



United States  
CONSUMER PRODUCT SAFETY COMMISSION  
Bethesda, Maryland 20814

MEMORANDUM

DATE: December 28, 2006

TO : EC

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

FROM : Martha A. Kosh, OS *ual*

SUBJECT: Standards for All Terrain Vehicles and Ban of Three-Wheeled All Terrain Vehicles; Notice of Proposed Rulemaking

ATTACHED ARE COMMENTS ON THE CA 07-1

<u>COMMENT</u>	<u>DATE</u>	<u>SIGNED BY</u>	<u>AFFILIATION</u>
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CA 07-1-2	7/15/06	Harold Mattke	8554 West 28th St St Louis Park, MD 55426
CA 07-1-3	8/08/06	A. Shalaby	<u>catherine@thegreatgourmet.com</u>
CA 07-1-4	8/13/06	R. Dzwonkowski	<u>robertdz@bellsouth.net</u>
CA 07-1-5	8/13/06	Rebecca Petrone	<u>Chucks72olds442@aol.com</u>
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CA 07-1-8	8/27/06	Larry R.	<u>Onclaws450es@yahoo.com</u>
CA 07-1-9	8/30/06	R. Coldren NCC Help Desk Tech.	<u>rex.coldren.ctr@malmstrom.af.mil</u>
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CA 07-1-12	9/09/06	Shannon Harwell	<u>Shannon@RedlinePdM.com</u>
CA 07-1-13	9/10/06	Consumer	<u>tailgator@tailgator.net</u>

Standards for All Terrain Vehicles and Ban of Three-Wheeled All  
Terrain Vehicles; Notice of Proposed Rulemaking

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Standards for All Terrain Vehicles and Ban of Three-Wheeled All  
Terrain Vehicles; Notice of Proposed Rulemaking

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CA 07-1-50	9/27/06	James Moon	<u>gfrmoon@bellsouth.net</u>
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Standards for All Terrain Vehicles and Ban of Three-Wheeled All  
Terrain Vehicles; Notice of Proposed Rulemaking

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		Doug Morris	All-Terrain Vehicle Assoc.
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CA 07-1-81	12/21/06	Approximately 1000	Concerned Consumers

Standards for All Terrain Vehicles and Ban of Three-Wheeled All  
Terrain Vehicles; Notice of Proposed Rulemaking

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CA 07-1-85	12/22/06	Distributors of ATVs (6) Counsel for Yamaha Motor Corp. USA	Willkie Farr & Gallagher 1875 K St, NW Washington, DC 20006
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		Counsel for American Suzuki Motor Corp.	John B. Walsh American Suzuki Motor Corporation 3251 Imperial Highway Brea, CA 92821
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Standards for All Terrain Vehicles and Ban of Three-Wheeled All  
Terrain Vehicles; Notice of Proposed Rulemaking

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CA 07-1-91	12/28/06	Sean Hilbert President	Cobra Motorcycle Manufacturing, Inc. 240 Uran Street Hillsdale, MI 49242
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CA 07-1-98	01/15/07	R. Turner	<a href="mailto:rturner@commspeed.net">rturner@commspeed.net</a>

~~Stevenson, Todd A.~~

ATV  
Carr  
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From: Jeff Frontz [jeffri.frontz@gmail.com]  
Sent: Saturday, July 08, 2006 8:34 AM  
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.

Jeff Frontz  
310 Walhalla Rd  
Columbus, OH 43202

8534 WEST 28TH STREET  
SAINT LOUIS PARK, MN 55426-1294  
JULY 15, 2006

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MONT 2

CONSUMER PRODUCT SAFETY COMMISSION  
4330 EAST WEST HIGHWAY  
BETHESDA, MD 20707

GENTLEMEN:

ATTENTION: THOMAS MOORE

An article in the July 14 issue of The Wall Street Journal prompts my writing to you to express my views concerning safety of All Terrain Vehicles (ATVs) for children.

Please consider requiring roll bars or rollover bars as a MUST safety feature to be built on each ATV, adults' models as well as children's models. In addition, please consider requiring seat belts on all models of ATVs.

Helmets on all riders should be a MUST for safety purposes for all riders.

Governors, to control speeds on all vehicles, should be a MUST to make ALL models of ATVs safer.

Thank you for your consideration of these suggestions.  
Harold W. Mattice

*Twelve Immortal*  
***Principles of the Declaration of Independence***

- ❖ *The authority of the Creator is prior to all civil society and human authority and must be respected for liberty to endure.*
- ❖ *All men are created equal and have equal natural rights as the gift of the Creator, thus our duty to seek and follow the will of the Creator is prior to all government. Accordingly, the liberty of religious conscience, the right to LIFE, and the right to acquire, secure, and use property for safety and happiness are prior to all positive law, including the Constitution. All persons have a right to equal treatment under the laws without regard to race, creed, or ethnicity.*
- ❖ *People have a right and duty to form governments to secure their rights, and to assist one another in striving for happiness. Men are authorized by the Creator to defend these rights, and accordingly, so are the governments they form. From this authority proceeds the right and duty to defend national sovereignty and security.*
- ❖ *Governments are made legitimate by the consent of the free and equal persons who form and sustain them. Governmental powers are always to be understood as a delegation from the persons who form the political community.*
- ❖ *To enjoy the right of political self-government, people must practice self-government -- the virtue of self-control. A people without decency cannot be secure in its liberty.*
- ❖ *The institutions by which the life of liberty is fostered, including the marriage-based, two-parent family, the churches, and other associations of citizens aimed at encouraging moral life, are to be protected and cherished.*
- ❖ *The vocation of citizenship in a free republic is noble and honorable. Public service, especially in defense of the rule of law, merits praise and respect.*
- ❖ *The right to self-government entails the right to arms by which tyranny can be resisted and new governments established when necessary.*
- ❖ *Governments may fail in many ways and still be tolerated. Peace is a precious good, and the people are well-advised to be patient with occasional government abuse in order to avoid rashly unleashing the passions and violence that typically accompanies a fundamental change in the form of government. But the worst failures of government -- excessive concentration of power in one branch, depriving the people of liberty, or withdrawing the protection of the laws from the people -- constitute tyranny, and may be resisted, even rebelled against.*
- ❖ *Free speech and a free press are both required for liberty as necessary means by which the people act together for self-government according to the laws of nature and nature's God.*
- ❖ *It is the duty of the people, individually and in all their associations, to declare the principles of self-government, including the principle that our liberties come as the gift of the Creator.*
- ❖ *Personal religious belief is not a requirement for American citizenship. But acknowledging that human equality and rights come from an authority beyond human will is a moral duty of citizenship. Its rejection denies natural rights and human equality, and is inconsistent with ordered liberty.*

ATV  
ANON  
Comment 3**Stevenson, Todd A.**

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**From:** Information Center  
**Sent:** Tuesday, August 08, 2006 2:14 PM  
**To:** 'Catherine'  
**Subject:** RE: atv safety

Hello,

Your comments have been noted and will be taken into consideration when this matter is reviewed further.

mlj

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**From:** Catherine [mailto:catherine@thegreatgourmet.com]  
**Sent:** Tuesday, August 08, 2006 10:41 AM  
**To:** Information Center  
**Subject:** atv safety

My name is Aimee Shalaby, and I am the sister of two boys that were killed on an atv accident that occurred on June 15, 2005.

When I read of some of the safety regulation you have thought of it actually makes me sick. For people to have to take a training course would not make a difference. The boy who was driving the four wheeler raced dirt bikes and was going to race four wheelers. He had experience. You can not blame the four wheeler or the driver. There are some circumstances that will arise that people will not always be prepared for. The same thing in vehicle accidents. Yes some of them can be stopped, but it takes practice and experience, that no training session can offer. Only practice and experience can prepare someone for unfortunate circumstances. If this was the case than there would also be no vehicle accidents.

Furthermore, I think the number one way to prevent things like this is to stop promoting racing of atv's on local television. While watching the news one morning I actually heard people advertising racing of four-wheelers, they did state that people would be wearing safety equipment, but just as in the case with my brothers, the helmets didn't prevent anything, They didn't help at all.

If you really wanted to promote wearing helmets, then maybe they should be provided with the purchase of an atv, just as a seat belt comes standard in any vehicle. But helmets do not come with the purchase of an atv. A car isn't purchased without the life saving safety belt, but atv's are purchased everyday without a helmet to go with it.

Please take all of this into consideration when deciding to make any kind of regulations.

Another thing to keep in mind is that everybody matures at a different age. Some 14 year old kids are watching cartoons, and others work to help support their families. There can be a big maturity difference between one 14 year old to the next. Some kids have been riding atv, and dirt bikes since they are 5 years old.

I still think the size of the 4-wheeler purchased and the power of which it contains should mainly be left up to the parent. The parent will have to live with that decision the rest of their lives. To major corporations and companies it is nothing other than a statistic.

Thanks for your time,

Aimee Shalaby

8/8/2006

**Stevenson, Todd A.**

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**From:** Robert Dzwonkowski [robertdz@bellsouth.net]

**Sent:** Sunday, August 13, 2006 9:54 AM

**To:** Stevenson, Todd A.

**Subject:** Proposed ATV Safety Rules

I'm the father of boys, ages 9 @ 14, who've been safely operating ATVs for more than 3 years. I'd like to recommend that manufacturers be required to build ATVs incorporating a digital encoded safety system(DESS), such as that used by BRP's SeaDoo line of personal watercrafts. The DESS is not only a security key, but, a speed governor. Two keys are issued to adult buyers, one key if for experienced adults and the second is for learners or children. The learner key limits speed and regulations could be imposed so as to only allow children under 16 to use the learner's key. The learner's key could be brightly-colored so that law enforcement/parents could identify it from afar.

8/14/2006

**Stevenson, Todd A.**

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**From:** Chucks72olds442@aol.com  
**Sent:** Sunday, August 13, 2006 10:47 AM  
**To:** Stevenson, Todd A.  
**Subject:** Under 16 ATV requirements

Dear Sir;

It all due respect, I feel that it is imperative that this study should include parents of children whom already ride and operate ATV's. I strongly suggest that by simply limiting the speed to 10 mph and 15 mph is really not in the best interest of the rider. My son, whom is now 7 years old, has been riding ATV's since he was six years old. Currently he operates a Polaris 90, the Polaris 50 was not purchased due to the fact that even at seven years old, he is way too tall and overpowers the smaller ATV. We had the sincere fear that it would be way to easy for him to tip the ATV, due to his size. One must consider size and weight, along with age. This is very important. My seven year old son, is 4'4" and 65lbs, not your average seven year old.

As family, we only ride ATV's as a trail rider, which means we explore various trails within the State of Florida. The power of Polaris 90 is perfect, for there are times when on a trail, perhaps going up a hill or in soft terrain the additional power is imperative for his safety. Do you remember as a child, trying to ride a bike through real soft sugar sand. You could not get through, which is very similar with the ATV.

The key safety features of an ATV, is first and foremost, training and supervision of the parent.

Here are the most important safety aspects:

\*Rev-limiter (adjustable) - as the child grows and gets heavier, this then slows the ATV down further and limits the power. Therefore, as the child grows, the power can be slowly increased to adjust for the child's weight.

Belt Driven (CVT) - Immediately, when the throttle is released, the ATV slows down considerably. Even my Kawasaki 360 has this and I barely ever have to even use the break.

Engine Control Speed - Meaning when a rider is going down a hill, the ATV engine controls the speed of the ATV. This is critical, because it stops the ATV from speeding up as it goes down hill.

Brakes - Brakes should be incased in a water tight drum, which prevents sand and/or water from wearing down the brakes.

Reverse - with rev-limiter. If the child has the option of backing up the ATV, can be crucial.

I would recommend that you look at the specifications of Kawasaki 360 4x4, not to say this is the ideal ATV for a child, but use the same safety features on this ATV for a smaller version. As I said, my son's ATV is a Polaris 90, the biggest concern that I have with this ATV is the Engine Control speed when going down hill and how frequently the brakes wear down on this ATV. I would also recommend that it is important that a parent and/or an older sibling, operate the unit from time to time. To ensure, everything is still operating properly, such as the brakes.

In closing, again, as a mother and a very concerned parent, controlling the how fast the ATV is not truly the issue. It is incorporating that other key features on ATV's. Remember, smaller is not always better. This is why when a child starts off on a bike with training wheels, as they grow they get larger bikes. You try riding a bike that is too small for you, and it is VERY hard. Take into consideration the average size of a 14 to 15 year old child. I can tell you, for my son's safety, he will not be riding his ATV 90, it would be just too dangerous. His size and weight will overwhelm the ATV.

You need to perform your studies in the type of terrain that this ATV's are ridden in. Trails, soft sand, hills, and some mud, before making your ascertains as to what is safe and not.

Sincerely,

Rebecca Petrone  
(954) 772-6386

8/14/2006

[cheropride@aol.com](mailto:cheropride@aol.com)

8/14/2006

2006 AUG 28 A 10:41

U.S. Consumer Product Safety Commission  
Regarding ATV NPR

Outlawing 3 wheel ATC's is wrong and would be wrong for many reasons. I wish to offer my self as a witness in any court. Wherever people would consider making this unjust action. Please help us!

I have witnessed a few key incidents in off-road areas to explain clearly the real problems related to this issue. Here are three incidents which could help lawmakers understand this issue.

1. We were out at Glamis Calif. A few miles from any road. An old man with a grey beard rode up to this popular area on an older 3 wheeled ATC motorcycle. He rode his bike at the same slow speed with a calm smile on his face. Stopped for about 10 minutes and looked around. Started his bike and went on his happy way. Out lawing these bikes would be unjust and wrong for this man and others like him.
2. Three motor homes pulled up next to us at Dumont Dunes Calif. Set up camp and gave access to their small children powerful large 4 wheeled "Quads". The adults disappeared into their motor homes leaving their children to ride these big bikes. Within two hours a little girl riding way too fast flipped over the handlebars. She crashed and really got hurt. My daughter was facing the accident and saw the actual crash. It took at least 5 minutes before the adults even knew she got hurt.

On different occasions we have witnessed the same scenario at different locations. Irresponsibility is the true problem with this and most other issues related. Not the equipment itself.

3. I have witnessed my two responsible and safety conscious teenagers work hard. Save \$1500. each and buy two well kept 3 wheeled ATC motorcycles. Using their bikes many times in all types of terrain. Driving safely adjusting speed for conditions and without incident. They have been trained and are aware of their surroundings. This is where the problems of this issue truly are. Don't let lawmakers hurt my teenagers for no reason related to them! **Any** equipment used improperly could result in injury or death. Awareness and training is the key to safety, not outlawing the equipment.

Thank you for taking this time

William J. Courduff  
1128 W. Aeroplane Blvd  
Big Bear City, CA 92314

Home 909-585-1190  
Cell 909-800-9647



Stevenson, Todd A.

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**From:** DMARCH [DMARCH@ERAIDAHO.NET]  
**Sent:** Saturday, August 26, 2006 1:50 AM  
**To:** Stevenson, Todd A.  
**Subject:** ATV ANPR

TO WHOM IT MAY CONCERN,

ATV SAFETY SHOULD BE A CONCERN FOR ALL PARENTS. EVERY RIDER SHOULD HAVE TRAINING AND WEAR PROPER SAFETY GEAR.

HOWEVER, THE CURRENT SIZE AND AGE RULES ARE RIDICULOUS. THE SIZE OF THE MACHINE, AND THE ENGINE SIZE, SHOULD BE DETERMINED BY THE RIDERS PHYSICAL CAPABILITY, MENTAL CAPACITY, AND EXPERIENCE.

SPEED GOVERNORS SHOULD BE MANDATORY, BUT CAPABLE OF ADJUSTMENT WITHOUT REMOVAL. LET THE PARENTS HAVE CONTROL, INSTEAD OF JUST MAKING MANUFACTURERS JUMP THROUGH HOOPS, AND THE PARENTS REMOVE THEM.

HEADLIGHTS SHOULD BE MANDATORY, NOT ILLEGAL ON YOUTH ATVs. ADDED VISIBILITY ADDS TO THEIR SAFETY. MOST STATES REQUIRE STREET DRIVEN MOTORCYCLES TO RUN HEADLIGHTS ON, JUST AS IT IS REQUIRED ON SOME 2 LANE HIGHWAYS FOR CARS.

PLEASE ASSIST IN WELL THOUGHT OUT AND SENSIBLE RULES, THAT MANUFACTURERS AND PARENTS CAN USE TO MAKE ATVs SAFE FOR THE WHOLE FAMILY.

Daniel March  
The March Group Inc  
208.249.9400

8/28/2006

1450 1011  
AN 8

Stevenson, Todd A.

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**From:** 450es on claws [onclaws450es@yahoo.com]

**Sent:** Sunday, August 27, 2006 9:58 PM

**To:** Stevenson, Todd A.

**Subject:** Comments

I just reviewed your proposed new ATV laws concerning youth ATVs. After much thought on this, I feel that they are good laws to have in place. HOWEVER, I DO NOT agree with the part about the speed limiters. I feel that the speed limiter should be user/parent adjustable. My son (13yo) has a Honda trx90 ATV, that in stock form it has a user/parent adjustable throttle limiter, which I feel is a great idea. That way the parent can adjust the speed of the ATV as they see fit for their child's needs and abilities. My sons 90 does approx 30-35 mph out of the box. While I do find this to be somewhat fast for some conditions, it is nice to know that the power/speed is there should the need/want arise where it can be done so in a safe and controlled manner. The 10 and 15mph speed limiters is a little unrealistic, In my opinion, as most children can and DO ride a BICYCLE faster than these proposed speeds, where there is 1000 times the dangers. I also feel that IF these speed limiters are put into effect on youth ATVs it will have a negative affect on the sales of youth ATVs. I personally feel it will make some parents get an even bigger ATV for the child, so they can "keep up" to the parents when riding. It also will NOT prepare the child for a full size adult ATV as they will be going from something that only does 10 or 15mph tops, to something that can have the potential for OVER 80mph. That can and will get the child hurt or worse in the long run. They are not used to high power/speeds, no matter what they do, so they then get on one of these new high power ATVs and get hurt because they are not used to or expecting the power. I personally feel that it is up to the PARENT to determine what is a safe, reasonable speed for their child at any given moment. The child's size, abilities, knowledge, and safety awareness should play a major role in the PARENTS decision on how fast the ATV should be, NOT the government, and certainly NOT their age. My 13yo son is "technically" to big for his 90, and not "legally" allowed to ride anything bigger until 16. At age 14 most children are dangerously large for 90cc ATVs. The children now are much taller, stronger, and just generally bigger than when ATVs first came out. We need to take this into consideration when making these new laws. Thank you for your time in this matter, and letting me voice my opinion. Larry R. from Derry NH

8/28/2006

Stevenson, Todd A.

ATV  
ANPR 9

**From:** Coldren Rex A CTR Comm Svc/SCBANH [rex.coldren.ctr@malmstrom.af.mil]  
**Sent:** Wednesday, August 30, 2006 4:21 PM  
**To:** Stevenson, Todd A.  
**Subject:** ATV ANPR

I am a parent of a 12 yr old, a 16 yr old, and an 17 yr old. As an avid ATV'er, I try to teach the kids proper safety in all things. Proper riding gear and safe and responsible riding practices. My youngest, Tommy, is 12. He weighs 162 lbs and is 5'4" tall.... He rides a Polaris Predator 90....(automatic) Although his size is a little big for the machine, it can still handle the trails well. He does get a little cramped but is living with it. My 16 yr old, Nick, had to settle with riding the 125cc dirtbike until this year. (I just wouldn't let him ride my Kodiak 450). Nick is almost 6 foot tall, and weighs 175 lbs, COULD NOT fit on the 90!!!! Andrew, oldest at 17 has been riding the 450 for a year now....(I get stuck with the 250cc dirtbike.....) All have been through the ATV Safety Course offered by ASI. With the prices of the machines nowadays, I can see why people buy the big machines for their almost 16 yr olds.... We are growing them so fast and so big!!!! I have thought for a long time that if manufacturers made MID SIZED machines, like they do with dirtbikes, SOME of the issues would be alleviated. Also, marketing needs to be looked at as well.... When you see the commercials on TV, the depiction is riding "balls to the walls" and "Bat outta Hell" full throttle.

Yes, it is ultimately the parents duty to regulate, and therefore, their responsibility if and when someone gets hurt due to their decisions....  
But if there were MORE options out there.....

Rex Coldren  
NCC HelpDesk Tech  
(406) 731-2622  
DSN: 632-2622

Stevenson, Todd A.

ATV  
10

**From:** jean public [jeanpublic@yahoo.com]  
**Sent:** Thursday, September 07, 2006 3:30 PM  
**To:** Stevenson, Todd A.; Leland, Elizabeth W.; comments@whitehouse.gov;  
vicepresident@whitehouse.gov  
**Subject:** public comment on federal register of 9/7/06 vol 71 #173 pg 52758

consumer products safety commission 16 cfr part 1307 et seq

atv's and their horrible, noise, pollution and danger

1. i do not think any atv should be sold to anyone under the age of 21 years. it should be mandatory that they not be operated on any highway. it should be mandatory that every owner have a valid insurance policy in the minimum sum of \$100,000.00 in order to operate them.

2. anyone purchasing these dangerous machines should have to take a course on how to SAFELY drive them for a week period. 8 hours a day 5 days a week.

3. the noise of these machines must be cut by 3/4. they are an abomination from the point of view of noise to neighbors, who cannot stand the whine. they should be made virtually soundfree. it is time to stop abusing neighbors with the noise from these machines of the devil.

4. the pollution from their small motors is unbearable from the standpoint of causing illness and death to american citizens. it is clear that the pollution must be fixed so that there is NO pollution from these machines.

i do not think these machines should be widely available since they represent so much trouble for americans. the profiteers are selling any old bit of crap just for the money and greed and americans are suffering from their greed.

b. sachau  
15 elm st  
florham park nj 07932

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ATV ANPR 11

  
Stevenson, Todd A.

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**From:** Mark Fowler [Mark.Fowler@premierwestbank.com]  
**Sent:** Thursday, September 07, 2006 10:36 AM  
**To:** Stevenson, Todd A.  
**Subject:** ATV ANPR  
**Importance:** High

*I need to voice my opinion on the proposed restriction of ATV Speed Limits based on the age of the child. My son (age 13) and myself do a lot of riding for both hunting and casual enjoyment. I currently ride an ATV with a 750cc V-Twin while my son has his own ATV with a 250cc 4-stroke engine. Both are "Utility" models to accommodate the types of riding we do. Based on the current proposal for a child 13 years old, his ATV would be limited to 15 mph. Speed is not important to use because all our riding is fairly slow and easy going with the exception of some hills and moderate terrain we need to ride on. The problem with limiting the speed to 15 mph is that those ATVs don't have enough power or ground clearance to make it through the terrain we need to ride. Utility ATVs are generally used for casual riding and not racing such as that for the sport bikes. Limiting the size of utility ATVs based only on age is not taking into consideration their purpose. The mind set for riding a utility ATV vs. a sport ATV is considerably different. Similar to that of the "Crotch Rocket" motorcyclist wanting the speed and the "Cruiser" motorcyclist looking for a nice casual ride. The mind set is different!*

*My son has been riding for about 2 years now with NO accidents or injuries. I credit this with his respect for the power of his ATV, the terrain we ride, the ATV Safety Course he/we attended, and the easy riding style we've adapted. He will continue to use his 250cc ATV regardless of the recommendations set by any government agency. If you would like to contact me, please reply to this email or call me at (541)601-9756.*

*Thank you,*

Mark Fowler, MCP

9/7/2006

ATV  
AWP  
12

~~Stevenson, Todd A.~~

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**From:** Shannon Harwell [Shannon@RedlinePdM.com]  
**Sent:** Saturday, September 09, 2006 10:41 PM  
**To:** Stevenson, Todd A.  
**Subject:** CONSUMER PRODUCT SAFETY COMMISSION---16 CFR Parts 1307, 1410, 1500 and 1515

Please stop legislating parenting.

