

ALL-TERRAIN-VEHICLE

ATV

SAFETY CRISIS

**AMERICA'S
CHILDREN
STILL AT RISK**

August 2003

Consumer Federation of America • Bluewater Network • Natural Trails and Waters Coalition

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EXECUTIVE SUMMARY

“Eleven-year-old died,” “seventh-grader died,” “6-year-old died,” “13-year-old girl killed.” Just a few headlines from newspapers across the country over the past twelve months tell the painful story of a continuing all-terrain vehicle (ATV) safety crisis, which particularly affects children too young to drive a car. While the ATV industry maintains that it does not sell large ATVs for use by children under 16, these children continue to be overwhelmingly injured by these ATVs. Is the industry committing to redouble its efforts to enforce age recommendations to better protect children? Unfortunately, the answer appears to be “no.” In fact, it is proposing to abolish age limits for some children and put them on bigger, faster ATVs made specifically for adults.

New evidence and analysis in this report document how the industry's voluntary approach to safety, which relies on age recommendations, warning labels and offers of training, is failing across the board. After years of waiting for industry to improve safety, it is time for a new approach led by the U.S. Consumer Product Safety Commission (CPSC). Although CPSC has increased attention to this problem over the past year, it remains unclear when, or if, it will act to help better protect children.

This report documents the failure of the ATV industry's voluntary approach to safety, describes and challenges its proposal to put some children on bigger, faster ATVs, and makes the case for national leadership by CPSC to protect children from the dangers posed by adult-size ATVs.

Industry's Voluntary Approach Failing to Protect Consumers

In February 2003, CPSC publicly released its most comprehensive assessment of ATV-related injuries and general characteristics of injured riders since 1998. This assessment, entitled *All-Terrain Vehicle 2001 Injury and Exposure Studies*, analyzes ATV-related injuries between 1997 and 2001. These studies cover much of the period during which responsibility for safety was ceded to the industry. They offer a clear indictment of the industry's voluntary approach:

- The estimated number of injuries requiring emergency room treatment more than doubled between 1997 and 2001 to 111,700; and
- Injuries increased substantially across every driver age group, ranging from 76 percent for children ages 12 to 15, to 233 percent for children younger than 6, to 502 percent for adults 65 and older.

Core Elements of Industry's Voluntary Approach Fail Across the Board

The industry's voluntary approach has several core elements. They include: age recommendations concerning the use of certain size ATVs by children under 16; warning labels to communicate safety information; and offers of training to purchasers of new ATVs. New analysis of evidence obtained by Consumer Federation of America and Natural Trails and Waters Coalition concerning people injured by ATVs, documents that each is ineffective:

- In 2001, at least 97 percent of all injured children younger than 16 were operating ATVs that were larger than the size recommended for their age group;
- More than 40 percent of ATV drivers in 2001 reported that the ATV that caused their injury did not have warning labels or stated that they did not know if it did; and

- CPSC found that only 7 percent of all ATV drivers, conservatively estimated to total more than 16 million people, have ever received training from “an organized training program, dealer, or salesman.”

Children Remain at Greater Risk, Suffer Disproportionate Number of Injuries

Children too young to drive a car are among those most vulnerable to serious ATV-related injuries. The industry's voluntary approach to safety is clearly failing to protect them:

- Between 1997 and 2001, serious injuries to children under age 16 increased 57 percent from 18,454 to 29,013;
- While children accounted for 17 percent of all ATV drivers in 2001, they suffered 25 percent of all serious injuries; and
- The continuing disproportionate impact on children is also clear considering that the number of drivers between the ages of 12 and 15 actually declined slightly while they suffered nearly 76 percent more injuries during the study period.

ATV Industry Can't Explain Away the Problem

Since the release of our report last year, the ATV industry has attempted to explain away the problem by claiming that the overall increase in injuries can be attributed to rising ATV sales and usage and downplaying the significance of ATV injuries with comparisons to popular sports:

- CPSC accounts for the growth in the number of ATVs or riders over time by evaluating injury trends based on a fixed number of riders or ATVs. By every measure, injuries went up significantly between 1997 and 2001 when evaluated based on 1,000 ATVs, 1,000 drivers/riders and 1 million riding/driving hours; and
- Medical research from hospitals across the country demonstrates that ATV-related injuries tend to be more severe and more often require hospitalization and surgery than most sport- or bicycle-related injuries.

Industry's Push for Bigger, Faster ATVs Has Real Consequences

According to the ATV industry, there were at least 7 million ATVs in use in 2001. That figure is nearly double the number estimated by CPSC only four years earlier. The industry's unrelenting push to sell bigger and faster ATVs is driving this growth. Moreover, this pursuit of power and speed has real consequences:

- Between 1997 and 2001, the number of ATVs with engines 300 to 399 cc increased by nearly 78 percent to 1.7 million while those with engines bigger than 400 cc jumped by more than 200 percent to 1.1 million; and
- Emergency room injuries caused by ATVs with engines larger than 400 cc skyrocketed by 567 percent -- from 3,662 to 24,437 -- during this same period.

Industry's Response to Crisis – Put Children on Bigger, Faster ATVs

As ATV-related injuries and deaths have skyrocketed, the industry has largely minimized the problem and attempted to shift responsibility to the victims. And how does industry propose to address the fact that its voluntary recommendation against the sale of adult-size ATVs for use by children is failing? Stop making this recommendation and sell large ATVs for use by children. This is the message communicated by the industry and its surrogates when CPSC convened a public hearing on ATV safety – the first on this subject in more than a decade -- in June 2003:

- Michael Babusci, Executive Director of the Pennsylvania Off-Highway Vehicle Association, said “[E]stablishing machine size limits based upon a child’s age is inadequate and misguided;”
- Dick Lepley, representing the Pennsylvania Motorcycle Dealers Association, said, “. . . we believe the age restrictions that are in place cause more harm than good;” and
- Bill Dart, Public Lands Director for the BlueRibbon Coalition, which represents the interests of a wide array of off-road vehicle businesses and riders, challenged age recommendations for children ages 12 to 16, “[T]he reality is that many are physically capable of operating full size ATVs, and do.”

ATV Industry Can’t Have it Both Ways

While a wide array of representatives of the ATV industry told the CPSC in June that age recommendations “cause more harm than good,” the Chairman of the manufacturers’ trade association touted its model state legislation that would put current voluntary age limits in law and bar dealers from knowingly selling large ATVs for use by children under 16. He did not challenge the statements of any of his colleagues:

- There is a contradiction between the manufacturers’ stated position and model bill and the position of most industry representatives at the hearing, as well policy changes advocated by ATV groups in some states, including Minnesota and Pennsylvania.

