

Handwritten signature
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Stevenson, Todd A.

From: QualitymotorsII@aol.com
Sent: Monday, November 21, 2005 1:16 PM
To: Stevenson, Todd A.; >
Subject: ATV concerns involving children

November 21, 2005

To whom it may concern;

We are absolutely certain that children should not drive ATV's, the
>number of deaths and injuries to children show what ATV's do to young
>bodies. The truth is "The safe use of ATVs requires the same or
>greater skill, judgment, and experience as needed to operate an
>automobile." (American Academy of Pediatricians)

Thank you for your time.

Hope Whitehead
QualitymotorsII@aol.com

>

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ANPR
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From: Matthew Rhea [mcrhea2@alltel.net]
Sent: Monday, November 21, 2005 4:10 PM
To: Stevenson, Todd A.
Subject: ATV ANPR opposition ban of sale

To Whom It May Concern:

Banning the sale of full sized ATV's to those under the age of 16 is a narrow sighted idea for reducing injuries and death occurring with ATV usage. In reality it will prove no more effective than the often ignored current warning labels placed on new ATVs over 90cc. This law would do little more than hurt the entire ATV industry by discouraging participation from America's youth. And in a time were drugs, sex, and violence is becoming more rampant, discouraging participation from this sport especially in rural areas where there is little else to do is only encouraging youth to do more self destructive things with there time.

If the CPSC would like to do something to reduce the number of injuries it should take a much more in depth study of the scenario's involving injury. Simply looking at and quoting statistics is a poor excuse for making laws that only hurt the ATV industry. While the CPSC does have the 90 cc guideline for riders under the age of 16 this is almost completely ignored because the physical size of 12-16 year olds does not match the physical size of the <90 cc ATV's. When a guideline such is this is used parents and children who wish to ride or purchase an ATV are left to fend for themselves on what is actually appropriate. Therefore the current guideline is nothing short of ridiculous; as would be the current proposal to simply ban the sale of full-sized ATV's to children or in cases where the intended use is by children.

I propose that realistic and useable guidelines or rules be established. As an example I started riding ATV's at the age of 12. My first ATV was a Yamaha Blaster (200 cc) It's physical size was appropriate for a growing adolescent, and while it's potential power may have been too much for a 12 year it came with a thumb throttle limiter screw. This throttle limiter allowed my father to take responsibility for gauging my skill level and the machines power. I would support having all ATVs that a youth may be the primary rider of have such a device. Such a device can make a larger engine act like a smaller one thus making the ATV slower, thereby reducing the chance of loss of control and injury.

Another suggestion besides a blanket ban would be to have manufactures submit each ATV model yearly and the CPSC would rate it for use by an age range, skill level, and physical size. With this, parents would be more informed and could make clearer choices. This would be much like crash test and fuel mileage ratings on automobiles that consumers use to make wiser more informed purchases.

I also support mandatory helmet usage by those under 18 and mandatory ATV safety training prior to purchase. These are proven effective methods to reduce injury and death.

I believe that if my suggestions were put into place injuries and deaths could be substantially reduced. Using a blanket ban or guideline has already proven ineffective and more care must be taken when making laws and/or guidelines with regard to this subject.

Regards,

Matthew Rhea

11/22/2005

Handwritten signature and initials
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Stevenson, Todd A.

From: Pardo, James [James.Pardo@molex.com]
Sent: Tuesday, November 22, 2005 7:16 AM
To: Stevenson, Todd A.
Cc: Leland, Elizabeth W.
Subject: ATV ANPR

I am writing to voice my opinion on the safety of ATVs for both adults and kids.
I oppose any restrictions on the sales of ATVs for use by adults or kids.
Omitting lighting from a child's quad is just the opposite of a safety feature, they should have lights that are ON at all times such as daytime running lights on automobiles. The more lights the better in my opinion.

There are not any unreasonable risks (or any more so than some other products) of injury and death associated with an ATV. Swimming pools and trampolines are far more dangerous. (I also own a pool)

I believe that proper training, the use of safety gear, and allowing children to ride right-size vehicles and foremost **parental supervision and involvement**, would do much to reduce ATV-related injuries and deaths involving children under 16. Common sense and accountability for your own actions must rule.

Thank you for your time.

Sincerely,

James A. Pardo
41255 Cimarron
Clinton Twp. MI.
48038-1810

H (586) 412-9287

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Chinese Japanese

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Stevenson, Todd A.

ATV ANPR
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From: Lisa Matthes [lmatthes@foe.org]
Sent: Tuesday, November 22, 2005 2:14 PM
To: Stevenson, Todd A.
Subject: Keep America's Children Safe!

Dear Secretary Stevenson
Regarding: ANPR for All- Terrain Vehicles (ATVs)

Due to the growing number of deaths and injuries caused each year by ATVs, we support the Consumer Product and Safety Commission's (CPSC) efforts to move forward with a rulemaking process concerning the risks posed by these vehicles. We believe that CPSC is an integral part of any comprehensive solution that will effectively reduce deaths and injuries caused by ATVs, especially those deaths and injuries suffered by children under the age of 16. Any comprehensive solution must also include the passage of strong state laws setting minimum age limits for ATV riders, requiring licensing, registration, training, safety equipment and prohibiting passengers.

CPSC's role is especially critical. As the federal agency with jurisdiction over these products, CPSC must take strong action and lead the nation in efforts to reduce ATV deaths and injuries. We believe that the following are essential tenets of future CPSC action:

- CPSC must issue a mandatory rule that prohibits the sale of adult-size ATVs for use by children under age 16.
- In light of the serious and persistent threat that ATVs pose to children, particularly those between ages 12 and 15, CPSC must not promote efforts to develop a new generation of larger, faster and more powerful ATVs for older children (the so-called "transitional ATV").
- CPSC should evaluate the current ATV training program and seek to determine why such a low percentage of ATV riders obtain such training and whether training sessions are accessible to ATV purchasers and riders. CPSC should also evaluate the substance of such training to ensure that necessary information and skills are being communicated.
- CPSC should require that death and injury information from the most recently available CPSC Annual Report on All-terrain Vehicle (ATV)-Related Deaths and Injuries be communicated to ATV purchasers at the point of sale.

Unfortunately, the annual death and injury statistics from CPSC point to a voluntary system that is failing American consumers. More people are being killed and injured every year and a disproportionate number of these victims are young children.

I urge CPSC to take the decisive actions necessary to effectively protect the public from the hazards posed by ATVs.

Lisa Matthes
2153 N Taylor

Arlingotn, VA 22207

~~Stevenson, Todd A.~~

M4
ATV
ANPR

From: Joy Tiz [thunderstorm03@earthlink.net]
Sent: Tuesday, November 22, 2005 6:13 PM
To: Stevenson, Todd A.
Subject: ATV ANPR

This is a topic of grave concern to those of us in the hi desert communities. We have extensive use of ATV's on our public and county maintained roads constantly. The numbers jump even higher on weekends as the out of towners come in to use our community.

I have no doubt that the #'s of injuries/deaths from ATV use and abuse are grossly under reported. These vehicles are not required to be licensed and thus are virtually impossible to identify. The overwhelming majority of off roaders I encounter here operate their ATV's under the influence of drungs and alcohol, increasing the dangers.

It is not uncommon at all up here to see children as young as 8-10 yrs old tearing around public roads with no adult supervision, no safety equipment and operating recklessly. I gave up trying to count the number of near misses I've had with young kids with adults nowhere in sight.

Law enforcement response to this issue is mediocre on the best day. I have often had to call the sheriff's dept to report ATV riders on the highway, driving the wrong way, riding on the shoulder, weaving in and out of traffic and operating at excessive speeds, obviously under the influence.

There is no way to make irresponsible law breakers and indifferent parents change into reponsible citizens. The only reasonable alternative is to ban these weapons of mass destruction.

Joy Tiz, MS, JD
Broker Associate
Joshua Tree Realty
760-366-7600

Stevenson, Todd A.

ATV
ATV
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From: DEBORAH MELIUS [MELIUSD@cajonvalley.net]
Sent: Tuesday, November 22, 2005 6:34 PM
To: Stevenson, Todd A.
Subject: It is very important that we oppose any legislation that approves and encourages our young people driving and riding ATV's

It is very important that we oppose any legislation that approves and encourages our young people driving and riding ATV's

Debbie Melius

AV
AMP
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ATTENTION CPSC ATU RELATED

TO WHOM IT MAY CONCERN,

My son AND I RACE + RIDE ATU'S.
 My son is 9 years old. He RACES A 50cc BIKE.
 He HAS BEEN RIDING SINCE HE WAS 6 ON A 50.
 He WEARS THE PROPER GEAR + HAS ADULT SUPERVISION.
 PLEASE CONSIDER THE YOUNG RIDERS WHO ABIDE
 BY THE RULES WITH PROPER TRAINING + THE RIGHT
 SIZE ATU CHILDREN ARE SAFE. ATU'S ARE A GREAT
 FAMILY SPORT. MY FAMILY HAS 4 ATU'S. WE
 TRAVEL TO RACES TOGETHER ALSO PLAY RIDE TOGETHER.
 ATU'S ARE SAFE IF TREATED WITH RESPECT.

THANK YOU.

ATUA # A004089 MARK DeHART

SANDY DeHART

ATUA # A005716 DeWayne DeHART

Home 276-957-5925

Work 276-647-3452

ATV
ANPR
MM

November 22, 2005

Office of the Secretary,
Consumer Product Safety Commission,
Room 502, 4330 East-West Highway,
Bethesda, Maryland - 20814

Re: **ATV ANPR**

Attn: Elizabeth Leland

Introduction

CONSUMER PRODUCT SAFETY COMMISSION - (16 CFR Chapter II)

All Terrain Vehicles; Advance Notice of Proposed Rulemaking; Request for Comments and Information

SUBJECT: All Terrain Vehicles ("ATV")
AGENCY: Consumer Product Safety Commission ("CPSC").
ACTION: Advance notice of proposed rulemaking ("ANPR").

SUMMARY: The Consumer Product Safety Commission (CPSC) is considering what actions, both regulatory and non-regulatory, it could take to reduce ATV-related death and injuries.

CPSC Overview

The U.S. Consumer Product Safety Commission (CPSC) is charged with protecting the public from unreasonable risks of serious injury or death from more than 15,000 types of consumer products under the agency's jurisdiction. Deaths, injuries and property damage from consumer product incidents cost the nation more than \$700 billion annually. The CPSC is committed to protecting consumers and families from products that pose a fire, electrical, chemical, or mechanical hazard or can injure children. The CPSCs work to ensure the safety of consumer products - such as toys, cribs, power tools, cigarette lighters, and household chemicals - contributed significantly to the 30 percent decline in the rate of deaths and injuries associated with consumer products over the past 30 years.

General Observations

Severe fines should be imposed to those that do not comply with the law (rules and regulations).

We would like to suggest the following comments about the Advance Notice of Proposed Rule:

Comment # 1: Training / Certification requirements;

Training is the most important activity or plays an important role in the process of educating drivers on the importance of safety and also to understand the techniques to appropriately operate and ATV. The certification requirement can be used as a license to operate ATVs. Only those authorized (certified after attending the course / training) should be allowed to operate and ATV. The commission studies have shown that ATV drivers who receive formal training have a lower risk of injuries than those who do not get the training. Training should be provided by the dealer or the ATV manufacturer to the prospective buyer, at no cost. Training should be given before the purchase of the proper ATV, after disclosure of the deaths and statistics regarding ATVs (Comment # 2).

Comment # 2: Formal Notification of safety rules by dealers to buyers;

Require mandatory disclosure of death and injury statistics regarding ATV's, especially as related to children under the age of 16, to any prospective buyer or renter in advance of the purchase or rental of an ATV. Disclosure should be done orally and in writing in a very straightforward and conspicuous manner. The dealer or rental agency should be required to secure a signature from the purchaser or renter on a disclosure document and maintain a copy for compliance testing. There should be serious penalties for failure to comply with the mandatory disclosure requirement.

Comment # 3: The addition of a youth ATV model appropriate for 14-year olds;

After reviewing the proposal that refers to redefining a model for ATV four wheelers targeting specifically young people up to 14 years old, is an excellent idea.

The reason we sustain our position approving the ATV new model is because young kids are more vulnerable to friends peer pressure of risking their lives along with their friends' lives to the limit.

There is a thin line between reality and fiction for these young kids. The constant wiliness of challenging, these young kids' psychological and physical limits can lead them risking their lives and involving many others.

In order to release this new ATV, we think that some adaptations need to be made:

- 1) Have side impacts protections: ATVs today make the driver very vulnerable to a side impact.
- 2) Take in consideration that not all kids have the same size and weight, making it as adjustable as possible, to be able to satisfy everybody's needs.
- 3) Require every kid under the age of 14, to watch safety videos, to introduce them to the danger of driving ATV's.
- 4) Restrict the ATV's for over 125cc for kids under the age of 14, making it unlawful and subject a fine if such rule is broken.
- 5) Impose a law limiting traffic of ATV's prohibited in an area of less than 3 miles from any residential zone; this would decrease the chances of an accident tremendously.

Comment # 4: Written notification of child injury data at the time of sale;

Written notification of child injury data at the time of the sale will evaluate consumers of the danger that ATV's provide. This notification can be administered during the training certification course (comment # 1 above). This notification will allow parents to understand the importance of safety for their child and also to regulate the use of ATV's in their families. I believe that with the proper training and education, consumers will more likely stay out of the hospitals. In order for the proposal to work all ATV companies must adopt these rules to their customers.

Comment # 5: Separate standards for tandem (two up) vehicles;

Require ATVs with capacity for two and up to adhere to additional safety standards. It should not be for children under 16 at all. It is known that riders are tended to engage in activity that is "warned against" or considered dangerous. This fact will hardly be changed, since there will always be someone ready to take risks; therefore, ATV for tandem should not be used in the same context that a one-seat ATVs are used (recreation and sport); consequentially, it should advertised as a "utility vehicle" (e.g. farm work), instead of sports purpose.

Comment # 6: Helmet;

Helmets are **vital** ATV safety gear. It is known that most of the serious accidents happen when an ATV overturns, or collides with something; speed is often a major contributing factor. An accident at 30 mph could be fatal, and helmets often mean the difference between life and death, it reduces dramatically the number of fatal accidents. Therefore, not only helmet, but safety equipment s well must be obligatory in order to ride an ATV.

