



UNITED STATES  
 CONSUMER PRODUCT SAFETY COMMISSION  
 WASHINGTON, DC 20207

VOTE SHEET

Date: SEP 26 2002

TO : The Commission  
 Todd A. Stevenson, Secretary

THROUGH: Patricia Semple, Executive Director *TS*

FROM : Melissa Hampshire, Acting General Counsel *MH*  
 Stephen Lemberg, Assistant General Counsel *SL*  
 Patricia M. Pollitzer, Attorney *PP*

SUBJECT : Petition requesting ban of the sale of adult-size four wheel ATVs sold for the use of children under 16 years of age

BALLOT VOTE due: OCT - 4 2002

The Office of the General Counsel has determined that the part of a submission from Consumer Federation of America and other groups that asks the Commission to issue a rule banning the sale of adult-size four wheel all-terrain vehicles ("ATVs") sold for the use of children under 16 years of age should be docketed as a petition under the Consumer Product Safety Act and the Federal Hazardous Substances Act.

In accordance with the Commission directive on procedures for petitions (0605), the Office of the General Counsel has drafted a notice for publication in the Federal Register inviting comments on the petition for a period of 60 days. The draft notice is attached. EXHR recommends that the Commission issue the notice.

Please indicate your vote on the following options.

- I. Approve the draft Federal Register notice without change.

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Date

NOTE: This document has not been reviewed or accepted by the Commission.  
 Initial mh Date 9/26/02  
 CPSC Hotline: 1-800-638-CPSC(2772) ★ CPSC's Web Site: <http://www.cpsc.gov>

CPSA 6 (b)(1), Cleared 9/27/02  
 No Mfrs/PrvtLbrs or  
 Products Identified  
 Excepted by Petro  
 Firms Notified,

II. Approve the draft Federal Register notice with the following changes (please specify):

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\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

III. Do not approve the draft Federal Register notice.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

IV. Take other action (please specify):

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\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

DRAFT 9/25/2002

Billing Code 6355-01-P

**CONSUMER PRODUCT SAFETY COMMISSION**

**Petition Requesting Ban of All-Terrain Vehicles Sold for Use by Children Under 16 Years Old**

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission has received a petition (CP- 02-4/ HP- 02-1) requesting that the Commission ban the sale of adult-size four wheel all-terrain vehicles ("ATVs") sold for the use of children under 16 years of age. The Commission solicits written comments concerning the petition.

**DATES:** The Office of the Secretary must receive comments on the petition by [insert date 60 days after publication in the

**Federal Register].**

**ADDRESSES:** Comments, preferably in five copies, on the petition should be mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207, telephone (301) 504-0800, or delivered to the Office of the Secretary, Room 501, 4330 East-West Highway, Bethesda, Maryland 20814. Comments may also be filed by telefacsimile to (301) 504-0127 or by email to [cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov). Comments should be captioned "Petition CP- 02-4/HP -02-1, Petition on ATVs." A copy of the petition is available for inspection at the Commission's Public Reading Room, Room 419, 4330 East-West Highway, Bethesda, Maryland.

**FOR FURTHER INFORMATION CONTACT:** Rockelle Hammond, Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 504-0800, ext. 1232.

**SUPPLEMENTARY INFORMATION:** The Commission has received correspondence from Consumer Federation of America ("CFA") and other groups<sup>1</sup> requesting that the Commission

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<sup>1</sup>The other groups are the American Academy of Pediatrics, the American College of Emergency Physicians, Bluewater Network, the Center for Injury Research and Policy, the Danny Foundation

take several actions concerning all-terrain vehicles ("ATVs"). The Commission is docketing their request for a ban of the sale of adult-size four wheel ATVs sold for the use of children under 16 as a petition under the Consumer Product Safety Act, 15 U.S.C. 2057, and the Federal Hazardous Substances Act, 15 U.S.C. 1261(q)(1)(A). The petitioners assert that ATVs pose an unreasonable risk of injury and death to children. They cite Commission data that between 1982 and 2001 there were reports of 4,541 ATV-related deaths, and that 1,714 (or 38%) of those deaths were children under 16 years old. They also note that in the year 2001, there were 111,7000 people taken to emergency rooms for ATV-related injuries, of which 34,800 were under 16 years old. They argue that there is no feasible standard that would address the risks ATVs pose to children.

Interested parties may obtain a copy of the petition by writing or calling the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504-0800. Copies of the petition are also available for inspection from 8:30 a.m. to 5 p.m., Monday through Friday, in the Commission's Public Reading Room, Room 419, 4330 East-West Highway, Bethesda, Maryland.

Dated: \_\_\_\_\_

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Todd Stevenson, Secretary  
Consumer Product Safety Commission

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for Crib and Child Product Safety, Kids in Danger, National Association of Orthopaedic Nurses, and U.S. PIRG.