Size Isn’t All that Matters

In challenging age limits, the industry over-simplifies the problem by maintaining that safe operation of adult-size ATVs is simply a matter of physical size. In essence, the industry and its surrogates argue that as long as a child can reach the foot pegs and handlebars on any size ATV, he or she should be allowed to drive it. But much like driving a car, safe operation of these highly dangerous motor vehicles requires much more than long legs and arms:

- The American Academy of Pediatrics explains: “[O]ff-road vehicles are particularly dangerous to children younger than 16 years who may have immature judgement and motor skills. . . . An automobile driver’s license, and preferably some additional certification in ATV use, should be required to operate an ATV. The safe use of ATVs requires the same or greater skill, judgement and experience as needed to operate an automobile;” and
- The American Academy of Orthopaedic Surgeons states: “Children under age 12 generally possess neither the body size or strength, nor the motor skills or coordination necessary for the safe handling of an ATV. Children under age 16 generally have not developed the perceptual abilities or judgement required for the safe use of highly powerful vehicles.”

It’s Time for a New Approach

The evidence demonstrates that the ATV industry’s voluntary approach to safety is failing to reduce injuries or protect children from the dangers posed by adult-size ATVs. Rather than commit to redoubling efforts to better protect children, the industry proposes to put some children on bigger, faster ATVs made specifically for adults. It is time for a new approach led by the U.S. Consumer Product Safety Commission:

- CPSC should act now to issue a national safety standard prohibiting the sale of adult-size ATVs for use by children under 16. This standard would help protect children, strengthen enforcement of age limits and send a powerful message to parents about how dangerous large ATVs are for children; and
- States should regulate ATVs more like cars by establishing minimum age limits and requiring safety training, testing and licensing.

ATV SAFETY CRISIS CONTINUES

ATV Safety in the Hands of Industry

All-terrain vehicle (ATV) safety has been on and off the national agenda for nearly 20 years. ATVs are three- and four-wheel vehicles specifically designed for off-road travel with wide, knobby tires and special suspension systems for rough terrain. As injuries and deaths caused by first-generation, three-wheel ATVs mounted in the mid- to late-1980s, the U.S. Consumer Product Safety Commission (CPSC)¹ took the industry to court to force it to end production of this “imminently dangerous consumer product.”¹ In 1988, that action resulted in a court-approved consent decree requiring industry to phase-out three-wheelers and to implement a number of other steps designed to improve ATV safety.² This decree was enforceable by CPSC in court and binding on the manufacturers.

When the consent decree expired in 1998, the industry assumed a voluntary approach to safety. Unlike the consent decree, however, CPSC does not retain enforcement authority. The manufacturers can terminate these agreements at any time provided they notify CPSC in advance. This voluntary approach has several key elements, including:

- Manufacturers recommend against the sale of adult-size ATVs (defined by CPSC and industry as ATVs with engine sizes greater than 90 cc) for use by children under 16;
- Heavy reliance on use of warning labels and owner's manual to communicate key safety messages; and
- Offers of safety training to qualified purchasers of new ATVs.³

The dramatic increase in serious injuries and fatalities over the past decade has catapulted this issue back into the national spotlight and focused attention on the effectiveness of this voluntary approach.

Industry's Voluntary Approach Failing to Protect Consumers

In August 2002, consumer advocates, pediatricians, surgeons and other health professionals, and conservation groups joined together for the first time to release a comprehensive report that documented a growing ATV safety crisis. After analyzing years of information about ATV-related deaths and injuries and medical research from across the country, the report concluded that the industry's voluntary approach to safety is ineffective in protecting children and reducing serious injuries and fatalities caused by these vehicles.⁴ Many of these organizations also submitted a formal petition to CPSC requesting that it develop and issue a rule prohibiting the sale of adult-size ATVs for use by children under 16 years old.⁵

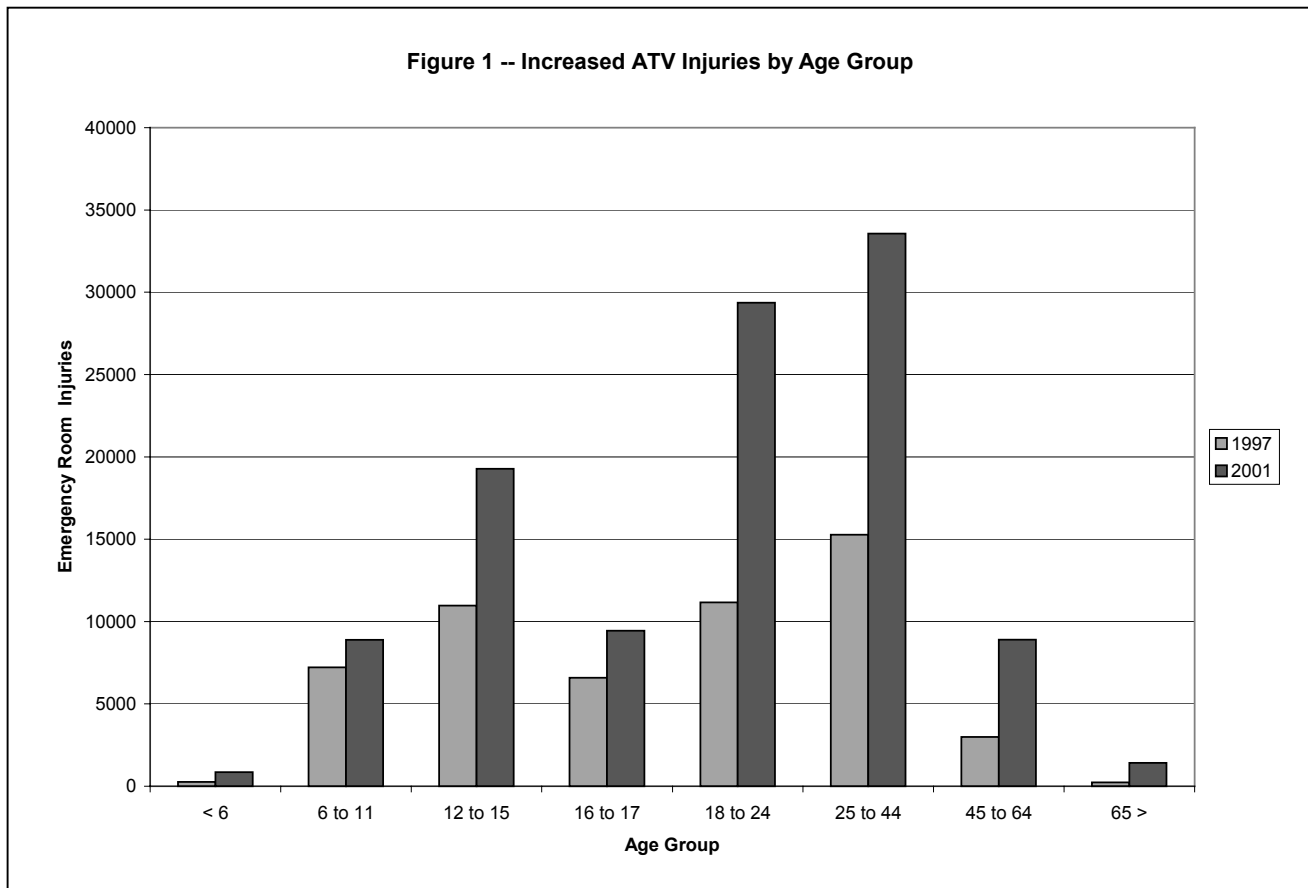
Since the release of that report, comprehensive new studies by CPSC reinforce its conclusions. In February 2003, CPSC publicly released its most comprehensive assessment of ATV-related injuries and general characteristics of injured riders since 1998. This assessment, entitled *All-Terrain Vehicle*