Riders should use helmets that are made especially for ATV use and comply with safety standards. Helmets also must fit the rider and be fastened correctly to be effective. The training / certification requirements (comment #1 above) should address the correct use of helmets. Other safety equipment including, but not limited to: goggles, boot, and chest protectors are also important, since it protects different body parts.

As a preventive action, all ATVs must be sold accompanying at least a helmet (that comply with safety standard), or buyer must prove possession of a helmet.

Abbreviations:

- ATV: All Terrain Vehicles
- CPSC: Consumer Product Safety Commission
- ANPR: Advance Notice of Proposed Rulemaking
- CPSA: Consumer Product Safety Act.
- FHSA: Federal Hazardous Substance Act.
- CFR: Code of Federal Regulation

Thank you for the opportunity to comment and provide suggestions regarding this important matter.

Andrea Delamarque
Andrea Delamarque

Carmen Marquez
Carmen Marquez

Diana Isaza
Diana Isaza

Douglas Longo
Douglas Longo

Luana Bezerra
Luana Bezerra

Rodrigo Martino
Rodrigo Martino

Stevenson, Todd A.

From: rodrigo martino [rodrigomartino@hotmail.com]
Sent: Thursday, November 24, 2005 12:55 PM
To: Stevenson, Todd A.
Cc: luana@importexportland.com; luanabz@hotmail.com; carmenm@equitrac.com; carmen.marquez2005@hotmail.com; deia80@hotmail.com; adela007@fiu.edu; diana_isaza2@hotmail.com; DIsaza@equitrac.com; Dianisaza@aol.com; douglongo@hotmail.com; uno_douglas@hotmail.com; luboecmia@hotmail.com; n_marquez@bellsouth.net; cmarq002@fiu.edu; CMarquez@wfscorp.com; carmen.marquez@fiu.edu; rodrigomartino@hotmail.com
Subject: ATV ANPR - Proposed Rule comments



PublicComment.doc
(52 KB)

Re: ATV ANPR

To whom it may concern:

Enclosed are the Advance Notice of Proposed Rulemaking (ANPR) comments for the All Terrain Vehicle (ATV).
Thank you for the opportunity to comment and provide suggestions regarding this important proposed rule.

Regards,

Andrea Delamarque
Carmen Marquez
Diana Isaza
Douglas Longo
Luana Bezerra
Rodrigo Martino

Florida International University
Cohort 19
WBBA

AW
Quinlan

78

Stevenson, Todd A.

From: BQ205@aol.com
Sent: Friday, November 25, 2005 10:34 PM
To: Stevenson, Todd A.
Subject: ATV Safety Issues Need to Be Addressed Soon!!!

Dear Secretary Stevenson,

I cannot emphasize enough my desire for your Commission to address the safety issues of ATV (All-Terrain Vehicles) immediately.

In 2004, statistics say, 130 children under the age of 16 were killed in ATV accidents. One of them was my 13-year-old nephew, Jimmy Quinlivan. His death was tragic, but not isolated as I haven recently learned.

How many families have to suffer such a tragedy before we tighten the regulations of such vehicles??

Apparently, too many already have.

It is my understanding that your Commission and ATv manufacturers have an agreement that they are somewhat self-regulating regarding safety issues. I also understand that many of the three-wheel ATVs formerly produced are no longer made. While I am not asking that you shut down the industry, I am pleading with you to change the way they're rented and sold to families with under-age children and rental companies who apparently give minimal instruction to those who rent.

My nephew Jimmy died when he was thrown from an ATV in Colorado on Aug. 28, 2004. A well-meaning friend of the family rented 2 ATVs for the kids to have fun. It turned tragic, and the pain has not stopped for his parents, two younger sisters and many friends back here in Buffalo. His hockey team "retired" his number last Winter... as I stood by the ice rink, the Zamboni rode by and i coldn't help but think..."somebody was smart enough not to let a kid drive THAT thing..." Please hear our sincere request that safety be tightened for these dangerous vehicles called ATV.

I look forward to hearing of progress, and I hope to see less articles in the newspaper each Summer of tragic deaths on ATVs.

Sincerely,
Rev. William J. Quinlivan, Pastor
Blessed Sacrament Church
263 Claremont Ave.
Tonawanda, NY 14223

Stevenson, Todd A.

79
Don
John

From: Suzanne Christ [schrist@2ki.net]
Sent: Friday, November 25, 2005 11:49 AM
To: Stevenson, Todd A.
Subject: ATVs

Dear Secretary Stevenson,

As a long ago Pediatric ICU nurse and an ongoing advocate for children's protection, I am begging you to address ATVs on your upcoming agenda. If you could just look at stricter guidelines, age limitation, and crucial parent information it could save children's lives. If we feel it is necessary in this country to have seatbelt laws for adults then does it not make since to look at protection for our youth riding in fields and crossing roads?

I appreciation you listening and your attention. I apologize for the impersonal email route but my understanding is you need this information by Dec. 5th to act upon it.

Thanks again for anything you can do to protect our children, our future, our heritage.

Sincerely,
Suzanne M. Christ
Batavia, NY 14020

11/29/2005

ATV
Ann
80

Stevenson, Todd A.

From: Ann Sauers [atks44@webtv.net]
Sent: Saturday, November 26, 2005 12:21 AM
To: Stevenson, Todd A.
Subject: Strickter Laws for ATV Operators

I believe there should be much strickter laws for operating and driving ATV's. I have many grandchildren and live in the suburbs and I fear for their safety.

ATV
ARM
81

Stevenson, Todd A.

From: edhohensee@aol.com
Sent: Saturday, November 26, 2005 2:08 AM
To: Stevenson, Todd A.
Subject: hazards of ATV's

Please strengthen the rules and regulations regarding the operations off All Terrain Vehicles

Signed

Edward W. Hohensee, MD

pensacola, FL

11/29/2005

AS
AS
82

Stevenson, Todd A.

From: Barbara Schaller [lschallersr@yahoo.com]

Sent: Saturday, November 26, 2005 9:09 AM

To: Stevenson, Todd A.

Subject: ATV's

Dear Secretary Stevens,

This is a request for the passage of stricter laws for ATV riders. I understand that you could be helpful in this matter, which is about to be voted upon.

We live in the country where there are a lot of youthful riders. I fear for their lives and the agony that their loved ones will possibly face, if there are not stricter controls. I appreciate any help that you can be in this matter.

Sincerely,

Barbara Schaller

Marilla, New York

Yahoo! DSL Something to write home about. Just \$16.99/mo. or less

11/29/2005

ATV 83
ATV

Stevenson, Todd A.

From: marjory moretta [mjmoretta@yahoo.com]
Sent: Saturday, November 26, 2005 9:58 AM
To: Stevenson, Todd A.
Subject: Potential Spam: ATV Regulation

Dear Secretary Stevenson,

I have just become aware that an alarming number of people (mostly young teenagers) have been injured or killed in ATV accidents. I am asking you to please help facilitate legislation to protect our children and grandchildren.

Marjory Morett
Elma, New York

Yahoo! Music Unlimited
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<http://music.yahoo.com/unlimited/>

84 ATV

Stevenson, Todd A.

From: Thomas Hurley [hurleytns@msn.com]
Sent: Saturday, November 26, 2005 11:59 AM
To: Stevenson, Todd A.
Subject: ATV Legislation

Honorable Secretary Stevenson,

I would like to encourage you and the CPSC to consider regulation legislation to protect folks, especially kids from injuries on ATV's.

Thank you for your consideration.

Thomas Hurley

Express yourself instantly with MSN Messenger! Download today - it's FREE!
<http://messenger.msn.click-url.com/go/onm00200471ave/direct/01/>

Stevenson, Todd A.

85 ADV ANR

From: Raymond Bissonette [rbissone@buffalo.edu]
Sent: Saturday, November 26, 2005 3:00 PM
To: Stevenson, Todd A.
Subject: ATV regulation

Dear Secretary Stephenson:

This past summer while swimming in lake Erie, I was "buzzed" by a young teenager on a jet ski. ATVs are identical with respect to their potential danger and virtually anarchic regulatory environment. We limit use of many other products to persons presumably old enough to use them responsibly. Somehow, powerful, fast motorized machines, not categorized as automobiles, escape our attention despite well known hazards.

Let me add my voice to those seeking a more rational approach to regulation that balances, along with most things in society, freedom with limits.

Sincerely,

Ray Bissonette, Ph.D.

Buffalo, New York
716 839 3716

ATV
man

86

Stevenson, Todd A.

From: GramaBBB@aol.com
Sent: Saturday, November 26, 2005 12:09 PM
To: Stevenson, Todd A.
Cc: GramaBBB@aol.com
Subject: ATV regulations

Dear Secretary Stevenson,

I am writing to add my voice to those seeking a more rational approach to ATV regulation that balances, along with most things in society, freedom with limits.

We're not asking to stop making them. We're begging for stricter guidelines and age limits....and detailed instructions...and warnings to parents. If it saves one life, it's worth it.

Thank you,
Barbara Berger
1450 Rice Rd.
Elma, NY 14059

11/29/2005

87

ATV
ATV

Stevenson, Todd A.

From: Barbel40@aol.com
Sent: Saturday, November 26, 2005 2:51 PM
To: Stevenson, Todd A.
Subject: ATV

Dear Secretary Stevenson,

I and many people feel there should be a definite age set for any person driving a ATV. Just like a car there should be permits & safety classes attended before the use. No one under 16 should be allowed to drive them. Please bring this to the attention of the right people.

Thank You,
Barbara Rook

11/29/2005

ATV
NWA

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Stevenson, Todd A.

From: Kgajk@aol.com
Sent: Sunday, November 27, 2005 9:16 AM
To: Stevenson, Todd A.
Subject: Regulation of ATV

Dear Secretary Stevenson,

Please seriously consider the seriousness of the need for regulation with ATVs. I especially feel the need for age regulations and perhaps licensing.

I am saddened by the loss of life and injury that I often read in the newspaper.

Please help with your support for stricter regulations.

Sincerely,
Kathy Gajkowski
51 BRunck Rd.
Lancaster, NY 14086

11/29/2005

*ASV
Arlene
89*

Stevenson, Todd A.

From: Elisa A. Roesser [eroesser@adelphia.net]
Sent: Sunday, November 27, 2005 1:50 PM
To: Stevenson, Todd A.
Subject: review of ATV laws urged

US Consumer Product Safety Commission
Office the Secretary
Washington, DC 2027

Dear Secretary Stevenson::

I am deeply disturbed by the number of accidents involving ATV's in our area and elsewhere. Many of these have caused serious injuries and in too many cases death. The statistics are indeed chilling - more than 10,000 people injured and killed each month and the great majority of those are under 16 yrs. old. I strongly urge a careful review of the laws regulating the use of these vehicles by youngsters and others be undertaken as soon as possible by your organization with the goal of alleviating this accident rate.

Sincerely,
Elisa A. Roesser

11/29/2005

Stevenson, Todd A.

90

From: Leek, Lynn [lynn.leek@freedmaxick.com]
Sent: Monday, November 28, 2005 8:46 AM
To: Stevenson, Todd A.
Cc: tsherry@gelia.com
Subject: Letter

Please see attached letter

Lynn M. Leek
Manager
Freed Maxick & Battaglia, PC
800 Liberty Building
Buffalo, NY 14202
Direct 716-332-2723
Fax 716-847-0069

11/29/2005

Bluewater Network • Danny Foundation • Kids in Danger • U.S. Public Interest Research Group

December 6, 2005

Secretary Todd Stevenson
Office of the Secretary
U.S. Consumer Product Safety Commission
Washington, DC 20207

Re: *ATV ANPR*

Dear Secretary Stevenson,

As national consumer organizations, we write to offer our comments as the U.S. Consumer Product Safety Commission (CPSC or Commission) is considering how to address the unreasonable risks of injury and death caused by all terrain vehicles (ATVs).

While the deaths and injuries caused by ATVs had faded from public view over the past decade, we now know that the problem was not solved in 1988 when CPSC action led the ATV industry to end production of dangerous “three-wheelers.” Unfortunately, their four-wheel successors have proven to be just as hazardous, as CPSC’s own data makes clear. We applaud the Commission for voting to proceed on the advanced notice of proposed rulemaking (ANPR), which at a minimum should help to inform the public about how potentially dangerous riding ATVs can prove to be but which also could lead to a significant reduction in ATV deaths and injuries.

Our organizations have commented previously about the dangers ATV pose to consumers and children, specifically. CPSC’s data documents that children suffer disproportionately when it comes to ATV deaths and injures. For example:

- Children under 16 suffered 44,700 injuries in 2004 up from 38,600 injuries in 2003, 37,100 injuries in 2002 and 34,300 in 2001.
- Children made up 31 percent of all injuries. This age group received more serious injuries than any other.
- In 2004, ATVs killed at least 130 children younger than 16 accounting for 28 percent of all fatalities.
- Between 1985 and 2004, children under 16 accounted for 31 percent of all injuries and 31 percent of all deaths.

We urge CPSC to take strong action in response to the current system that has failed to protect American consumers by creating an environment that is allowing ATV deaths and injuries to

increase each year. The current voluntary approach, put into effect in 1998, through ATV action plans, has proven inadequate to curb the rising numbers of deaths and injuries caused by ATVs.

We urge CPSC to again take aggressive steps to protect consumers, especially in light of the fact that the current approach is failing to stem increasing ATV-related deaths and injuries.

The current approach, in which ATV manufacturers police themselves, is ripe with conflicts of interest. Most significant of which is that the ATV industry seeks to sell as many ATVs as possible to maximize profits while also supposedly encouraging consumers not to purchase adult-size ATVs for their children under sixteen. The conflict is clear: discouraging the purchase of adult-size ATVs for children under sixteen reduces sales and the subsequent profits gained from such sales. The sad fact is that this conflict of interest results in great injury to those under sixteen-years-old. In a 2001 Injury and Exposure study, CPSC found that nearly 87 percent of the injuries to children under sixteen-years-old occurred while they were riding adult-size ATVs.

CPSC now has the opportunity to take important steps to protect children. While CPSC begins its review of ATV risks within the rulemaking process, we urge it to prioritize the following.