I know you all mean well, but you are overstepping your bounds. I am the parent of my child. I make the decision on whether or not my child can ride an ATV or not. I make the decision on how fast my child can ride an ATV. I make the decision on how much light must be present for my child to ride safely. I have to live with any decisions I make. I take care of my family. I create a safe environment for my child. I am responsible. You are not.

You cannot continue to legislate in the name of safety. We, the people have to do that. Stop trying to save us from ourselves. We do not want you to...

Thank You,  
Shannon Harwell

9/11/2006

**Stevenson, Todd A.**

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**From:** Tailgator Sales [tailgator@tailgator.net]  
**Sent:** Sunday, September 10, 2006 7:41 PM  
**To:** Stevenson, Todd A.  
**Subject:** Emailing: CIMG0001 - "ATV ANPR"  
**Attachments:** CIMG0001.JPG

I am an ATV SAFETY INSTITUTE instructor and do follow atv rules and guidelines. The picture shows the class I had on 9/09/06. The student on the left in the back is 15 years old and his brother in the back on the right side is 12 years old. His sister in front of him is 16 years old. The boys had to ride atvs 90cc or less, while their sister rode a 500cc atv. All the students did a great job. But, I feel that children need to be trained on ATVs which fit them physically.

Thanks for a chance to express an opinion.

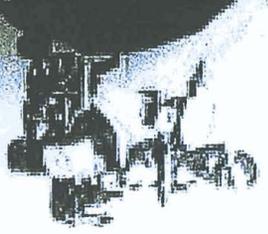
jack rosenberg (message is ready to be sent with the following file or link attachments:  
CIMG0001

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

9/11/2006



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**Safety**  
**Instincts**



14

**Stevenson, Todd A.**

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**From:** Aaron Wilson [aw@fbox.net]  
**Sent:** Monday, September 11, 2006 7:30 PM  
**To:** Stevenson, Todd A.  
**Subject:** ATV NPR

To Whom It May Concern,

In regards to the proposed rule set for ATV use, more specifically the rules for youth ATV use. While I agree that there is a serious concern for the health, safety and well being of our children, I feel the need to voice concern over the path this organization is taking. As a father of two, who uses off-road use as a means to recreate with my children, now and for many years to come, I believe the almost total lockout of youth ATV use is the wrong path. As with many other sport activities, there is an inherent degree of danger, and it should be brought upon the parents of the children to educate, and teach them proper use of the equipment, whether through personal instruction, or professional classes with certification. I truly am in favor of the latter option I listed.

To limit the usability of the ATV via speed, based on a speed capable on a smooth concrete surface will basically render them useless off-road. At 10MPH on concrete, the ATV will not, in my experience, be able to navigate trails with any incline, uneven surface, or loose surface. It's a poor limit in my opinion.

Next to my concern on the age limits; My 8 year old cannot fit on a "mini" ATV. Her legs interfere with the handlebars. If that is not a major safety concern, than I don't know what is. So she rides a mid-sized ATV, with the throttle governed (my choice). My 4 year old girl is taller, heavier, is a better rider, and has more concentration than the 6 year old we ride with, yet according to the rules, she can not ride an ATV at all. This does not make any since to me. I have spent many hours, developing her skills and technique off the trail, and under close supervision, while the 6 year old was placed on the ATV, and told "push this and you go". The parent was not an experienced rider, and came to use for instruction. I have worked with him each time we are out. He is now a safe rider.

Lighting, really... what is the purpose of prohibiting headlamps. They are there as a safety device. Autos now come with DRLs as standard to increase visibility, and so should ALL ATVs. I know I run with mine on during the daylight. The answer of dangerous night riding is not going to cut it. My child can legally ride a bike without a light on the street next to cars at night... is that safe? No, but the parents need to be responsible in both cases. Don't limit the safety devices to attempt to limit another risk.

All these reasons can be applied to any sport activity, be it riding a bike, playing soccer, or even to the similar "risk" level sport of water sports... the difference in my opinion being the "reputation" OHVs and their use/users carry, being looked upon as hooligan-ish. I chose OHV as a direction for my family, as it will be enjoyable to all of us, as the children grow older, and into teen-hood, where it's common for the children to choose other activities from their parents. Please consider these opinions.

Thank you,  
Aaron Wilson  
Camamrillo, CA 93012

Stevenson, Todd A.

ATV 15

From: plskb@optonline.net  
Sent: Friday, September 15, 2006 9:12 PM  
To: Stevenson, Todd A.  
Subject: ATV ANPR

Dear CPSC,

My name is Brian Anderson, I am from North New Jersey and I am 15 years old. I am also an AMA member, and an avid Dirt biker. I recently read your article in the October edition of The American Motorcyclist magazine about the "New Federal ATV Safety Rules Coming" (p. 22) In the article, you talked about making riders under 16 have an automatic transmission and a speed limiter. "ATVs for children ages 6 to 11 would have speed limits of 10 mph, while machines for children 12 to 15 would be limited to 15 mph." Although the rules do not apply to me because I am a dirtbike rider, I still believe that being an AMA member, I should voice my opinion. I disagree with the speed-limiting you are planning to put on certain age riders. The age limit applied to ages 6-10 was 10 mph...I personally think that is ridiculous, 10 miles per hour, you must realize how slow that is. I understand that I have a comfort zone of about 20 mph on the trails but I still don't agree. I have a close friend who is only 7 years old, he has ridden quads at almost 30 miles per hour. I'm not saying you should make that the limit, I'm saying that 10 mph is just too slow to have the most amount of fun as possible. I think you should maybe make the limit 20 or 25 for 6-10 year olds, and 30 or 35 for 12 to 15 year olds. This way riders can enjoy ATVing at descent speeds. ATVs are usually safer to ride on the trails than a dirtbike because it's harder to flip a quad, although if it does happen it could be dangerous, I believe that a ATV speed limiter should if anything be set a bit higher than a dirtbike limiter.

Well thank you for taking the time to read this, and I hope you consider my suggestions.

Sincerely,

Brian C. Anderson

ATV 16

**Stevenson, Todd A.**

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**From:** Gerald Miller [dieseljer@msn.com]  
**Sent:** Monday, September 18, 2006 6:10 PM  
**To:** Stevenson, Todd A.  
**Subject:** ATV ANPR

To whom it may concern,  
I recently read an article, "New Federal ATV Safety Rules Coming" in my new AMA magazine. I would like to comment on some of the points. First of all, I am glad to see that the article mentions adopting rules that base the size of the machine on the size and ability of the rider, rather than on age alone. This is a step in the right direction. However, the article went on to say that machines for riders age 6 to 11 would be governed to 10mph and machines for 12-15 year olds be governed to 15mph. This seems contrary to the size/ability to ATV size guideline previously mentioned. I would like to point out that an 8 year old child can go much faster than 15mph on a bicycle while wearing a bicycle helmet that offers much less protection than an approved off-road motorcycle/atv helmet. These speed restrictions are too restrictive. I grew up riding. I started out at the young age of 4 years old. I received proper training and guidance from my father and I am happy to say that I am still here at the age of 30 with not a single broken bone, scar or physical handicap! My point? None of my motorcycles were governed to low speeds...in fact most were modified to go much faster. Kids today should not be treated like porcelain dolls. Yes, parents need to protect them from danger, but riding is not dangerous if done properly with proper riding gear, instruction and supervision. Before you limit these machine to such a slow speed and I suggest you go watch kids playing on the playground and see just how tough they are and how much fun they are having. By limiting them to 10 or 15mph you will ruin their interest in riding and that would be a shame. Riding motorcycles and ATV's as a child prepared me for driving. I learned great hand/eye coordination and how to react and overcome obstacles. The average 16 year old behind the wheel of a 3000 pound car never got that opportunity, and I honestly believe if they had, they would be better drivers right from the start. I'm not saying that speed limiters should not be considered, but the speeds that you are considering are much too low. I hope with all my heart that this message is actually read by the commission and not simply ignored. Remember what it is like to be a kid, while considering the new rules.

Sincerely,  
Gerald Miller II

**Stevenson, Todd A.**

**From:** green317@netzero.net  
**Sent:** Tuesday, September 19, 2006 4:09 PM  
**To:** Stevenson, Todd A.  
**Subject:** ATV ANPR

To whom it may concern:

I am the father of an 8 year old daughter. I am writing to give my opinion on AVT safety. I know all children have to be taught, so I agree they need to have a place to go to get safety lessons, and I myself taught my daughter. I also believe it is important to have a proper kill switch on all ATV's not just for the younger riders. I feel they should be installed on all ATV's before they are sold. If people choose not to use the safety items provided that is up to them. I also feel to limit the speed is upto the parent. it is a simple screw on the throttle. My daughter would not ride if she could only go 10mph. I started her out riding with me I taught her the basic controls, in about two laps around the yard, then I let her go. Slowly she learned and then She was ready to go.

Here is a story that you may find interesting, and if you want I can send pictures.

My daughter won a 90cc off brand ATV this past June. We were happy to have it, and we went out and bought her everything she needed for safety, the helmet gloves, pants, long sleeve jersey. This off brand ATV had a kill switch and a speed limiter on the throttle. She learned to ride very quickly really. I even mowed a one acre track into our back yard to teach her to take the turns. ( I have wondered if I could get certified to teach a safety and training course.) So back to the story. We began going to a local indoor outdoor race track (The Motoplex). She started out slow then got faster, and of course she was on the kiddie track, but it had the banked turns, and the woops, and the all important jumps. they also have a great place to just let the people run a nice long straight line as fast as they feel comfortable riding. Need I say my daughter loves to go there. She finally was ready after just a few weeks of riding to go to the indoor track. The hills are bigger turns are sharper, but she was ready, and still only 8 years old, riding a 90cc. While she was indoors riding and doing good, she took a turn and the seat came undone. she fell and turned the handle bars as she fell making the ATV roll over. She tried to recover but she didnt get it done before it rolled over. When I got over to her the ATV cut off did work but not as quick as it needed to. The ATV was pinning her leg down, and being a brave young lady my daughter didnt get scared until I got there. She knew what went wrong, and when I picked it off her I checked her out, and she was fine, bruised of course but fine. So what did she do you ask, with tears in her eyes she had me help her onto the ATV and she rode it off the track. I went over the "OFF BRAND" (Junk) ATV and found the bad workmanship that it was built with. the seat was not held on by metal it was held by a thin piece of plastic. I was very upset. My daughter could have been hurt because the builder didnt know to use better materials. I found a bash in her chest protector that might have cracked a rib, and scratches on her helmet and shoulder protectors (chest protector). I have since done alot of research, and found there are alot of these off brand 90cc ATV's being sold for under \$1000.00, I also found the size difference in these ATV's. For example you take the size of her fushin 90cc and My daughters new e-ton 90cc and the tire size, width and height are very different. also the workmanship is much better on the e-ton. My daughter loves her new ATV, and we sold her old ATV, after I welded a metal latch to hold the seat on. There needs to be standards to what is sold in the US we need to stop the off brands from selling junk that can hurt our youth. Well, I would love to help improve safety, but it first must be upto the parents. When an ATV is sold the parents should get a safety manual, fitted helmet for the child, chest protector for the child, fitted boots, and gogles. Thsi should be given with every ATV, or even Dirtbike that is

sold. if the parent wants extra then they have to pay but they should have these with the purchase of any thing that may require it. Ok I am done standing on my soap box. Thank you for reading this, and if you need any advise or want my opinion, I am easily reached at [robert@hoosierrealestate.com](mailto:robert@hoosierrealestate.com)

Have a great day

ATV ANPR / 18

~~Stevenson, Todd A.~~

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**From:** James Carney [carneyja@comcast.net]  
**Sent:** Tuesday, September 19, 2006 11:02 PM  
**To:** Stevenson, Todd A.  
**Subject:** ATV ANPR

I started riding a mini-bike at age 7 and continued to this day 38 years later. I got my family; two girls and my wife started dirt bike and ATV riding about 7 years ago. My girls have always been disappointed that they are not able to ride Moms ATV a Honda 4x4 rancher. Both my girls are very mature and big for their age. My oldest is now 15 years of age and she has been taller than 5'8" for a couple years now and does not fit on a 50cc ATV. My youngest is 12 years of age and is 5'2" and also does not fit well on a 50cc ATV. They both continue to ride their dirt bikes but would rather have an ATV and I have taught them well in regards to safety and riding and the correct handling of their riding equipment.

I hope that FCPS department soon changes the laws to let these responsible kids ride ATV's that better suit their size and experience rather than one size fits all. I certainly think required training is a good start not all parents take the time to properly teach their children riding safety and vehicle proper use.

Sincerely  
*James Carney*

19

**Stevenson, Todd A.**

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**From:** Martin Schumacher [mschumacher@co.ho.md.us]  
**Sent:** Tuesday, September 19, 2006 11:46 AM  
**To:** Stevenson, Todd A.  
**Subject:** ATV ANPR

The rules for under 16 ATV riders are too strict. It is the parents responsibility to protect their children, not the federal gov't. Reasonable rules should be made, but 10 MPH? That is not reality.

I recently took my boys on a ATV trip, but the rental co would not rent to me. They wanted to, but were in fear of a slimy lawyer hiding somewhere seeking to destroy them. This is why the federal gov't is loathed. You are not the father of my children. If you were, God help them.

Martin Schumacher  
Westminster, MD 21158

*I guess I am going on some special enemy of the state registry now that I dared to criticize.*

Stevenson, Todd A.

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20

**From:** Steve Hay [Conchem@pacbell.net]  
**Sent:** Wednesday, September 20, 2006 12:23 PM  
**To:** Stevenson, Todd A.  
**Subject:** ATV ANPR

I just read about some of your proposed ATV regulations. I understand that it is your job to keep people safe, but hopefully you also consider that there is much more to life than being safe.

First of all, I think adding speed limiters to ATV's for youngsters is not the greatest idea. 10 mph for kids under 12, that should be the parents' responsibility, not the government. 15 mph for 12-15, I think kids over 12 are old enough to go full speed if they have the skill, 15 year olds for sure. I personally started riding dirtbikes in 1967 at age 8, by age 12 I kept up pretty well with my dad and his friends. Again, I understand the reason for these speed limitations is for safety, I just don't agree that it something the government should be involved in.

Second of all, the need for automatic transmissions. I don't understand what that has to do with safety. I am 100% opposed to this, it takes away choice, increases cost, and makes no sense from a safety standpoint.

Sincerely,

Steve Hay

ATV  
21**Stevenson, Todd A.**

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**From:** Gay Hoffman [hoffmn4@frontiernet.net]  
**Sent:** Thursday, September 21, 2006 11:51 PM  
**To:** Stevenson, Todd A.  
**Subject:** ATV ANPR

I would just like to comment on the proposed new rules for ATV riders. First off I would just like to say "FINALLY". My youngest son is 5'10" and weighs 245. He is fifteen years old and will not turn sixteen until November 1st. Our family has been riding for going on five years now, we have always felt that if we had to put him on a machine as required by law it would be more dangerous for him than having him ride on a machine which fits him perfectly physically. That is one of the reasons he has never taken the Riders Safety Class. He did not feel comfortable on the smaller machine. He has ridden a 250 for the last three years do to his size.

I am undecided about the speed limit for the ages. I don't think a 15 year old should only be allowed to ride 15 mph. They are driving cars. I think that if you are 14 - 15 you should be allowed to ride as any other adult with a parents supervision. If you place these rules into effect how does that affect the racing scene of ATV? If you race an ATV do these same rules apply? Do the rules change between racers and pleasure riders?

If speed limit are going to be applied I would think that it should be a graduated platform. 6 - 10 : 10 mph, 11 - 13: 20 mph

I do agree with the automatic transmissions for younger riders but I do think that by the age of 14 they should not be required to have an automatic.

Thanks for listening.

Stevenson, Todd A.

ATV 22

**From:** Joanne La Barre [joanne.labarre@gmail.com]  
**Sent:** Thursday, September 21, 2006 7:52 PM  
**To:** Stevenson, Todd A.

Safety programs should be mandatory to all including children. Strict enforcement of laws is necessary. In our rural area it is difficult to catch people. Many times in our area people receive warnings. Suspending a license and stiff fines will help as the wallet is usually the most effective penalty. Responsible riders will not be upset with the law.

**Stevenson, Todd A.**

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**From:** Kenneth Howard [kennethhoward@msn.com]  
**Sent:** Thursday, September 21, 2006 8:49 PM  
**To:** Stevenson, Todd A.  
**Subject:** [Possibly SPAM (k): ] - Comments to the CPSC on Proposed New Rule All-Terrain Vehicles. - Found word(s) free adult in the Text body

Your new public relation campaign "To Drive Down Deaths and Serious Injuries Associated With All-Terrain Vehicles" is admirable and must have a vigorously campaign.

While your "core" rules for safe riding are unambiguous and apply to all types of off-road travel, more restrictions are needed towards the specific issue of child operation of any motorized ride--whether ATV, motorcycle, snowmobile, etc.... Specifically, no child should operate any motorized vehicle under a specific age off-road. Motorized vehicles (ATV, motorcycle, snowmobile, etc) should not be made with the intention of children as operators. Driving or operating action and reaction skills must be honed over time, with appropriate adult supervision. Unfortunately, more than a few adults drivers do not possess these honed skills.

The CPSC should recommend an age limit on children operation of ATV's. Adults are seldom, if ever, going to refuse a child's pressure to ride these vehicles, especially when other children are seen riding. It all seems fun until an accident happens, then its too late. Therefore, I propose that the minimum age to operate a child ATV "alone" should be no less than 13 years old.

Regarding the CPSC proposed new rules to make riding safer, my comments are as follows:

- **Banning 3-wheeled ATVs.** This design danger seems to have been known for too many years, if not decades. It's time to finally eliminate this type of ATV.
- Making the current voluntary standard mandatory, which would require all ATVs to meet U.S. safety standards. Voluntary efforts may have been measurable, but **until mandatory standards are implemented, U.S. safety standards will not be followed.**
- Calling for three models of youth ATVs instead of two and setting speed limitations for each youth model is where I disagree. **Any motorized youth model is inherently dangerous.** Young children do not need a "motorized" model of any significance past what they could generate under their own foot pedaling. Speed and safety on youth ATV's should not be predicated or determined based on what a manufacture or dealer markets for sale. Take the speed and power out of these youth ATV's.
- **Requiring retailers to offer free training** to all ATV purchasers and members of their immediate family is laudable but may not reach all participants. For example, if one parent alone buys an ATV and is provided a free training at the retail establishment, who is to determine that the other intended users of the ATV have or will receive this free training? Providing either a VHS tape or DVD to the buyer may not necessarily provide training to "members of their immediate family" as intended by the CPSC. However, providing some "take home" safety information whether in written form, VHS or DVD is better than none at all. The adult owner of the ATV should always be offered (and take home) free training and hopefully, be able to share this vital training information in his/her home or elsewhere, thereby, providing any and all potential users of the ATV access to this training.
- Requiring retailers to provide a written form to purchasers warning against the use of adult ATVs by children and giving death and injury statistics related to children riding adult ATVs is again laudable, but how will these statistics

be updated or supplied? Will retailers be able to access update statistics on a monthly, quarterly or annual basis? If so, from what governmental source will they be able to download from? Will retailers be audited to ascertain compliance with this specific requirement? If so, by what agency? **It seems appropriate that these statistics should be provided to ATV purchasers** as long as these statistics cannot be manipulated by the retailers in any way. Therefore, the CPSC should develop and ensure that these statistics are current and correct. One suggestion is that the "written form" provided to the purchaser reflects a date relative to the day of the ATV sale. The current "statistic" date this written form will reflect, compared to the ATV sale date, must be determined by the CPSC. For example, will a ATV sale in 2007 reflect statistics of 2006, 2005, 2004 or will it include statistics current for an interim year of sale? If current statistical information can be obtained, then this information should be provided to all purchasers. In fact past purchasers of ATV's should be provided this important and vital information too. Although, retailers may not want to supply past ATV purchasers with this information.

Sincerely,  
Kenneth Howard

SW  
24

**Stevenson, Todd A.**

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**From:** SHERYL [slknj1948@yahoo.com]  
**Sent:** Thursday, September 21, 2006 8:27 PM  
**To:** Stevenson, Todd A.  
**Subject:** RE: ATVs

My son, now 38, was nearly killed when he went off a 20 foot cliff on his sport type, 4-wheel ATV, a few years ago. He saw his femur break in mid-air. He almost lost his life, and we almost lost our son. He was generally careful, wearing a helmet and a safety thing to cause it to stop running, but nothing could stop him from going off that cliff.

The police try their best to stop people from riding where they shouldn't ride, but like my son, they find a way.

Today my son has a titanium rod in his leg. The screws that were used are now rubbing against his skin and he has to sometimes walk with a cane. He is in constant pain.

PLEASE do what you can to make people safer on these machines. Maybe making these machines impossible to go as fast as they do. Surely, as stated, make it mandatory to take a test like when getting a drivers license. Maybe an age requirement. Maybe an ATV license. But changes do need to be made.

Thank you.....Sheryl Kemper

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ATV  
25

**Stevenson, Todd A.**

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**From:** Joyce Adams [jjadams@crosstel.net]  
**Sent:** Thursday, September 21, 2006 4:57 PM  
**To:** Stevenson, Todd A.  
**Subject:** atvs

i have been fighting this for years.i live in a town where even the police think its alright to ride the atvs anywhere. all they get is a warning. it is getting worst. there is two and three on a single atv,they pull wheelies and drive after dark. most don't have a drivers licence. i've seen 10 and 11 years old on the big atvs. the city council or the police won't listen to me. if there is any thing i can do to help,let me know.

ATV 26

**Stevenson, Todd A.**

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**From:** Jill Saltzman [jillsaltzman@sbcglobal.net]  
**Sent:** Thursday, September 21, 2006 3:55 PM  
**To:** Stevenson, Todd A.  
**Cc:** Jill Saltzman  
**Subject:** proposed ATV Rules

These proposed new rules for ATV's are a great idea! I am a mother of a young child who sees these vehicles on a regular basis. I know of children who have had life altering injuries because of them. There needs to be stricter guidelines and even licenses for such riders.

AN<sup>2</sup>  
27

**Stevenson, Todd A.**

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**From:** connie.mahloch@hhss.ne.gov  
**Sent:** Friday, September 22, 2006 7:44 AM  
**To:** Stevenson, Todd A.  
**Subject:** new rules

Yea! You go! Please get going with your campaign and laws!!