¹ The U.S. Consumer Product Safety Commission is an independent federal agency with jurisdiction over approximately 15,000 consumer products, including ATVs.

2001 Injury and Exposure Studies, analyzes ATV-related injuries between 1997 and 2001. These studies cover much of the period during which responsibility for safety was ceded to the industry. They offer a clear indictment of the industry's voluntary approach:

- The estimated number of injuries requiring emergency room treatment more than doubled between 1997 and 2001 to 111,700; and
- Injuries increased substantially across every driver age group ranging from nearly 76 percent for children ages 12 to 15, to 233 percent for children younger than 6, to 502 percent for adults 65 and older.⁶ (See Appendix 1 for detailed injury information by driver age group)

Figure 1 tracks injuries suffered by ATV drivers by age group in 1997 and 2001.



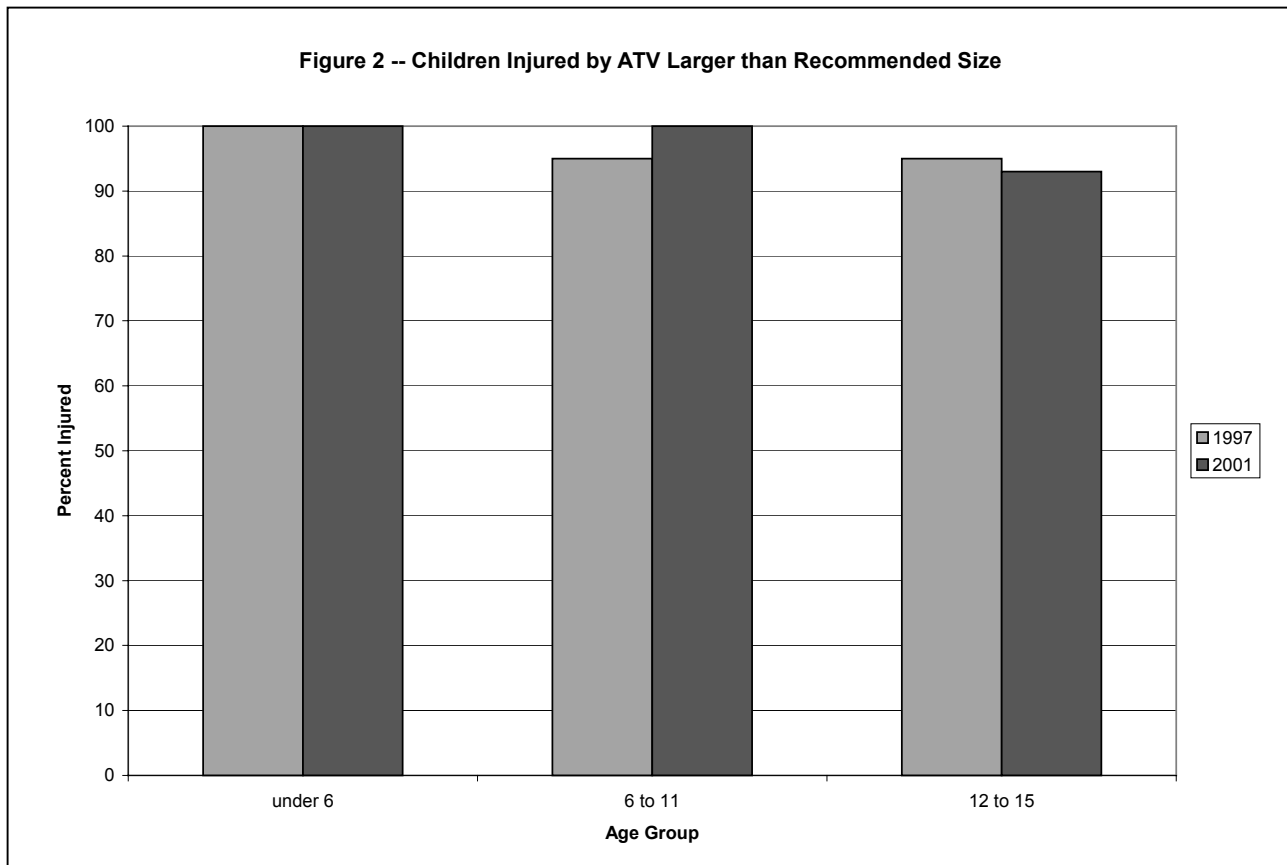
Source: U.S. Consumer Product Safety Commission, All-Terrain Vehicle 2001 Injury and Exposure Studies. January 2003.

Core Elements of Industry's Voluntary Approach Fail Across the Board

Although CPSC released important information concerning injured ATV riders in *All-Terrain Vehicle 2001 Injury and Exposure Studies*, this document does not include information necessary to make comparisons to similar studies issued by the Commission in April 1998. The Consumer Federation of America obtained the data necessary to make such comparisons through the Freedom of Information Act. The authors of this report and other experts analyzed this information to evaluate the effectiveness of the core tenets of the industry's voluntary approach to safety.

The continuous increase in injuries and disproportionate impact on children under age 16 demonstrate that the industry's approach to safety is ineffective. A closer examination of its key elements reveals why.