First, as we have communicated to CPSC in the past, CPSC must work to enforce its policy and the recommendations of numerous national medical organizations that children under 16 years old not ride adult-size ATVs. We urge CPSC to take concrete steps to ban the *sale* of adult size ATVs for use for children. In our previous comment letters we encouraged CPSC to act favorably in support of Petition CP 02-4/HP 02-1, Petition on ATVs. We continue to believe that any comprehensive solution to ATV deaths and injuries must include a federal ban on the sale of adult-size ATVs for use for children. While CPSC has formally deferred this petition, we urge CPSC to implement its request as part of its current rulemaking.

Second, we urge the Commission to engage directly with ATV dealers, preferably through a mandatory rule, regarding the sale of ATVs for use for children. The current voluntary approach involves an agreement between ATV manufacturers and CPSC, which among other things, includes not selling adult size ATVs for use for children and promises manufacturer efforts to encourage dealer compliance. However, the point of sale occurs at the dealer level, not the manufacturer level. Mandatory rules should be in place making it federal law for ATV dealers: a) to use best efforts to sell adult-size ATVs only for use for adults; b) to inform consumers about the current ATV death and injury statistics; and c) to assess penalties against dealers who do not comply, providing for loss of franchise agreement and prohibiting the ability to sell ATVs in the future if violations are repeated.

Manufacturers should also be held legally responsible for selling ATVs only for their appropriate use but dealers should be engaged directly, as well. Both entities should be responsible for providing current ATV death and injury information. At the point of sale and in advertising.

Third, we urge the Commission to reject the concept of “transitional” ATVs for certain children. Such ATVs, we presume would be larger, heavier and have larger and more powerful engines than current youth-size ATVs. We urge the Commission to maintain its current position (and

one supported by the American Academy of Pediatrics (AAP), and the American Academy of Orthopaedic Surgeons (AAOS)) that children under age 16 should not, at a minimum, operate any ATV with engine sizes over 90 ccs.

Fourth, CPSC should work to improve the current way consumers are trained to ride ATVs. Most importantly CPSC must intervene to ensure that many more consumers actually receive appropriate ATV training. Currently, according to CPSC data, in 2001 only 3.7 percent of the injured ATV operators received formal training. With millions of ATVs on the market, it is critical that all people who drive ATVs be required to receive formal ATV training, before being permitted to ride their ATV. ATV training should be permitted only for riders operating appropriately sized ATVs.

Fifth, we continue to learn that the vast majority of people purchasing ATVs for their own use or for the use of a family member are uninformed about how dangerous ATV riding can be. Consumers are making decisions about what ATV to purchase in a vacuum without statistics showing ATV deaths and injuries, and without the benefit of recommendations from leading national medical organizations. CPSC must take a more active role in educating consumers at the point of sale and generally about the potential risks of death and injury associated with riding ATVs.

In conclusion, the core of an effective solution reducing ATV deaths and injuries is CPSC's role as an active national leader on ATV safety. Such leadership, in conjunction with the passage of strong state ATV laws, is essential to preventing further deaths and injuries caused by ATVs.

We urge CPSC to include our recommendations as part of a comprehensive solution to solve the public health crisis caused by ATVs.

Sincerely,

Carl Schneebeck
Public Lands Campaign Director
Bluewater Network -- a division of Friends of the Earth

Craig LeMessurier
Program and Communications Director
The Danny Foundation

Nancy A. Cowles
Executive Director
Kids in Danger

Ed Mierzwinski
Consumer Program Director
U.S. Public Interest Research Group (U.S. PIRG), National Association of State PIRGs

Stevenson, Todd A.

From: Nancy A. Cowles [nancy@kidsindanger.org]
Sent: Wednesday, December 07, 2005 12:30 PM
To: Stevenson, Todd A.
Subject: ATV ANPR

Attached please find comments from consumer groups on the issue of ATV's.

Nancy
Nancy A. Cowles
Executive Director
www.kidsindanger.org
312.595-0649
312.595.0939 (fax)
nancy@kidsindanger.org

Kids In Danger is a nonprofit organization dedicated to protecting children by improving children's product safety.
Learn more at www.KidsInDanger.org.

12/7/2005

Stevenson, Todd A.

92

From: coppicat@comcast.net
Sent: Tuesday, December 06, 2005 2:22 PM
To: Stevenson, Todd A.
Subject: FW: A special request

My sister sent this letter to me, the great-niece she lost was my granddaughter, her neck was broken while riding an ATV. This was and is very devastating to our family. I hope you will heed this request and put a stop to the deaths of our young people.

Carol Coppi
 coppicat@comcast.net

Most of you know of the loss of my great-niece 2 years ago in an ATV accident. To hopefully save other families such devastating loss I hope all of you will read the following letter & act on it.

Kay Stultz
 kpaints4fn@cox.net

----- Original Message -----

From: Tim Sherry
To: Tim Sherry
Sent: Monday, November 28, 2005 3:10 AM
Subject: A special request

Dear Friends:

As many of you reading this likely know, last year my sister Renee's only son Jimmy was killed in an ATV accident. He was 13 years old. She, my parents, our entire family continues to be devastated by the loss. In researching ATVs since Jimmy's passing, I learned that each year there are more than 110,000 serious injuries and deaths resulting from ATVs and nearly 1/3 of them are children under the age of 16. The U.S. Consumer Product Safety Commission (the CPSC) recently released the 2004 statistics and reported 136,700 ATV accidents involving serious injury or death and 44,000 of them involved children. Since 2000, there have been 577,000 serious ATV accidents reported with 214,000 involving children under the age of 16. On average (since 2000) there are 42 deaths per month and many of the nearly 11,000 seriously injured each month result in some type of paralysis due to spinal cord and neck injuries. It's an appalling, largely unknown national tragedy that for my family and so many others is saddening beyond words.

I have done a tremendous amount of research regarding ATVs and even traveled to Washington to meet with the top leaders and safety experts at the CPSC. What I have learned in the last six months has made me even more sick, dismayed and disgusted but at the same time, it has also further convicted me that something has to be done. So that is why I write. I know that so many lives can be saved, if even by just simply making people aware of how dangerous these machines can be and how many adults and children are getting injured and killed on them every year. Regulation of these vehicles could also help greatly but there it gets a little complicated. There are numerous legal, disclosure, advertising and other considerations at both the federal and state levels and in order to be effective, any regulation would also need to encompass the manufacturers, dealers and rental agencies. No small task. Regardless, something has to get underway.

The CPSC recently issued an "Advanced Notice of Proposed Rulemaking" (an ANPR)

12/6/2005

concerning ATV's and this is essentially a public comment period where any/every one is invited to comment and make recommendations. To this end, attached you will find a draft letter that addresses several key recommendations that hopefully can be the start to making a difference. I'm hoping that you can take just a few moments and will send/forward this letter to the CPSC. I have worked with numerous individuals, attorneys, and consumer-oriented organizations on the content of this letter and these recommendations are ones that the CPSC does have the legal authority and jurisdiction to enact. There are certainly many more recommendations that could be made, two that most readily come to mind are mandatory training and minimum safety standards on equipment. But with those two recommendations come legal and jurisdictional uncertainties regarding the CPSC's ability to enact them. The 4 recommendations in the letter however are ones that the CPSC clearly does have jurisdiction and authority to do.

So on behalf of my entire family and numerous other families whom I've now come to know personally who have suffered similar losses, won't you please take a few moments even right now to forward the attached letter. It shouldn't take but 5 minutes of your but its value as an impetus for change at a federal level will hopefully, in time, result in saving so many lives.

The letter is done. All you need to do is put the appropriate date at the top and then your name at the bottom and then email, fax, or mail it to the CPSC. (Specific instructions are immediately below). If you cared to spend a few moments to perhaps personalize the letter in your own words that would be a bonus. That this letter is received into the CPSC a great many times is what is key. Which incidentally, it is perfectly fine to have both a husband and wife send separate letters.

The transmittal instructions are as follows:

1. If you email the letter, send it to cpsc-os@cpsc.gov
2. If you fax the letter, the number is 301-504-0127
3. If you send the letter regular mail, that address at the top of the letter is the correct mailing address.

If you email the letter, you can either copy the text of the attached letter right into your email and send it or you can send it as an attachment. It makes no difference. Also, remember to put the appropriate date at the top of the letter and put your name and address at the bottom. Do so but simply replacing that which is highlighted in blue.

Lastly, please send your letter in sometime this week as the deadline is next Monday, December 5th. I'm not certain that it's an official cutoff deadline on the matter but I just want to get as many in by that date as possible.

If you have any questions regarding the letter, the instructions, anything regarding the ATV landscape, please call or email me and I'll get back to you immediately.

From the bottom of my heart, I thank you in advance for taking the time to help out if you can. It's a cause that if successful can directly result in saving many lives, including and especially those of the younger children. The problem is so obvious, the need is dire, and some of the key solutions are easily implemented. The cause just needs a voice, and I hope you can find it in your heart to be part of that voice.

Sincerely and most gratefully,

Tim Sherry

W: (716) 629-3226
C: (716) 912-7295

12/6/2005

93

Stevenson, Todd A.

From: Gary Crumrine [gary.crumrine@verizon.net]
Sent: Tuesday, December 06, 2005 1:54 PM
To: Stevenson, Todd A.; Leland, Elizabeth W.; gary.crumrine@verizon.net
Subject: ATVANPR

To whom it may concern,

It is with great pleasure that I take this opportunity to comment on the proposed actions being considered by the CPSC regarding ATV vehicles and operation thereof. This subject is a passion of mine. Especially regarding the use of ATVs by youths under the age of 16.

I would like to offer commentary on a few issues I feel are the most relevant.

1. I believe the machines we see today industry wide have gotten TOO BIG in relationship of engine size. With sport and Utility models either in production, or under development with engine sizes exceeding 800 CCs, I think we are allowing the manufacturers to go too far.
2. Engine size and performance standards for the children class of machines: I support age restrictions with regard to engine size, however I'd like to see the engine size be allowed to grow for youths in the 10 to 16 range. In many cases, children are larger than when the initial rules were introduced, and this causes problems with "fit" and in some cases, the machines are under powered for their weight/height. I'd like to propose that some formula be devised that takes the SIZE issue into consideration.
3. Width of machines. Currently, in many states, 48 inches is considered the maximum width by definition. I'd like to see mandatory minimum widths for all classes of machines, but especially the small mini's to be increased. With a two inch wider machine, the safety margin for young rides is increased exponentially. It doesn't take a rocket scientist to know that wider is better, and would greatly provide a larger margin of error with regard to roll-over injuries.
4. Mandatory use of lights on all ATV's to include Youth class machines. The existence of day time running lights would enhance the ability to see a machine through the undergrowth in forest conditions. Again a safety enhancement.
5. Mandatory Sound restrictions/limits. This should be applied not only to stock factory standards, but all aftermarket parts as well.

12/6/2005

6. Mandatory age restrictions. No child under the age of 6 years old should be allowed to ride on or be a passenger on/in an ATV under any circumstances.

7. Training programs. Currently, ASI training is offered to those persons that wish to take it and who fall within current age/class standards. This locks out the child that is too large for a 50 cc machine, but legally too young for an 80 cc class machine that fit's their body size. In short, this locks the class of rider that can benefit the most out of needed training. Something needs to be done about this.. and perhaps can be combined in the rule/formula proposed in #2 above.

8. Consistent application of rules in all states.

9. Mandatory compliance of all manufacturers doing business in the US with the CPSC guidelines. Today, the major manufacturers are voluntarily following the CPSC guidelines. Your statistics show roughly 70% compliance rate, but the fringe retailers are NOT bound to any standard. We need to force the fringe retailers to follow the same rules, and create an even field for all manufacturers/retailers to play on.

10. Mandatory use of safety gear. Minimum, Approved helmet, eye protection, gloves, chest protector, long pants, leather or equal over the ankle type footwear, long sleeved shirt/jersey. I highly suggest a neck roll for younger children.

11. Inclusion in the ASI training program: Sections on environmental damage and responsible riding.

12. Riding "License". Proof of completion of riding course should be mandatory before a person can ride on public trail system. Fees paid to obtain the license should go to paying for more instructors etc.

13. Trail construction/maintenance requirements that not only spell out minimum standards for construction and maintenance, but also standardize trail marking signs and markings.

I sincerely hope that these suggestions are considered when drafting any and all legislation being proposed.

Thank you for the opportunity to share comment on such an important issue regarding the sport many of us love. My comments are not supported by any research or scientific study, but they ARE based on observation skills honed over many years of riding and involvement in the industry.

Sincerely

12/6/2005

Gary Crumrine
AKA Dragginbutt
gary.crumrine@verizon.net

12/6/2005



Consumer Federation of America

December 7, 2005

Mr. Todd Stevenson
Office of the Secretary
U.S. Consumer Product Safety Commission
Washington, DC 20207

Re: *ATV ANPR*

Dear Mr. Stevenson,

We write to the U.S. Consumer Product Safety Commission (CPSC or Commission) to offer our comments as the CPSC is considering how to address the unreasonable risks of injury and death caused by all-terrain vehicles (ATVs). We appreciate the opportunity to comment and applaud the Commission with voting to move forward on a rulemaking on ATVs.

As the Commission is well aware, Consumer Federation of America has been deeply concerned about ATV safety issues for many years. We have been involved in ATV safety issues since the 1980s when three-wheel ATVs dominated the market. We opposed the consent decree because we felt that it did not go far enough to protect consumers, we petitioned CPSC in the 1990s and again in 2002, and legally challenged CPSC's abandonment of their ATV rulemaking in the 1990's. Currently before the Commission is our most recent petition, CP-02-4/ HP-02-1¹, which requests that the U.S. Consumer Product Safety Commission ban the sale of adult-size four wheel all-terrain vehicles ("ATVs") sold for the use by children under sixteen years of age. We have testified before the Commission on two occasions in support of our petition.² While CPSC deferred the petition in October 2005, we understand, and are encouraged, that CPSC will consider the request CFA and others made in the petition as part of the current ANPR on ATVs.

