



U S CONSUMER PRODUCT SAFETY COMMISSION

WASHINGTON, D C 20207

STATEMENT OF
CHAIRMAN JACQUELINE JONES-SMITH
on ALL TERRAIN VEHICLES
May 15, 1991

The issues associated with all-terrain vehicle (ATV) safety have been some of the most complex and controversial dealt with by the Commission.

Much of the focus of the controversy has been on the ATV Consent Decrees, which have received a considerable amount of criticism. Probably there were things that could have been done better. History cannot be relived, however. In dealing with this issue now, we must face the facts as they exist and offer pragmatic solutions.

I believe the following points are fact:

- o By any measure, the Commission has come a long way since 1985 when it first began to actively investigate the safety of ATV's. Since 1985, for both the general population and children under 16, the risk of injuries on ATV's has decreased 50 percent; the risk of death has decreased 40 percent. Three-wheeled ATV's are no longer sold and the sale of four-wheeled ATV's has dropped significantly;
- o ATV's are rider-interactive vehicles that operate at high speeds on uneven or rough terrain. To some extent, ATV's, like similar recreational activities, present hazards inherent in the nature of the activity. It will be difficult to reduce the segment of injuries and deaths associated with rider behavior which account for a significant proportion of injuries and deaths; and,
- o As a result of the remedial actions instituted under the Consent Decrees, the Commission's posture in availing itself of remedies to further address this issue is somewhat limited.

With these realities in mind, the issue this Commission must address is whether there are any further ways the CPSC can realistically address the ATV safety problem, given the statutory tools at its disposal.

The CPSC staff's briefing package clearly indicates that additional technical work necessary for the development of any new performance standards for ATV's would involve vehicle design, which is not appropriate or practical for a federal agency.

Moreover, staff advises that there is no indication further improvements in the design of the vehicles would have a bearing on reducing the actual risks associated with ATV's. Indeed, modifications to the vehicles may, in fact, introduce other risks associated with the machines. For these reasons, I believe the staff's recommendation that it discontinue additional technical work on the development of a new ATV performance standard is sound.

A total ban of a product is an extreme undertaking. A ban would mean total elimination of ATV's from the market place for all purposes, including farming and commercial purposes which constitute 30 percent of ATV use.

The institution of a total ban by the Commission would mean that there is no feasible standard that would adequately protect the public. This would be a difficult step to take in light of the remedial relief provided in the Consent Decrees and the concomitant reduction of deaths and injuries. For these reasons, I also accept the staff's recommendation against pursuing a total ban of ATV's.

One of most problematic and seriously troubling aspects of the ATV safety issue is the deaths and injuries to children riding adult-sized ATV's. One of the most important provisions of the Consent Decrees is the requirement that distributors exercise "best efforts" to ensure that their dealers do not recommend adult-sized ATV's for children. To ensure the enforcement of this provision, the Commission, within the last year, negotiated agreements with the distributors of ATV's, requiring them to conduct undercover monitoring of their dealerships and terminate dealer franchises for violation of the age recommendations. A full evaluation of the effectiveness of these agreements has not been completed.

It is my hope that these agreements will prove effective. Staff advises that these agreements would, in effect, serve the purpose of a partial ban against the sale of ATV's to children under 16 and would be far less costly to the government to implement. Therefore, I believe the staff should continue priority monitoring of the Consent Decrees, with particular emphasis on ATV dealer compliance with age recommendations and report back to the Commission following a full evaluation.

Because the age recommendation provision under the Consent Decrees serves the purpose of a partial ban, I see no need at this time to go forward with regulatory proceedings. The goal of

the age recommendation provision in the Consent Decrees is to stop the sale of adult-sized ATV's to children. If the agreements are not working, the Commission will be faced with the issue of whether to proceed with a partial ban. Therefore, in the interest of administrative economy and efficiency, I proposed a motion to continue the ANPR. Unfortunately, the motion was defeated.

I believe all involved with this issue have to be realistic about what will and will not reduce children's deaths and injuries.

I have my doubts, and I believe those groups calling for a ban do also, regarding the effectiveness of a ban on the sale of ATV's for use by children under 16. Even if this Commission were to institute a partial ban, the government cannot prevent parents from allowing their children to ride ATV's. According to the staff, a ban would have the effect of a "strong warning."

The practical and realistic solution to this problem is that states must institute mandatory age restrictions. Enforcement of age restrictions at the state level, combined with enforcement of point of purchase representations at the Federal level, may result in a significant decrease in children's injuries and deaths. For this reason, I proposed a motion to direct the staff to examine the feasibility of an action plan which would develop model legislation and identify key groups and organizations to help promote ATV safety at the state level of government.

Although there has been a significant reduction in injuries and deaths associated with ATV's, injuries and deaths remain. The Commission's efforts alone however are not enough to adequately reduce risk associated with ATV's. States must do their part in enacting legislation regulating the use of ATV's, such as mandatory helmet laws, age restrictions and enforcement against on-road use. The Commission has been and will continue to be actively involved in working with states on ATV matters.

The Commission has and will continue to be actively involved in aggressively enforcing the ATV consent decrees and educating consumers. Consumers must exercise caution in using ATV's and avoid unsafe practices such as use of alcohol, double riding and operating ATV's on paved roads. Parents, also, must do their part and not allow their children to ride adult-sized ATV's. I believe the combined efforts of the Commission in ensuring compliance with the industry, the states and consumers will result in further reducing the risks associated with ATV's.