Children Overwhelmingly Injured by Adult-size ATVs – In 2001, at least 97 percent of all injured children younger than 16 were operating ATVs that were larger than the size recommended for their age group.⁷ **This proportion has increased since 1997 when 95 percent of children were injured by ATVs larger than recommended for their age.**⁸ Figure 2 illustrates the proportion of children injured by ATVs larger than recommended for their age. The average size of vehicles operated by children under 16 is now approximately 240 cc, even though industry and CPSC “recommend” that no child operate an ATV with an engine larger than 90 cc.⁹



Source: Injury Special Study Raw Data Files for 1997 and 2001, Provided as Attachment 2 to the U.S. Consumer Product Safety Commission Response to Freedom of Information Act Request from Rachel Weintraub, Assistant General Counsel, Consumer Federation of America, February 11, 2003.

An investigation by Good Morning America (GMA) last fall demonstrates how age recommendations are routinely ignored by ATV dealers. As reported on November 8, 2002, GMA visited or called 10 randomly selected ATV dealers nationwide and asked salespeople to recommend an ATV for a 14-year-old child. **Nine of the ten dealerships recommended an adult-size ATV with full knowledge that it was being purchased in violation of the industry's recommendation.** Many dealers recommended the adult-size machines without caveats while one explained the age restrictions, then proceeded to tell the reporter how to evade them.¹⁰ See Appendix 2 for the full text of this report.

Children under 16 continue to have a much greater risk of being injured on large machines than older drivers. When evaluated based on injuries per 1,000 drivers, CPSC's studies conclude that compared

to drivers 16 and older, children under 16 suffer approximately four times as many injuries on ATVs with engine sizes between 91 and 199 cc and twice as many on ATVs with engines 200 cc and larger.¹¹

Warning Labels Relatively Unknown – The ATV industry's voluntary approach relies heavily on warning labels to communicate critical safety information to drivers. Since few states require formal ATV safety training, warning labels may be the only mechanism to communicate such information.ⁱⁱ

Based on CPSC's in-depth surveys of a representative national sample of injured ATV riders, **42 percent reported that the ATV that caused their injury did not have warning labels or stated that they did not know if it did.**¹² Awareness of warnings is not greater among owners of more recently purchased vehicles, which have labels to which dealers are presumably directing the public's attention.¹³

That children are being injured on vehicles that are too large should come as no surprise, since voluntary efforts to better inform and train the public have failed. **Even when injured drivers report that their ATV has warning labels, few are aware of specific safety messages printed on them.** For example, only 13 percent of the injured ATV riders were aware of a warning label about vehicle size for children under 12 while 38 percent remembered a warning label for children under 16.¹⁴ In fact, on the critical issue of the recommended size of vehicles for a particular age group, **awareness of the messages on warning labels declined slightly between 1997 and 2001.**¹⁵

Few Injured Riders Receive Formal Safety Training -- The extent of formal training, from an organized program or a dealer, has not been boosted by the industry's voluntary approach. In 1997, only 3.6 percent of the injured ATV operators received formal training.¹⁶ **In 2001, the number was virtually identical, 3.7 percent.**¹⁷ Children do not receive formal training to a significantly greater extent – only 5.4 percent of injured children receive such formal training in 2001.¹⁸

The failure of this core tenet of the industry's voluntary approach extends well beyond the injured population. CPSC conservatively estimated that the total number of people driving ATVs in 2001 exceeded 16 million.¹⁹ **CPSC found that only 7 percent of all ATV drivers report ever receiving training from "an organized training program, dealer, or salesman" at any point since they first began driving an ATV.**²⁰

In sum, the core tenets of the industry's voluntary approach are ineffective based on measured outcomes over several years. Nearly 100 percent of children under age 16 are injured by ATVs larger than the size the industry recommends for their age group. More than four out of every ten injured riders reports that their ATV does not have warning labels or they do not know if it does. Less than 10 percent of all ATV drivers report that they have ever received formal safety training.

Children Remain at Greater Risk, Suffer Disproportionate Number of Injuries

Children too young to drive a car are among those most vulnerable to serious ATV-related injuries. The industry's voluntary approach to safety is failing to protect them. Between 1997 and 2001, serious injuries to children under age 16 increased 57 percent from 18,454 to 29,013.²¹ During this same period, the number of ATV drivers in this age group increased by significantly less.²²

ⁱⁱ Based on a state-by-state compilation issued by the Specialty Vehicle Institute of America, 16 states had some form of ATV safety education, training or testing programs in 2001.

The studies also demonstrate that between 1997 and 2001 the disproportionate impact of ATV injuries on children under 16 continued. For example, in 2001 children under age 16 accounted for 17 percent of all ATV drivers down from about 21 percent in 1997.²³ However, these children suffered 29,013 serious ATV injuries in 2001 – **or 25 percent of all injuries that year.**²⁴ The lower proportion of children in the larger driving population is somewhat deceiving. More children under 12 were driving ATVs in 2001 when compared to 1997, but the growth among this age group was far outstripped by older drivers. (See Appendix 1) In addition, while the number of drivers between ages 12 and 15 declined slightly, this age group actually suffered almost 76 percent more injuries during the study period.²⁵ **This finding is particularly significant in light of the ATV industry's proposal to put some children on bigger, faster ATVs made specifically for adults.** This proposal is described in more detail below.

ATV Industry Can't Explain Away the Problem

Since the release of our report last year, the ATV industry has attempted to explain away the problem by claiming that the overall spike in injuries can be attributed to rising ATV sales and usage. Some members of the ATV community have also argued that injuries per ATV rider have actually declined because so many more are in use today than in the early 1990s.²⁶ The Commission's new analysis of injuries between 1997 and 2001 disproves both theories and reinforces conclusions it has consistently reached in this area when issuing its annual reports on ATV-related deaths and injuries.²⁷

CPSC takes into account growth in the number of ATVs or riders over time by evaluating injury trends based on a fixed number of riders or ATVs. By every measure, injuries went up significantly between 1997 and 2001 when evaluated based on 1,000 ATVs, 1,000 drivers/riders, and 1 million riding/driving hours. For all drivers, injuries per 1,000 increased by nearly 51 percent while injuries per 1,000 ATVs jumped by more than 46 percent.²⁸ For drivers under age 16, injuries per 1,000 increased almost 40 percent.²⁹

These findings also disprove the theory that injuries per driver declined. If that was the case, injuries per 1,000 drivers would go down rather than up between 1997 and 2001. However, for all drivers, injuries per 1,000 increased nearly 51 percent from 4.5 to 6.8.³⁰ For three-quarters (6 of 8) of all age groups for which CPSC provides more detailed information, injuries per 1,000 drivers increased in a range from 33 percent for drivers under age 6, to nearly 79 percent for drivers ages 12 to 15, to 185 percent for drivers 65 and older.³¹ (See Appendix 1) The same holds true based on injuries per 1 million driving hours.³² **The studies clearly conclude that under the industry's voluntary approach, injuries per driver have actually increased.**

ATV-related Injuries More Severe Than Most Sports Injuries

As part of its larger effort to downplay the significant increase in emergency room injuries caused by ATVs, the industry highlights injury statistics from other activities, especially popular sports such as football, basketball, bicycling, soccer and baseball.³³ It suggests that the number of ATV injuries is not that significant considering how many children visit emergency rooms annually after being hit by a baseball or falling off their bikes.