I. Children Should Not Ride Ault-Size ATVs

The Commission as well as the American Academy of Pediatrics (AAP), the American Academy of Orthopaedic Surgeons (AAOS) and the ATV industry's trade association, the Specialty Vehicle Institute of America (SVIA) have long standing policies stating that it is inappropriate for children under 16 years-old to operate or otherwise ride adult-size ATVs. Our petition seeks

¹ Consumer Federation of America filed the petition on August 20, 2002 along with the American Academy of Pediatrics, American College of Emergency Physicians, Bluewater Network, Danny Foundation for Crib & Child Product Safety: Kids in Danger, National Association of Orthopaedic Nurses and the U.S. Public Interest Research Group.

² CFA testified in the June 5, 2003 field hearing in West Virginia and in the March 2004 hearing on CPSC staff's briefing package.

to give CPSC the necessary tools to enforce this guideline since no federal mandatory ATV safety laws currently exist now.

The Commission and experts in child health have concluded that children should not ride adult-size ATVs because ATVs are inherently difficult to operate for adults and beyond the development capability of children to control.

According to CPSC, drivers of ATVs must make complex split-second decisions:

If the ATV hits a bump, the driver has to determine almost instantaneously, the throttle setting, steering angle, and position of his/her body on the ATV. Such information can only be processed so fast and if the occurrence of the circumstances exceeds the ability of the driver to react appropriately, an incident will likely occur.³

CPSC has determined that children do not have the physical or mental abilities to make these complex, split-second decisions. We are not aware of any change in this perspective by CPSC.

The AAP and AAOS have issued formal policies concluding that ATVs are a significant public health risk; that children younger than 16 should not be allowed to operate ATVs, and that the safe use of ATVs requires the same or greater skill, judgment and experience as needed to operate an automobile.

While there seems to be almost universal agreement among experts that children should not be riding adult-size ATVs, no mechanisms are in place to ensure that this does not happen. Unfortunately, we know that children do ride adult size ATVs and that too many children are getting killed and injured when they drive vehicles that are too large for them. For example, over 90 percent of children who were injured on ATV were driving vehicles that are larger than they should be. Our petition seeks to solve this problem through the issuance of a mandatory regulation that would give CPSC enforcement authority over ATV dealers who knowingly sell adult-size ATVs for use by children under age 16.

II. No Transitional ATVs

The formal policies of respected medical organizations, the long standing opinions of CPSC, and the “golden-rules” of the ATV industry make clear that children should not ride adult-size ATVs, which are defined as vehicles with an engine size of 90cc’s or larger. There has been no change to these policies and positions nor any indication from the injury and death statistics compiled by CPSC that would suggest abandoning this principle. Thus, we see no support for the creation of a new “transitional” class of ATVs, which would serve to place children on larger, heavier and more powerful ATVs.

³ U.S. Consumer Product Safety Commission, *Briefing Package on All-Terrain Vehicles*, March 1991, p. 19.

III. ATV Recalls Illustrate Pervasive Problems

CFA analyzed⁴ all ATV recalls conducted by CPSC which appear on CPSC's web site.⁵ Recently, CPSC touted the number of ATV recalls in fiscal year 2005 as a success. CFA agrees that recalling as many potentially hazardous ATVs from the market place is an important goal. However, the sheer number of ATV recalls in 2005 led us to analyze why these ATVs are being recalled. Our initial goal was to determine whether there were any pervasive hazards appearing among recalled ATVs. Further, we sought to ascertain whether this information would be useful to help instruct CPSC as it moved forward with an ANPR on ATVs. We believe that our results provide new information to CPSC that should be carefully reviewed during the rulemaking process. Specifically, we encourage CPSC to propose safety standards that could solve the most pervasive problems appearing in recalls. Our results are documented fully in appendix 1 and are summarized below:

- From June 2000 to November 2005, CPSC conducted 48 recalls of ATVs involving a total of 1,206,400 units.
 - In 2005, from January to November, there were 17 ATV recalls involving 80,910 units. The ATVs recalled in 2005 alone make up 35% of the number of ATV recalls and 7% of the total number of units recalled.
 - Of ATV recalls listing the country of manufacture, 20 were manufactured in the United States, 3 were manufactured in Canada, 3 were manufactured in Japan, 1 was manufactured in Taiwan; and 1 was manufactured in China.
 - 91.7% of ATVs recalled involved ATVs manufactured by major ATV manufacturers who are members of the Specialty Vehicle Institute of America (SVIA).⁶
 - In 2005 alone, 94% (16 out of 17) of ATVs recalled were manufactured by major ATV manufacturers.
 - 94% (45 out of 48) of all ATV recalls were conducted due to the potential for serious bodily injury or death.
 - **Failure Type:** We categorized ATV recalls by type of failure. We mean to capture the type of system failure upon which the recall was predicated:
 - As the chart below (Chart 1) makes clear:
 - 77% of all recalls were due to a mechanical failure.
 - 13% of all recalls were due to a fuel or fire risk.

⁴ CFA was assisted in this effort by an engineer who works for Consumers' Union, publisher of Consumer Reports Magazine. This engineer helped to categorize the failure type, system failure and type of hazard.

⁵ <http://www.cpsc.gov/cgi-bin/recalldb/prodpr.asp>

⁶ Polaris joined SVIA in September of 2005.

- 8% of all recalls were due to an electrical failure
- 2% of all recalls were due to a labeling error.

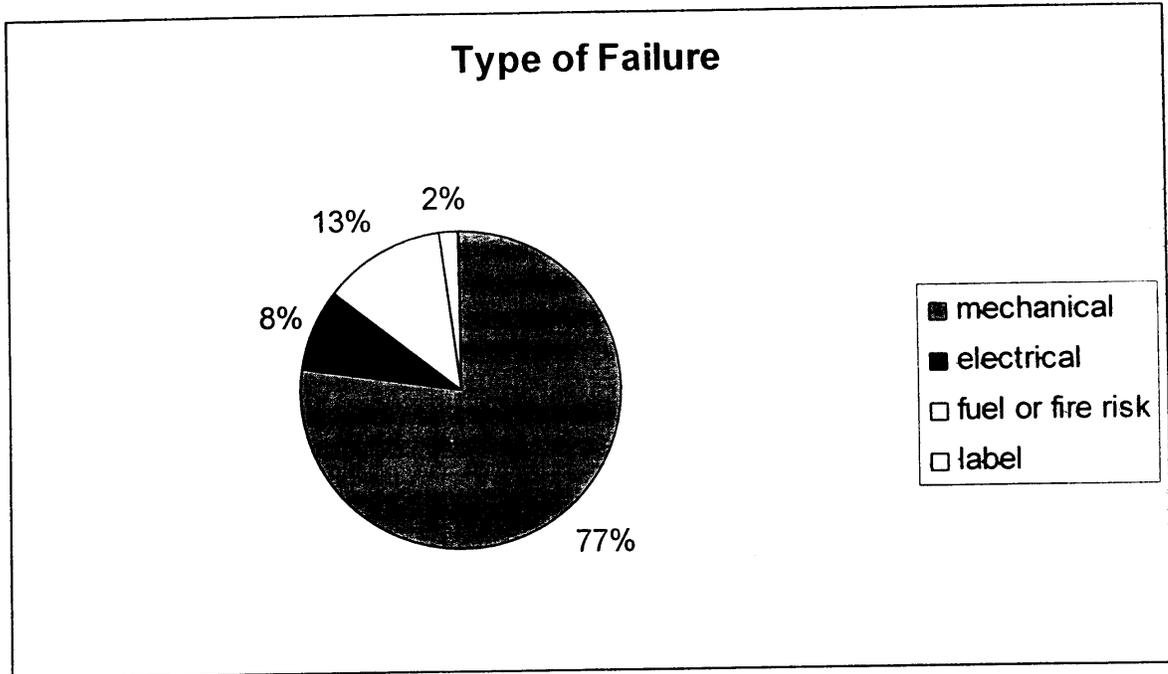


Chart 1

• **System Failure:** We sought to characterize ATVs by a more specific, system-wide failure type. The chart below (Chart 2) depicts the following:

- 36% of all ATV recalls involve a suspension failure.
- 18% of all ATV recalls involve a drivetrain failure.
- 16% of all ATV recalls involve a brake failure.
- 11% of all ATV recalls involve a fuel leak.
- 9% of all ATV recalls involve a throttle failure.
- 7% of all ATV recalls involve wheel failures.
- 4% of all ATV recalls involve a computer failure.
- 2% of all ATV recalls involve an electrical or wiring failure.
- 2% of all ATV recalls involve an oil leak.
- 2% of all ATV recalls involve a missing label.

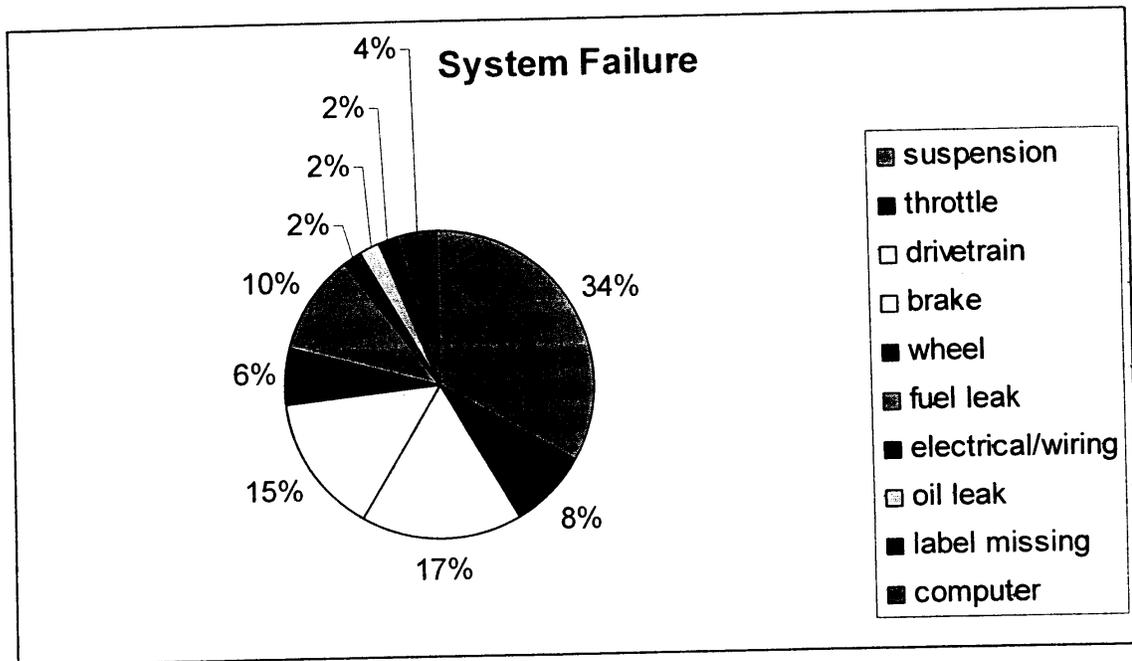


Chart 2

We believe that failures in the suspension category are particularly important for CPSC to consider as it moves forward with an ANPR on ATVs. CPSC should seek to determine why 34 % of all recalls were due to suspension failures and why 18% of all recalls were due to drive train failures. Together, these two system failures make up 52%- over half- of all ATV recalls. We urge CPSC to use its institutional expertise to determine why these suspension and drive train failures occurred in ATVs manufactured by numerous companies and what types of performance or design standards could be instituted to prevent these types of failures in the future.

● **Hazards posed by recalled ATVs:** We sought to categorize ATV recalls by the type of hazard posed by the ATV, as depicted in Chart 3. We found:

- 62% of all ATVs were recalled due to the potential for the operator to lose control of the ATV.
- 19% of all ATVs were recalled due to the potential for fire.
- 15% of all ATVs were recalled due to the potential for a failure of the ATV to stop.
- 2% of all ATVs were recalled for a failure to comply with labeling requirements.
- 2% of all ATVs were recalled due to the potential for a flying projectile to hit an ATV operator or bystander.

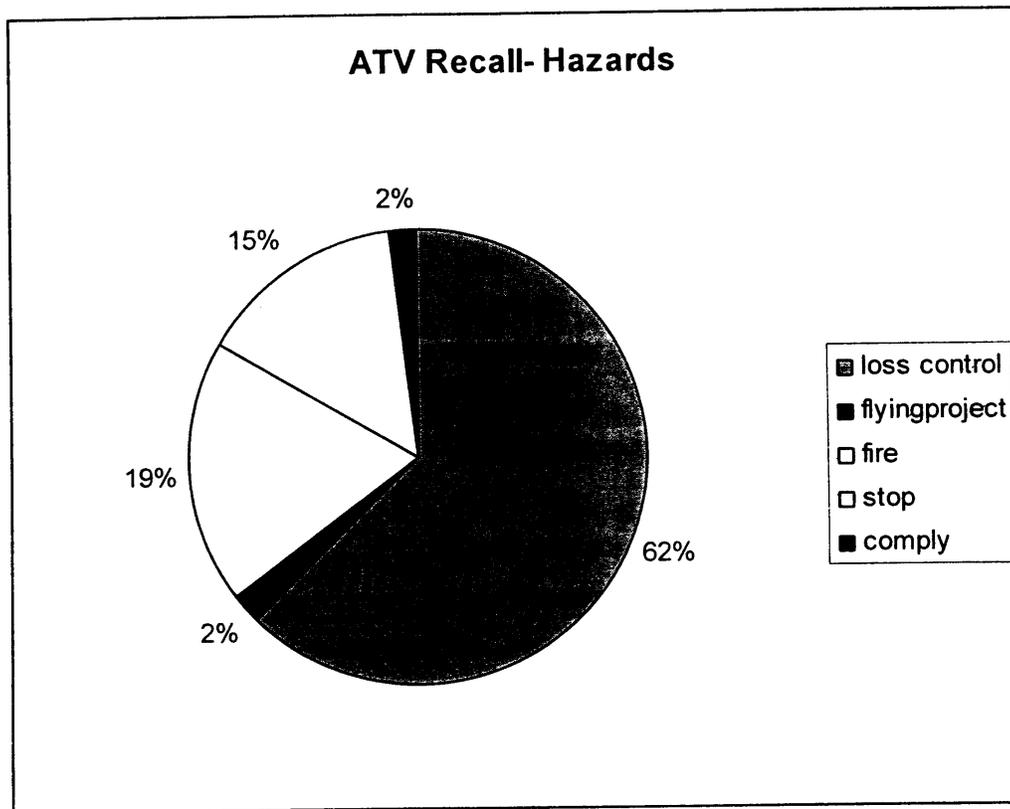


Chart 3

The hazard posed by over a majority of recalled ATVs is severe-- leading to the potential for a loss of control, serious injury or death. The seriousness of the potential hazard should compel CPSC to critically look at the pervasive causes for ATV recalls and to seriously consider solutions that will solve some of these problems. CFA is unaware of any other category of recalled products which could, in such large percentages, lead to such life threatening hazards.