Connie Mahloch  
Plymouth, NE 68424

TW  
28

**Stevenson, Todd A.**

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**From:** Vesely, Coleen [coleen.vesely@bassett.org]  
**Sent:** Friday, September 22, 2006 8:00 AM  
**To:** Stevenson, Todd A.  
**Subject:** ATV safety

I have seen an increase this year in ATV injuries and riders without helmets. I am all for increased safety education and regulations to improve safety.

Coleen Vesely, RN, BSN, CEN  
Trauma Program Coordinator  
SAFE KIDS of Otsego County  
Bassett Healthcare  
607-547-4812  
coleen.vesely@bassett.org

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ATV  
29

**Stevenson, Todd A.**

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**From:** Hoff, Jennifer A [JHoff@smdc.org]  
**Sent:** Friday, September 22, 2006 5:03 PM  
**To:** Stevenson, Todd A.  
**Subject:** [Possibly SPAM (k): ] - ATV Safety - Found word(s) list error in the Text body

I think what you are proposing is great. I am wondering what expectations you have about who will enforce the "rules". Is it your intent to take it to state and federal government levels and legislate for new laws? What is your proposed time frame for going forward? I am definitely interested in keeping informed as I have just assumed the position of Injury Prevention Coordinator with St. Mary's in Duluth, MN. From what I've been told from our trauma coordinator and our trauma registrars they definitely are seeing an increased prevalence of ATV injuries. Please keep me on your new posting email list and I will continue to check the website for updates.

Thanks,

Jenn Hoff, RN, BSN  
Injury Prevention Coordinator/Emergency Educator  
SMDC  
786-2039  
jhoff@smdc.org

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ATV  
30

**Stevenson, Todd A.**

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**From:** Steven Torman [TormanS@ogdensd.org]

**Sent:** Friday, September 22, 2006 9:48 AM

**To:** Stevenson, Todd A.

**Subject:** 3 Wheeled ATV's

When you say ban 3 wheeled ATV's dose this mean I can not register my three wheeler, that I have had for over 18 yrs, any longer? You are going to punish the very safe riders. It all comes down to speed, some idiots out there drive ATV's too fast and there is not enough parental supervision. Why not ban younger riders from riding ATV's. I pay Taxes and payed a lot of money for my ATV, if you ban it whose going to reimburse me? I think a required ATV training course would make more sense.. I also believe an ATV shouldnt be able to go 60 MPH..... I Think you need to rethink this...

9/22/2006

AV  
31

**Stevenson, Todd A.**

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**From:** Cory, Debra E Ms. 82 CPTS/FMA [debra.cory@sheppard.af.mil]  
**Sent:** Friday, September 22, 2006 9:17 AM  
**To:** Stevenson, Todd A.  
**Subject:** My Opinion

I believe that the rules being set are justified and should have been in place long ago. I certain that the idea to place these restriction were due to the death toll and excluding the number of injured due to the same. Thank you and good luck with the passing of the laws/regulations.

DEBRA E. CORY, GS-05, USAF

Accounting Technician

Sheppard AFB, Texas

6-6159, DSN 736-6159, 940-676-6159

9/22/2006

ATV 32

**Stevenson, Todd A.**

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**From:** sigmapizg@aol.com  
**Sent:** Friday, September 22, 2006 9:07 AM  
**To:** Stevenson, Todd A.  
**Subject:** [Possibly SPAM (k): ] - News from CPSC: One Release - 3 wheel ATV's - Found word(s) check out in the Text body

I have a question concerning 3-wheel ATV's. I've had mine for about 15 years now without incident. I got it secondhand from a neighbor. I see that a ban may be placed on these. Would this ban apply to someone like me who is an owner but has no plans to sell it? It would be a hardship for my family to have to go and spend several thousand dollars when the one we have serves faithfully just because some people can't use theirs correctly and safely. It makes me feel that we're being lumped in with the lowest common denominator. Any feedback you have on my question would be appreciated.

Regards,

Kyle Irrgang

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**Check out the new AOL.** Most comprehensive set of free safety and security tools, free access to millions of high-quality videos from across the web, free AOL Mail and more.

ATV 33

**Stevenson, Todd A.**

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**From:** RMY [rmy@penn.com]  
**Sent:** Saturday, September 23, 2006 10:59 PM  
**To:** Stevenson, Todd A.  
**Subject:** ATV Rules

The age limit relative to the cc size of a ATV is not realistic. I believe that size and weight of the rider should be the determining factor.

Having a child get training on the size machine he/she will be using makes more sense. If they can't handle the ATV during the course then they will have to retake the course with a ATV that they can control.

1. Males and females of the same age are not the same size.  
Size and weight of the rider have a large bearing on controlling a ATV.
2. Most males between the ages of 10 and 15 are to big for a 90cc ATV.  
My son is 11 yrs old, 5'-10", 229lbs

I believe that training, experience, and parental guidance is more important to the child's safe operation of a ATV then trying to find blanket rules to fit all circumstances.

If the rules don't include commonsense to cover a wide range of variables respect will be lost and the rules won't be followed.

I know a lot of young riders below the age of 16 that are to big for a 90cc and have ATVs that are in the 350 to 500cc range and they ride them safely. I can't envision any of them selling their ATVs to get a 90cc machine.

Another barrier to the 90cc rule would be the fact that a lot of families only have one ATV, that is a lot larger then 90cc, which the whole family uses.

Charging \$75-\$125 is a lot of money for most families to pay for a training course. If it's not affordable it won't be taken. Why can't some of the money collected from the sales tax or registration fees be used to pay for the courses? The courses would also have to be within a reasonable distance of the owners.

AN

34

**Stevenson, Todd A.**

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**From:** James Rue [ruefamily7@sbcglobal.net]  
**Sent:** Sunday, September 24, 2006 5:34 PM  
**To:** Stevenson, Todd A.  
**Subject:** ATV comment

Hello

I see and hear the same thing alot the ATV's are to small for my kid. If manufactures made larger (frame/body) ATV's with smaller engines, then the "kids" will fit the ATV, and not look like a "child". Dealers know better! and should be responsible like the bartender that sells the individual to much to drink before they drive.

Southern California

James Rue

AN 35

**Stevenson, Todd A.**

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**From:** Joyce Adams [jjadams@crosstel.net]  
**Sent:** Sunday, September 24, 2006 11:12 PM  
**To:** Stevenson, Todd A.  
**Subject:** atvs

i have been trying to make people see the dangers of atvs on the streets and how they are being driven. i have been trying for years to have people see the dangers,i have writted in the paper and sent to the consumers affair,everyone thinks it is funny.the police in this town let it go on and so does the highway patrol.they can't understand what would happen if a truck or car hits an atv. we have two roads that are state. . please don't let this drop,keep the pressure on.i would help any way i can. thank you

9/25/2006



**Stevenson, Todd A.**

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**From:** Joyce Adams [jjadams@crosstel.net]  
**Sent:** Monday, September 25, 2006 8:42 PM  
**To:** Stevenson, Todd A.  
**Subject:** atvs

please don't let this get buried like a lot of other ideas do. i have been fighting this for years,our police let them go and so does the state troopers. keep up the good work,if there is anything i can do,let me know

9/26/2006

AW 36

**Stevenson, Todd A.**

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**From:** Larry\_Maynard@fws.gov  
**Sent:** Monday, September 25, 2006 11:57 AM  
**To:** Stevenson, Todd A.  
**Subject:** ATV safety

If there is going to be an attempt to make ATV's safer, then there should be an ATV certificate or endorsement on drivers licenses, similar to motorcycles, that allows a training course to teach safe operating and handling skills on ATV's.

While off road motorcycles exists for small children, it requires a child with higher motor skill levels to ride a motorcycle, plus lower CC's usually found on kid motorcycles means that they do not pose as much a hazard for them as a four wheel vehicle ATV that requires less motor skills to operate and typically have higher (or easier access) to higher CC's on ATV's.

Essentially, the fact that you have to know how to ride a bicycle and have a good sense of body control and balance to operate a motorcycle FORCES higher skilled individuals to operate a motorcycle compared to practically ANYONE who only needs to know how to sit down and turn the handle bars to operate an ATV.

Couple this with the fact that irresponsible ATV's riders are more easily tempted to put more than one rider on an ATV because of it's design and the fact that again, less motor skills are needed to operate it, more accidents and mortalities are occurring.

Many ATV sales companies are already offering free training in Colorado with purchase of ATV, they should be required to do so nationally so that they are seen promoting safety and make more sales on safety equipment (trade-off) for all ages. Law enforcements then need to have the laws in place that force compliance of safety training for all ages.

Larry D. Maynard

HAN  
37

**Stevenson, Todd A.**

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**From:** Carl Smith [carlsmith@charterinternet.net]

**Sent:** Monday, September 25, 2006 9:46 AM

**To:** Stevenson, Todd A.

**Subject:** [Possibly SPAM.(Bay): ] - Proposed ruels. - Bayesian Filter detected spam

What ever happened to common sense ? Fine and punish the offenders not every-one. I am tired of paying for other peoples stupidity.

ATV

38

**Stevenson, Todd A.**

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**From:** Jack Spencer [jackspen@hotmail.com]  
**Sent:** Monday, September 25, 2006 11:00 AM  
**To:** Stevenson, Todd A.  
**Subject:** ATV rules

Hello,

Please allow people to do what they want. We are adults and do not need help from Washington to keep us personally safe or to make decisions for our children. Can you not find something else to do besides regulate? Just a suggestion--go fly a kite.

Jack Spencer  
2801 5th St, NE  
Washington, DC 20017

202 269-9581

ATV

39

**Stevenson, Todd A.**

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**From:** Necaise, Tracy J., AMC [TJNecaise@nomi.med.navy.mil]  
**Sent:** Monday, September 25, 2006 9:35 AM  
**To:** Stevenson, Todd A.  
**Subject:** ATV Riders

Dear Sir,

I must comment on the ATV rules as of now. The rule I received when I bought my ATV was that no children under the age of 16 can ride this ATV. I have a Honda Rubicon Foreman 500 2002 model. I have a daughter that is 14 years old and she is 5' 10" and weighs 120. How is she going to ride some of the smaller ATV's that she is only authorized to ride? On the ATV that I bought it has all over it that no one under 16 years of age is allowed to ride them. I say she is allowed to ride it and I also make sure that she rides it safely. But the law says she is not allowed. So what is the real law all about? We now live in Florida.

*AMC(AW) NECAISE, TRACY J.  
NSTI PARSAIL DEPT. LCPO  
NOMI FSC  
(850) 452-2355 EX. 5003*

9/26/2006

ATV

40

**Stevenson, Todd A.**

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**From:** Jackxclan@aol.com  
**Sent:** Tuesday, September 26, 2006 1:21 AM  
**To:** Stevenson, Todd A.  
**Subject:** atv rules

i want to make few comments on new atv rules. a campaign to educate safety would be welcome. a campaign to limit riding is not. i have looked at a lot of crash reports and see to many are caused by miss use or riding on public roads, no helmets and so on.

my kids have had a great time learning and riding their quads we spend a lot time together because of the quads.

some of your new proposals seem to be a good thing some don't. no lights on kids quads? lights increase the safety margin. speed limits while adjustable are good tools. your proposals are to low for the purposes they are made for, climbing hills, travel through soft sand. a under powered bike is not a safe bike. your power speed test is on a cement surface, these bikes are not made for paved surfaces.

i hope that you consider our rights as citizens before passing any overbearing laws.

Stevenson, Todd A.

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ATV 41

**From:** Phil\_Clark@ahm.honda.com  
**Sent:** Tuesday, September 26, 2006 10:47 PM  
**To:** Stevenson, Todd A.  
**Subject:** ATV safety

Parents of under age riders need to be held accountable in the event that there child is injured. Emergency treatment centers, hospitals, doctors, etc. should be required to contact Child Protection Services to report all ATV related injuries involving under age children.

ATV  
42

**Stevenson, Todd A.**

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**From:** Terry Stone [Terry.Stone@kanaweb.org]  
**Sent:** Tuesday, September 26, 2006 7:04 PM  
**To:** Stevenson, Todd A.  
**Subject:** Proposed ATV safety rules

I would like to encourage the stricter ATV safety rules and regulations. Alaska, in general, and Kodiak Island have a large amount of ATV use especially in the rural and bush communities. I have responded to several ATV incidents over the years as a First responder and have seen what has happened first hand. Thank you.

**Terry Stone**

EMS Program Coordinator

Kodiak Area Native Association

[terry.stone@kanaweb.org](mailto:terry.stone@kanaweb.org)

907-486-9402; fax: 907-486-3498

ATV  
43**Stevenson, Todd A.**

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**From:** Kurtiak, Stephen USA CRC (Contractor) [stephen.kurtiak@us.army.mil]  
**Sent:** Tuesday, September 26, 2006 11:56 AM  
**To:** Stevenson, Todd A.  
**Cc:** Loftus, Laura USA CRC; Beckman, Walter USA CRC; Eakins, Earnest USA CRC  
**Subject:** All-Terrain Vehicles

To Whom It May Concern:

We understand the concern with safety of all-terrain vehicles (ATVs) and this fiscal year the United States Army has lost three Soldiers due to injuries suffered while operating ATVs. The base publication that we use to govern ATV operation is the DODI 6055.4, enclosures 2 and 3. This instruction covers personal and military use of ATVs and applies to all Army personnel as well as DoD civilians that operate ATVs on and off military installations. Motorcycle operators are required to complete an Army approved motorcycle safety course before they operate a motorcycle. It is suggested that ATV riders complete an ATV safety course unless specifically required by the installation commander or state law. This is where the ATV operator "falls through the crack" so to speak. Our challenge is how to get the military member to the required training.

We agree with the new rule changes especially the requirements of retailers to offer free training when a new ATV is purchased. We know that proper education and enforced standards (wearing proper protective equipment) will greatly reduce injuries and fatalities.

Stephen L. Kurtiak  
Motorcycle & Recreational Vehicle Safety  
G5 Programs and Assistance  
U.S. Army Combat Readiness Center  
4905 5th Avenue (Room 243)  
Fort Rucker, AL 36362  
Comm: (334) 255-2845  
DSN: 558-2845  
Email: [stephen.kurtiak@crc.army.mil](mailto:stephen.kurtiak@crc.army.mil)



*"There are three kinds of people: the one who learns by reading, the few who learn by observation, and the rest of them, who have to touch the electric fence for themselves."*

**Stevenson, Todd A.**

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**From:** Paulson, Richard D. [RPaulson@doeal.gov]  
**Sent:** Tuesday, September 26, 2006 2:58 PM  
**To:** Stevenson, Todd A.  
**Cc:** Paulson, Richard D.  
**Subject:** ATV Suggestion

To addressee,

I live and work in New Mexico.

My question is in regards to "Retailers being required to provide a consumer a written statement regarding children riding adult ATVs. What happens when a "used" ATV is sold by a private individual? NM requires registration of the ATV, which would be an ideal time to have a similar form required and stated on the registration.

Please feel free to call me for clarification.

*Rich Paulson*  
*WSI ES&H Coordinator*  
*505-845-4283*  
*Pgr. 1-800-254-9183*  
[rpaulson@doeal.gov](mailto:rpaulson@doeal.gov)

45

**Stevenson, Todd A.**

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**From:** Limbaugh, Todd A SSgt 213 SWS/SF [Todd.Limbaugh@clear.af.mil]  
**Sent:** Tuesday, September 26, 2006 2:43 PM  
**To:** Stevenson, Todd A.  
**Subject:** ATV changes

To Whom It May Concern:

I strongly agree with your proposed changes except for the first one, "Banning 3-wheeled ATV's". Although I do not have one nor will I EVER buy one I do not agree with banning them from someone who is partial to them. I do however think it would be in the publics best interest if individuals wanting to purchase a 3-wheeled ATV to have the injury/death statistics! Other than that I strongly support your proposed changes as they are realistic and logical and not a smoke screen for special interests. I have a new youth ATV and seem to think that not much safety was expressed when purchased. I grew up, and continue, to ride ATV's and race motocross so I have vast experience on the subject to supervise/pass down to my children. With safety awareness, to include appropriate FULL riding gear, ATVing can be great fun!!! Thanks for your time and keep up the good work.

V/R

Todd Limbaugh  
Clear, Alaska

ATV  
46**Stevenson, Todd A.**

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**From:** mark lipski [lipskimark@yahoo.com]  
**Sent:** Tuesday, September 26, 2006 1:28 PM  
**To:** tlgruca@wcco.cbs.com; hbrown@wcco.com  
**Cc:** Wolfson, Scott J.; Stevenson, Todd A.  
**Subject:** Re; Inventor claims "Best safety device since the helmet!"  
**Attachments:** NEWS from CPSC.doc

WCCO TV

Attn; Terri Gruca &amp; Heather Brown

I was referred to both of you by a Mr. Scott Wolfson of the U.S. Consumer Product Safety Commission or the CPSC. In reference to the attached news letter I will be working with the CPSC in the next few weeks to introduce a new safety product for the powersport industry. The product's name is the Lifesaver TCB (TCB stands for Traction Control Braking) and can be installed on any year make or model ATV, Motorcycle, or Snowmobile in just a few minutes. Once installed the driver is equipped with a safety feature that can't be turned off, forgotten, or left un-buckled. The Lifesaver TCB device works everytime the driver uses their brakes no matter how fast or slow they may be going but the best part is what it does!

Everyone has herd of ABS or Anti-Lock Braking for cars and a select few motorcycles, the Lifesaver TCB does a similar function as the electronic ABS systems but in a much different fashion. Our existing patents and pending patents allows prevention of wheel lock by all mechanical means. Originally this device was almost as large as a soda can intended for use on cars and trucks when electronic ABS almost became standard equipment on all vehicles this patent was shelved and forgotten for almost 10 years. Until my 12 year old son's friend who was 9 at the time had a tragic accident with an ATV. Using his father's ATV riding in an open field he came across a small ditch in his path and panicked. While the vehicle was leaning forward going down a small decline he squeezed the front brake and the ATV flipped over and killed him instantly.

This fatal accident insighted me to re-design my old patent to fit these vehicles to help prevent this type of mishap. Seeing how the brake systems for ATVs, Motorcycles and Snowmobiles all use similar brake systems after a few design changes I found just the right applications with only two thread sizes, and 4 different classifications for different weight classes.

Over the past few months we have generated much interest for this product for motorcross riders to motorcycle cruisers and ATVs and Snowmobiles will be next. The biggest problem we have encountered is telling the world the product even exists, this is why I am working with you and the CPSC. Again I am not asking for any type of endorsement as the product will speak for itself as it has in our testimony letters on the website [www.lifesavertcb.com](http://www.lifesavertcb.com).

A perfect example is with all of our efforts and some of the largest distributors in the world preparing to get the product on the shelves at different dealerships when I called the CPSC Scott had never herd of it. After a short explanation of what the product was the first word he mentioned was WOW!

Our company is located there in Centerville, MN and I was living in Brooklyn Center for the product launch during this past summer but have recently moved back to Mineola a small town in East Texas

11/9/2006

where my son attends the same school since kindergarden.

Our biggest obstacle now is product awareness and only thru the media and Government agencies like the CPSC can this be done. We do not claim that this device will prevent all accidents but when an accident does occur it will function to prevent out of control situations that may help avoid serious aftermaths. With over 100,000 injuries a year with just ATVs if we could just prevent 1% of the total combined injuries and accidents concerning Motorcycles, ATVs, and Snowmobiles, your news broadcast could be responsible for thousands of injuries that will never happen. Many of these statistics can be seen on the Motorcycle Industry Council or Motorcycle Safety Foundation websites.

Terri and Heather, if this all seems like something we can persue please contact me or my associate and buisness partner,

Mark Lipski; Inventor / Managing Partner  
612 235 4772

Juha Rouvinen; Managing Partner  
651 308 2081  
651 308 2081

ADD 47

**Stevenson, Todd A.**

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**From:** Faulkner, Kimberly L Maj 213 SWS/DOOC [Kimberly.Faulkner@CLEAR.af.mil]

**Sent:** Wednesday, September 27, 2006 1:43 AM

**To:** Stevenson, Todd A.

**Subject:** ATV proposals

Please compare the presented ATV death data with the number of deaths from riding a Bicycle! % of those that are under 16?

Don't make what some consider a fun thing into a "bad" thing by blowing statistics out of proportion. We live in America, and that USED to mean freedom of choice issues, for family and self.

Yes, one death is too many, and preventing one would be good. On the other hand, what good is life if we can't live it anymore for fear of losing it and/or without having to live it according to someone else's "rules" in the name of "safety"?

Aren't we just about sick of having "rules" applied to EVERYTHING we do in the name of safety, or in the name of preventing something happened once or rarely (statistically)?

I am, vote NO!

ATV

48

Stevenson, Todd A.

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**From:** only2wheels [only2wheels@comcast.net]  
**Sent:** Wednesday, September 27, 2006 1:22 AM  
**To:** Stevenson, Todd A.  
**Subject:** atv anpr

The new regulations proposed are better than outlawing quads. I believe they are still too restrictive. Here is why. I think kids are better off learning motorized vehicles at a young age. Before they know it all!! They are still intrigued and hang on every word. They also learn on slower vehicles before they hit the road. In Michigan you can get a moped license at 15. They do 30 mph and have little tires and almost no suspension. The next year they get a drivers license. All most every car will do a minimum of 85 mph. Older cars are even faster (no speed limiter). What is the top speed of a 5.0 Mustang so many kids drive? I would like the kids to learn about speed before they get into a car. Yes they have a cage around them in a car, but it is a 3,000+ pound killing device if used wrong. It would also effect more people on the road. Plus you have passengers then. With more distractions it is not a good time to learn.

49

**Stevenson, Todd A.**

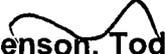
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**From:** Aaamxbrown@aol.com  
**Sent:** Wednesday, September 27, 2006 10:07 PM  
**To:** Stevenson, Todd A.  
**Subject:** atv rules

Hi my name is Ernest Brown. I have two boys that ride atvs and, dirt bikes. Both my boys race motor cross, a 10 yr old rides a production 90cc two stroke 4 wheeler while my 8 yr old rides a 65cc two stroke dirt bike, locally in NC. While we have just undergone a new law to limit the ages of children riding 4 wheelers, I understand why. The law may help with the kids that ride unsupervised it hurts the mx racer. The law needs to take into account for the younger racers. If we don't the 15 year old that gets a 450 race bike for his b-day will eventually get hurt because of lack of experience. so please think about the law before you write it. also you can go to any local race car track and find 13-15 yr olds racing full size cars? we need to be smart here and lay the law out were it only helps and does not hurt the atv riders. thanks ernie

9/28/2006

ATV  
50

  
**Stevenson, Todd A.**

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**From:** James Moon [gfrmoon@bellsouth.net]

**Sent:** Wednesday, September 27, 2006 12:06 PM

**To:** Stevenson, Todd A.

**Subject:** Requirement for retailers to offer free training to ATV purchasers and their family.

I am not a retailer. I am a consumer. If you don't require motorcycle retailers to offer free motorcycle training (which can high), why would you make ATV retailers do it?