However, industry fails to highlight the fact that ATV-related injuries tend to be much more severe and more often require surgery and hospitalization than injuries received playing

basketball or soccer or riding a bike. Medical research from across the country has consistently reached this conclusion. For example:

Doctors at Children's Hospital Medical Center in Cincinnati compared ATV-related injuries requiring in-patient treatment to similar injuries linked to major sports, including soccer, baseball/softball, football, basketball, hockey, rollerblading, sledding, skiing, and use of trampolines. When comparing injuries from January 1996 through June 2003, they found:

- ATV-related injuries were significantly more severe than the average for all sports based on Injury Severity Scoreⁱⁱⁱ (9.07 to 5.8);
- ATV injuries were more severe than injuries caused by any sport except hockey; and
- **18 percent of children injured by ATVs were treated in the intensive care unit compared to 5.9 percent of those treated for any sports-related injury.**³⁴

Researchers at Children's Hospital in Pittsburgh reached similar conclusions. In 2002, they compared all ATV-related admissions (65 cases) to the facility's trauma center to admissions for all other traumatic injuries in the larger pediatric population (1500 cases). The doctors found:

- The average length of hospitalization was significantly longer – 3.65 days compared to 2.11 days – for ATV-related trauma than all other trauma; and
- **“ATV pediatric victims are younger, more severely injured and stay longer than the average trauma patient.”**³⁵

Previous research at Children's Hospital Medical Center in Cincinnati compared ATV and bicycle injuries to children between January 1991 and June 2000. This study found that:

- “ATV riders were twice as likely as bicyclists to have more serious injuries (Injury Severity Score > 15);”
- **“Those involved in ATV crashes were more apt to sustain multiple injuries and more often require surgical intervention;”** and
- The average ATV victim was hospitalized for more than 6 days.³⁶

Studies, similar to those above, provide the best indicator of the severity of injuries, since they involve assessments by medical personnel at specific locations. Industry claims that ATVs are less dangerous than bicycles are based on faulty analysis of national data:

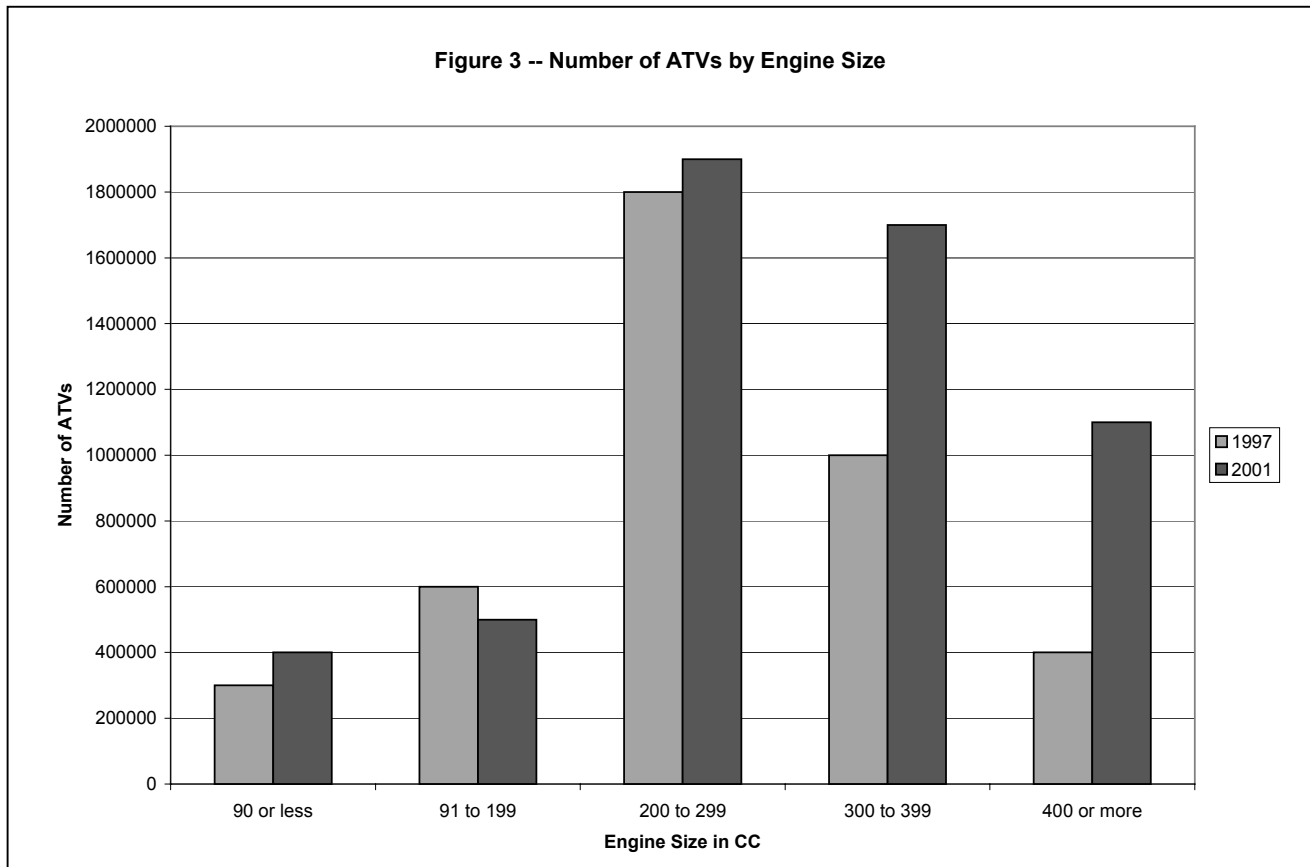
- The industry analysis never compared severe injuries (deaths) of children between ATVs and bicycles.
- The industry's comparisons of all injuries for children is based on data that excluded children under 6 years old. This had the effect of underestimating the number of bicycle participants, which led to an overestimation of injury rates due to bicycle accidents.