IV. ATV Dealers Must be Directly Engaged

Currently, CPSC directly enters into agreements with ATV manufacturers known as ATV Action Plans or Letters of Undertaking. We believe that the Commission should make these agreements mandatory, giving CPSC clear enforcement authority. Further, the mandatory rule should apply to ATV dealers as well as manufacturers. It is critical that the Commission have authority over ATV dealers since the point of sale occurs at the dealer level.

The mandatory rule should require, at a minimum, that ATV *dealers*: a) use their best efforts to sell adult-size ATVs only for use for adults; b) inform consumers about the current ATV death and injury statistics; and c) provide CPSC with authority to assess penalties against dealers who do not comply, providing for loss of franchise agreement and prohibiting the ability to sell ATVs in the future if violations are repeated.

V. Training

CPSC should work to improve the current ATV training program now existing in the United States. It is critically important that CPSC ensure that many more consumers receive appropriate ATV training. According to CPSC data, in 2001 only 3.7 percent of the injured ATV operators received formal training. With millions of ATVs on the market, it is critical that all people who drive ATVs be required to receive formal ATV training before being permitted to ride their ATV. ATV training should be permitted only for riders operating appropriately sized ATVs. However, we reiterate our opposition to the development of so-called “transitional ATVs” for older children. Further, CPSC should study what types of incentives would best increase consumer participation, whether ATV training is offered frequently enough to be useful for consumers, whether the ATV training is affordable, whether the ATV training is geographically available, and whether the ATV training is substantively useful. CPSC should also work with ATV dealers to develop ways to encourage training before the ATV could be operated. For example, delivery of the vehicle or its keys could be withheld until the purchaser participates in an appropriate training course. CFA believes that state laws should require mandatory training for all ATV riders and urges CPSC to facilitate such efforts to the greatest degree possible.

VI. Consumer Education

CFA continues to learn that the vast majority of people purchasing ATVs for their own use or for the use of a family member are uninformed about how dangerous ATV riding can be and are unable to adequately assess the risk of ATV riding. Thus, consumers are not in the position to make fully informed decisions or take full “personal responsibility” for ATV riding. This is exacerbated when critical safety information is not made available to them at the point of sale. Consumers are essentially making decisions about what ATV to purchase in a vacuum without statistics showing ATV deaths and injuries, and without the benefit of recommendations from leading national medical organizations. CPSC must take a more active role in educating consumers at the point of sale. Consumers must be informed about the potential risks of death and injury associated with riding ATVs. CFA believes that such information should be required to be provided at the point of sale through a mandatory standard.

Based upon an anecdotal review of ATV advertising, we are concerned that safety messages are being obfuscated by impossibly small font and placement in difficult to access places, such as at the binding of magazine pages. CPSC should implement clearer and more stringent mandatory guidelines setting forth readability requirements, including content of required safety information, minimum font size, color, and placement within the advertisement. Such guidelines should be mandatory so that CPSC will have enforcement authority for non-compliance. In addition, we urge CPSC to review how ATVs are marketed to children, focusing specifically on engine size, power and speed.

VII. Conclusion

The core of an effective and comprehensive solution to reducing ATV deaths and injuries is CPSC's role as an active national leader on ATV safety. Such leadership, central to which is the implementation of mandatory rules outlined above, in conjunction with the passage of strong state ATV laws, is essential to preventing further deaths and injuries caused by ATVs.

We urge CPSC to include our recommendations in its rulemaking as part of a comprehensive solution to solve the public health crisis caused by ATVs.

Sincerely,

A handwritten signature in black ink that reads "Rachel Weintraub". The signature is written in a cursive style with a long horizontal flourish at the end.

Rachel Weintraub
Director of Product Safety and Senior Counsel

Appendix 1

Manufacturer	Year	Date of Recall	Product	# of Units	Type of Failure	System Failure	Hazard	# of injuries or reports	Hazard- reason for Recall	Price	Other	Manufactured	Remedy
American Suzuki Motor Corp Recall of 2005 King Quad ATVs	2005			659,308									
American Suzuki Motor Corp Recall of 2005 King Quad ATVs	2005	17-Nov	Suzuki 2005 model year LT-A700xk5 King Quad ATVs	19,600	M	S	loss of control	7 reports of tie rod end separation; no reports of injury	Use of improper tie rod adjustment procedure leads to separation of tie rod end housing from the attachment shaft- loss of control	\$7,200	No mention that consumers will be notified directly	Jap.	Stop using ATV immediately. Contact Manuf for free repair
Yamaha Motor Corp., USA Announce Recall of ATVs	2005	2-Nov	Yamaha Bruin 250, Bruin 350 4WD and 2WD, Big Bear 400, Kodiak 400, Kodiak 450, and Wolverine 450 ATVs	70,000	M	S	loss of control	No reports of injury or death	Protective boots covering steering tie rod ends can be pinched cutting a whole in rubber- loss of steering control	\$3,500 to \$7,000		U.S.	Stop using ATV immediately. Contact Manuf for free repair
Bombardier Recreational Products, Inc Announce Recalls of ATVs	2005	11-Oct	Bombardier Outlander 800 H.O. XT ATVs	275	M	D	flying projectile	No reports of injury death or property damage	Drive pulley inner flange could break resulting in fragments becoming projectiles, serious injury to rider or bystander	\$9,399		Can.	Stop using ATV immediately. Contact Manuf for free repair
Kawasaki Motors Corp. U.S.A. Recall of ATVs	2005	2-Aug	Kawasaki 2001-2005 Prairie and Brute Force	155,000	M	S	loss of control	42 reports of ball joint separation; 3 injuries	Impact to front wheel while steering is fully turned to either side can result in damage, wear and loss of steering control	\$4,400-\$7,400	Prairie 2005 was recalled due to lack of age rec warning in 3 /05	U.S.	Stop using ATV immediately. Contact Manuf for free repair
American Suzuki Motor Corp. Recall of ATVs	2005	28-Jul	Suzuki 2004-2005 TwinPeaks	3,400	M	S	loss of control	7 reports of ball joint separation. No reported injured	Impact to front wheel while steering is fully turned to either side can result in damage, wear and loss of steering control	\$7,100		U.S.	Stop using ATV immediately. Contact Manuf for free repair

Appendix 1

Manufacturer	Year	Date of Recall	Product	# of Units	Type of Failure	System Failure	Hazard	# of injuries or reports	Hazard- reason for Recall	Price	Other	Manufactured	Remedy
Polaris Industries Expanded Recall of Select Model Year 2004.5 and 2005 ATVs	2005	24-Jun	2004.5 Sportsman 500; 2005 Sportsman 500; Sportsman 600; Sportsman 700, Sportsman 6 by 6; Scrambler 500; Trail Boss and Magnum 330	45,000	E	C	fire	68 reports of ECM overheating; no reports of injury	Defective electronic control modules (ECM) which may overheat and which could cause a fire possibly resulting in serious death or injury	\$3,799-\$7,699	Expansion of 5/3/05 recall	U.S.	Free repair or replacement of ECM
Polaris Industries Recall of Select Model Year 2004.5 and 2005 Sportsman and 2005 Model Year Scrambler ATVs	2005	3-May	2004.5 Sportsman 500; 2005 Sportsman 500; Sportsman 600; Sportsman 700, Sportsman 6 by 6; Scrambler 500	14,882	E	C	fire	26 reports of ECM overheating; no reports of injury	Defective electronic control modules (ECM) which may overheat and which could cause a fire possibly resulting in serious death or injury	\$5,999-\$7,299		U.S.	Free repair or replacement of ECM
American Suzuki Motor Corp. Recall of All-Terrain Vehicles	2005	29-Apr	2005 Eiger and Vnisor	1,540	F	F	fire	No reports of fire or injury	Fuel petcock inserts are defective which could allow fuel leakage which could result in fire, injury and or death	\$5,199-\$6,699		U.S.	Stop using ATV immediately. Contact Manuf for free repair
American Honda Motor Co. Recall of ATVs	2005	14-Apr	2004-2005 FourTrax	200,000	M	S	loss of control	27 reports of steering rod separation; no reports of injury	Steering rods can separate causing loss of control, injury and death	\$3,600-\$8,000		U.S.	Stop using ATV immediately. Contact Manuf for free repair
Yamaha Motor Corp., U.S.A. Recall Reminder for Off-Road Motorcycles and ATVs	2005	13-Apr	PW80 and TT-R90 Off Road Motorcycles and Grizzly 125 ATV	3,605	M	B	stopping	No reports of incidents or death or injury	Rear brake shoe material could separate due to defect affecting rear brake performance leading to injury or death	\$1,249-\$3,349	In September 2004, previous recall of these models. No mention why doing a reminder	Jap.	Stop using ATV immediately. Contact Manuf for free repair

Failure Type and System Failure Codes on last page.

Appendix 1

Manufacturer	Year	Date of Recall	Product	# of Units	Type of Failure	System Failure	Hazard	# of injuries or reports	Hazard- reason for Recall	Price	Other	Manufactured	Remedy
Yamaha Motor Corporation, U.S.A. Recall Reminder for ATVs	2005	13-Apr	Raptor YFM660R	86,000	M B		stopping	8 reports of incidents due to rear brake fluid aeration; 4 reports of injuries	Rear master cylinder reservoir could lead to brake fluid aeration as a result of vibration from engine during long periods of high rpm usage. Air bubbles could enter master cylinder and affect rear brake performance. Rear brakes could fail resulting in injury or death	\$6,199 and \$6,699	In February 2004, Yamaha announced recall of these models. No indication what issued a recall reminder	Jap.	Stop using ATV immediately. Contact Manuf for free repair
Bombardier Recreational Products Inc. and BRP US Inc. Recall of DS650 ATVs	2005	29-Mar	DS650	2,127	M D		loss of control	1 report of rear axle braking; no reports of injury	Rear axle bearings not sufficiently greased causing ATV instability, loss of control, injury or death	\$5,999 and \$6,999		Can.	Free repair
Arctic Cat Inc. Recall of All-Terrain Vehicles (ATVs)	2005	24-Mar	FIS and TBX	16,200	F		fire	No reports of incidents nor injury or death.	Fuel tank could develop leak causing fire, death, injury and/or property damage	\$5,500 and \$7,500		U.S.	Stop using ATV immediately. Contact Manuf for free repair
Kawasaki Motors Corp. U.S.A. Recall of Kawasaki Prairie™ 700 ATVs	2005	14-Mar	Prairie 700 4/4	1,140	L		out of compliance	No reports of incidents or death or injury	Age recommendation warning is missing. Children riding these ATVs could suffer serious injury or death	\$7,100		U.S.	Consumers will receive a new sticker to place on ATV
American Suzuki Motor Corporation Recall of 2004-2005 Vinson and 2005 KingQuad All-Terrain Vehicles (ATVs)	2005	16-Mar	2004-2005 Vinson and 2005 KingQuad	30,000	M T		loss of control	2 reports of throttle sticking. One injury reported.	Water can enter the throttle lever causing it to fall by ATV not slowing down resulting in loss of control, injury or death	N/A		U.S.	Stop using ATV immediately. Contact Manuf for repair service

Appendix 1

Manufacturer	Year	Date of Recall	Product	# of Units	Type of Failure	System Failure	Hazard	# of injuries or reports	Hazard- reason for Recall	Price	Other	Manufactured	Remedy
Kawasaki Motors Corp. USA Recall of ATVs	2005	28-Feb	Brute Force 750 4/4i	9,500	M	S	loss of control	14 reports of incidents; 3 reports of injury.	Nut which secures front upper suspension arm pivot bolt could come loose or come off resulting in loose of steering control, crash, serious injury or death	\$7,599		N/A	
Kolpin Powersports Recall of Youth ATVs	2005	18-Feb	Powersports 50 cc and 90 cc Youth ATV	1,039	M	S	loss of control	2 reports of loose lock nuts; no reports of injury.	Metal-flange locking nuts can detach resulting in loss of steering control, injury or death	\$1,399-\$1,499	Youth ATV	Taiw.	Contact retailer for inspection and retrofit
Total # of recalls in 2005- 17													
2004				80,910									
American Suzuki Motor Corporation Recall of 2004 & 2005 Eiger™ and Vmson® ATVs	2004	7-Dec	2004-2005 Eiger and Vmson	27,000	F	F	fire	No reports of incidents	Incorrectly sized mounting bolt under the fuel tank could result in fuel leakage, fire, injury and/or death	N/A	Recalled again in April 2005	U.S.	Take ATV to dealership for free replacement
Polaris Industries Recall of ATVs Dispensers	2004	27-Sep	Sportsman 700 EFI	12,170	M	T	loss of control	31 incidents involving gasoline leakage; 19 injuries reported.	Throttle cable may bind when handlebars are turned full right or left, resulting in increase in engine speed and unintended acceleration and fuel line may rub chassis, resulting in potential fire, death and/or injuries	\$7,899-\$8,899		U.S.	Contact dealer for free repair

Appendix 1

Manufacturer	Year	Date of Recall	Product	# of Units	Type of Failure	System Failure	Hazard	# of injuries or reports	Hazard- reason for Recall	Price	Other	Manufactured	Remedy
Bombardier Recreational Products Inc., and Deere & Company Recall of ATVs Dispensers	2004	22-Sep	2003 Traxter Max; 2004 Traxter, Traxter Max, Quest, Quest MAX; 2005 Traxter 5SP, 5SP MAX, CVT and CVT MAX; John Deere Buck, Buck EX, Buck EXT, Trail Buck, Trail Buck EX and EXT and Buck 500 Auto ATVs	23,000 M	B	stopping	No reports of incidents	Front brake hose can be pulled out of its retaining bracket causing break fluid to leak and failure of breaks causing collision, to serious injury or death	\$6,199 to \$8,399	Can.			Contact dealer for free repair
Polaris Industries Recall of ATVs	2004	14-Sep	Predator 500	18,500 M	B	stopping	127 incidents of cracked and leaking front break lines; no reports of injuries	Front brake lines can crack and leak fluid leading to failure of breaking capacity collision, serious injury or death	\$6,000 to \$6,500	U.S.		Contact dealer for free repair	
Suzuki Recall of Four-Wheel Drive Eiger ATVs	2004	9-Sep	Eiger QuadRunner	240	M	S	loss of control	No reports of incidents	Welds securing upper front suspension arm mounting brackets are misallocated, can brake off leading to loss of control, collision, injury and/or death	\$5,149-\$5,299	U.S.	Contact dealer for free inspection and repair	
Total # of recalls in 2004-- 5													
2003													
Polaris Industries Inc. Announce Recall of ATVs	2003	12-Nov	Magnum Trail Boss and ATP	14,000 F	F	fire	265 reports of fuel leaks including one report of fire that damaged an ATV.	Damage to the fuel tank grommet can cause a fuel leak, posing a serious fire hazards to consumers	\$3,500 to \$6,500	U.S.		Consumers should stop using these ATVs immediately. Polaris will notify all consumers with the recalled models and will arrange for a free repair.	