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Internal Virus Database is out-of-date.  
Checked by AVG Free Edition.  
Version: 7.1.405 / Virus Database: 268.10.5/406 - Release Date: 8/2/2006

ATV  
51**Stevenson, Todd A.**

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**From:** Leland, Elizabeth W.  
**Sent:** Thursday, September 28, 2006 10:04 AM  
**To:** Stevenson, Todd A.  
**Subject:** FW: ATV- NPR comment  
**Attachments:** Very Important ATV and ORV.doc

Todd,  
An NPR comment for filing.  
Thanks,  
Elizabeth

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**From:** KAREN AHMAD [mailto:KAHMAD@SafetyIca.org]  
**Sent:** Wednesday, September 27, 2006 11:20 AM  
**To:** Leland, Elizabeth W.  
**Cc:** Vicari, MD Roberta; RENEE BARBIER; Melissa Sparks; Randall, Storm  
**Subject:** ATV- NPR comment

Ms. Leland,  
I am emailing my comments to you on ATV proposed rules as the email address published in the Federal Register is not a functional email address. The phone number for your office is also not a working phone number. I would appreciate you forwarding my comments to the appropriate individual(s) prior to the October 24, 2006 deadline for comments.

My name is Karen Ahmad and I am a registered nurse in Louisiana working in the field of pediatric injury prevention. Earlier this year I began to receive reports from a local hospital regarding an increase in critical injuries to children involved in ATV incidents. The hospital that reported this to me is the NEISS reporting hospital for the state of Louisiana. As my interest in these injuries increased I became determined to find out just how many child fatalities there have been since 2000. I was very surprised to find out that the CPSC has not counted even one child fatality in the state of Louisiana since 2000, despite some **very critical injuries**. I am concerned that the methods used for reporting fatalities may be severely underestimating the fatality rate not just in Louisiana, but possibly nationwide. In checking with the state epidemiologist I was able to locate 29 children under the age of 16 who were killed in ORV incidents between 2000 and 2004. While I suppose we could make the case that possibly all of these children may not have been on ATVs (some may have been on go-carts and other ORVs), I think it is also a fairly likely assumption that some ATV / MVA incidents were not included because they were considered MVAs.

I would like for the commission to consider that some changes may need to be made in the way the CPSC collects fatality data. Most states now have a process known as "Child Death Review" and take special note of child fatalities. Perhaps when the CPSC does not get reports of child fatalities from NEISS reporting hospitals, the commission should do further follow-up with the respective state's epidemiology officer to further explore fatality data. It is unacceptable to report the number of fatalities as zero when the confidence interval associated with a zero fatality report is not consistent with accuracy. Follow-up with state epidemiology departments should be standard procedure when fatality data appears inaccurate.

I am attaching the report sent to me from the state epidemiologist in Louisiana earlier this year.  
Thank You,  
Karen Ahmad RN  
Baton Rouge Safe Kids  
8180 Siegen Lane  
Baton Rouge LA 70810  
225-766-0955 ext 142

9/28/2006

## All-Terrain Vehicle and Other Motor-vehicle (designed for off-road use- ORV) Fatalities and Injuries and in Louisiana

The International Statistical Classification of Disease manual (ICD9 and ICD10) codes ATV's along with ORV's, therefore we can't separate the 2 categories.

For instance the E-codes and V codes (External Cause of Injury Codes) used in the analysis below do not link exclusively to 3- and 4-wheel all-terrain vehicles therefore it is possible that some of the data analyzed is related to other off-road vehicles, such as 6-wheelers, dune buggies and tanks.

### ATV and ORV related Fatalities

Total number of fatalities in Louisiana (All causes) from 2000-2004 = 208,459

Total number of injury related fatalities in Louisiana from 2000-2004 = 16,246

#### Number and Rate of ATV related fatalities by Year – Louisiana (all ages) Year 2000- 2004

Year	Number	Percent (%)	Rate per 100,000 population
2000	16	21.1	0.4
2001	17	22.4	0.4
2002	16	21.1	0.4
2003	13	17.1	0.3
2004	14	18.4	0.3
<b>Total</b>	<b>76</b>	<b>100.0</b>	<b>0.3</b>

Source: Death Certificates – Louisiana Office of Public Health (Vital Statistics Section)

\*\*Rate calculated using US Census Population Estimates. Rates based on 20 or fewer deaths may be unstable.

Use with caution

#### Number and Rate of ATV related fatalities by Age Group, Louisiana 2000- 2004

Age	Number	Percent (%)	Rate per 100,000 population
1-9	8	10.5	0.2
10-14	17	22.4	1.0
15-19	11	14.5	0.6
20-24	6	7.9	0.4
25-29	5	6.6	0.3
30-34	5	6.6	0.3
35-39	8	10.5	0.5
40-49	6	7.9	0.2
50+	10	13.2	0.2
<b>Total</b>	<b>76</b>	<b>100</b>	<b>0.3</b>

Source: Death Certificates – Louisiana Office of Public Health (Vital Statistics Section)

\*\*Rate calculated using US Census Population Estimates. Rates based on 20 or fewer deaths may be unstable.

Use with caution

**From 2000-2004, a total of 76 ATV related fatalities occurred in Louisiana (All ages)**

**Total number of ATV fatalities in children under 16 = 29**

Total number of ATV fatalities in children under 8 years = 5

Total number of ATV fatalities in children under 12 years = 11

Total number of ATV fatalities in children 12-16 years = 19

Total number of ATV fatalities in children 16-21 years = 9

**Nonfatal ATV and ORV injuries**

Latest data available for injury hospital discharges is for the year 2001  
Louisiana Hospital Inpatient Discharge Data has many limitations – Please refer to the  
link below to get a better understanding of the data methodology and its limitations  
<http://www.dhh.louisiana.gov/offices/publications/pubs-233/Part%202.pdf>

Total number of nonfatal injury related hospital discharges in 2001 = 29,583  
Missing number of E codes ~ 20%

**Total number of nonfatal injury related hospital discharges in 2001, with valid E codes  
= 24,624**

**Number of nonfatal ATV related injury discharges by Age Group – Louisiana 2001**

Age Group (years)	Frequency	Percent
5-9	16	9.2
10-14	41	23.7
15-19	21	12.1
20-24	21	12.1
25-29	17	9.8
30-34	13	7.5
35-39	16	9.2
40-44	8	4.6
45-54	7	4.0
55-69	8	4.6
70+	5	2.9
<b>Total</b>	<b>173</b>	<b>100</b>

Source: UB92 billing form – Louisiana Office of Public Health (Health Statistics Section- LAHIDD program)

**In 2001, 173 nonfatal ATV related injury discharges occurred in Louisiana (all ages)**

**Total number of ATV injuries in children under 16, Louisiana 2001 = 63**

Total number of ATV injuries in children under 8 years, Louisiana 2001 = 10

Total number of ATV injuries in children under 12 years, Louisiana 2001 = 33

Total number of ATV injuries in children 12-16 years, Louisiana 2001 = 40

Total number of ATV injuries in children 16-21 years, Louisiana 2001 = 259

ATV  
52

**Stevenson, Todd A.**

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**From:** Robert Stark [artexc@yahoo.com]  
**Sent:** Friday, September 29, 2006 9:37 AM  
**To:** Stevenson, Todd A.  
**Subject:** ATV's

Dear Sir,

Having been an ambulance driver in a rural village in NE PA for 10 years and involved with Rails to Trails for another 20 years, my experience is that both children and adults use them without regard to safety or consideration to hikers.

Teenagers and even younger children ride at high speeds without helmets or concern for safety, I've taken children to the hospital where the driver was 12 and his passenger 7 their ATV flipped and landed on both.

Why should a teenager be allowed to ride a vehicle at high speeds without supervision or training, license or insurance?

Sincerely,

Robert Stark  
Union Dale PA 18470

**Stevenson, Todd A.**

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**From:** karen [mooresplace06@earthlink.net]

**Sent:** Friday, September 29, 2006 8:43 AM

**To:** Stevenson, Todd A.

**Subject:** atv's

I support the CPSC proposed rules regarding ATV's. As a parent, aunt and grandmother I always expressed my concerns when the kids appeared to be doing something dangerous. Your article reminded me of a time when my brother in law purchased a 4 wheeler and was bragging to me how "safe" it was for his 6 year old son to ride it. He no sooner finished his sentence when we heard a thud and screaming. The safe 4 wheeler flip on top of the 6 year old. His injuries were minor, but my reaction was major! I implemented my own rules and if they wanted to ride their atv on my land they had to abide by my rules.  
Thank you for watching out for our children!  
Karen Moore

ATV  
54

**Stevenson, Todd A.**

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**From:** Kaye Sims [kaye\_e@swbell.net]  
**Sent:** Sunday, October 01, 2006 6:07 PM  
**To:** Stevenson, Todd A.  
**Subject:** ATV ANPR

To Whom It May Concern:

I would like to offer some comments on how safety could be improved on ATV's.

First, I believe that the current CPSC age requirements are inappropriate and need to be revised. I believe that appropriate size consideration is a far better method of determining the best size ATV for anyone, regardless of age. An example is my son, who at age 14 was 5'11" and racing a full size KTM 300 motorcycle. When I got my ATV and wanted to have him take the safety course, he could not take it using my 150cc ATV and instead would be required to take it on an ATV less than 90cc, which he was too large to ride safely. While he was a very skilled motorcycle rider, I still felt that the TV safety course would be good for him and would benefit him over time. So much for that. Having been involved to training and education, I know how important it is to plant the early safety and seeds with our youth. If the current training restricts the size ATV to a specific age and disregards the size of the rider and ability, it prevents the very people who need the training the most from receiving it.

Second, I believe that if you want to reach the most important folks, new ATV riders, the offering by the OEM's needs to be changed. Currently, when a new ATV is bought the OEM offers free training to the purchaser. While this is good for the few people who go out and buy a new ATV for their first ATV, it does not help the person who buys a used ATV from someone who has owned and ridden for years, when they purchase a new ATV. Most of the people who have ridden for years feel that there is not benefit from them taking the safety course when they go out and buy a new ATV to replace their old ATV. There needs to be the ability to transfer the free training offered on the new ATV that will never be used to the person who buys the older ATV and is a first time rider. I believe that if the OEM would pursue this change it would help provide the training to the first time rider who need the training the most.

Thank you for your time and consideration to helping improve the safety of a recreation I enjoy so much.

Sincerely,  
Stormy Sims  
3400 Remington St.  
Norman, OK 73072  
405-292-7845

ATV  
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**Stevenson, Todd A.**

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**From:** Nancy J Smith [nsmith@indianarmc.org]  
**Sent:** Tuesday, October 03, 2006 3:44 PM  
**To:** Stevenson, Todd A.  
**Subject:** ATV proposed rules

Over the past several months as part of the county child-death review team, we have reviewed 3 deaths of children riding ATV's on roads. We have identified several issues, including enforcement difficulties, because if the police pursue the people just turn into the woods and the police are not able to follow. We agree with the proposed rules, but would like mandatory helmet use for children added. Thank you for your consideration

Nancy J Smith  
Chairperson  
Indiana County  
Child Death Review Team

**Stevenson, Todd A.**

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**From:** Donald Knauss [kaboose340@yahoo.com]  
**Sent:** Tuesday, October 03, 2006 12:21 PM  
**To:** Stevenson, Todd A.  
**Subject:** ATV ANPR

This ATV age and cc. requirement needs to be adjust and you are finally going to the right direction with going as per fit.

Most kids these days are bigger taller, and heavier then there parents. There is no way that it is safe to have a 150 pound kid which is 5' 7" to train on a ATV 90 cc or smaller. I mean train also because most parents are not buying as per your existing age and cc guidelines. Which means now the parent will not get free training for that young rider. Some parent do pay for it but a lot will not. So those kids will not receive any training. As far as speed limiter that is not going to work. When you take those small ATV out trail riding there are time when you have to go up hills and that the operator will need full throttle, everything that little engine can produce, and if you turn a throttle screw in to limited the speed on flat ground, the operator will never be able to get enough power to go up any hill. Durning ASI training course instructor teach hill exercise, and will need more power.

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Do you Yahoo!?

Everyone is raving about the [all-new Yahoo! Mail](#).

ATV 5'

~~Stevenson, Todd A.~~

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**From:** Leland, Elizabeth W.  
**Sent:** Thursday, October 05, 2006 7:58 AM  
**To:** Stevenson, Todd A.  
**Subject:** FW: atvs

Hi, Todd,  
I think this is intended as a comment on the NPR. I'll send an acknowledgement message in return and let her know that I've forwarded her message to you to be included in the comments.  
Thanks.  
Elizabeth

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**From:** Joyce Adams [mailto:jjadams@crosstel.net]  
**Sent:** Wednesday, October 04, 2006 10:47 PM  
**To:** Leland, Elizabeth W.  
**Subject:** atvs

i live in a small community,there are many of these towns around us.the police and highway patrol lets the atvs go anywhere,i have complained for years on the danger of letting young kids driving the atvs and the older ones who take it for granted they can go anywhere, .the police turn their heads, they have to also instruct the police to pay attention to the rules.,what good will the rules do otherwise?

Stevenson, Todd A.

ATV 58

**From:** Chuck Marlin [cfm-z440@hotmail.com]  
**Sent:** Monday, October 09, 2006 7:58 PM  
**To:** Stevenson, Todd A.  
**Subject:** [Possibly SPAM (k): ] - proposed atv rules - Found word(s) free adult in the Text body

Well for starters, let me introduce my self

My name is Chuck Marlin, Im 26 years old, and I have been riding ATV's since I was about 8 years old.

I am a member of the North Iowa Off Road Riders, and I own a 03' Suzuki LT-Z400. I also work at a Arctic Cat/Yamaha dealer in s. MN.

When are people going to realize that some people are just plain stupid? You can pass all of the ATV legislation you want, and it is not going to make a difference. There are still some idiots out there who just dont care. The same kind that have caused you to be persuing these new rules.

For starters, Ban all the NEW 3 wheelers, please. They are a joke, and so are the companys that still make them. Wile your at it ban all of thes new Korean, Tiwanese, and what ever other new companys to the atv market. They are cheap, but built like crap! they are the only machines with any real saftey problems.

The voluntary standard is going to be used against us now huh? I can only imagine the stupid saftey standard that the government (people who dont ride, and know nothing about atv's) can come up with. STOP TRYING TO FORCE THINGS ON US!!!!!! I cant wait to see someone propose seat belts on them. It simply amazes me how stupid people can be when it comes to saftey rules!

Youth models are a joke. How many 15 year olds can you find that fit on a 90cc atv? Give me a break. Of coarse they can handle an "adult" atv. I started riding an "adult" 3-wheeler when I was 8 years old, and I never had a problem, because I actually have a fully functional brain!

Speed limitations on youth atv's will cause more problems than they will solve! For example, You need speed (momentum) to make it up a hill with an underpowered, youth, atv. So when it runs out of power part way up a hill, then what? A kid is not going to know what to do, and end up backing down a hill, which is the worst thing you could do! They will roll over for sure, and probly get injured if not worse! These are the kind of things you people need to think about before you go pushing your "SAFTEY" on us! You know nothing of our sport and you think something needs to be done. Too bad you couldnt come up with better answers than these!

Forget about requiring retailers to give "free" saftey training. They need to be paid for their time. ATV saftey coarse instructors make alot of money for puting on saftey coarses, and the retailers should also.

Think about how many people are killed in car accidents each year, or even each day. Interfere with them. Leave our sport as it is! We do NOT need any more interferance from people who claim to be working in the best interest of saftey!

Thank you for your time. I WANT A RESPONCE.  
Chuck

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Share your special moments by uploading 500 photos per month to Windows Live Spaces  
<http://clk.atdmt.com/MSN/go/msnnkwsp0070000001msn/direct/01/?href=http://www.get.live.com/spaces/features>

ATV  
59

October 6, 2006

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

Regarding: ANPR for ATV's

Dear Secretary Stevenson:

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

1. We very much regret CPSC's decision to introduce a third youth model ATV. The use by children of a vehicle that is larger, heavier and faster than what is currently defined as an "adult size" ATV will be a **HUGE** step backwards and put our children at even greater risk of death and injury.
2. Require Roll Over Protection Systems to prevent the crushing injuries that kill so many children in ATV accidents. Roll Over Protection Systems should be required on all ATV's manufactured for use by children.
3. Require mandatory disclosures 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 discloser requirement.

Please reconsider your position on changing the definition of an adult size ATV when nothing has been done to address the current problem. Also, when making public service announcements do so **NATIONALLY** and with **EMPHASIS** on the extreme danger to children under age of 16 riding adult size ATV's.

We urge the commission to do what is **RIGHT**, not what is **EASY**!

Respectfully,  
Concerned Families for ATV Safety

[www.atvsafetynet.org](http://www.atvsafetynet.org)

Carolyn Anderson

Sue DeLoretto-Rabe

Carol Ellert-Keezer

ATV 60

**Stevenson, Todd A.**

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**From:** Ferris Daniel E Maj 49 FW/XP [Daniel.Ferris@holloman.af.mil]  
**Sent:** Wednesday, October 11, 2006 12:24 AM  
**To:** Stevenson, Todd A.  
**Subject:** ATV ANPR

Dear Lawmaker,

I whole heartedly believe a rewrite for the existing CPSC restrictive age guidelines needs to redone. These laws were made at a time when the nation was very "sue happy" and recovering from very accident prone 3-wheelers. The decisions to make the guidelines may have been an overreaction from these events. The guidelines are too restrictive and impractical.

I personally have been riding for 28 years on motocross bikes, cafe racers, street bikes and ATVs with several government approved courses and required military training and find it very restrictive for my kids and family. We have six ATVs in my house with three girls 11 and under that ride and have had their own ATVs since age 4 with the pull-string kill switch. I'm not a careless parent that hap hazardly lets my kids "get on and go" like I've seen with other parents, but actually teach them the basics and then advanced riding skills so they don't kill themselves and are safe, but the restrictions imposed by the engine size in CCs to age is a mismatch. If my girls 10 & 11 were to ride the 50 they originally started on, it would truly be a safety hazard since their knees would be at their chest and hamper the steering along with making it an uncomfortable ride. This is true of many folks that follow the engine size to age guidelines and kills the sport. Even on bicycles there is a correct seating height and posture to prevent injuries and maximize body performance, which is clearly not followed with CC/age guidelines, truly the engine size is too small for kids today.

The average American male used to be 5' 8" and 180 pounds, now its 5' 9" and 185-190 pounds, this clearly shows a need for change. My older kids ride 90cc engines with a throttle limiter and is a perfect fit for my 10 year old and almost outgrown for my 11 year old just by sheer size of the kid's body. I agree with "children under the age of 16 can ride and be trained on ATV's which are more likely to fit them physically, and which conform to their developmental capabilities."

The other restriction of not having headlights is ludicrous. It just forces the owner to put a bicycle light on instead, which is inferior to a factory headlight. How often do you ride at night, hardly ever. Most people don't plan on riding at night, but when you get caught out after dark trying to get back home it becomes extremely hazardous when there is no headlight. It's a safety hazard. I also agree with the proposed rules recommend that all ATV buyers be given free safety training and information so if their parents don't give them training, somebody else will. I also agree smaller machines for use by riders under 16 should have automatic transmissions, headlights, taillights and speed limiters. ATV's for children ages 6-11 would have speed limits of 10 mph, while machines for children 12-15 would be limited to 15 mph.

10/11/2006

Any body can be a parent, most are **good parents** and will continue to teach their kids more than just a basic ATV safety course and prevent accidents.

Cheers,  
Dan Ferris  
ATV Rider and Parent

Stevenson, Todd A.

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61  
ATV

From: Valerie Smith [vsmith4566@mindspring.com]  
Sent: Wednesday, October 11, 2006 10:01 AM  
To: Stevenson, Todd A.  
Subject: Proposed rules ATV use

I've just come across a link to your September 21st Release #06-265.

I live next to an "ATV Park" and witness all kinds of stupid behavior there, particularly by parents of young children. ATVs are incredibly destructive to the environment--even moreso than dirt bikes--and I hate seeing, hearing and smelling what they have done here. More than that, for some reason seem to specially attract irresponsible users, maybe because it seems so easy to use them.

I have seen parents drive without helmets with kids in front of them on their laps, and hanging on behind on non-passenger atvs. I have seen them do repeated wheelies and side-wheelies in front of staring kids, again without any protective equipment. I've even seen them do wheelies with kid passengers! I've also often seen them riding "with" their kids--a "great family sport"--with the little guys trailing behind in daddy's dust. Daddy sometimes doesn't know the kid is stuck until way on down the road. I've seen kids who can barely walk set onto ATVs and forced to ride.

The rules you propose seem like a bare minimum common sense starting point to me. I was surprised to find this document on an ATV discussion board, with lots of horrified comments on it about how anti-ATV it is.

Please continue the good fight.

Sincerely,

Valerie Smith

## American Academy of Pediatrics

DEDICATED TO THE HEALTH OF ALL CHILDREN™



AN  
62

## AAP Headquarters

141 Northwest Point Blvd  
Elk Grove Village, IL 60007-1098  
Phone: 847/434-4000  
Fax: 847/434-8000  
E-mail: kidsdocs@aap.org  
www.aap.org

## Reply to

Department of Federal Affairs  
Homer Building, Suite 400 N  
601 13th St NW  
Washington, DC 20005  
Phone: 202/347-8600  
Fax: 202/393-6137  
E-mail: kids1st@aap.org

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Immediate Past President

October 18, 2006

The Honorable Nancy Nord

Acting Chair

U.S. Consumer Product Safety Commission

Washington, D.C. 20207-0001

Dear Chairwoman Nord:

The American Academy of Pediatrics (AAP), a non-profit professional organization of 60,000 primary care pediatricians, pediatric medical sub-specialists, and pediatric surgical specialists dedicated to the health, safety, and wellbeing of infants, children, adolescents, and young adults, would like to express our profound disappointment with the proposed rule for Standards for All Terrain Vehicles and Ban of Three-Wheeled All Terrain Vehicles, as noticed in the *Federal Register* on August 10, 2006.

For over twenty years, the AAP has engaged the Consumer Product Safety Commission (CPSC) in a dialogue regarding the serious danger to children posed by all terrain vehicles (ATVs). Based on the sustained high numbers of devastating and often life-altering injuries caused by ATVs, the AAP has urged the CPSC to take aggressive measures on ATV regulation. Over that time, the CPSC has taken a series of incremental and largely ineffective steps in an attempt to stem the rising tide of deaths and injuries among children due to ATV incidents. With the exception of the negotiated 1988 phase-out of three-wheeled ATVs, few, if any, of the agency's measures have approached the strong, common-sense initiatives recommended repeatedly by the AAP. Since 1993, ATV deaths and injuries among children have risen steadily. Today, they equal or exceed the record numbers recorded in the mid-1980s, which initially spurred the CPSC into action.

In June 2005, then-CPSC Chairman Hal Stratton instructed the CPSC staff to prepare a comprehensive analysis of the options available for regulating ATVs in order to improve childhood safety. The AAP submitted recommendations once again, which included:

- A ban on children under the age of 16 operating ATVs
- Requiring the use of protective gear to operate an ATV
- Requiring manufacturers to redesign ATVs to improve safety, such as through the addition of seat belts and roll bars

One year later, the CPSC staff produced a briefing package that fell far short of the comprehensive analysis expected. Instead of examining the full range of options available to the agency, the briefing package reviewed only a subset of issues and recommended measures that will have no impact on ATV death or injury rates. The CPSC's examination of the issue focused on minor and tangential issues, ignoring the major causes of ATV death and injury among children. For example:

- The briefing package recommended a ban on three-wheeled ATVs. These vehicles have not been in major production since the 1980s and are currently responsible for only a tiny percentage of injuries.
- The briefing package advised codifying the existing weak regulations on ATVs that were part of the Voluntary Action Plans, representing no change to the current regulatory environment.
- The briefing package recommended applying those weak standards to new models being imported into the U.S., which currently represent a miniscule proportion of sales and likely a proportionate number of injuries.
- The briefing package promoted the establishment of an ATV safety education campaign and website, despite the proven ineffectiveness of current safety materials and labels.