Industry's Push for Bigger, Faster ATVs Has Real Consequences

According to the ATV industry, there were at least 7 million ATVs in use in 2001.³⁷ That figure is nearly double the number estimated by CPSC only four years earlier.³⁸ The industry's unrelenting push to sell bigger and faster ATVs is driving this growth:

ⁱⁱⁱ The Injury Severity Score (ISS) is a universal system within the public health community to assign numeric scores to injuries in 6 regions of the body – head and neck, face, chest, abdomen, extremities and external. The scores from the 3 most severely injured regions are squared and then added together to produce the ISS score.

- Between 1997 and 2001, the number of ATVs with engines 300 to 399 cc increased by nearly 78 percent to 1.7 million while **those with engines bigger than 400 cc jumped by more than 200 percent to 1.1 million**,³⁹ and
- During this same period, the number of ATVs with engines between 91 and 199 cc actually fell by 16 percent while production of vehicles in the 200 to 299 cc range was essentially flat.⁴⁰ (See Figure 3)

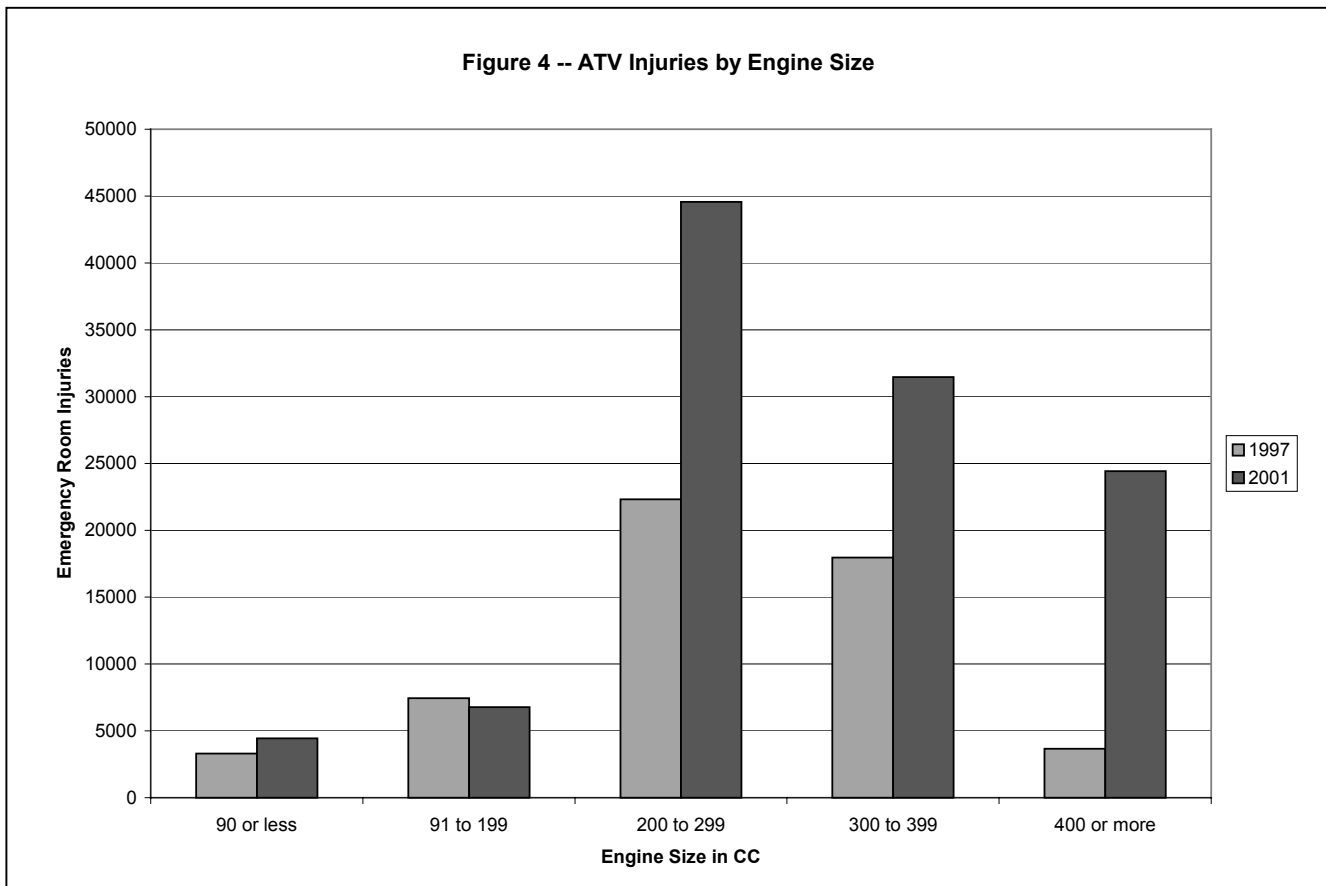


Source: U.S. Consumer Product Safety Commission. All-Terrain Vehicle 2001 Injury and Exposure Studies. January 2003.

Moreover, the emphasis on producing bigger and faster ATVs has real consequences:

- **Emergency room injuries caused by ATVs with engines larger than 400 cc skyrocketed by 567 percent from 3,662 to 24,437**; and
- Similar injuries caused by ATVs with engines 300 to 399 cc increased by 75 percent to from 22,317 to 31,470.⁴¹ (See Figure 4)

The industry's pursuit of speed and power and its ineffective voluntary approach to safety represent a dangerous combination.



Source: U.S. Consumer Product Safety Commission. All-Terrain Vehicle 2001 Injury and Exposure Studies. January 2003.

Will 2002 Be Another Record Year?