Failure Type and System Failure Codes on last page.

Appendix 1

Manufacturer	Year	Date of Recall	Product	# of Units	Type of Failure	System Failure	Hazard	# of injuries or reports	Hazard- reason for Recall	Price	Other	Manufactured	Remedy
Kawasaki Recall of ATVs	2003	7-Oct	Prairie ATVs	75,000	M	S	loss of control	42 reports of incidents, including 9 injuries.	Lower front suspension arm can separate from the steering assembly, resulting in a loss of steering control posing a serious risk of injury to the rider	\$4,500 to \$6,100	Does not include risk of death	U.S.	Stop using ATV immediately and contact dealer to schedule free replacement.
Kawasaki Recall of All-Terrain Vehicles	2003	30-Jun	KFX700 "V-Force"	3,000	M	T	loss of control	3 reports of throttle sticking; 1 report of injury.	Throttle cap adjuster can loosen during operation causing it to stick, which can cause the rider to lose control and possibly crash	\$6,500		U.S.	Immediately contact dealer to schedule an appointment for free inspection and repair.
Polaris Industries Recall of Polaris Xpedition 325, Trail Boss 325, and Magnum 325 ATVs	2003	15-Apr	Xpedition 325, Trail Boss 325, Magnum 325	56,000	F	O	fire	1,290 reports of loose or leaking oil cooler clamps can release hot pressurized oil. This may lead to thermal burns, engine failure or fire	Loose or leaking oil cooler clamps can release hot pressurized oil. This may lead to thermal burns, engine failure or fire	\$6,000	Polaris previously communicated this "campaign" to dealers and customers in October 2000 and July 2001	U.S.	Stop using ATV immediately and contact dealer to schedule free replacement.
Eton America Recall of Youth All-Terrain Vehicles (ATVs)	2003	5-Feb	Viper Jr.	1,400	E	E	loss of control	None reported.	ATV can be started with shutoff switch in "off" position. Shutoff switch fails to turn off vehicle once in use which could result in serious bodily harm	\$1,500	Youth ATV	N/A	Stop using ATV immediately and contact dealer to schedule repair

Appendix 1

Manufacturer	Year	Date of Recall	Product	# of Units	Type of Failure	System Failure	Hazard	# of injuries or reports	Hazard- reason for Recall	Price	Other	Manufactured	Remedy
Kawasaki Motors Corp. U.S.A. Recalls ATVs	2003	7-Feb	KFX50	732	M	S	loss of control	None reported.	Failure of weld securing the tie-rod plate to the steering column, potentially causing detachment from the steering column and loss of steering control resulting in serious injury or death	\$1,799	Youth ATV- no mention of potential death or injury	N/A	Consumers should contact their dealer to schedule an appointment to replace the steering column
ATVs Recalled by Polaris Industries	2003	13-Jan	2003 Predator with model # A00GJ50AA and A00GJ50AB	2,400	M	B	stopping	None reported.	Mounting bolts on front brake calipers were not tightened properly, bolts can loosen or detach during operation resulting in brake failure leading to serious injury or death		Predators were also recalled in 9/14/05 no cross referencing on notices	N/A	Consumers should contact their dealer to schedule an appointment
Total # of recalls in 2003-- 7				67,350									
2002													
Cannondale Recall of ATVs	2002	25-Nov	2002 and 2003 Model Year Cannondale and Cannibal	1,100	M	S	loss of control	11 reports of front shocks breaking apart; one report of injury.	Front shocks can break apart while riding, causing the suspension to fail, operator to lose control, possibly resulting in injury or death	\$7,000		U.S.	Consumers should stop riding these ATVs and contact local dealer to schedule an appointment for free replacement
Honda Recall of All-Terrain Vehicles (ATVs)	2002	25-Nov	2003 TRX650FA	6,000	M	S	loss of control	1 report of a bolt falling out and front suspension collapsing; no reports of injury	Suspension bolts were not properly torque causing the suspension to collapse and cause loss of steering or control, posing risk of serious injury	\$7,000	Does not mention risk of death. Registered owners have been notified directly	U.S.	Consumers should stop riding these ATVs and contact local dealer to schedule an appointment for free replacement

Appendix 1

Manufacturer	Year	Date of Recall	Product	# of Units	Type of Failure	System Failure	Hazard	# of injuries or reports	Hazard- reason for Recall	Price	Other	Manufactured	Remedy
CPSC. Suzuki Announce Recall of All-Terrain Vehicles (ATVs)	2002	25-Oct	Eiger LT-A400FK3 and Eiger LT-F400FK3	300	E	W	fire	None reported.	Wire harness make have broken ground wire strands which could result in an open circuit which could prevent the tail/stop lamp from illuminating or could cause the CDI-unit of the ignition to fail. This could cause the engine to stop running, leaving a rider stranded.	\$5,100 to \$5,300		N/A	Consumers should contact their dealer for an appointment to repair or replace parts
Manco Products, Inc Recall of ATVs	2002	1-Oct	Agritrax 8260 and Talon 8260-01	950	F	F	fire	None reported.	Hose bars for fuel fittings on fuel tank may have been overly tightened and wrong sealer was used. Fuel can drip from the tank posing a fire hazard. Also, a casting flaw in the aluminum housing on the front suspension. This could cause the front wheel to come loose, causing the rider to lose control of the vehicle	\$2,999 to \$3,299		China	Consumers should stop riding these ATVs and contact local dealer to schedule an appointment for free repair or full refund
Arctic Cat Inc. Recalls All-Terrain Vehicles	2002	20-Aug	250, 300, 300 Masey Ferguson, 375, 400, 400i, 500, TBX 500 and 500i	45,000	M	S	loss of control	73 reports of broken front suspensions; 10 reports of injury	Ball joints on the front suspension of ATVs can fail resulting in loss of control, injury or death to riders	\$4,000 to \$6,500	Registered owners have been directly notified	N/A	Consumers should stop using these ATVs immediately and call dealer to schedule free repair

Failure Type and System Failure Codes on last page.

Appendix 1

Manufacturer	Year	Date of Recall	Product	# of Units	Type of Failure	System Failure	Hazard	# of injuries or reports	Hazard- reason for Recall	Price	Other	Manufactured	Remedy
ATVs Recalled by Yamaha Motor Corp. U.S.A.	2002	24-Jul	1997, 1998 Warrior	14,000	M B		stopping	Undisclosed number of reports of weld braking; two reports of injury	Mounting brackets fail leading to rear brake failure and possible injury to operators	\$5,000	Notification is being sent to registered owners of these vehicles	N/A	Consumers should stop using these ATVs immediately and call dealer to schedule free repair
Total # of recalls in 2002--	6												
	2001			59,700									
Suzuki Recall of Automatic Transmission Eiger ATVs	2001	31-Dec	Eiger LT-A400K2 and LT-A400FK2	4,700	M D		loss of control	4 incidents of crankshaft breaking; no reports of injury.	Crankshaft can break during operation which can disrupt power from engine to transmission, leaving driver stranded	\$4,400 to \$5,200	Notification will be sent directly to consumers	N/A	Consumers should contact their dealer to schedule an appointment for inspection and repair. Before 1/31/02 all vehicles will be replaced for free after that point- free inspection and repair
Kawasaki Motor Corporation Recall of ATVs	2001	31-Dec	Bayou 200,300,300 \$/\$	360	M W		loss of control	None reported	Rear or front wheel hubs may have castellated nut which is not torque correctly, could cause the hub to come off the axle shaft creating the potential for an incident resulting in injury or death to the rider	\$3,000 to \$5,000	Notification will be sent directly to consumers	N/A	Consumers should contact their dealer to schedule an appointment for inspection and repair
Arctic Cat Recall of All-Terrain Vehicles	2001	27-Dec	12 2002 models*	15,500	M B		stopping	4 reports of problems with pressure switches; two reports of injury.	Pressure switch in braking system leaks fluid, causing brakes to fail, posing the risk of serious injury or death	\$4,200 and \$6,400	Notification will be sent directly to consumers	N/A	Consumers should stop using ATVs immediately and contact dealer

Appendix 1

Manufacturer	Year	Date of Recall	Product	# of Units	Type of Failure	System Failure	Hazard	# of injuries or reports	Hazard- reason for Recall	Price	Other	Manufactured	Remedy
Kawasaki Motor Corporation Recall of ATVs	2001	18-Dec	KV650 Prairie	790	M	D	loss of control	None reported	Rear axle on some units was incorrectly heat treated, allowing rear axle to break, causing a loss of vehicle control and injury	\$6,999	Notification will be sent directly to consumers	N/A	Consumers should stop using ATVs immediately and contact dealer
Arctic Cat ATV Recall	2001	30-Nov	Arctic Cat 500 with Vir #s 4UF02ATV12T20645 9 through 4UF02ATV42 T207010	550	M	S	loss of control	None reported	Inadequate weld on the front upper A-arm bracket could cause separation from the frame, loss of control and serious injury	\$6,400	No mention of potential for death; no request to stop use immediately; notification will be sent directly to consumers	N/A	Consumers should contact their authorized dealer to schedule an appointment to receive a free replacement
Honda ATV Recall	2001	30-Nov	TRX450 FE/FM and TRX 250 TE/TM	14,400	M	W	loss of control	None reported	Some wheels were not properly welded. The wheel could collapse while riding, possibly resulting in serious injury	\$4,000-\$6,000	No mention of potential for death; notification will be sent directly to consumers	N/A	Consumers should stop using ATVs immediately and contact dealer to schedule an appointment for an inspection and free repair

Appendix 1

Manufacturer	Year	Date of Recall	Product	# of Units	Type of Failure	System Failure	Hazard	# of injuries or reports	Hazard- reason for Recall	Price	Other	Manufactured	Remedy
Polaris Industries Recalls ATVs	2001	20-Nov	2000,2001 and 2002 Expedition 425	12,000	M	D	loss of control	7 incidents; 3 reports of injury	Screws in the ATVs manual transmission can loosen, causing the rear wheels to lock. This can cause the driver to lose control of the ATV and crash, possibly resulting in injury or death	\$6,300	Notification will be sent directly to consumers	N/A	Consumers should stop using these ATVs immediately and contact their local dealer for a free repair
Suzuki Motor Corporation Recal ATVs	2001	15-Nov	Eiger LT-F400K2 and LT-F400FK2	4,000	M	D	loss of control	None reported	Nut securing clutch shoe will come loose during operation, interrupting power, leaving rider stranded	\$4,199 - \$4,999	Notification will be sent directly to consumers	N/A	Consumers should contact their dealer for an appointment for ATV to be inspected and repaired.
Suzuki Youth ATV Recall	2001	26-Sep	QuadMaster 50	7,400	M	D	loss of control	One report of incident; no injuries reported	Drive chain on these ATVs could come off the sprockets and lock the rear axle, causing loss of control of the ATV and injury or death	\$1,800	Youth ATV, notification sent directly to consumers	N/A	Consumers should stop using these ATVs immediately and contact their local dealer for a free repair
Total # of recalls in 2001--	9			186,600									
				2000									
All-Terrain Vehicles Recalled by Honda	2000	13-Nov	Rancher TRX350 and TRX400EX	126,000	M	S	loss of control	151 reported of incidents; 2 injuries	Mounting bracket welded improperly leading to loss of steering control and crash and brakes assembled incorrectly causing brakes to fail, severe death or injury	\$4,000 to \$6,000	Notification will be sent directly to registered owners	N/A	Consumers should stop using these ATVs immediately and call their dealer to schedule a free inspection or repair

Failure Type and System Failure Codes on last page.

Appendix 1

Manufacturer	Year	Date of Recall	Product	# of Units	Type of Failure	System Failure	Hazard	# of injuries or reports	Hazard- reason for Recall	Price	Other	Manufactured	Remedy
All-Terrain Vehicles Recalled by Kawasaki	2000	13-Sep	Prairie KVF 300-A1, KVF 400-A1, KVF 400-A2/L, KVF 400-C1	47,000	M	D	loss of control	12 reports of injuries	Drive belts can break causing vehicle to stop suddenly, driver to lose control, crash, ejection, or injury or death	\$5,300 to \$6,200	Notification will be sent directly to registered owners	N/A	Consumers should stop using these ATVs immediately and call their dealer to schedule a free inspection or repair
All-Terrain Vehicles Recalled by Polaris	2000	9-Sep	1999 Scrambler, Sport, Xplorer 400 ATVs; 2000 Scrambler and Xplorer 400	13,600	M	T	loss of control	26 reports of problems with throttles; 17 reports of crashes; 6 reports of injury.	Throttles can stick preventing ATV from slowing down when released causing loss of control, crash, injury or death	\$4,800 - \$5,900	Notification will be sent directly to registered owners	N/A	Consumers should stop using these ATVs immediately and call their dealer to schedule a free inspection or repair
Bombardier ATV Recall	2000	1-Jun	2000 Model year DS 650 model 7404	N/A	M	S	loss of control	N/A	Ball joint clip could cause ATV wheels to become unstable resulting in serious injury	N/A	N/A	N/A	N/A

Total # of recalls in 2000-- 4

Failure Types: M = Mechanical, E = Electrical, F = fuel or Fire Risk, L = Incorrect or Missing Labeling ; System Failure Codes: S = Suspension, T = Throttle, D = Drive train, B = Brake, W = Wheel, F = Fuel Leak, E = Wiring/Electrical, O = Oil Leak, L = Label Missing, C = Computer

Failure Type and System Failure Codes on last page.