Once again, not one of the AAP's recommendations was considered seriously. This persistent, willful disregard for measures that are based on scientific evidence is inexplicable. Twenty years of data now demonstrate that the incremental efforts that the CPSC has undertaken have been wholly ineffective in slowing, much less reversing, the rising numbers of ATV deaths and injuries among children. There is no reason to believe that these new steps will produce any different result.

With the institution of these new measures, our nation can expect over 125 children to die and over 38,000 to be treated in the emergency room again next year due to ATV-related incidents. The American Academy of Pediatrics considers this to be an entirely unsatisfactory and unacceptable outcome. We urge you to revisit the entire ATV standard-setting process and engage in an open, vigorous dialogue about meaningful measures to reduce or eliminate ATV death and injuries among our nation's children.

Sincerely,



Jay E. Berkelhamer, MD, FAAP  
President

JB:cp

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<sup>1</sup> Consumer Product Safety Commission, *2004 Annual Report of ATV Deaths and Injuries*, September 2005, Tables 3 and 5.

Stevenson, Todd A.

XV 63

From: jean public [jeanpublic@yahoo.com]  
Sent: Friday, October 20, 2006 9:20 AM  
To: Leland, Elizabeth W.; Stevenson, Todd A.; foe@foe.org  
Subject: public comment on federal register of 10/20/06 vol 71 #203 pg 61923

barb

Middle Initial  
Last Name sachau  
Category  
Mailing Address 15 elm st  
Mailing Address 2  
City florham park  
Country United States  
State or Province NJ  
Postal Code 07932  
Email Address jeanpublic@yahoo.com  
Phone Number 973-377-9433  
Fax Number  
Organization Name b sachau  
Submitter's Representative b sachau  
Government Agency Type Federal  
Government Agency CPSC

Comments

public comment on federal register of 10/20/06 vol 71 #203 pg 61923 16 cfr part 1307, 1410, 1500,

1515 atv's are a real danger to the ecology of our country if driven on woodlands and open space areas.

they should not be driven in the woods at all since they frighten animals and birds and drive them out of any habitat that they have secured for themselves.

since animals and birds only are allowed about 2% of all available habitat in the us it is clear that they should have peace in those areas instead of the noise, danger and

pollution of atv's. atv's are a menace to quality of life and are absolutely disgusting. the mindless jerks who need gasoline to get them around instead of the legs God gave them

should not be catered to since they destroy the peace and quality of life and dirty the air of everybody else. people were born with legs, not motors and with america's current

crisis of obesity, it is clear they should use them. i cite pollution - air, water, soil pollution from the dirty engines that the profiteer manufacturers are being allowed to

manufacture. why all of us dont get after these profiteer manufacturers and DEMAND that they clean up their pollution is beyond me. i dont think any atv should be allowed to be

manufactured with the dirty pollution that they have. secondly danger, it is clear kids and adults are driving into trees into lines strung across roads, and generally operating

these machines in an extremely dangerous manner. i do not think they should be sold until they are made safer. such is not the case right now.

thirdly noise. i think that the noise from these machines harms quality of life for everybody else in this nation, except for the few who need to ride these awful machines.

we must insist that these machines not be manufactured until they are made quiet. yes, quiet.

not quieter, but quiet. fourth education - it is clear we have maniacal jerks riding these machines. no person should ever be allowed to buy or operate any atv without a

week's education on the machines. how to keep them mechanically safe, how to operate them safely, where to operate them so they dont drive everybody else crazy with the noise,

danger and pollution, etc. a week's worth of education should and must be required before anybody can put their body on one of these infernal machines. i do not think these

machines are in any way an asset to america. they are in fact detrimental in every sense of the word. they should be banned totally. profiteers are driving us all into dirty air,

dirty water, dirty soil, infernal noise and danger from being hit by one of these machines. they should be totally banned.

one also has to wonder why "regulations" website posted this as if it was a regular automatic sending to the agency, when at the very end it tells us we have to send our information via e mail. strange system and process.

b.sachau

15 elm st  
florham park nj 07932

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AN 64

**Stevenson, Todd A.**

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**From:** Tom Vitaglione [Tom@ncchild.org]  
**Sent:** Monday, October 23, 2006 2:11 PM  
**To:** Stevenson, Todd A.  
**Subject:** Comments on Proposed ATV Safety Rules

October 23, 2006

Secretary Todd A. Stevenson  
U.S. Consumer Product Safety Commission  
Washington, DC 20207-0001

Regarding: Comments on Proposed Rules

Dear Secretary Stevenson:

The North Carolina Child Fatality Task Force welcomes the opportunity to comment on the proposed rules recently promulgated by the Consumer Product Safety Commission regarding all-terrain vehicle safety.

The Task Force, a legislative study commission charged with making recommendations to prevent child deaths, has been very involved with all-terrain vehicle safety in our state, and we submitted recommendations to you last year at the beginning of your rulemaking process.

We are pleased that most of our recommendations are included in the proposed rules, though there is one critical omission: the minimum age for operating an ATV is not addressed.

The proposed rules calling for three models of youth size ATVs (instead of the current two) and setting speed limitations should certainly be helpful. It would probably take years, however, for the industry to re-tool their manufacturing specifications. And it will be decades before the current youth models will disappear. In the interim, industry advertising campaigns will almost certainly stress the "exciting fun" of these machines, and our youngest children will continue to die on them.

Therefore, the Task Force wishes to reiterate its recommendation that children under age 12 should be prohibited from operating an ATV. In 2005 in North Carolina, there was a significant ATV safety awareness campaign that culminated in legislation. Perhaps due to this campaign, ATV-related deaths in children less than age 16 dropped to seven in 2005. This was a decrease from 11 in 2004, and the first time in recent memory that a decrease in such deaths was experienced. The unsettling news is that five of the seven deaths were to children less than age 12.

We are also mindful of the study report you released in July 2004 on *Developmental Characteristics as Related to All-Terrain Vehicles*. That study suggested that children ages 8-11 do not yet possess all the developmental skills necessary to operate an ATV safely. Based on this and other studies, as well as our own ATV-related death data, the Task Force requests that CPSC prohibit the operation of ATVs by children under the age of 12.

Sincerely,

Tom Vitaglione

Co-Chair

AM 65

**Stevenson, Todd A.**

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**From:** Whitney, Carla [cwhitney@state.pa.us]  
**Sent:** Tuesday, October 24, 2006 2:12 PM  
**To:** Stevenson, Todd A.  
**Subject:** ATV training

I just finished reading an email regarding safety changes and educational courses for ATV owners. I feel it is a great idea. A program like or similar to the hunter safety courses that Pennsylvania has is needed. A program that riders and drivers should be required to attend should be mandatory.

Keep up the good work!

C. Whitney

ATV NPR  
66

**Stevenson, Todd A.**

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**From:** Leland, Elizabeth W.  
**Sent:** Tuesday, October 24, 2006 9:08 AM  
**To:** Stevenson, Todd A.  
**Subject:** FW: ATV ANPR

Todd,  
An NPR comment.  
Elizabeth

---

**From:** KEN BARNES [mailto:packagingman@verizon.net]  
**Sent:** Friday, October 20, 2006 8:31 PM  
**To:** Leland, Elizabeth W.  
**Subject:** ATV ANPR

Dear Elizabeth,

My name is Ken Barnes and I have just learned this minuet that your group is seeking impute on children's ATV use. The answer to the problem is obvious **children should not ride ATV's their dangerous**. I think we can logically agree that children should never ride ATV's run with scissors, play sports or cross streets for that matter Its all dangerous.

But maybe if we allow their parents to hold their hands when crossing the street or supervise them on a sports field and demonstrate the safe use of scissors we can reasonably expect our children to survive ridding ATV's as well.

Elizabeth placing 10 & 15 MPH restrictions on children ATV's is no better than forcing schools to use dull plastic scissors. I don't know where you live or ride but vary few places our children ride are completely flat. Momentum is crucial for small low powered machines to transverse even the smallest of inclines. Rolling backwards down a hill on a stalled four-wheeler is something I wouldn't want my children to experience. My wife and I have three children and we all ride safely and frequently. So far the only injuries have been from organized basket-ball games at school. Somehow I don't think setting a speed limit on the kids running or dribbling would have made any difference.

Good luck with your crusade and I am sorry if any ATV tragedy has befalling you or yours. As for me and the rest of society leave us alone to supervise our own activities. Should you need a hobby I hear knitting is safe just don't poke yourself in the eye.

Respectfully submitted

Ken Barnes  
Ph. 217-648-5522  
Fax 217-648-5533

*ATV comment*

*67*

**Hammond, Rocky**

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**From:** EdWaldheim@aol.com  
**Sent:** Monday, October 30, 2006 1:45 AM  
**To:** [REDACTED]  
**Subject:** Three Wheelers

Hi, I just got your CPSC release with a dead line of 10/24.

Only one comment, that is if you are going to ban 3 wheelers, you need to do something to purchase these vehicles from folks. It is the minorities that own these now, bought them used and are the only thing they can afford. Banning them would create an incredible hardship on a segment of our society. That is not right.

Thanks.

Ed Waldheim  
California Off Road Vehicle Association  
President.

Kosh, Martha A.

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From: Stevenson, Todd A.  
Sent: Tuesday, October 31, 2006 10:14 AM  
To: Kosh, Martha A. [REDACTED]  
Subject: Fw: ATV Safty

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

From: Wayne Berg <wayne@corva.org>  
To: Stevenson, Todd A.  
Sent: Sat Oct 28 17:33:12 2006  
Subject: ATV Safty

I Oppose banning 3 wheelers, of which I am the owner of 5. I have been riding 3 wheelers since 1989 on an ATC110, I now have a family and all my children ride. We have never had any accidents that even required a doctors visit, because the proper safty gear and proper supervision has been the rule. Banning riding on 3 wheels is the WRONG! The same things will happen with a quad as a 3 wheeler. In 24 years if riding with a medium sized family club (with as many as 40+ children on the rides) there was only 1 time anyone needed to go to the hospital that was riding on a 3 wheeler, there have been 7 times for motorcycles of which comprised of about 25% of the riders.

Limiting the engine size is also a incorrect method of regulation! It should be overall weight of the vehicle VS the rider and speed. it would not be hard to create a speed limiter that could be installed on new bikes and offered as a after-market add on to existing bikes.

Sincerly  
Wayne Berg

Member of :  
American Buggy Association (webmaster, Treasurer) California Off Road Vehicle Association  
(webmaster) American Sand Association N2Dirt

Kosh, Martha A.

---

From: Stevenson, Todd A.  
Sent: Tuesday, October 31, 2006 10:15 AM  
To: Kosh, Martha A.; [REDACTED]  
Subject: Fw: ATV Ban

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

From: carol ganiere <ganiere5@msn.com>  
To: Stevenson, Todd A.  
Sent: Fri Oct 27 22:47:49 2006  
Subject: ATV Ban

I am the widow of Ken Ganiere who died in the Oregon Dunes at Horsfall in July of 2003. Ken left behind not only myself his family and friends he also left behind 3 children who at the time were 16, 14, and 10. Ken had all the right gear on when he had his accident, it was just a freak thing that happened. I am writing to tell you that my family continues to ride and enjoy their 4-wheelers, even after the death of Ken. Accidents happen no matter where you are or what you are doing. If god has decided that it is your time well then you can not control that. Please continue to let our family and others enjoy riding the dunes on our atv's. Also in case anyone is wondering Ken was not drinking nor was the young man who he crashed with. Always wear the right gear, always have your flag on, use a spotter when needed, and don't ride under the influence, and have fun.

Thank you for the chance to voice my opinion.  
Carol L. Ganiere-White  
Moses Lake, Washington  
cganiere@msld.wednet.edu

Kosh, Martha A.

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70

From: Stevenson, Todd A.  
Sent: Wednesday, November 01, 2006 11:40 PM  
To: Kosh, Martha A.; [REDACTED]  
Subject: Fw:

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

From: Corey Golas <pgc711@msn.com>  
To: Stevenson, Todd A.  
Sent: Wed Nov 01 18:09:18 2006

i don't believe these are fair limitations to those of us in the atv community. I agree with having training etc. but i think that a persons ability to ride a machine should have more to do with what they should and shouldn't ride than their age. I for one was able to ride a yamaha blaster quite well at the age of 12 , actually better than most adults will ever be able to. I believe that the limitations should be set by the ability of the rider during his or her training and that it should be obvious that nobodies parents would willingly endange their child by putting them on a machine that they cannot on handle

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**Kosh, Martha A.**

**From:** Stevenson, Todd A.  
**Sent:** Monday, November 06, 2006 10:59 AM  
**To:** Kosh, Martha A.; [REDACTED]  
**Subject:** FW: Todd Stevenson & ATVs

**From:** Information Center  
**Sent:** Mon 11/6/2006 10:14 AM  
**To:** 'Dotty Hayes'  
**Cc:** Stevenson, Todd A.  
**Subject:** RE: Todd Stevenson & ATVs

Hello,

We have forwarded your inquiry to Mr. Stevenson.  
Thank You

jik

**From:** Dotty Hayes [mailto:jimboh@okeechobee.com]  
**Sent:** Friday, November 03, 2006 11:00 PM  
**To:** Information Center  
**Subject:** Todd Stevenson & ATVs

There was an article in the Okeechobee News today about ATVs. At the end of the article, it said they were looking for Public Comments and to contact Todd Stevenson at cpsc.gov. However, we cannot find Todd's email address on the website nor how to contact him. Therefore, we are sending our comments through this address.

Mr. Stevenson,

All excuses in the world will not change the deaths caused by 3 and 4-wheelers. We think that no one under the age of 16 should ever operate these machines and if people cared, they would make laws to stop this action now. And parks should be created for them to ride the 4-wheelers BUT with supervision. We will vote against any one who supports otherwise. The ATVs should not be operated in housing areas, or county or state roads – only in authorized areas. We are glad to see Okeechobee County make it against the law to ride them on the roads and hope the law is enforced.

Jimmy & Dotty Hayes  
Okeechobee, FL

72

**Kosh, Martha A.**

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**From:** Stevenson, Todd A.  
**Sent:** Monday, November 06, 2006 11:02 AM  
**To:** Kosh, Martha A. [REDACTED]  
**Subject:** FW: ATV ANPR

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**From:** Michelle and Michael Best dba Best K-9 [mailto:wdogs@prodigy.net]  
**Sent:** Sun 11/5/2006 9:10 PM  
**To:** Stevenson, Todd A.  
**Subject:** ATV ANPR

To Whom it may concern: I agree with the recommendations of the Consumer Product Safety Commission. I would like to see the ATV regulations modified to allow children to ride and train on the ATV that fits them. I would also like to see the other new recommendations approved. Thank you. Mike Best, 5124 West Deer Meadow Ln., Joplin, Missouri 64801



CPSC / OFC OF THE SECRETARY  
FREEDOM OF INFORMATION

2006 NOV 22 A 10:18

rights. riding. racing.

AmericanMotorcyclistAssociation

November 13, 2006

Office of the Secretary  
Consumer Product Safety Commission  
4330 East West Highway  
Bethesda, MD 20814-4408

RE: ATV NPR

Dear Secretary Stevenson:

The American Motorcyclist Association (AMA) is a not-for-profit organization, founded in 1924 and incorporated in Ohio. In partnership with our sister organization, the All-Terrain Vehicle Association (ATVA), we represent nearly 280,000 all-terrain vehicle (ATV) and motorcycle enthusiasts nationwide. Our members are interested in any action that may affect their enjoyment of motorcycle or ATV recreation.

Thank you for this opportunity to present the enthusiasts' perspective on ATV safety and the notice of proposed rulemaking. The AMA/ATVA appreciates that the Commission has extended the comment period for this rulemaking. It is an important undertaking and we believe that the extension will allow more enthusiasts to comment on the proposed rule. We would encourage the CPSC to continue to reach out to the riding community as it considers this matter.

*Adoption of Performance-based ATV-safety Standards*

Previously, we expressed our opposition to the Consumer Federation of America petition because we believed that it would have denied consumer discretion in ATV choice. We believed that the then-proposed prohibition would have amounted to a *de facto* regulation of use and would not have been an appropriate action for the Commission. Nor did we believe that such an action could be fairly and effectively enforced.

However, we do believe that it's appropriate for the CPSC to adopt performance based ATV safety standards. Although most ATVs sold in the United States are largely in compliance with the proposed standards through voluntary compliance with the American National Standards Institute (ANSI) standards, we believe that the adoption of mandatory standards is necessary to protect consumers by requiring new entrants into the U.S. ATV market to comply with safety standards.

The price and nontraditional marketing strategies of the new entrant machines may make them particularly attractive to consumers with no prior experience with motorized recreation. It is likely that these consumers are not fully competent to assess the safety features of the machines that they are buying. Mandated standards would ensure that consumers, especially entry-level consumers, have access to mechanically safe machines.

#### *Youth ATV Lighting Standards*

We believe that the rule should allow for some forward-facing lighting on youth model ATVs. These vehicles are often operated in reduced visibility situations other than night-time operation. Under normal recreational use dust, dense vegetation and forest canopy cover can decrease visibility making it difficult for others to see an oncoming machine, especially a youth model machine that is relatively small and close to the ground.

Forward-facing headlamps offer increased conspicuity for ATVs. But recognizing the Commission's concerns about the misuse of youth model ATVs, we recommend that the rule allow for forward facing daytime running lights on youth model ATVs.

#### *Youth ATV Transmission Standards*

The proposed rule would require that all youth model ATVs be equipped with automatic transmissions. While this requirement would not represent a significant change for most of the smallest machines currently available (likely "Junior" ATVs), we feel that this requirement would result in significant and unnecessary changes for the majority of youth model machines.

In racing events organized under AMA/ATVA sanction, young riders have repeatedly demonstrated the ability to manually shift gears while safely operating an ATV. One of our most popular youth classes makes use of small motorcycle engines in custom ATV frames. Riders as young as 7 participate in this class and must manually shift gears. We also sanction a variety of youth motorcycle classes in which riders less than 16 years old manually change gears.

Furthermore, the CPSC's "Age Determination Guidelines" indicate that gear shifting should be acceptable for riders who are at least 9 years old. By that logic "Pre-teen" and "Teen" machines should not be restricted to automatic transmissions.

We are not opposed to the automatic requirement for "Junior" machines but we do oppose this requirement for the "Pre-teen" and "Teen" category machines. If the CPSC feels strongly that the operation of "Pre-teen" machines needs to be simplified, we recommend that the CPSC consider "auto-clutch" technology.

Auto-clutch "Pre-teen" machines would allow riders to transition from automatic "Junior" machines to manual-shift "Teen" machines. Manual-shift "Teen" machines will also provide riders with gear shifting experience before they transition to unlimited speed "Adult" machines.

### *ATV Safety Training*

The AMA/ATVA believes that the best approach to the long-term reduction in ATV-related injuries and fatalities is through enhanced rider education. We support the provisions of the proposed rule that would require manufacturers to provide to purchasers a training course for the purchaser and each member of the purchaser's immediate family who meets the minimum age recommendation for the ATV that is being purchased. However, we are concerned that the proposed rule could stifle youth safety training in the same way as the over-reliance on consent decree guidelines has done.

As stated in previous comments to the CPSC, we do value the age guidelines developed by the CPSC in cooperation with the manufacturers of ATVs through the consent decree. However, our members report that the consent decree guidelines are not appropriate in every situation. And some state ATV safety programs are recognizing that it is more important for youngsters to be properly "sized" for a vehicle than it is to follow the age/displacement guidelines in every case.

Although the consent decree provides reasonable guidance, especially for families new to motorized recreation, the guidelines should remain guidelines – not rules. Unfortunately, many states and some rider-training programs have adopted the consent decree guidelines as *rules*. Thus, they do not allow youngsters to attend safety training on certain ATVs, whether properly sized or not.

The proposed rule will lead to a wider range of youth model ATVs, thus allowing more youngsters to receive training. But invariably some young riders will fall through the cracks if the determination of whether a youngster receives training is based solely on the "Intended Age" of a youth model ATV.

We recommend that any immediate family member who meets acceptable size-fit criteria for a purchased youth model ATV should be eligible to receive training. Specifically, we recommend the adoption of the following size-fit criteria for determining the training eligibility of young ATV operators:

- While standing with the feet on the foot rests, the operator should be able to straddle the machine with a slight bend in the knees and at least three inches of clearance between the rider's inseam and the top of the seat.
- When seated, and without leaning forward, the operator should be able to grasp the handlebar with a slight bend in the elbows. The operator should

be able to maintain grip and control on both ends of the handlebar throughout the entire range of its movement.

- The operator's fingers must reach all control levers.

#### *Small ATV Manufacturers and Rider-training*

The AMA/ATVA supports rider training and we largely support, notwithstanding the above comments, the training requirements outlined in the proposed rule. However, the training requirements mirror those already established by the largest and most financially capable manufacturers. The proposed rule would leave manufacturers that do not yet have a rider-training program only two options: create a program from scratch or buy into an existing program. Either option will represent a significant new expense, especially in the first few years.

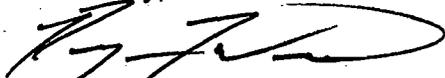
We believe that it is incumbent on the Commission to ensure that the rider-training requirements of the proposed rule won't present an insurmountable obstacle to responsible small manufacturers. We have been told by representatives of these companies that they cannot afford to create unique training programs or buy into existing programs such as those offered by the ATV Safety Institute (ASI).

The AMA/ATVA doesn't have the financial expertise or the access necessary to determine how burdensome the proposed rider-training requirement will be to these companies. However, we do know that some of these small companies do provide quality products and have demonstrated good corporate citizenship. We do not want to lose responsible, albeit small, manufacturers as a result of the proposed rule.

#### *Custom Competition ATV Manufacturers*

Some of the smallest manufacturers build small quantities of vehicles designed specifically for racing. For example, a manufacturer may build a custom chassis mated with a motorcycle engine exclusively for dirt-track racing. The expense, specialized design and maintenance requirements of these machines results in only small quantities being sold to experienced competitors. For this reason we believe that it is appropriate to exempt the sale of custom competition machines from the requirement to provide training.

Sincerely,



Royce L. Wood  
American Motorcyclist Association

  
Doug Morris  
All-Terrain Vehicle Association

74

**Stevenson, Todd A.**

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**From:** RobinAlex [RobinAlex@starband.net]  
**Sent:** Sunday, November 19, 2006 12:17 PM  
**To:** Stevenson, Todd A.  
**Subject:** ATV NPR

We applaud your efforts! Well done!

However, there are a couple of points we would like to make;

1. 2" suspension is not enough. Junior ATVs should have at least 3"-4" suspension  
Pre-teen ATVs should have 4" to 6" suspension  
Teen ATVs should have at least 6" suspension

Good suspension keeps kids from getting bounced off the machine when hitting a bump.

