



Consumer Federation of America



Natural Trails & Waters
COALITION



Action Steps to Protect Children

Overview of Model Legislation and CPSC Petition Process

All-Terrain Vehicle (ATV) Safety Crisis: America's Children at Risk, a report by Consumer Federation of America, Natural Trails and Waters Coalition, and Bluewater Network, recommends that states adopt model legislation concerning all-terrain vehicle (ATV) safety and U.S. Consumer Product Safety Commission (CPSC) prohibit the use of adult-size ATVs by children under 16 years old. The CPSC could take such action by approving the petition submitted by the Consumer Federation of America and others.

Model Legislation:

The model legislation has been developed by the American Academy of Pediatrics. The full text is included in Appendix IV of the report. The following summarizes the main provisions.

- ? Prohibits the use of ATVs by children under age 16;
- ? Requires all ATV operators 16 and older to be licensed. Operators must pass a skills and knowledge test in order to receive a license;
- ? Requires ATVs to be registered with appropriate state agency;
- ? Addresses risk factors by:
 - Requiring operators to wear helmets;
 - Prohibiting passengers; and
 - Requiring ATVs to be equipped with mufflers, workable brakes and spark arresters.
- ? Requires that accidents resulting in death or injury requiring medical treatment be reported to the appropriate state agency.

U.S. Consumer Product Safety Commission (CPSC) Petition Process:

The filing of a petition under the Consumer Product Safety Act initiates a formal process within CPSC. A copy of the petition is enclosed in this packet. The following provides an overview of that process.

- ? CPSC must determine if the document submitted meets the requirements of a petition, including that it addresses a product under the jurisdiction of CPSC, presents evidence of a problem, and requests formal rulemaking.
- ? If CPSC determines that the document is a petition, it will then publish it in the *Federal Register* and request public comment.
- ? CPSC staff analyzes comments and may conduct an independent investigation of the product hazard.
- ? CPSC staff presents findings to the Commission members (a Chairman and two Commissioners) and offers recommendations for action.

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- ? Commission members formally vote to grant, deny or defer the petition. They can also vote to grant or deny it in part.
- ? In determining how to act on a petition, Commission members are required to analyze several factors, including whether or not the product presents an unreasonable risk of injury and whether or not failure to act on petition would unreasonably endanger consumers.
- ? If the Commission grants a petition, it will initiate the formal rulemaking process by publishing a notice in the *Federal Register* announcing its intention to issue a product safety rule and soliciting public comment.
- ? If the Commission rejects a petition, the petitioner can refile it with additional evidence. Rejecting a petition does not preclude the Commission from working to address the problem presented through means other than formal rulemaking, such as public education.
- ? There is no timeframe in which the Commission must act on a petition. However, deadlines apply to comment periods and the Commission must issue a proposed product safety rule within 12 months of initiating the rulemaking process.

To view the full report, please visit: www.consumerfed.org or www.naturaltrails.org. For more information about this problem, contact Scott Kovarovics of Natural Trails and Waters Coalition (202-429-2696), Rachel Weintraub of Consumer Federation of America (202-387-6121) or Sean Smith of Bluewater Network (415-544-0790).