Stevenson, Todd A.

From: Rachel Weintraub [rweintraub@consumerfed.org]

Sent: Wednesday, December 07, 2005 4:40 PM

To: Stevenson, Todd A.

Subject: ATV ANPR

Please accept CFA's comment, attached in response to CPSC's request seeking comment on the ATV ANPR.

If you have any comments or concerns with the document please feel free to contact me at (202) 939-1012 or rweintraub@consumerfed.org.

Thank you very much for your consideration.

-Rachel

Rachel Weintraub

Director of Product Safety & Senior Counsel

Consumer Federation of America

1620 Eye St, NW, Suite 200

Washington, DC 20006

ph: (202) 939-1012

f: (202) 265-7989

Arizona PIRG • Chicago Consumer Coalition • Consumer Action
• Consumer Federation of California • Consumers for Auto
Reliability and Safety • MaryPIRG • Massachusetts
Consumers' Coalition • North Carolina Consumers Council •
PennPIRG • The Victim's Committee for Recall of Defective
Vehicles, Inc. • Virginia Citizens Consumer Council

December 7, 2005

Secretary Todd Stevenson
Office of the Secretary
U.S. Consumer Product Safety Commission
Washington, DC 20207

Re: *ATV ANPR*

Dear Secretary Stevenson,

We are writing to applaud the U.S. Consumer Product Safety Commission's (CPSC) decision to move forward on an advanced notice of proposed rulemaking (ANPR) concerning the unreasonable risks of injury and death caused by all terrain vehicles (ATVs). We also write to provide comments detailing important issues that must be prioritized as CPSC moves forward with this rulemaking process.

First, we congratulate CPSC on its decision to seriously study the complex safety concerns posed by riding ATVs. As CPSC's data clearly illustrates, the fact that death and injuries have been increasing each year compels not only a significant assessment of potential solutions that could prevent future deaths and injuries, but also the need for CPSC to lead the nation's effort to address this persistent problem. The facts demand action:

- Serious injuries requiring emergency room treatment increased almost eight percent from 125,500 in 2003 to 136,100 in 2004.
- The estimated number of ATV-related fatalities increased from 617 in 2002 to 740 in 2003.
- In 2004, ATVs killed at least 130 children younger than 16 accounting for 28 percent of all fatalities.
- Children under 16 suffered 44,700 serious injuries in 2004 – or 33 percent of all injuries. This is an almost 16 percent increase from 2003 when children suffered 38,600 serious injuries. This increase in 2004 is statistically significant.
- Between 1985 and 2004, children under 16 accounted for 31 percent of all injuries.

As representatives of organizations which work on product safety issues, we are very concerned about the number of consumers and children, in particular, who are killed and injured each year in our own states and across the country in ATV incidents. In addition,

we are all too well aware of how difficult it is to pass meaningful ATV legislation at the state level. The lack of consistency between states is part of the problem, which CPSC leadership could help to solve. For example, every state has a comprehensive system to promote safety on America's roads and highways, including age limits and licensing and training requirements for every driver of a car. However, for ATVs, the framework is entirely different and lacking: 23 states have no minimum age limit to drive an ATV, and 18 more allow children ranging from 8 to 12 years old to drive them; 42 states do not require a license to drive an ATV; and 34 states do not require any safety training or testing to drive an ATV.

While CPSC begins its review of ATV risks within the rulemaking process, we urge it to prioritize the following:

1) CPSC must work to enforce its long-held policy that children under 16 years old not ride adult-size ATVs. Given the limits of CPSC's jurisdiction, we understand that CPSC does not have authority over the *use* of products. Acknowledging that limitation, however, we urge CPSC to take concrete steps to ban the *sale* of adult-size ATVs for use for children. We believe that if CPSC takes action to ban the sale of adult-size ATVs in conjunction with state's passage of minimum age limits of 16 for riding adult-size ATVs, that fewer children will ride or operate and consequently be injured or killed on adult-size ATVs. We urge you to move forward in favor of the request made in Petition CP 02-4/HP 02-1, Petition on ATVs.

2) Consistent with CPSC's long-held policy that children not ride adult-size ATVs, the agency should not encourage the production of "transitional" ATVs, which could have larger engines and frames and be faster and heavier than models that are currently recommended for all children under age 16. We urge the Commission to not abandon the position that children under this age should not operate any ATV with engine sizes over 90 ccs. In analyzing CPSC data, we find no support for permitting children to ride ATVs with larger engine sizes. CPSC's All-Terrain Vehicle 2001 Injury and Exposure Studies (Mark Levinson, January 2003) concludes that children under 16 continue to be injured by adult-size ATVs. When evaluating households that own an ATV, CPSC finds that 87 percent of injuries suffered by children under 16 in 2001 – or more than 22,700 injuries – were caused by ATVs with engines larger than 90 cc. The remaining children in this group were injured while riding smaller machines. However, this calculation only considers children injured by their family's ATV and excludes injured drivers whose families do not own the ATV upon which they were injured.

Further, the American Academy of Pediatrics (AAP), and the American Academy of Orthopaedic Surgeons (AAOS) have issued formal policies concluding that ATVs are a significant public health risk; that children younger than 16 should not be allowed to operate ATVs, and that the safe use of ATVs requires the same or greater skill, judgment and experience as needed to operate an automobile.

3) Training alone will not solve the safety problems caused by ATVs. However, as part of a comprehensive solution, if broadly received by the vast majority of the ATV riding public, it could be useful in teaching necessary skills to operate ATVs safely. Unfortunately, the current training program as administered by the Specialty Vehicle Institute of America has not been effective in training American ATV riders. For example, according to CPSC data, in 1997 only 3.6 percent of the injured ATV operators received

formal training. In 2001, the number was virtually identical, 3.7 percent. Children receive slightly more formal training than adults-- 5.4 percent of injured children receive such formal training. Children are more likely to receive training from a friend or relative, who likely have not received formal training themselves.

4) Many consumers are unaware of the risks associated with riding or operating ATVs. Many parents, in particular, make the decision to allow their children to ride ATVs while having virtually no information about annual death and injury rates. We urge CPSC to much more aggressively educate consumers about ATV deaths and injuries and risks associated with ATVs. We also urge CPSC to require that ATV dealers disclose ATV death and injury information for the most recent year available at the point of sale.

5) We strongly believe that CPSC must act as the national leader on ATV safety. We believe that such leadership could potentially spur the passage of strong state ATV laws, which we recognize must be part of a comprehensive solution to this epidemic. Essential components of such state ATV laws include: minimum age limits of 16 to ride an adult-size ATV; requirement of training, registration, and licensing; prohibition of passengers; prohibition of riding ATVs on paved roads; prohibition of riding ATVs at night; and requirement for helmet and safety gear for all ATV riders.

Thank you for your consideration.

Sincerely,

Diane Brown, Executive Director
Arizona PIRG

Dan McCurry, Coordinator
Chicago Consumer Coalition

Ken McEldowney
Executive Director
Consumer Action

Richard Holober, Executive Director
Consumer Federation of California

Rosemary Shahan, President
Consumers for Auto Reliability and Safety

Brad Heavner, Executive Director
MaryPIRG

Jeanne Foy, Secretary
Massachusetts Consumers' Coalition

Brad Lamb, Executive Director/General Counsel
North Carolina Consumers Council

Beth A. McConnell, Director
PennPIRG

B. J. Kincade
The Victim's Committee for Recall of Defective Vehicles, Inc.

Irene E. Leech, President
Virginia Citizens Consumer Council

Stevenson, Todd A.

From: Rosemary Shahan [autosafety@earthlink.net]
Sent: Wednesday, December 07, 2005 6:35 PM
To: Stevenson, Todd A.
Subject: ATV--ANPR

Dear Consumer Product Safety Commission:

Attached is a letter from consumer groups commenting on the Advanced Notice of Proposed Rulemaking regarding ATVs. Thank you for your consideration of our views.

Sincerely:

Rosemary Shahan

Rosemary Shahan
President
Consumers for Auto Reliability and Safety
1303 J Street, Suite 270
Sacramento, CA 95814
tel: 530-759-9440
fax: 530-759-9442
Website: <http://www.carconsumers.com>

12/8/2005



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Cassandra D. Josephson, M.D.
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Translational and Basic Science Research
David R. Archer, Ph.D.
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Donald L. Durden, M.D., Ph.D.
Harry W. Findley, Ph.D.
Jubing Gu, M.D.
Naohiko Ikegaki, Ph.D.
Leslie S. Kean, M.D., Ph.D.
John Sherman (Pete) Lollar, III, M.D.
Trent Spencer, Ph.D.
Gao Xiao Tang, Ph.D.
Wuxiang Zhou, M.D.

December 1, 2005

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

RE: ANPR for ATV's

Dear Secretary Stevenson,

As licensed social workers in the pediatric healthcare setting our priority is the health and safety of children. It is therefore with a growing sense of alarm that we write in reference to the increasing numbers of All-Terrain Vehicle (ATV) injuries and deaths among our pediatric population. We urge the Consumer Product Safety Commission to enact stricter regulations in regard to the use of ATV's by children 16 and under. The statistics provided by the SPSC and American Academy of Pediatricians paint a grim picture:

- Over 3,300 children killed or seriously injured per month nationally
- In addition, data from our hospital system (Children's Healthcare of Atlanta) shows:
 - 205 admissions related to ATV injuries during 2003-2004
 - 6 of these children died as a result of their injuries
 - 103 of the 205 injured children sustained injuries to the head and neck

Statistics alone cannot begin to capture the emotional impact of a child's severely disabling injury or death that could have been prevented; unfortunately we regularly witness the grief and devastation of these tragedies first hand in the hospital setting.

Thank you for the opportunity to share our concerns with you; it is our hope that through stronger legislation fewer children and families will be affected by what we see as an easily preventable tragedy.

Respectfully submitted,

William G. Woods, MSW, LCSW
John J. Walker, PhD, LCSW
Children need Children's®
Victoria Schubert, LCSW

104 Hanwell Place
Depew, New York 14043

December 2, 2005

U. S. Consumer Product Safety Commission

Washington, D. C. 20207

Attention: Office of Secretary

Gentlemen:

Since the death of a 13-year old of a friend while driving an ATV, we have become aware of the large number of injuries and deaths from ATV's...136,700 ATV accidents involving serious injury or death from CPSC 2004 stats.

This letter is a request for you to have enacted laws that require mandatory training and minimum safety standards on the equipment.

Please enact whatever your commission has power to enact for the future safety of our population, especially children and teenagers.

Thank you for your consideration.

Sincerely,

Nelson McCall


Beverly McCall

Stevenson, Todd A.

From: J. Andy Sullivan, M.D. [andy-sullivan@ouhsc.edu]
Sent: Thursday, December 08, 2005 11:34 AM
To: Stevenson, Todd A.
Subject: ATV ANPR

J. Andy Sullivan, M.D.
940 NE 13th St, CHO MR 2000D
Oklahoma City, OK 73104

December 8, 2005

Chairman U.S. Consumer Product Safety Commission
U.S. Consumer Product Safety Commission
Washington, DC 20207-0001

Dear Chairman U.S. Consumer Product Safety Commission:

The Honorable Hal Stratton
Chairman
U.S. Consumer Product Safety Commission
Washington, D.C. 20207-0001

Dear Chairman Stratton:

This is an abstract of a paper we are preparing for publication about our experience with ATV injuries in children and adolescents in Oklahoma.

Abstract:

Introduction: All-Terrain Vehicles (ATV) were introduced in the early 1970's. Safety issues soon became apparent. Particularly alarming injury rates have been noted in children. The Consumer Products Safety Commission's (CPSC) 2002 annual report revealed 5,239 deaths attributed to ATV's between 1982 and 2002. One-third (1,706) involved children less than 16 years of age. The CPSC entered into a ten year decree with ATV manufacturers in 1988 in an attempt to decrease ATV injuries and deaths. The decree banned three wheel ATV's, promoted ATV safety ,training, and equipment. It also attempted to limit accessibility to children less than 13 years of age. This review of our experience at the OU Medical Center Level I Trauma center was carried out to assess our experience with these injuries and to evaluate whether there was any detectable effect from the above measures. {Can we really say this unless we compare it to previous data}. Methods: A retrospective review of the trauma registry was performed for children less than 16 years of age that presented as a result of injury attributed to three or four wheeled ATV's since 2001. Results: 73 patients fit the search description. The average age of 9.9 years. The average Injury Severity Score (ISS) was 10.3 (Level I-20.0 and Level II trauma- 8.3). Four deaths, all attributed to head injury, occurred with an average age of 12.5years. The most common injuries were extremity fractures (36fractures), head injury (33) and facial trauma(20). Of the fractures 8 were open (6 upper extremity all around the elbow and 2 lower extremity tibia fractures). Conclusions: ATV injuries involving children continue to be a concern. The 1988 decree has had no lasting benefit in decreasing ATV

In conclusion, I urge the CPSC to place substantial restrictions on children operating ATVs. If no further action occurs this year, we can expect that next year over 130 children will die and over 40,000 will be injured seriously enough on ATVs to need treatment in the emergency department. We can and must do better. With decisive action on ATVs, the

CPSC can save children's lives and preserve their health.

Sincerely,

Sincerely,

J. Andy Sullivan, M.D.
405 271-6458

Stevenson, Todd A.

From: cbcalexander@alltel.net
Sent: Thursday, December 08, 2005 12:47 PM
To: Stevenson, Todd A.
Subject: ATV ANPR

I am writing in response to All Terrain Vehicle Safety Regulations. For the most part I have no problem with the idea of some form of regulation. I am a 52 yr. old father of 2 boys. A 29 yr. old and a 16 yr. old and all of us own and ride ATV's. Both my son's have been riding since a young age. My oldest started ridding when he was 11 and my youngest since he was 8. They both started ridding on small ATV's and as they grew, they moved up to larger ones. I've always controlled and supervised their riding. And we have a standing rule to always wear a helmet. We've all 3 had a few spills, but no injuries.