2" suspension means very stiff springs to keep from bottoming out. Not good.

2. Junior ATV needs 2 speed limiter, 5 mph and 10 mph.
3. Pre-teen ATV needs 3 speed limiter 7mph, 15mph and 25 mph
4. Teen ATV needs lights.

5. automatic clutch and manual shift should be allowed on Teen atv with removable shifter lock out which makes 4th and 5th gears available only after dealer removes individual shifter lock outs. (instead of speed limiter).

6 Teen models should be small adult models currently available with different electronics so the model can be converted to adult when teen reaches 16 instead of having to buy a new ATV. OR

5. 3 speed limiters on Teen ATVs 15mph, 30mph, and unrestricted or 40mph.

Kids grow up. These teen models should not be planned as obsolete after 3 years, but should be convertible for adult use and resale. The additional cost is a burden on the consumer.

Thanks for listening,,,,,Alex Ocheltree Gila Rough Riders,,,,505-535-2825  
P.O. Box 202, Gila, N.M. 88038 [WWW.GilaRoughRiders.org](http://WWW.GilaRoughRiders.org)

**Stevenson, Todd A.**

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**From:** RobinAlex [RobinAlex@starband.net]  
**Sent:** Sunday, November 19, 2006 12:17 AM  
**To:** Stevenson, Todd A.  
**Subject:** CPSC rule critique

The new rule is great, but two items jumped out at me:

1. Teen model needs 3 top speeds, instead of two. 15 mph for learning, 30 mph intermediate, and unrestricted, or 40. Kids grow up. Teen youth model is obsolete in three years unless it has a normal adult speed.

Consumer shouldn't have to trade in ATV when model is size-appropriate for adult use.

2. 2" is Not enough suspension travel. Teen models should have at least 6" travel, pre-teen models should have at least 4" suspension, (the Polaris 90's currently have 4" and 5", everybody else has just 2"), and junior models should have at least 3" suspension. Good suspension keeps kids from getting bounced off when they hit a bump. Short suspension travel means stiff springs, not suited for off road.

Thanks for listening,,,Alex Ocheltree, Trail Boss, Gila Rough Riders  
505-535-2825 [www.gilaroughriders.org](http://www.gilaroughriders.org) P.O. Box 202, Gila, N.M. 88038

**Stevenson, Todd A.**

---

**From:** RobinAlex [RobinAlex@starband.net]  
**Sent:** Sunday, November 19, 2006 1:11 AM  
**To:** Stevenson, Todd A.  
**Subject:** CPSC ATV TEEN

Couple of more items

1. Teen quad should be able to have automatic clutch with manual gearshift with mechanical plate on gear selector which restricts beginners to First, second, third gear. Dealer changes plate to allow 4th gear, later 5th.
2. Allow headlights on teen quads.

Thanks for listening,,,Alex Ocheltree Gila Rough Riders,,,P.O. Box 202, Gila, N.M. 88038  
ph. 505-535-2825

3. Keep working on weight issues. ATV to Rider weight ratio not to exceed 5 to 1, target is 4 to 1. junior ATV under 200 lbs. pre-teen ATV under 300lbs, Teen quad under 400 lbs.

**Stevenson, Todd A.**

---

**From:** RobinAlex [RobinAlex@starband.net]  
**Sent:** Saturday, November 18, 2006 8:00 PM  
**To:** Stevenson, Todd A.  
**Subject:** [Possibly SPAM (k): ] - ATV CPSC RULES - Found word(s) check out in the Text body

Director Hal Stratton and staff,

I applaud and salute the depth of understanding the CPSC has shown in your new ATV rules. You got it. Thank you, Alex Ochetree,

"Trail Boss" Gila Rough Riders

OHV youth group, Gila, New Mexico 88038

check out our website, and what we were saying about the CPSC and the old rules. We will change the website by the time the new rules are in place.

[www.gilaroughriders.org](http://www.gilaroughriders.org)

XTV 75

**Stevenson, Todd A.**

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**From:** john smith [allhitskaraokej@comcast.net]

**Sent:** Friday, November 24, 2006 5:56 PM

**To:** Stevenson, Todd A.

**Subject:** atv anpr

90 cc atvs are to small for some of our 14 and 15 year olds my son is 15 and he is taller than me and i know a 90 is to little for me i would get hurt trying to ride than thing. if the atvs were sized for them and given the safety corsee they be alot safer than on one too small... thank you roger armiger

11/27/2006

*Handwritten:* #107  
76

**Stevenson, Todd A.**

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**From:** Leland, Elizabeth W.  
**Sent:** Monday, November 27, 2006 12:06 PM  
**To:** Stevenson, Todd A.  
**Subject:** FW: ATV ANPR

Todd,  
Although it's not explicitly mentioned in the message, I assume that this should be included with the comments on the NPR.  
Thanks,  
Elizabeth

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**From:** jack carty [mailto:president@kokomoquadders.com]  
**Sent:** Friday, November 24, 2006 9:13 AM  
**To:** Leland, Elizabeth W.  
**Subject:** ATV ANPR

I would just like to add my 2 scents.....If there were some way to do an enforcement study on the regulations that are already in place with an adult or a more skilled rider present, versus ATV related injuries/deaths, I would almost bet we would see a change in the trend that always seems to bring more regulations without enforcement of the current regulations. For example, my personal experience, I was riding with a group during a "club ride" at a popular OHV park and two riders in our group ended up with flat tires from broken beer bottles. So in closing, I must reiterate.....enforcement is the key, not more regulation.

ATV 77

**Stevenson, Todd A.**

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**From:** Raymond Rafferty [rrafferty@law.villanova.edu]  
**Sent:** Monday, November 27, 2006 8:01 PM  
**To:** Stevenson, Todd A.  
**Subject:** Public Comment on "ATV-NPR"

Please find attached my comments on the Commission's proposed regulation of ATVs published in the Federal Register on August 10, 2006. While I realize the deadline for comments has passed, I respectfully ask the Commission to please read and consider my thoughts. Thank you.

Sincerely,  
Ray Rafferty

**U.S. Consumer and Product Safety Commission**

**Public Comment on "ATV NPR"**

**CPSC-2006-0043-0001**

Comments Submitted By: Mr. Raymond R. Rafferty III  
J.D. Candidate 2007  
Villanova University School of Law  
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Comments Submitted: VIA Electronic Mail

Comments Submitted to: Mr. Todd A. Stevenson  
Office of the Secretary  
U.S. Consumer and Product Safety Commission  
4330 East West Highway  
Bethesda, MD 20814

Date: November 28, 2006

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**I. Introduction**

I am commenting on the Consumer and Product Safety Commission's ("Commission") public notice requesting comments on the All Terrain Vehicle ("ATV") proposed rule published in the Federal Register on August 10, 2006. The proposed rule seeks to establish standards for the mechanical operation of ATVs, safety disclosure and labeling requirements and also proposes the outright ban of three-wheeled ATVs.

I thank the Commission for the opportunity to comment on the proposed rule and I respectfully submit the following thoughts. Generally, I am in strong support of the proposed legislation because it aims to protect the safety of the American public from the risks associated with a dangerous consumer product. I further support the initiative to provide the American public with sufficient and accurate information to promote educated and informed decision-making.

To facilitate the Commission's consideration of this comment, I will provide a brief account of my background, summarize the events leading to the proposed regulation, make recommendations regarding the proposed regulation and then provide a brief conclusion.

## **II. Commentator's Background**

Currently, I am a third year law student at the Villanova University School of Law located in Villanova, Pennsylvania. In addition to my legal curriculum, I am an Associate Editor for Villanova's *Journal of Catholic Social Thought* and Co-President of Villanova's Corporate Law Society. I am a graduate of Boston College in Chestnut Hill, Massachusetts. After graduating from Boston College and prior to entering law school, I worked as an equity research analyst for a private investment firm in Radnor, Pennsylvania and also dedicated a year of service to working among the poor and needy in Southern California and Mexico.

I write as both a concerned citizen and as an interested law student. As a young adult citizen, I write to express my general concern for the American consumer, and in particular the child consumer, regarding the significant increase in injuries and deaths stemming from ATVs. As a law student, I write with the particular interest in mind of the responsibility of government to promulgate rules that protect and serve the public welfare.

I have read the proposed rule in question and the related public comments. I thank the Commission in advance for reading and considering my thoughts. Further, I ask the Commission to please note that the comments and thoughts contained herein represent my views only and not necessarily the views or positions of the Villanova University School of Law or any other organization of which I am affiliated.

## **III. Background on the Commission and Proposed Rule**

Since its inception in 1972 under the Consumer Product Safety Act, the U.S. Consumer and Product Safety Commission ("CPSC" or "Commission") has been charged with protecting the public from unreasonable risks of serious injury or death associated with consumer products. Over the years, the Commission has been effective in decreasing the cost, injuries and deaths related to hazardous consumer products. Today, the Commission is more important to ensuring the safety of products within the American stream of commerce than ever before. Therefore, it is the goal of the Commission—to protect the American consumer from the unreasonable risk of serious injury and/ or death resulting from dangerous consumer products—that underpins the following comment.

On May 31, 1985, the Commission published an Advanced Notice of Proposed Rulemaking ("ANPR") stating the Commission's safety concerns and outlining options the Commission was considering to address the then risks associated with ATVs. The ANPR never materialized into a final rule but rather terminated in 1991. Instead of continuing the rulemaking process, the Commission pursued legal action under section 12 of the Consumer Product Safety Act ("CPSA"). Thereby, the Commission filed suit against five major distributors of ATVs to declare ATVs an imminently hazardous consumer product. The five distributors named to the suit were American Honda Motor

Company, Inc., American Suzuki Motor Corporation, Polaris Industries, L.P., Yamaha Motor Corporation U.S.A. and Kawasaki Motors Corporation.<sup>1</sup>

The lawsuit was settled by the signing of Consent Decrees (the “Decrees”) filed on April 28, 1988. The Decrees were effective for ten years. The Decrees of 1988 ordered the five major distributors of ATVs to: (1) halt the sale of three-wheeled ATVs; (2) devise a voluntary performance standard; (3) label ATVs with warnings; (4) include safety instructions and illustrations in owner manuals; (5) provide point of purchase safety material such as safety videos and (6) offer rider safety training courses to the purchaser and qualified family members. In addition, the Decrees contained media and marketing provisions to inform the consumer of potential dangers through labeling and disclosure.

Upon the expiration of the Decrees in 1998, the Commission entered into Letters of Undertaking (“LOUs”) with the five major distributors who were parties to the Decrees plus three additional major ATV distributors.<sup>2</sup> By entering into the LOUs, the companies agreed to continue many of the actions the Decrees had required.

#### **IV. The Proposed Rule**

The All Terrain Vehicle Notice of Proposed Rulemaking (“ATV NPR”) includes requirements concerning the mechanical operation of ATVs, requirements for providing safety information about the operation of ATVs and manufacturer requirements for certification, testing and record keeping. Further, the ATV NPR proposes an outright ban on the sale of three-wheeled ATVs. These regulations are to apply to both single and tandem adult and youth ATVs.

In many respects, the ATV NPR builds upon the key regulatory concepts contained in the Decrees of 1988 to which the Commission and aforementioned five major distributors of ATVs were parties to and bound thereby. Over a ten-year period, the Decrees were effective in decreasing the risk of ATVs and the corresponding deaths and injuries. Therefore, I write in support of the general requirements contained within the Decrees. To the extent the final rule will encapsulate and codify the mandates of the Decrees, I further suggest that the language used in the Decrees be modified to strengthen the Commission’s position by taking into account the following recommendations.

##### **A. Formalize the Ban of Three-Wheeled ATVs**

As mentioned, the Decrees declared ATVs an imminently hazardous product and ordered the five major distributors to cease the sale of three-wheeled ATVs. The ATV NPR now proposes to formalize the ban of three-wheeled ATVs.

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<sup>1</sup> See Proposed Regulation of ATVs, 71 Fed. Reg. 45904 (August 10, 2006).

<sup>2</sup> See *Id.* at 45905. The three new parties to the LOUs, in addition to the five major distributors of the Consent Decrees, were Artic Cat, Inc., Bombardier, Inc., and Cannondale Corporation.

In general, I support the Commission's effort to outlaw the sale and use of three-wheeled ATVs. The inclusion of the ban into the final rule makes sense because: (1) due to the ban exercised in the Decrees, three-wheeled ATVs are relatively uncommon today; (2) a study conducted by the Commission demonstrated that three-wheeled ATVs are significantly more likely to cause injury than four-wheeled ATVs and (3) there is a minimal utility differential between the two.

As stated, the Decrees banned the use and sale of three-wheeled ATVs by the five major ATV distributors. As a result, the popularity of three-wheeled ATVs has declined from the enforcement of the Decrees in 1988 to the present. Therefore, the inclusion of the ban on three-wheeled ATVs into the final rule would serve as a formal measure and will not have a significant impact on the ATV market as a whole.

The Commission is correct in its determination that three-wheeled ATVs are a hazardous consumer product that pose a significant risk that cannot be curbed by any other measure besides a ban. In the a research study by the Commission, three-wheeled ATVs proved to be three times more likely to cause injury than four-wheeled ATVs.<sup>3</sup> The significant increase is primarily due to the three-wheeled structure providing less stability and balance than the four-wheeled. In essence, the only way to decrease the risk is to add another wheel. Therefore, the three-wheeled model should be eliminated because the only reasonable way to mitigate the risk of a three-wheeled ATV is to add a fourth wheel.

Finally, the dramatic increase in risk is not offset by a gain in utility. That is, a three-wheeled ATV and a four-wheeled ATV are capable of performing essentially the same functions, yet the three-wheeled ATV is significantly more dangerous. Therefore, the ban on three-wheeled ATVs should be formalized because of an insignificant performance and utility differential but a significant differential in risk.

#### B. Rider Training Courses Should Be Mandatory

The Decrees encouraged ATV purchasers to receive rider training. The language of the Decrees required dealers of ATVs to offer free rider training courses to the purchaser and qualified family members. In many instances, distributors of ATVs did and do continue to offer rebate incentives for purchasers to attend such courses. The ATV NPR builds upon the incentives of the Decrees by once again strongly encouraging riders to receive training. The proposed rule requires dealers to provide purchasers with a certificate for free rider training. In theory, the purchaser will then take it upon himself or herself to exchange the certificate for a free training course.

While I am in favor of mechanisms that encourage safety and provide incentive to attend training courses, encouragement alone is not enough. The Commission should

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<sup>3</sup> See Proposed Regulation of ATVs, 71 Fed. Reg. 45914 (August 10, 2006).

make training courses mandatory for ATV purchasers. Mandatory training is prudent because: (1) the current system as outlined in the Decrees and proposed rule is not working; (2) formal training is the only viable preparation for actual riding and (3) the free training offered is comprehensive and would be effective if used.

Despite incentives and no charge, relatively few ATV purchasers are attending the training sessions. According to the 2004 study conducted by the Specialty Vehicle Institute of America ("SVIA"), only seven percent (7%) of new ATV purchasers actually attend a training course.<sup>4</sup> The statistic is alarming low and it indicates that the current system is not working. Unfortunately, new ATV purchasers view the training courses as recommended or optional but not as necessary. Therefore, the Commission must stress the necessity of rider training by including a requirement in the final rule.

The reluctance of new ATV riders to attend rider training is unfortunate because public comments and internal Commission staff research suggest that a lack of ATV training is a leading cause of ATV related injuries and deaths. The Commission itself has stated that the benefits of formal rider training to new riders could be substantial. In fact, formal training could reduce the number of ATV accidents by inexperienced and untrained riders in half.<sup>5</sup> Therefore, because training will familiarize a rider with common situations he or she will encounter and will instruct a rider on how to navigate such situations, it is logical for such training to be mandatory and not merely encouraged.

Finally, the Commission has put a concerted effort into proscribing the content of the training courses to ensure that they comprehensively cover classroom, field and trail activity. The courses are offered free of monetary charge through the American Safety Institute ("ASI"), the non-profit arm of the SVIA. In essence, the training programs are informative, hands on, and well structured. As such, they would be effective in decreasing ATV accidents if used. Therefore, it seems logical that new ATV purchasers should be required to complete a training course because substantial resources are put into devising the training programs and making them available.

#### C. The Commission Must Finalize the Mandatory Performance Standard

A chief goal of the Decrees was to establish a performance standard for the mechanical operation of ATVs. To accomplish such, the Decrees ordered the five major distributors to work in conjunction with the SVIA to develop the standard.

The Commission must now move forward and finalize a performance standard for ATVs. In my opinion, the "good faith" effort set forth in the Decrees was too low of a threshold requirement. As a result, the process was lengthy and while a standard was ultimately devised and submitted for approval, the Commission is still looking for input from ATV manufacturers to create an improved standard. Therefore, I support the

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<sup>4</sup> See *Id.* at 45909

<sup>5</sup> See *Id.*

proposed rule to the extent that the Commission will develop a mandatory performance standard with the aid of the manufacturers.

Ideally, whatever performance standard is devised and finalized should be monitored and ensured by the Commission. The Commission has been monitoring ATV activity since the inception of ATVs into the market place in the early 1980s. As a result, the Commission has become an expert in the field of ATVs through the gathering of critical ATV data and the researching of ATV operation. Accordingly, the Commission is best suited to develop and enforce a performance standard that will adequately safeguard the American consumer from performance risk.

D. Manufacturer Certification, Testing and Record Keeping Are Valuable Measures

The ATV NPR proposes certification, testing and record keeping requirements for the manufacturers of ATVs. Under the proposed rule, manufacturers will be required to certify that newly produced ATVs meet a mechanical performance standard. In conjunction with this, manufactures will be required to test their ATVs to ensure that they meet the proscribed standard. Further, manufacturers will be required to maintain records of the testing in English for five years.

Generally, the proposed certification, testing and record keeping requirements are a valuable measure. The requirements will ensure a certain level of quality that in and of itself may reduce the number of ATV accidents and the corresponding injuries and deaths. In addition, the requirements will create manufacturer accountability and a tangible paper trail for the Commission to review upon inspection. Therefore, the proposed certification, testing and record keeping requirements make sense because they will help to ensure a level of quality, foster accountability and create a record for review.

Specifically, however, the standard by which the manufacturers will certify is cause for concern. As written, the proposed rule requires the manufacturer to certify on an "objectively reasonable basis" that the product meets the proscribed performance standard.<sup>6</sup> My concern is whether a manufacturer can in fact behave in an objectively reasonable manner regarding a product that the manufacturer itself produced. To safe guard against any inherent bias a manufacturer might have towards its own product, the Commission itself or a designated third party should oversee the inspection activity. In essence, the product either meets the proscribed standard or it does not. It should not be left to the opinion of the manufacturer. Therefore, because inherent bias may creep into a manufacturers ability to objectively certify its product, the Commission should designate itself or a third party representative to ensure that newly manufactured ATVs do indeed meet the required standards.

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<sup>6</sup> See *Id.* at 45912. (Citing C.F.R. § 1410).

E. Engine Size and Speed Restrictions Will Not Solve the Youth ATV Problem

The Decrees attempted to match the size of the rider with the proper size ATV. To achieve this goal, the language of the Decrees required distributors of ATVs to “represent affirmatively” to potential buyers that ATVs with engines of 70-90 Cubic Centimeters were appropriate for ages 12 years and older and that ATVs with engines of greater than 90 Cubic Centimeters were only suitable for ages 16 and older.<sup>7</sup>

The ATV NPR will eliminate references to engine size in determining the appropriate size ATV for the prospective youth rider. Instead, the ATV NPR will focus on speed restrictions as the appropriate control variable for matching ATVs to youth riders. For example, the proposed rule requires that Teen ATVs have a maximum unrestricted speed of 30 mph and speed limiting device that can limit the maximum restricted speed to 15 mph.

I am skeptical that the size requirements and speed restrictions will effectively decrease injuries and deaths to youth riders. Speed restriction may indeed prove to be a more appropriate control variable than engine size. Yet, such restriction devices may be vulnerable to manipulation by youth riders. That is, young riders may alter the restrictor device to make the ATV in effect an unrestricted vehicle. Moreover, youth ATV riders tend to be at greater danger because they lack life experience, rider training and adult strength, coordination and judgment. Therefore, the mere creation of an ATV to suit the size of a child or mere speed limitation will not effectively decrease injuries and deaths to youth riders.

F. The Warning Label Requirements Are a Positive Measure and Should Promote Parental Involvement and Supervision

The ATV NPR proposes labeling requirements proscribing label size, content, type of lettering and location of the label on the ATV itself. While these labeling requirements are substantially similar to those set forth in the Decrees, one positive departure is the direction of the warning label message to the parents. For example, the proposed rule will require an Age warning label that states:

“Letting children under the age of 16 operate this ATV increases their risk of severe injury or death. NEVER let children under age 16 operate this ATV.”<sup>8</sup>

I support the Commission's effort to catch the attention of the supervising parents. The above message will be effective in warning parents of the blatant danger of letting a child operate an adult ATV and also will imply a duty or responsibility on the part of the parent not to let their child ride an adult ATV. Therefore, directing the warning message to the supervising parent is a positive modification because parents are more likely than children to head the message.

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<sup>7</sup> See *Id.* at 45904

<sup>8</sup> See 16 C.F.R. § 1410.10.

While the specificity of the labeling requirements is a good and valuable measure to ensure consistency and uniformity of among American manufacturers, there is a legitimate concern regarding labeling by some foreign manufacturers. Commission staff research shows that American distributors are importing foreign manufactured ATVs at an increasing rate. In 2001, imports reportedly accounted for about 5% of U.S. ATV sales. By 2004, the statistic had climbed to 10% of the total U.S. ATV market.<sup>9</sup> The problem is that imported ATVs are not conforming to the labeling requirements set forth in the Decrees. That is, some imported ATVs have warning labels that are unclear, translated incorrectly or are in a language other than English. Therefore, because the import Market for ATVs is growing and some foreign manufacturers are not complying with labeling standards, the Commission must address the need for proper communication and cooperation between the domestic and foreign market in the proposed rule.

G. The Safety Video Should Promote Rider Training and Provide Information on Rider Training Availability and Locations

The proposed rule also requires the ATV dealer to provide the purchaser with a safety video before the sales transaction is completed. The safety video will display ATV injury and death statistics and communicate basic safety messages such as the importance of knowing personal limitations and of gradual progression from simple to more complex maneuvers.

The safety video will serve as an effective extension of the label warnings and owner manual instructions. Most importantly, the video will include ATV related injury and death statistics, displayed in a five year rolling average, for both adult and youth riders. The displaying of the statistics through a visual medium will be a valuable tool in repeatedly calling to the mind the danger of ATVs. It will also make it more difficult for prospective buyers to ignore the statistical messages. Therefore, requiring every dealer to provide every buyer with a safety video will be a helpful in informing new ATV owners of the most contemporary injury and death statistics through a medium that will be difficult to ignore.

Moreover, while the statistics and safety information will provide useful instruction, the video should also include the message that visual instruction is not a substitute for actual hands on training. In this way, the video should further instruct and encourage the rider to participate in a training course offered by the ATV dealer. Accordingly, the video could provide address information on various training locations throughout the country and a toll free telephone number that the ATV owner can call to access additional information. Therefore, the Commission should utilize the safety video to repeatedly communicate injury and death statistics and to also inform the rider of hands on training availability.