CPSC issues annual reports concerning serious injuries and fatalities caused by ATVs nationwide. In 2001, the most recent year for which information is available, ATV-related injuries requiring treatment in emergency rooms and fatalities reached record levels. Will 2002 be a record-breaking year? While CPSC's 2002 report is scheduled to be released this month, anecdotal evidence from newspapers and evening news broadcasts indicate that ATV-related deaths and injuries did not abate over the past year. The following excerpts offer just a few examples between August 2002 and August 2003:

- Amanda Hesse, a 13-year-old from Missouri, suffered a collapsed lung due to an ATV crash this spring. She was one of at least eleven children treated at St. Louis Children's Hospital for ATV injuries this year "ATV injuries on the rise," *News Channel 5, St. Louis, Missouri, July 11, 2003.*
- Two people have died in ATV crashes this year in Spokane, Washington and there were six fatalities in Idaho's Shoshone County. In Sacred Heart Medical Center in Spokane, Washington there has been an increase in ATV-related emergency room visits: in 2000 there were 12; in 2001 there were 30; and in 2002 there were 29. *Associated Press "ATV deaths increase," The Colombian, June 10, 2003.*

These same reports demonstrate the continuing toll on children under 16:

- In West Virginia a 14-year-old was injured and three 13-year-olds died in ATV crashes in one five day period. *Tom Searls, "ATV deaths renew debate on restrictions," The Charleston Gazette, October 3, 2002.*
- In Robinhood, Mississippi three girls, two 14-year-olds and one 12-year-old, died in a single ATV crash in October 2002. *Theresa Kiely, "Collision claims 3rd victim, 12," The Clarion Ledger, October 6, 2002.*
- Three sixth-grade girls were riding on an ATV when it crashed into a wire fence in Floyd County, Indiana. The driver, Rose Frommelt, was treated and released from Floyd Memorial Hospital. One passenger, Shelby Riley, was listed in serious condition while the other, Ashley Andres, died of a lacerated liver. *"Girl killed in ATV crash identified," Courier-Journal, March 17, 2003.*
- Jordan Hedrick, a 5-year-old from Marionville, Missouri, died after the ATV he was driving capsized in a ditch and threw him from the vehicle. *"Mother describes boy's ATV death," News-Leader, April 14, 2003.*
- On the weekend of July 12, 2003, a 9-year-old boy died in Wyoming County, New York on an ATV, and 9-year-old Brendon Gacek died riding his ATV in Exeter Township, Pennsylvania. *Paola Giangiacomo, "ATV Safety," Newswatch 16, July 15, 2003.*

(See Appendix 3 for a more complete list of examples.)

INDUSTRY'S RESPONSE TO CRISIS – PUT CHILDREN ON BIGGER, FASTER ATVS

Industry Minimizes Problem, Suggests Age Recommendations be Abandoned

As ATV-related injuries and deaths have skyrocketed, the industry has largely minimized the problem and attempted to shift responsibility to the victims. How does industry propose to address the fact that its voluntary recommendation against the sale of adult-size ATVs for use by children is failing? **Stop making this recommendation and put some children on bigger, faster ATVs.**

This was the message communicated by industry representatives when CPSC convened a public hearing on ATV safety – the first on this subject in more than a decade -- in June 2003. Industry tried to couch its message by discussing “fitting children” to large ATVs and suggesting that current age recommendations actually undermine safety. But the fundamental premise was crystal clear – age recommendations are expendable.

The ATV industry, dealers and state ATV associations made the following remarks in June:

Michael Babusci, Executive Director of the Pennsylvania Off-Highway Vehicle Association, said **“[E]stablishing machine size limits based upon a child’s age is inadequate and misguided.”** He went on to explain how his organization has worked with the State of Pennsylvania to modify state-sponsored ATV safety training to abolish age recommendations and leave “the decision of whether an ATV is appropriately sized for a user, up to the instructor.” Mr. Babusci outlined some of the “machine fit criteria” as follows:

- “Do the driver’s feet easily reach the foot pegs for the ATV?”
- “Can the driver comfortably reach the handlebars while sitting in an upright position?”
- “Can the driver easily manipulate the levers and shifter on the machine?”
- “Can the driver turn the handlebars from lock to lock?”
- “Does the driver understand and can they operate the starting and stopping features of the ATV?”⁴²

Dick Lepley, representing the Pennsylvania Motorcycle Dealers Association said, “. . . **we believe the age restrictions that are in place cause more harm than good.**” He went on to highlight a fundamental flaw with the voluntary approach as he explained how a responsible dealer who will not knowingly sell an adult-size ATV for use by a child can lose a customer to one that will.⁴³

Doug Morris, Director of the All-Terrain Vehicle Association (ATVA), and Royce Wood, Legislative Affairs Specialist for ATVA and the American Motorcyclist Association (AMA), challenged the age recommendations in joint testimony. They reaffirm that the age recommendations are voluntary by complaining that states and training programs have made them mandatory: **“[A]lthough 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.”⁴⁴

Mr. Morris and Mr. Wood oppose CPSC intervention as well as **“any general ATV performance restrictions that would reduce, or eliminate, consumer choice with regard to engine displacement or power output.”⁴⁵**

Roger Haige, Chairman of the Board of Trustees of the Specialty Vehicle Institute of America (SVIA), which includes every major ATV manufacturer (Arctic Cat, Bombardier, Honda, Kawasaki, Polaris, Suzuki and Yamaha), explained that the SVIA believes the keys to safety include enhanced rider education, model state legislation and parental involvement. Mr. Haige stated **“[T]he [ATV] companies have long promoted model state legislation that prohibits the use of adult-size ATVs by children under 16”** However, he told the Commission: **“In contrast, more federal intervention will not be effective in further reducing ATV-related injuries.”⁴⁶**

Bill Dart, Public Lands Director for the BlueRibbon Coalition, which represents the interests of a wide array of off-road vehicle businesses and riders, also **challenged age recommendations for children ages 12 to 16: “[T]he reality is that many are physically capable of operating full size ATVs, and do.”** He attempted to justify abolishing age recommendations by stating that “many states” issue driver’s licenses to children as young as 14.^{47, iv}

ATV Industry Can’t Have it Both Ways

At the CPSC hearing in June, ATV dealers, associations and other industry representatives echoed one common theme – age recommendations “cause more harm than good.” At the same hearing, the SVIA touted its model state legislation that would prohibit children under 16 from operating ATVs with engines larger than 90 cc as well as bar dealers from knowingly selling such ATVs for use by these children.⁴⁸ While this measure is commendable, it is very narrowly drafted to apply the age limits only to use of ATVs on public lands.

There is a contradiction between the manufacturers’ stated position and model bill and the position of most industry representatives at the hearing as well as policy changes advocated by ATV groups in some states, including Minnesota and Pennsylvania. Several questions arise:

- Why didn’t the Chairman of SVIA challenge these positions at the hearing?
- Why hasn’t the SVIA issued any public statement in the intervening months disavowing these dangerous proposals?
- Is SVIA actively working at the state level to advance its model bill and/or challenge efforts to eliminate age limits for some children?

The manufacturers can not have it both ways. They can’t claim to continue to support age limits while much of the rest of the ATV industry works to abolish them at the state level.