Some of the areas that I strongly support are the continuous supervision and helmet requirements. I think this portion is the most important part.

The areas that I do not support are the age restrictions for persons less than 16 years of age. My position is that if we require the safety training and the continuous supervision then we don't need the age restriction. My son's started on a 50cc, then to a 90cc, then to a 160cc and finally to a 250cc size ATV. The ATV manufactures now days go from 90cc to 250cc. My point is, I think it would be safer to allow our children to work their way up to a larger machine with the appropriate supervision.

I would consider myself to be a level headed objective type person. I would like the opportunity to discuss this issue over the phone. I know you have a busy schedule, but I would be willing to take a few minuets and talk about ATV's in general. You can call my home in Denver NC any time. (704) 483-1375. I would also be willing to set up a display/demo for you and your colleagues (public or private) to show the various sizes of ATV's. You know that kids come in all sizes. Their are quite a few children that are younger than 16 years old and are 5ft plus tall and are to big for anything other than a full size ATV. I think it's not so much as the size but the maturity level. Which is hard to govern. That is why I think the key part of your regulations should be the continuous supervision portion.

How do you think this law will be enforced? I worked for 3 years on the SC Highway Patrol back in the late 70's. I can see where most of the enforcement of this regulation would be after an accident. Most agencies don't have the funds, equipment and work force to go off in the woods looking for violators. So why pass a rule that some people will choose to ignore? I know it's hard to protect people from their own stupidity, but for the most part this regulation will be honorary by law abiding people and the idiots will still continue to make bad decisions and suffer the consequences. Another enforcement issue would be how to verify what size (90cc or what?) the ATV is? Some have stickers and some don't. What would keep someone from putting a 90cc sticker on a larger machine? Who would have the burden of proof out in the field? The only real way is to verify the serial number codes with a dealer using factory information.

This regulation would be much better to expect people to honor and to enforce if the age restriction section were amended to only have the continuous supervision portion for persons under 16. I think this would be acceptable to all groups. Please don't try and rush this regulation and end up with something that is not practical. There is no need to make it complicated and hard to enforce. Ask the law enforcement guys in your counties.

There is one more point I would like you guys to consider: Is it fair to regulate the ATV riders and not the dirt bike (motorcycle) riders? People can and do get hurt on dirt bikes as well. If you're going to pass this regulation then you might as well amend it to include off road motorcycles

as well.

If I can do anything to help you, please let me know. I would like to hear back from you to verify that you have received my comments.

Thanks, Charlie Alexander, Denver NC (704) 483-1375

Stevenson, Todd A.

From: Jason Andrews [jandrews@fairfax.k12.ca.us]
Sent: Thursday, December 08, 2005 2:26 PM
To: Stevenson, Todd A.
Subject: ATV ANPR

Just a couple of thoughts:

1. enforce the rules that already exist.

It is the people that are not abiding by the existing rules that are a majority of those getting killed. Imagine the increase in local government revenue if more tickets were handed out. It is unbelievable how many people I see EVERY time I go riding that are riding 2-up on a one person quad, not wearing helmets, riding red sticker bikes during green sticker periods.

Also, I have seen parents (if you want to call them that) totally oblivious to what their young son/daughter is doing on an ATV. Start holding the parents of these kids accountable. Isn't that their job, to watch their kids?

2. create a ride patrol

I also ski in the winter time, and every ski area I go to has a voluntary ski patrol. Of course, they get to ski for free, and get free lunch at the slope's dining hall. I usually ride @ oceano dunes, on the central California coast. There are usually only about 10 or so rangers on duty to control a few thousand people. That is not a good ratio. Have the people that wish to volunteer for the ride patrol take and pass a test, and also give them ticket-writing abilities.

I have personally seen enough violations in the past year alone to generate at least 10,000 dollars in revenue, just for the oceano dunes! Imagine what a couple hundred people could do??

From: Philip Berg [idealmfg@pacbell.net]
Sent: Thursday, December 08, 2005 7:52 PM
To: Stevenson, Todd A.
Subject: ATV ANPR

Dear CPSC,

Safety is the utmost concern in my mind when I take my family out for a trail ride. I live in California and am astonished by the lack of enforcement of current laws by state personnel when riding in California OHV parks. I have been trying for over a year to enroll my 12yr old daughter in a ATV safety class but none has been scheduled in my area. Why is this?

Here is my belief as why the injury rate has increased as stated in your summary:

1. Lack of enforcement of current ATV/OHV laws in state operated parks.
2. Decreasing riding acreage (examine Pismo State OHV park, CA as an example).
3. Increased popularity of ATV/OHV sport
4. Lack or mandated or required training for children who ride ATV's.
5. Lack of parental involvement

Possible ways to decrease accident/death rate:

1. Increase riding area acreage.
2. Mandatory state or federal safety program for children, voluntary for 16 yrs or older.
3. Mandatory fee based riding permit for children (this will help offset the cost of safety programs). A \$10 riding permit is nothing compared to the safety of my child.
4. Mandatory enforcement of existing local laws and federal laws on public OHV riding areas.
5. Mandatory industry reform regarding the sale of ATV's to children. Dealer must provide a safety class for the rider (this will be an addition to the state requirement) and record this for record retention. Dealer must also provide a session with parents/guardians and explain current OHV regulations. Signature confirmation is required and retention will be required.
6. Impounding vehicles of children who are found not have a current state issued safety permit when riding in a state OHV area. Vehicle will remain in impound until child has taken safety course and payment of fine.

You might think some of my measures are harsh coming from an avid off-roader but I believe safety is paramount. Without it our sport is doomed to extinction.

Thank you for your time,

Philip Berg
1690 Rush Haven Way
Simi Valley, CA
93065
805-527-4566

Stevenson, Todd A.

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From: Leland, Elizabeth W.
Sent: Friday, December 09, 2005 7:35 AM
To: Stevenson, Todd A.
Subject: FW: All Terrain Vehicle Injury Prevention

Todd,
I think this is intended to be a comment on the ANPR -- and for the public record.
Elizabeth

-----Original Message-----

From: Effie Noren [mailto:effie@effienoren.com]
Sent: Thursday, December 08, 2005 8:19 PM
To: Leland, Elizabeth W.
Subject: All Terrain Vehicle Injury Prevention

Dear Elizabeth Leland,

I'd like to take this opportunity to express my opinion that All Terrain Vehicles (ATVs) can be very dangerous and should not be operated by children under the age of 16.

My nephew, 10 years old, was allowed to ride his older brother's new ATV. He did not wear a helmet. He did not know how to control the ATV and crashed into a tree. Fortunately, he was only scraped and bruised, he could have been seriously hurt. People seem to think these motorized vehicles are toys and allow young children to drive them on streets and sidewalks, posing a danger to themselves and others.

I urge you to support legislation that will restrict children under 16 years of age from using ATVs.

Thank you,

Effie Noren

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Stevenson, Todd A.

From: Kristine [lancerchick25@yahoo.com]
Sent: Friday, December 09, 2005 12:28 AM
To: Stevenson, Todd A.
Subject: please read

December 8 , 2005
U.S. Consumer Product Safety Commission
Washington, DC 20207
Regarding: ANPR for ATV's

Dear Secretary Stevenson:

The ATV industry's voluntary safety guidelines have clearly failed, especially in respect to children. The CPSC reports 154,700 children under 18 years old seriously injured on ATV's between 2001 and 2004. Children lack the strength, coordination, maturity and judgement to operate these machines in a safe manner. "The safe use of ATV's requires the same or greater skill, judgement, and experiences as needed to operate an automobile." (American Academy of Pediatricians) Over 3,300 children killed or seriously injured PER MONTH is a preventable national tragedy which demands immediate action.

I urge the CPSC to fulfill its responsibility to protect public health and safety with strong and effective rulemaking. Specifically, I recommend the commission take following steps to reduce the incidence of ATV deaths and injuries suffered by a largely unaware and unsuspecting public.

1. Prohibit, to the fullest extent of the CPSC's jurisdiction, the sale or rental of adult-sized ATV's for use by anyone under 16 years of age by ALL ATV dealers, manufacturers, and rental agencies operating in the U.S.
2. Require mandatory disclosure of death and injury statistics regarding ATV's especially as related to children under the age of 16, to any prospective buyer or renter IN ADVANCE of the purchase or rental of an ATV. Disclosure should be orally and in writing in a very straightforward and conspicuous manner. The dealer or rental agency should be required to secure a signature from the purchase or renter on a disclosure document and maintain a copy for compliance testing. There should be serious penalties for failure to comply with the mandatory disclosure requirement.
3. Require an industry-funded national campaign to raise public awareness of the death and injury risks and of the prohibition of children under age 16 riding adult-sized ATV's. Additionally, make mandatory that all print, broadcast and internet-based sales and marketing materials from manufacturers, dealers, rental agencies, and trade associations include disclosure of the safety risks, especially emphasizing the extreme risks to children under the age of 16. The materials should explicitly disclose the risks associated with ATV use and should be conspicuous, clearly written, and with the font size and bolding comparable to all

12/9/2005

other language included in the ad copy.

4. We urge CPSC to reject any proposal that would permit children to operate any ATV larger than 90cc's. The use by children of any vehicle that is larger, heavier or faster than what is currently defined as an "adult-sized" ATV would be a step backward and put our children at an event greater risk of death and injury.

Thank you for the opportunity to comment and provide suggestions regarding this important matter.

Respectfully,
Kristine Korobey

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Stevenson, Todd A.

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From: Cynthia Wennemark [weluv2cats@aol.com]
Sent: Saturday, December 10, 2005 11:27 AM
To: Stevenson, Todd A.
Subject: Keep America's Children Safe!

Dear Secretary Stevenson
Regarding: ANPR for All- Terrain Vehicles (ATVs)

I am very concerned about the increasing numbers of young people injured and killed while driving ATVs. It is unfortunate that there are irresponsible parents who would even allow their children to ride them.

It is up to the CPSC to address these safety issues, and I support that rulemaking process. Specifically:.

Please issue a rule to prohibit the sale of adult-sized ATVs for children under 16 years old.

Oppose the development of "transitional ATVs" for children 12 -15 years old.

Require that up-to-date information from your CPSC Annual Report on ATV-Related Deaths and injuries be given to all buyers of ATVs before sale.

Evaluate the content and effectiveness of current ATV training programs.

We depend on CPSC to take the decisive actions necessary to effectively protect the public from the many hazards posed by ATVs.

Cynthia Wennemark
110 Autumn Lane

Tullahoma, TN 37388

Anthony Layton
4442 Mathews Rd
Spring Arbor, MI 49283

Attention: Mr. Todd Stevenson,

I would like to thank the Consumer Product Safety Commission for giving people the opportunity to share their thoughts on all terrain vehicle safety. It is important for everyone involved in the research of ATVs to remember that ATVs themselves are not dangerous. I've been riding and racing ATV's for over five years and I haven't had any injuries. I have also taken and passed the ATV Safety Institute's training course. Before I enrolled in the class I had had plenty of prior experience on my family's ATV's and I didn't think I was going to learn much. I was wrong and I learned a few new things. However, I feel the course was barely adequate for the first time riders in our group. It was too brief, and did not cover enough information. A more in depth training course similar to snowmobile, boaters and hunters safety should be applied to ATV safety.

I completely oppose any bans or consent decrees relating to ATVs and their manufacturers. I would like to encourage the Commission to point out in their reports all the deaths and injuries incurred by people riding ATVs that were under the influence, unsupervised, or unskilled. Reports that have these categories mixed with other categories are misleading and do not give an accurate account of our sport. All the snowmobile accident reports I've heard of include if the operators were drunk, why not ATVs? Data that comes from people who get injured or killed while racing should not be counted at all because they put themselves in that situation. Also, please keep in mind it is the parents' responsibility to keep their child safe on ATVs, not the governments, or the ATV manufacturers. Parents need to teach their kids how to ride responsibly and how

Anthony Layton
4442 Mathews Rd
Spring Arbor, MI 49283

to RESPECT the ATVs they are going to ride. My parents have always preached safety when riding, and I've benefited from it many times.

I could have not agreed more with the All Terrain Vehicle Association's president Doug Morris when he said, " We believe that proper training, the use of safety gear, parental supervision, and allowing children to ride right-sized vehicles would do much to reduce ATV-related injuries and deaths involving children under 16." The Commission needs to look at other avenues to bring down injury rates besides bans and decrees. I propose the idea of more in-depth training courses. More education is the key.

Ride smart. Not restricted.

Thank you very much for your time.

Anthony Layton.

Daniel Layton
4442 Mathews Rd.
Spring Arbor, MI 49283

Attention: Mr. Todd Stevenson,

The idea that the CPSC wants to put a ban on ATV sales for use by kids is absurd. Not selling ATV's to children is not going to fix the problem of them getting injured, its simply just going to disguise it. Instead of making a law such as this, I propose an idea that educating the children would be a much better approach.

Since I live in Michigan, I am very aware of the courses that are required to hunt, boat, and snowmobile. I suggest we educate all minors on riding ATV's in the same manor. By having the children go through mandatory training, it would significantly reduce the amount of ATV related injuries and deaths. Just like using a gun, an ATV can be dangerous if not handled properly. Therefore, by teaching children how to handle an ATV, how to maintain them, and how to use them around others, we can encourage the use of ATV's instead of discourage them.

In times like these, funding would probably be the biggest issue to consider. In order to compensate, I am sure the manufactures would be willing to step-up the training courses currently in place. Since putting a ban on selling the ATV's would hurt the manufactures the most, I believe they would be more than willing to help pay for staff, equipment, and facilities needed. Not only that, but just like right now, the riders themselves should foot some of the bill for the training. After spending thousands of dollars on an ATV, another \$75 or so would not be too much to ask.

Personally, I took the ATV safety course when I was about 13 years old. While the course was very educational, it seemed rather short in comparison to the snowmobile, boating, and hunters training courses. By extending the length of the course, and by training on larger

ATV's (perhaps larger than 90cc), the children would get a much more in depth look at how to ride ATV's responsibly.

I hope you take some of these ideas into consideration when deciding how to fix the problem of children getting injured on ATV's. I just want to emphasize that the fix isn't going to be banning sales, but creating mandatory training courses. Hopefully this step will be one more that adds to the positive image of the riding community. Thank you very much for your time.

Sincerely,

Daniel Layton