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<sup>9</sup> See Proposed Regulation of ATVs, 71 Fed. Reg. 45909 (August 10, 2006).

## V. Recommended Additions to the Proposed Rule

The proposed rule is both comprehensive and extensive. The Commission has done an excellent job of proposing a rule that leaves little uncovered. As such, the following comments are recommendations that build upon public comments the Commission has received and I ask the Commission to consider them prior to adoption of a final rule.

### A. The Proposed Rule Should Include Helmet and Safety Equipment Requirements

As currently written, the proposed rule emphasizes the importance of helmets and other protective gear. The proposed rule requires materials that will encourage helmet use through labeling on the ATV itself and through language in the owner manual. For example, the proposed rule requires ATV labeling to include the following message:

“ALWAYS WEAR AN APPROVED MOTORCYCLE HELMET, eye protection and protective clothing.”

Again, while emphasis on helmet safety and the encouragement of safety gear is certainly a good measure, mere emphasis and encouragement is not sufficient. Riders of ATVs should be required by law to wear a helmet and perhaps other specified safety equipment. Such other equipment may include wrist, arm, knee, foot and eye protective wear. Studies have shown that helmets are extremely effective in preventing injury or in decreasing the severity of an injury to the head. In a study conducted by the Commission itself, research showed that 42-64% of injuries and deaths involving the head could have been averted by use of a helmet in cases where a helmet was not worn.<sup>10</sup> Further, in a research report submitted to Congress in 1996, the National Highway Traffic Safety Administration showed that in motorcycle accidents 35% of fatal accidents could have been averted if a helmet was worn.<sup>11</sup> Therefore, because a primary goal of the proposed regulation is to statistically reduce the number of ATV hospitalized injuries and deaths and because helmets do very well what they are designed to do, it is logical that riders be required by law to wear them.

Finally, in this instance, the formality of law is necessary because the public cannot adequately police itself. If given the choice, roughly half of ATV riders elect not to wear a helmet. Perhaps, helmets are perceived as burdensome or unnecessary. Whatever the reason, despite the clear warnings contained in the warning labels, many riders are not voluntarily wearing helmets. Therefore the Commission must include a helmet requirement in the proposed regulation because riders are not responsible enough to voluntarily protect themselves.

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<sup>10</sup> See *Id.* at 45915.

<sup>11</sup> See U.S. Department of Transportation National Highway Safety Administration Congressional Report, *The Benefits of Safety Belts and Motorcycle Helmets*, (February 1996).

**B. The Commission Should Mandate Disclosure of Injury and Death Statistics at Point of Purchase Through a Uniform Piece of Literature**

I support the proposed rule in its effort to inform the purchaser of the relevant statistics regarding the dangers of ATVs. In furtherance of this objective, I suggest that the proposed rule require ATV dealers and distributors to provide purchasers, at or before the time of purchase, with a uniform piece of literature that discloses the injury and death statistics related to ATVs since their inception to the market in 1982.

Public comments sent to the Commission indicate that many potential ATV buyers, including those parents buying for their children, are unaware and uneducated as to the statistical graveyard that ATVs have created over the last few decades. Therefore, the recommended literature should contain and highlight the following:

- Since the inception of ATVs into the U.S. market in 1982, there have been an estimated 6,500 deaths due to ATV accidents.
- In 2003 alone, there were an estimated 746 ATV related deaths.
- In 2004, there were an estimated 136,000 ATV related injuries treated in hospital emergency rooms, up from an estimated 52,800 in 1997.
- Of that 136,000, an estimated 44,600 were injuries to children under the age of sixteen.

The above statistics will help adult purchasers make fully informed and educated decisions regarding the purchase of an ATV, especially the purchase of an ATV for their child. To ensure that the purchaser has read and understands the data, the Commission should require the purchaser to acknowledge such by signing a copy of the form. The purchaser should then keep one copy of the signed form for his or her personal records and the ATV dealer should be required to keep a second copy on file and available for review upon Commission inspection.

Finally, the Commission itself must craft and enforce the injury and death acknowledgement form. A conflict of interest might exist where ATV dealers are reluctant to disclose such information because disclosure might cause many “would be buyers” to rethink their decision. As such, the acknowledgement form must be universal in form and content, and all ATV dealers must be required to present it to prospective purchasers.

**VI. The Bigger Picture Going Forward**

A principal concern of the proposed regulation is the protection of youth ATV riders. Over the last decade, the ATV industry has enjoyed significant growth. In 1995, roughly 300,000 ATVs were sold in the United States. By 2005, that sales figure had

risen 300% to roughly 900,000 ATVs sold in the United States.<sup>12</sup> Accordingly, the number of players in the ATV market has also risen dramatically. At the time of the Decrees of 1988, there were five major players in the ATV market. While those players remain prominent today, the total number of ATV manufacturers has risen to 87.<sup>13</sup> With the increase in manufacturers, sales and usage has come a corresponding and, quite frankly alarming, rise in the number of ATV-related injuries and deaths to children under the age of 16. As such, the following recommendations look to the future of the ATV industry and usage.

A. The Commission Should Consider the Development of a Licensing Process in Anticipation of Future Growth and Public Involvement

Given the increase in popularity and usage among the public, the Commission should consider developing a licensing process for ATVs. Such a licensing process could curb the dramatic rise in accidents, injuries and deaths and could in particular limit ATV incidents among children. Under the process, an individual would have to satisfy the following requirements:

- Minimum age of 16
- Successful completion of a training course
- Successful completion of a classroom examination
- Successful completion of a field examination

Making license candidates meet the above requirements make sense because as the ATV market continues to grow riders must demonstrate that they possess the minimum skills necessary to safely operate an ATV. Accordingly, the suggested requirements include classroom and field training to ensure that an applicant learns and can later demonstrate the necessary skills. Also, the suggested requirements include that a candidate be 16 years of age or older. At that age an individual has the physical and mental capabilities to operate a motor vehicle and is thus eligible (in most state's) for a driver's license.

Finally, while regulation promulgated by a Federal agency might raise issues at the state and local level, such regulation is necessary to protect the health and welfare of the American public. The successful completion of an ATV licensing process is a vital step in protecting not only the safety of the actual riders but also of those riders and civilians operating around them. ATVs are fast and powerful motorized vehicles. While ATVs have a useful transportation purpose in places such as farms, they are also increasingly being used recreationally in groups and also on trails that are occupied by joggers, hikers and horseback riders. The Commission cannot rely on the public to police themselves by leaving the responsibility to obtain proper training to the individual. To date, the statistics illustrate that the public has not adequately done so. Therefore, the Commission should consider promulgating a licensing requirement to ensure the safety of not only ATV riders but also those civilians operating around them.

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<sup>12</sup> See Proposed Regulation of ATVs, 71 Fed. Reg. 45907 (August 10, 2006).

<sup>13</sup> See *Id.*

**B. The Proposed Rule Should Not Encourage the Development of the Youth ATV Market but Rather Should Consider Eliminating It.**

Public comment and Commission research suggest in part that the rising number of injuries and deaths to youth ATV riders is due youths riding adult ATVs. While youth model ATVs currently exist, some argue that they are not appetizing to youth riders because of a smaller sized frame and engine. Hence, the ATV NPR provides consideration for the development of the youth ATV market by creating more product options.

I do not support the proposed rule to the extent that it encourages the development of the youth ATV market. While this option would please ATV manufacturers by devising a product that appears to meet a demand, and it would please dealers by having another model to sell, it would not be conducive to decreasing the amount of injuries and deaths occurring to children. The Commission has a major concern regarding the dramatic increase in injuries and deaths involving ATV riders under the age of 16. Injuries and deaths to children will continue to be a growing problem if ATV manufacturers are given incentive and guidelines to develop a product for youth riders. The size and engine capability of ATVs are only parts of a larger problem. The root of the problem is that youths do not possess the physical strength, life experience, and decision-making ability to operate a motor vehicle like an ATV. Therefore, the encouragement of youth riding through new youth models will likely only augment the problem.

Finally, a necessary side effect of a licensing process with a minimum age requirement of sixteen would be the subsequent elimination of youth ATVs. While such a move would most likely be met with opposition from profit minded ATV manufacturers and dealers, it is the only way to completely remove the risk of ATVs from children. Again, children under the age 16, and in many instances much younger, most likely do not possess the experience, motor skills, strength and coordination to operate a machine possessing the speed and power capabilities of an ATV. Therefore, going forward, profit motives must be placed aside and give way to the safety and protection of America's children.

**VII. Conclusion**

In conclusion, I reiterate my general support for the Commission's proposed regulation of ATVs. Since their inception into the market in 1982, ATVs have been a concern for the Commission as they have caused and continue to cause severe and deadly injuries to American consumers. Thus, I applaud the Commission's efforts to address the dramatic rise in ATV related injuries and deaths, especially those concerning children, through the proposal of formal legislation.

The proposed rule presents the Commission with an excellent opportunity to promulgate a much-needed universal and final rule that will establish standards and

guidelines for all ATV manufacturers, distributors and riders. As such, it is my hope that the Commission will recognize the need to formally include a rider training and helmet requirement in the final rule. I also hope the Commission will consider the trajectory of the ATV market on a whole and initiate a licensing process for the future.

Thank you for taking the time to read this comment. While I realize the deadline for submission of public comments has passed, I ask the Commission to nevertheless please consider the recommendations contained herein in hopes that they will aid the Commission's formation of the final rule. If further clarification or elaboration is needed on any of the thoughts I have mentioned, I would be happy to discuss them further.

AM 78

**Stevenson, Todd A.**

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**From:** john graham [jdgraham54@clearwire.net]  
**Sent:** Thursday, December 14, 2006 12:37 AM  
**To:** Stevenson, Todd A.  
**Subject:** just an after thought

Take a look at NASCAR, Indy car racing, desert racing, motocross, or any one of many, many motorized sports in the world. How did those drivers get so good to get where they are today? Any skateboarder, skier, baseball player, football player, soccer player?

Think about it!

They all started at a young age. Probably, 5, 6, 7, 8, or 9 years old. Being taught, and coached as they matured. Our children who want to ride atv's must have the same opportunities for their sport.

They also need to be taught, and coached, by adults along the way.

My daughter is now 10 years old and does a great job of driving a atv and keeping under control and understanding when to stop and let me help her in a really tough spot.

She was on a atv at 5 months old riding and started driving at the age of 3. But she was always in front of me, between my legs and my own hands and feet were within a quick grasp of the controls.

You probably think she learned in sand dunes or big pastures or some other wide open spaces.

She did not.

She learned on narrow mountainous trails, forest service and logging roads, horse trails in remote areas.

She has been exposed to all kinds of terrain and some days she wants to ride her own machine and some days she wants to drive me all over the mountains, and some days, she just wants to ride.

Im a firm believer in letting them go at their own pace, but I also stay close to help her or coach her if needed. NO ONE wants to see their child wreck, get injured, or even worse.

Sincerely,  
John D Graham  
Lewiston, Idaho

**Stevenson, Todd A.**

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**From:** john graham [jdgraham54@clearwire.net]  
**Sent:** Wednesday, December 13, 2006 11:59 PM  
**To:** Stevenson, Todd A.  
**Subject:** atv safety

Safety and proper use atv's is definately a good thing.

More laws and restrictions definately are not!

I've been riding since I 1969 at the age of 12, and riding atv's since 1987.  
It's not the atv's that hurt people.  
It's people hurting themselves or others do to their own ignorance and misconceptions.

Does the term,  
"for they know not what they do"  
ring any bells?

I coud probably right a book, but I'll spare you.

**Stevenson, Todd A.**

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**From:** Leland, Elizabeth W.  
**Sent:** Thursday, December 14, 2006 7:23 AM  
**To:** Stevenson, Todd A.  
**Subject:** FW: young riders

Todd,  
I think this is meant to be a comment on the NPR.  
Thanks,  
Elizabeth

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**From:** john graham [mailto:jdgraham54@clearwire.net]  
**Sent:** Thursday, December 14, 2006 1:07 AM  
**To:** Leland, Elizabeth W.  
**Subject:** young riders

Children should definately be allowed to ride atv,s .

They need to taught how to ride, how to always stay under control, and never ride without protective gear, even if its hot.

Especially never be allowed on a motorcycle or atv without a helmet. Take it from an old motocross racer, I' m glad that all those gouges that I've seen in my helmet, weren't in my head.

The best athletes, race drivers, or just every day drivers, mostly started at a very young age. In some pasture, go cart track, or just a country trail or road. They are taught the sport or whatever, and coached along the way.

If you want young adults to be beter drivers and riders, then teach them as children.  
They will mature into great drivers and respectful young adults.

**Stevenson, Todd A.**

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**From:** jmacpeek@comcast.net  
**Sent:** Thursday, December 21, 2006 5:12 PM  
**To:** Stevenson, Todd A.  
**Subject:** ATV Safety

Dear Commission Members:

As a mother who lost a child, I know that pain of loss. I also know another Mother who lost their child due to an accident on an ATV. I think it is critical that you require a Risk Disclosure form be signed by all potential purchasers of these recreational vehicles. It is their right to know the risks involved. To think that this may save even one life would be enough.

Thank you for your time.  
Peace and all good,  
Joanne MacPeek  
7513 Cameron Circle  
Fort Myers, FL 33912

"It is Christ among us, our hope of glory"

80

**Stevenson, Todd A.**

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**From:** Barbara [jparrish@chestertel.com]  
**Sent:** Thursday, December 21, 2006 7:40 PM  
**To:** Stevenson, Todd A.  
**Subject:** ATV ANPR



Dear Sir/Madame,

My name is Barbara L. Parrish and I owned and operated an OHV park for 14 years. I have been certified as an ATV instructor by ASI and taught the course for 3 years. While I fully support the training taught thru this course, I not longer teach it as I do not have the time to devote to doing so. However, I make my training area available, free of charge to 3 other certified ASI instructors.

I would like to suggest the following: as kids today are taller, weigh more than kids 20 years ago. changes need to be made in how kids are fitted to ATVs. The average 15 year old is 5'7" and weighs 120 lbs. How can this child be safe on a 90 cc ATV? Please consider height/weight and how the child is able to grasp controls as a better fit.

I think that children should be required to take the training. Their parents should be required to take the training or at the very least, observe the class. Parents need to understand that One Size, does not fit All!

Helmets, boots SUPPORTING the ankles, gloves, long sleeves & pants & eye protection, mandatory. Any parent that does not comply, is guilty of child endangerment. Parents, not ATVs or manufacturers should be held responsible for the accidents unless manufacturing defects are at fault.

I personally feel that education is the key. Somehow, ATV training needs to be available to every person in a household that purchases an ATV. Just because it was not sold to be used by kids doesn't mean that a child will not use it. People understand that a motorcycle requires certain skills to be safe, we need to make them understand that an ATV is the same.

Yours for safe riding,

Barbara L. Parrish  
TNT Motorsports, Inc.  
SC Rep to NOHVCC

**Stevenson, Todd A.**

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**From:** Richard [steck.r@gmail.com]  
**Sent:** Thursday, December 21, 2006 8:41 AM  
**To:** Stevenson, Todd A.  
**Subject:** [Possibly SPAM (k): ] - Please act now foer our kids safety - Found word(s) act now in the subject

Office of the Secretary  
U.S. Consumer Product Safety Commission  
Bethesda, Maryland 20814-4408

Re: ATV NPR

This letter concerns the U.S. Consumer Product Safety Commission's August 10, 2006, Notice of Proposed Rule Making (NPR) on ATV's. I am encouraged that the CPSC has decided to propose legislation. The staggering and growing number of serious injuries and deaths each year, well over a hundred thousand now for many years, is certainly a very sad and compelling setting. One that demands action beyond the obviously ineffective voluntary standards, many of which have been in place since 1998.

So with regard to several key elements in the proposed legislation, I herein now offer my comments and suggestions.

**Concerning the proposal that adult and youth ATVs meet specific mechanical and performance requirements:**

- I support the aspect of the proposal that would require all manufacturers, both domestic and imported, meet the same standards. The rationale outlined by the CPSC in this regard is sound.
- I support the mechanical requirement that the youth ATVs have speed limiting devices and automatic transmissions.
- I do not support the proposal that youth ATVs not have a front head light. Recognizing that the CPSC has deduced a connection between youth accidents and driving after dark, I do not believe that eliminating the front head light will be an effective deterrent to driving these vehicles after dark and moreover, without a head light, it could likely result in more accidents due to reduced visibility both to the driver of the vehicle and in being seen by other proximate or approaching vehicles.
- I strongly oppose the aspects of the proposed legislation availing changes to the frame design or eliminating engine size restrictions on youth ATVs. While the CPSC has cited better traction (in respect of engine size) and a better physical fit to the rider (in respect of frame size) as arguments for deviating from the current voluntary standards, the CPSC has not performed a study that would support the conclusion that this will be an effective way to reduce the number of serious injuries and deaths. Paradoxically, it has been the CPSC in the past that has shunned what would otherwise seem to be "common sense" suggestions on ATV safety made by outside concerned parties for that very same reason, no study or supporting data.

Quite frankly, there are several common sense arguments against what the CPSC is proposing in that more powerful machines with likely larger and heavier frames will actually further contribute to the severity of injuries in an accident as a result of additional speed and/or weight. And the CPSC is clearly well aware that many of the serious injuries and deaths with ATVs result from the crushing weight of the machine striking or resting on top of the rider.

**Concerning the proposal requiring a Risk Disclosure Statement and Age Acknowledgement Form to be provided to purchasers of both adult and youth ATVs,** I strongly support all elements of this proposal including that such disclosures be done in advance of the purchase, that such forms be signed by the purchaser, and that the forms be maintained by the

dealer for a period of five years.

I would like to offer three comments/suggestions concerning these proposed forms.

1. Concerning the idea that these forms will be provided to the prospective purchaser in advance of any sale, it will be important to more specifically delineate within the regulation the timing and protocol surrounding the notion of being done "in advance". If the form is delivered in the midst of, or even at the back end of the various forms and documents that are part of a typical sale transaction, then the intent of this proposed legislation will have largely been defeated. Sequencing is critical here. Many consumers will no doubt feel pressure, if even unsaid, to simply just finalize a transaction having just spent considerable time with a sales representative. But the information in these forms is critical, vitally critical, to making an informed purchase. Thus, these disclosure forms should be required to be served up FIRST, at the very outset of any paperwork, and signed by the consumer before any other purchase documents are tendered to the consumer in connection with the sale.

2. Also in connection with achieving the intent of the proposed forms, they must have all relevant content and be presented in a truly effective manner. Generally speaking, much of the general public is not inclined to thorough, detailed reading. Consequently, it will be of the utmost importance that these forms effectively communicate the intended messaging as quickly as possible. Therefore, I strongly recommend the CPSC seek additional input from one or more qualified sources in this area, most likely marketing and advertising professionals.

3. Because the information being provided to the purchaser is so important, I think it is imperative that the purchaser of the ATV also receive a copy of the Risk and Age Disclosure forms they signed. To have that document can serve not only as a reminder to the purchaser, but it can also be a way to inform a spouse or child who was not with the purchaser at the time of purchase.

**Concerning the proposal entitling free training to the purchaser of an ATV and each of his or her immediate family members,** I support the proposal from the perspective that, the more people receiving training the better. Overall though, I believe what the CPSC has proposed in the area of training falls well short of doing anything effective and that a huge opportunity to save lives is being missed. The CPSC staff, the manufacturers and dealers are well aware that for years free training has been offered and that far less than 10% of ATV users ever takes formal training. Training that is strongly recommended by all of the aforementioned parties, training that is vital to learning how to control an ATV with measured strength and split second reaction times under difficult settings, and training which the CPSC has indicated could likely reduce deaths and injuries by as much as 50%! And yet, the proposed legislation in no way addresses the reasons why people are not taking the training or offering a solution for that. What the CPSC has proposed is largely just a carry forward of the same ineffective measures within the voluntary standards.

I want to strongly encourage the CPSC to reconsider its proposal regarding training and to minimally make it mandatory for anyone purchasing an adult ATV and who acknowledges having children under the age of 16 in their household to evidence that both the adult purchasing the ATV and his or her child (or children) have received the industry approved training in advance of the purchase. This should also be mandatory for anyone purchasing a youth ATV.

**Concerning the proposal requiring safety warnings by way of hang tags, labels, a safety video and the owner instruction manual,** I fully support the proposal and any opportunities to inform and warn ATV owners and operators of the serious risks of injury and death. As mentioned earlier however, to accomplish the intentions of the proposed legislation requires quick and effective communication within these purviews and so I again recommend that the CPSC seek external, professional consultation from one or more parties to ensure that the location, content, and readability of all these elements manifest in the most effective communication possible.

**Concerning the proposal to now legally ban three-wheel ATVs,** I fully support such a ban.

**Concerning the CPSCs proposal to engage non-regulatory actions to enhance awareness and ATV safety,** I fully support all approaches within the two suggested phases.

Finally, I'd like to offer four additional suggestions for the CPSC to consider as it finalizes its intentions for legislation:

1. The CPSC has acknowledged that lateral stability is a key consideration and has oftentimes been a contributing factor in numerous ATV accidents and deaths. This has been known for decades yet sadly, neither the manufacturers nor the CPSC appear to have done much in its study no less making suggestions for change and improvement. This is a very serious matter that has not been taken seriously at all. So whether promulgated through this legislation or through non-regulatory means, the CPSC needs to get the manufacturers and industry firmly committed to conducting a comprehensive study on lateral stability

with a stated deadline for making recommendations on how to improve it. Key manufacturers in the auto industry have embraced the importance to safety of lateral stability, they funded the research, made improvements, and even now the front runners have gained a very favorable competitive edge because of their commitment to protecting drivers and passengers. The ATV industry should do the same and if not voluntarily, then the CPSC should do all it can to force that upon them.

2. Concerning the more general issue of informing the public about the serious risks of death and injury from ATV operation, I recommend that the dealerships be required to disclose the statistical and other information that is to be included on the proposed Risk Disclosure Form on a board or other posting, in full view, inside of the dealerships. It is my understanding that there was a similar requirement in connection with the 1988 Consent Decree and it makes very good sense. There is no valid reason why a prospective purchaser should have to wait until the commencement of the sale paperwork to become informed of such information and risks.

3. It has been acknowledged that getting approved training, locationally speaking, has been and continues to be a considerable challenge. Nothing in this proposed legislation appears to address or suggest solutions to this problem however, I would like to suggest that the CPSC collaborate with industry representatives and other concerned parties to consider and investigate the Internet as an alternative means for getting ATV operators some training. There is certainly a great deal of training that occurs over the internet every day, and while this medium cannot provide the very important training component of hands-on driving, there are certainly elements of the currently approved training that are of an information nature that might be provided on-line, perhaps in an interactive manner that ensures the trainee is receiving and responding to the information being provided. Such an on-line training course could even have testing within with a certification upon successful completion.

4. Finally, none of the proposed legislation addresses the growing market of ATV renters. This is a burgeoning market, particular as people take vacations in recreational areas that would seem to lend themselves to riding an ATV. And just as the CPSC has deemed it important to provide Risk and Age Disclosure Forms to prospective purchasers of ATVs, it is certainly no less important that renters of ATVs be advised of the same information and risks. Actually, these renters are probably more likely first-time and/or one-time users and for that reason, with likely little if any experience or knowledge of ATVs, they are probably in even greater danger of getting into a serious accident. So to this end, I strongly recommend that the CPSC do whatever it can legislatively to ensure that such disclosures are made to renters as well. And if something cannot be done mandatorily, then the CPSC should use whatever influence it can through non-legislative measures to get the manufacturers and dealers to voluntarily embrace such a requirement. If the industry refused, that would certainly be telling.

Thank you for providing the opportunity to provide comment on the ATV NPR. The CPSC, in seemingly perfect concert with its mission statement of protecting the public from unreasonable risks of injury and death, is right to propose mandatory, legally binding legislation. Much of the general public is largely unaware of the serious and oftentimes deadly risks associated with ATV use and the CPSC is at a profound point in its history to do what it must - to inform, protect, and save lives.

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Freed Maxick & Battaglia, PC  
Certified Public Accountants

December 21, 2006

Office of the Secretary  
U.S. Consumer Product Safety Commission  
Bethesda, Maryland 20814-4408

Re: ATV NPR

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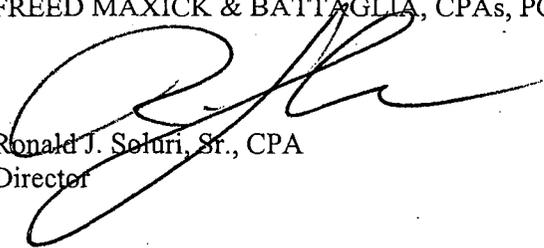


3. It is has been acknowledged that getting approved training, locationally speaking, has been and continues to be a considerable challenge. Nothing in this proposed legislation appears to address or suggest solutions to this problem however, I would like to suggest that the CPSC collaborate with industry representatives and other concerned parties to consider and investigate the Internet as an alternative means for getting ATV operators some training. There is certainly a great deal of training that occurs over the internet every day, and while this medium cannot provide the very important training component of hands-on driving, there are certainly elements of the currently approved training that are of an information nature that can be provided on-line, perhaps in an interactive manner that ensures the trainee is receiving and responding to the information being provided. Such an on-line training course could even have testing with a certification upon successful completion.
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*Especially the children!*

Yours truly,

FREED MAXICK & BATTAGLIA, CPAs, PC

  
Ronald J. Soluri, Sr., CPA  
Director

RJS/spp



83

**Stevenson, Todd A.**

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**From:** Joyce Raby [ttj@comcast.net]  
**Sent:** Thursday, December 21, 2006 12:25 AM  
**To:** Stevenson, Todd A.  
**Subject:** ATV safety

To our government representatives: Please vote in favor of all legislation which will protect our children when it comes to ATV safety. Children do not realize the dangers of ATV's. When children ride ATV's, they enjoy the thrills. We must protect our children in all areas. Please vote for all ATV safety laws. Many thanks! Joyce Raby

84

# ROSS, DIXON & BELL, LLP

2001 K Street, N.W. • Washington, D.C. 20006-1040 • p (202) 662-2000 f (202) 662-2190

PAUL C. VITRANO  
DIRECT DIAL: (202) 662-2086  
EMAIL: PVITRANO@RDBLAW.COM

December 22, 2006

CPSC/OFC OF THE SECRETARY  
FREEDOM OF INFORMATION  
2006 DEC 27 A 10:58

## VIA HAND DELIVERY

Office of the Secretary  
U.S. Consumer Product Safety Commission  
4330 East West Highway  
Bethesda, MD 20814-4408

Re: ATV NPR

Dear Madam/Sir:

Enclosed please find the original and four copies of Comments by the Specialty Vehicle Institute of America and the ATV Safety Institute to the Notice of Proposed Rulemaking for "Standards for All Terrain Vehicles and Ban of Three-Wheeled All Terrain Vehicles," published by the U.S. Consumer Product Safety Commission on August 10, 2006.

An electronic copy of these Comments also is being submitted via e-mail today.

Thank you for your consideration and courtesies.

Respectfully submitted,

ROSS, DIXON & BELL, LLP



Paul C. Vitrano  
*Counsel for the Specialty Vehicle Institute of  
America and the ATV Safety Institute*

PCV:jes

Enclosures

the proposed rule is similar to training that currently is offered by ASI. Id. at 45912. CPSC also indicated that ASI's training program should comply with the proposed rule's requirements that the training be provided within a reasonable time from the date of purchase of the ATV and a reasonable distance from the place of purchase of the ATV. Id. at 45926. CPSC further referenced the existing practice of SVIA's member companies to provide to their purchasers a safety video, which generally conforms to the proposed rule's requirements. Id. The safety video used by SVIA's member companies is produced and provided by ASI.

In this submission, SVIA comments on ASI's current safety video and current training practices, which have been cited with approval throughout the NPR, in light of the proposed rule. SVIA also recommends modifications to the final rule in light of its experience and expertise in ATV safety training.

### **SAFETY VIDEO**

#### **Sections 1410.14(a) / 1515.14(a) – General.**

These sub-sections set forth the proposed requirement that the retailer, upon sale, provide the purchaser with a safety video, which is “designed to communicate to an audience consisting of prospective purchasers and users, including youth between the age of 9 and 16, and their parents.”

ASI currently produces a safety video, called “Ride Safe, Ride Smart,” provided to its member companies for distribution to their ATV customers and retailers. See Exhibit A, “Ride Safe, Ride Smart” DVD. The “Ride Safe, Ride Smart” production is intended for purchasers and prospective purchasers of ATVs with messages including warned-against behaviors, the importance of supervising youth, and the promotion of training. As such, the target audience is adults.

The current ASI safety video also is directed to an adult audience (parents; guardians; adult supervisors) because an adult's ability to understand, internalize and disseminate to youth, the safety messages is critical for achieving the safe and responsible use of ATVs by youth. Responsible adult supervision of youth ATV use is the key to safe use of ATVs by youth, and thus the safety video is best targeted to an adult audience.

Adult viewers of the "Ride Safe, Ride Smart" video are exposed to the messages important for ATV safety and are provided tips to make informed decisions about the use of ATVs by youth. Making such decisions requires maturity and perception, and is challenging because of a multitude of variables. Adults are able to understand the complexities of ensuring safety and can use safety rules and practices provided in the video to best meet the needs of their youth.

SVIA recommends that the second sentence of sub-sections 1410.14(a) and 1514.14(a) be modified to state: "The safety video shall be designed to communicate to an audience consisting of prospective purchasers, adult users and supervisors, and parents."

**Sections 1410.14(b) / 1515.14(b) – Title.**

These sub-sections set forth the proposed requirement that the title of the safety video "indicate that the video provides safety information concerning ATV operation." The current ASI safety video's name – "Ride Safe, Ride Smart" – complies with the proposed rule.

**Sections 1410.14(c)(1)-(5) / 1515.14(c)(1)-(5) – Content.**

These sub-sections set forth the proposed content of the safety video. CPSC noted in the NPR that the ASI safety video provided by SVIA's member companies conforms to the requirements of the proposed rule. 71 Fed. Reg. at 45926. CPSC's observation is correct, with one significant exception.

The current ASI safety video, "Ride Safe, Ride Smart," does not communicate ATV-related death and injury statistics generally or as specified in sub-sections (c)(5) of the proposed rule. Rather, SVIA's member companies provide purchasers with updated injury and fatality statistics in a printed "Safety Alert" prior to or at the time of sale.

SVIA is concerned that requiring the inclusion of ATV-related death and injury statistics, as specified in the proposed rule, could significantly increase the cost of producing safety videos without any indication that a benefit would result. SVIA's video production vendor recently quoted SVIA a cost of \$5,000 to \$10,000 per "finished minute" for video production. Under the proposed rule, such costs could be incurred annually. In addition, with the possibility that video content would change annually, manufacturers/distributors either would be forced to order less quantities of the safety video, at higher costs, or risk over-purchasing inventory, which would need to be destroyed. On the other hand, the practice of distributing printed "Safety Alerts" to purchasers is a cost-effective method of communicating ATV-related death and injury statistics.

SVIA recommends that sub-sections (c)(5) be deleted from the final rule.

**Sections 1410.14(d) / 1515.14(d) – Dramatization.**

These sub-sections set forth proposed requirements for dramatizations contained in the safety video. The current ASI safety video, "Ride Safe, Ride Smart," complies with the proposed rule.

**Sections 1410.14(e) / 1515.14(e) – Format.**

These sub-sections set forth proposed requirements for video format availability. The current ASI safety video, "Ride Safe, Ride Smart," is produced and distributed in both VHS and DVD formats.

**Sections 1410.14(f) / 1515.14(f) – Retention.**

These sub-sections set forth a proposed minimum retention period of five years after the model to which the video applies ceases to be in production.

The ASI safety video is not model specific. If the safety video changes, SVIA's member companies cease distribution of the prior version of the video, and begin distribution of the new version of the video, once the new version is available. As the producer of the safety video on behalf of its member companies, SVIA retains discontinued versions of the safety video for at least five years.

SVIA recommends that the first sentence of sub-sections 1410.14(f) and 1515.14(f) be modified to state: "The manufacturer shall retain a copy of each version of the safety video until five years after such version ceases to be distributed."

**INSTRUCTIONAL TRAINING**

**Sections 1410.15(a) / 1515.5(a) – General.**

These sub-sections set forth the proposed requirement that the ATV manufacturer provide a training course, at no charge, for the purchaser and each member of the purchaser's immediate family who meets or exceeds the minimum age recommendation for the ATV.

Through ASI, all but one of SVIA's member companies provide unlimited training, in the form of the *ATV RiderCourse*<sup>SM</sup>, at no cost, to individual purchasers and their eligible family members living in the same household, as well as incentives for the purchaser upon completion of the training. And one company allows up to two persons to be trained at no cost for each new ATV purchased by an individual. For business purchasers, up to three individuals may be trained at no cost.

**Sections 1410.15(b) / 1515.15(b) – Form of certificate.**

These sub-sections set forth the proposed content of the training certificate to be provided to the purchaser. They require the certificate to contain the VIN or PIN number and the category of the ATV and the toll-free telephone number or other readily useable means for the purchaser to contact the training organization to arrange for training. They also require that the certificate have no expiration date. SVIA's member companies currently utilize training certificates that comply with the proposed rule.

**Sections 1410.15(c) / 1515.15(c) – Retailer responsibilities.**

These sub-sections set forth the proposed requirements that retailers, in addition to providing the purchaser with the training certificate, obtain the signature of the purchaser on a "training availability form,"<sup>1</sup> retain the original, and provide copies to the purchaser and the manufacturer.

SVIA recommends that the proposed requirements concerning a "training availability form" be deleted from the final rule. Retailers for SVIA's member companies already, and under the proposed rule would continue to, provide a training certificate notifying the purchaser of the availability of training, at no cost, and how to contact ASI. In this respect, the "training availability form" would be redundant. In addition, retailers transmit a copy of the training certificate and/or the purchaser's contact information to ASI and the manufacturer/distributor. SVIA is concerned that the introduction of a "training availability form," which provides no additional information, would complicate the flow of purchaser contact information from the

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<sup>1</sup> In the first sentence of sub-section 1410.15(c), the form is called the "training acknowledgement form." 71 Fed. Reg. 45955. In the second sentence of sub-section 1410.15(c), and throughout sub-section 1515.15(c), the form is called the "training availability form." *Id.* at 45955 and 45956.

retailer to ASI. Such complication could result in errors or delay, which would impede the delivery of training.

SVIA recommends that sub-sections 1410.15(c) and 1515.15(c) be modified to state only: "The retailer shall provide the certificate to the purchaser at the time of purchase."

**Sections 1410.15(d)(1)-(7) / 1515.15(d)(1)-(7) – Course content.**

These sub-sections set forth the proposed minimum content of the training curriculum. As noted by CPSC in the NPR, ASI's *ATV RiderCourse* is similar to the training course described in the proposed rule. 71 Fed. Reg. at 45,912. Indeed, the *ATV RiderCourse* addresses all of the subjects and skills set forth in the sub-sections. See Exhibit B, *ATV RiderCourse* Instructor Guide, Section 4.1.

Although training ranges must be located in an open, level space that will accommodate the range layout, ASI does not require each training site to have a riding hill on or near the range. SVIA is concerned that requiring the existence or creation of a riding hill would significantly limit the number of potential training sites and could result in the closure of numerous existing training sites. If an ASI training site does not have a readily accessible riding hill, Instructors teach students hill-riding skills, including ascending, descending, traversing and emergency situations (as required by the proposed rule), by discussion and demonstration of techniques through static practice (on the ATV while not in motion).

To account for the possibility that otherwise suitable training ranges do not have riding hills available, and thus hill-riding skills cannot be demonstrated, SVIA recommends a minor modification of sub-sections 1410.15(d)(7) and 1515.15(d)(7) to add "or techniques" after "riding skills."

**Sections 1410.15(e) / 1515.15(e) – Course structure.**

These sub-sections set forth the proposed course structure, including classroom, field and trail activities. The *ATV RiderCourse* complies with the spirit of the sub-sections in that each of the structure elements is addressed, while maintaining necessary flexibility in light of the nature and location of the training. In this regard, SVIA recommends that sub-sections 1410.15(e) and 1515.15(e) be clarified and modified.

The *ATV RiderCourse* is conducted outdoors at suitable off-highway training sites and does not require a formal classroom. While cognitive and knowledge-based instruction occurs throughout the course, a formal classroom is not necessary; rather, such instruction occurs on or near the training range. Given the nature and location of the courses (both the course described in the proposed rule and the *ATV RiderCourse*), SVIA believes that it is impractical and unnecessary to require a formal classroom setting.<sup>2</sup>

Moreover, the *ATV RiderCourse* includes a circuit ride (within the training range) as an alternative to a trail ride. SVIA is concerned that requiring a trail ride would significantly limit the number of potential training sites and could result in the closure of numerous existing training sites. Many current and prospective training ranges are located on lots, fields and farms that do not have easily accessible trails. In this regard, the option of a circuit ride is a practical necessity. A circuit ride features many of the benefits of a trail ride, including use of the SIPDE<sup>3</sup> riding strategy for reducing and managing risk, the experience of riding in a group, and the combination of skills in a non-predictable way.

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<sup>2</sup> Further, any final rule should allow flexibility to incorporate future training innovations that may be beneficial, such as web-based learning. SVIA's recommended modification, set forth below, provides such flexibility.

<sup>3</sup> SIPDE is an acronym of an important riding strategy: Scan/search; Identify hazards; Predict what may happen; Decide what to do; and Execute your decision.

SVIA recommends that sub-sections 1410.15(e) and 1515.15(e) be modified to state:

“The course shall include cognitive and knowledge-based instruction and riding exercises.” At a minimum, however, the sub-sections should be modified to change “classroom” to “discussion” and “trail” to “trail or circuit.”

**Sections 1410.15(f) / 1515.15(f) – Course duration.**

These sub-sections set forth the proposed duration of the course. Rather than prescribing a minimum time period, the proposed rule requires that the course be long enough to do the following: (1) “cover the topics noted in this section,” (2) “allow for each student to individually master the riding skills addressed in the course at the level commensurate with the terrain at the location of the course,” and (3) “allow for written and riding skills tests.”

As CPSC opined in the NPR, “some new ATV purchasers who are willing to set aside the time to participate in a one-half day training program might not be willing to set aside a full day for the program[.]” *Id.* at 45924. The suggested duration of the *ATV RiderCourse* is four hours and fifteen minutes (4:15) including breaks (:30 total). The course overview provides recommended durations for each lesson, but lesson time is lengthened based on student need. Because the lessons use a “building block” concept, lessons build upon the foundation developed in the prior lesson(s). Lessons are taught in sequence with riders meeting objectives of the lesson before moving to the next lesson.<sup>4</sup>

SVIA recommends that sub-sections 1410.15(f) and 1515.15(f) be modified in two respects.

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<sup>4</sup> If a student does not develop riding skills or techniques at the same pace as the remainder of the class, the student may require remedial activities. Remedial training assists a student who has not developed a skill or technique by providing special riding exercises or more supervised practice time. If the Instructor concludes that a student’s safety or the safety of others will be compromised by a student’s continued participation in the course, however, the Instructor will not allow the student to remain in the course.

First, the requirement for “each student to individually master the riding skills addressed in the course” should be changed to “each student a reasonable opportunity to meet the objectives of the lessons.” It is unreasonable to expect that all students will master skills in an introductory course. The intent is to provide the student with knowledge of the strategies, techniques and skills required for safe riding and a method of practicing to improve skills after the course.

ASI acknowledges this educational reality in its “Student Performance Evaluation Form” by advising: “The *ATV RiderCourse* is only a brief introduction to ATV riding. You should practice ALL exercises to improve your skills. Exercises that need even more practice are checked on the reverse side.” See Exhibit C, Student Performance Evaluation Form (emphasis in original). On the back of the form, the Instructor identifies those particular skills requiring additional practice.

Moreover, benchmarking achievement of objectives acknowledges that students learn at different rates and permits the class to progress at a reasonable pace. On the other hand, requiring the course to allow students to “master riding skills” would dramatically extend the length of the course (both the *ATV RiderCourse* and the course contemplated by the proposed rule). CPSC appeared to acknowledge this consequence in the NPR.<sup>5</sup>

Second, the requirement that the course duration be sufficient to “allow for written and riding skill tests” should be deleted. The *ATV RiderCourse* does not include written or riding tests. Instead, cognitive assessment and skill assessment (by both the Instructor and the student) occur throughout training; riders not performing at a level to achieve objectives receive remedial

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<sup>5</sup> In discussing the consideration, and ultimate rejection, of an 8 hour minimum course length, CPSC noted: “The minimum time requirements would be intended to ensure that there would be sufficient time . . . to give each student enough time to practice each skill until they had reached a *satisfactory level of proficiency*.” 71 Fed. Reg. at 45924 (emphasis added). And mastery of skills could take significantly longer than 8 hours.

assistance and, if necessary, are counseled out of the course; and an end of course, informal Student Performance Evaluation Form is provided. As the NPR suggested, requiring written and riding tests certainly would make the training less attractive to purchasers and likely would increase the length of the course, reduce the availability of training, and increase the cost of training. The proposed sub-sections' inclusion of "allow for written and riding skill tests" suggests that such tests are required or, at a minimum, required to be a course option. As a result, SVIA recommends that such language be deleted.

Finally, SVIA notes that CPSC has twice reviewed and approved the ASI training curriculum and the course duration, and in fact the *ATV RiderCourse* was shortened, to its current length, as the result of a recommendation from CPSC and its contractor.

SVIA recommends that sub-sections 1410.15(f) and 1515.15(f) be modified to state: "The course duration shall be sufficient to cover the topics noted in this section and to allow each student a reasonable opportunity to meet the objectives of the lessons."

**Sections 1410.15(g) / 1515.15(g) – Course accessibility.**

These sub-sections set forth the proposed course accessibility requirements, namely that the course be provided "within a reasonable time from the date of purchase of the ATV and a reasonable distance from the place of purchase of the ATV." CPSC opined that ASI's training program complies with these proposed accessibility requirements and SVIA agrees that it does.<sup>6</sup>

Many factors outside of the control of the manufacturer/distributor (e.g. the SVIA member company) and the training provider (e.g. ASI) contribute to the length of time between the date of purchase and the date of training. They include: the accuracy of contact information

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<sup>6</sup> SVIA also notes that non-purchasers may pay to take the *ATV RiderCourse* at any time and, through member companies' "Try Before You Buy" program, receive reimbursement of the tuition as well as incentives, if they subsequently purchase an ATV.

(telephone numbers; address; e-mail address) provided; the availability of the purchaser for contact by the training provider; the availability of the purchaser for training; and seasonal weather conditions. In addition, training sites' schedules and availability affect the timing. Notwithstanding all of these factors, for years 2004 through 2006 (year to date), the average median length of time from ASI's receipt and input of purchaser contact information to training was 58.7 days.<sup>7</sup>

Like CPSC, SVIA considers a distance that can be traveled in an automobile drive of two hours or less to be a reasonable distance from the location of purchase to the location of training.<sup>8</sup> Nationally, from 2004 through 2006 (year to date), the distance from location of purchase to location of ASI training was within 100 miles for over 99% of purchasers. Moreover, ASI attempts to reasonably accommodate those new purchasers located outside of a two-hour drive from the nearest training site. ASI offers reimbursement to new purchasers for total mileage in excess of 100 miles. Also, if the purchaser has access to land that is suitable for a training range, ASI will arrange for an Instructor to travel to the purchaser to conduct training, at ASI's expense, and deliver applicable incentives for course completion.

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<sup>7</sup> Some additional time could elapse, depending on the time from purchase to transmission of contact information from the retailer to the training provider, the method of transmission, and the time from receipt to data entry by the training provider.

<sup>8</sup> In its cost-benefit analysis for the proposed rule, CPSC assumed at least a two-hour driving time, in addition to ASI's half-day ATV *RiderCourse* and break/rest periods. See 71 Fed. Reg. at 45922 n.18 ("The SVIA sponsored training for new riders is approximately one-half day in length. Assuming that a trainee must give up 10 hours to take the training allows for travel to and from the site.").

**CONCLUSION**

For the foregoing reasons, CPSC should issue a final rule, addressing the safety video and instructional training, which incorporates the recommendations of SVIA set forth in these comments.

Dated: December 22, 2006

Respectfully submitted,



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**BEFORE THE  
UNITED STATES CONSUMER PRODUCT SAFETY COMMISSION**

16 CFR Parts 1307, 1410, 1500 and 1515;  
Standards for All Terrain Vehicles and Ban of Three-  
Wheeled All Terrain Vehicles;  
Notice of Proposed Rulemaking  
  
71 Fed. Reg. 45904 (August 10, 2006)

**ATV NPR**

**COMMENTS OF THE SPECIALTY VEHICLE INSTITUTE OF AMERICA  
AND THE ATV SAFETY INSTITUTE**

The Specialty Vehicle Institute of America (“SVIA”), and its division, the ATV Safety Institute (“ASI”), respectfully submit these comments to the Notice of Proposed Rulemaking for “Standards for All Terrain Vehicles and Ban of Three-Wheeled All Terrain Vehicles,” published by the U.S. Consumer Product Safety Commission (“CPSC”) on August 10, 2006 (the “NPR”).

SVIA is a not-for-profit trade association sponsored by Arctic Cat, Bombardier, Bush Hog, Honda, John Deere, Kawasaki, Polaris, Suzuki, Tomberlin and Yamaha. Since 1983, SVIA has promoted the safe and responsible use of all-terrain vehicles (“ATVs”) through rider training programs, public awareness campaigns, and government relations. SVIA also serves as a resource for ATV research, statistics, and vehicle standards. Since 1988, ASI has implemented an expanded national program of ATV safety education and awareness.

Since the 1980s, SVIA and ASI have worked cooperatively with CPSC to promote the safe and responsible use of ATVs, thereby reducing accidents and injuries that may result from improper ATV operation. SVIA is pleased that, in the NPR, CPSC acknowledged the important role that ASI plays in ATV rider education and training, identifying it as the leading ATV safety training provider. 71 Fed. Reg. at 45924. Indeed, CPSC noted that the curriculum specified in