^{iv} Contrary to Mr. Dart’s assertion, the Insurance Institute for Highway Safety reports that 43 states and the District of Columbia require children to be at least 16 years old to receive a license to drive a car. Moreover, based on state laws in 2002, the Institute concludes that 35 states and DC have provisional or graduated licensing systems that withhold unrestricted driving privileges until minors are 17 or 18 years old.

Size Isn't All that Matters

In challenging age limits, the industry over-simplifies the problem by maintaining that safe operation of adult-size ATVs is simply a matter of physical size. In essence, it argues that as long as a child can reach the foot pegs and handlebars on any size ATV, he or she should be allowed to drive it. **But much like driving a car, safe operation of these highly dangerous motor vehicles requires much more than long legs and arms.**

The American Academy of Pediatrics (AAP), which represents 57,000 primary care pediatricians, pediatric specialists and surgeons, issued its first formal policy concerning use of ATVs by children in 1987. In June 2000, the AAP updated and strengthened its recommendation that children younger than 16 not be allowed to operate ATVs regardless of size. In making this recommendation, the Academy concludes: “[O]ff-road vehicles are particularly dangerous to children younger than 16 years who may have immature judgement and motor skills An automobile driver’s license, and preferably some additional certification in ATV use, should be required to operate an ATV. The safe use of ATVs requires the same or greater skill, judgement and experience as needed to operate an automobile.”⁴⁹

The American Academy of Orthopaedic Surgeons (AAOS), the world’s largest medical association for musculoskeletal specialists, has also issued a formal Position Statement on this subject. The Association states “[I]n light of statistics that show an inordinate number of injuries and deaths resulting from the use of ATVs, the American Academy of Orthopaedic Surgeons considers ATVs to be a significant public health risk.”⁵⁰ The Academy highlights the multitude of factors that make ATVs particularly unsafe for children: “**Children under age 12 generally possess neither the body size or strength, nor the motor skills or coordination necessary for the safe handling of an ATV. Children under age 16 generally have not developed the perceptual abilities or judgement required for the safe use of highly powerful vehicles.**”⁵¹

Doctors at Children’s Hospital Medical Center in Cincinnati, who studied ATV-related injuries to children for nearly a decade, do not mince words concerning the dangers these vehicles pose to children under 16. These physicians state: “**It is unfathomable that it is illegal for children to drive automobiles until they are 16 years of age, pass a driver’s training class, and obtain a valid driver’s license, yet we permit even younger children to ride ATVs without helmets, safety gear, formal training, parental supervision, or licenses. ATVs are in fact more dangerous than automobiles since the rider’s body is fully exposed and not protected by the car’s frame and body.**”⁵²

IT'S TIME FOR A NEW APPROACH

Will CPSC Act to Protect Children?

The CPSC has clear regulatory authority over ATV safety. It annually collects and analyzes data concerning ATV-related injuries and fatalities and has conducted in-depth studies about this issue. However, the Commission has been slow to challenge this ineffective voluntary system.

One year ago, consumer advocates, doctors, medical organizations and conservation groups submitted a formal petition to CPSC requesting that it issue a rule that would prohibit the sale of adult-size ATVs for use by children under age 16.⁵³ The Commission has requested and received public comment on the petition and held a field hearing on this issue in Morgantown, WV in June 2003.⁵⁴ CPSC Chairman Hal Stratton independently held several other public meetings on ATV safety in Alaska in July.

While these are positive steps, it remains unclear if the Commission will take much needed action to protect children from the persistent threat posed by large ATVs. In spite of decades of research by doctors, other health professionals and CPSC's professional staff, Commissioners and official spokespeople for the agency continue to state that additional research is needed to understand the causes of this growing safety crisis. While research can be helpful, it is already clear that more and more people each year are getting seriously injured or killed on ATVs.⁵⁵

Existing data and research indicates that CPSC should grant the petition and prohibit the sale of adult-size ATVs for use by children under 16. Such a rule would have a range of positive impacts that are likely to reduce ATV deaths and injuries, especially those to children. First, this rule would make mandatory what is voluntary now, but which has been failing American consumers. The industry espouses the "golden rule" that it does not sell adult-size ATVs for use by children under 16, but an investigation by Good Morning America suggests that it is routinely ignored by ATV dealers.⁵⁶ Not only are children riding ATVs that are too big for them, they are also getting injured at higher rates than adults when riding these large machines.⁵⁷ Making this "golden rule" mandatory will have important life saving impacts.

Second, a formal rule would give CPSC a real enforcement tool against dealers who fail to comply with minimum age standards. The penalty provisions of CPSC's statutes, which apply directly to dealers, make it unlawful to "manufacture for sale, offer for sale, distribute in commerce, or import into the United States" a consumer product that does not conform to an applicable standard,⁵⁸ including a prohibition on the sale of adult-size ATVs for use by children under 16. In fact, a regulation would place every dealer on a level playing field and reward dealers who have consistently complied with the current voluntary age recommendations.

Third, a rule would accomplish what the industry's voluntary approach has failed to do: send a powerful message to parents about how dangerous large ATVs are for children. Too many parents of children who have been killed or seriously injured by adult-size ATVs indicate that if they only knew of the dangers associated with these vehicles, that they would never have bought or allowed their children to ride them. In an interview with Good Morning America and personal conversations with

the authors of this report, Susan Rabe, whose 10-year-old son was killed by an adult-size ATV, explained that she did not know an ATV “could be so dangerous.”⁵⁹ With industry controlling the flow of information, it is not hard to understand why many parents do not receive the cold, hard facts about the dangers large ATVs pose to children. If CPSC becomes more actively engaged on this issue, in part by issuing a rule, it is very likely that many more parents would receive objective information about the potential dangers.

While CPSC's ultimate decision on ATV safety remains unclear, the *Albuquerque Journal* reported that Chairman Stratton said “the commission could decide to recommend ATV legislation to the federal or state governments.”⁶⁰ State action is important, but not sufficient. CPSC should not cede all responsibility over ATV safety to state governments. In fact, in the same interview the Chairman made clear that he is reluctant to tell states what to do: “Having been a state legislator and state attorney general, I'm sensitive to having Washington come in and tell me what we ought to do.”⁶¹ The death and injuries caused by ATVs have become a national epidemic in need of a national response led by CPSC.

State Action Needed

Because CPSC does not have the authority to take every action necessary to solve the problems currently caused by ATVs, independent state action is also required. States have clear authority to regulate ATV usage and safety based on their jurisdiction over motor vehicles and public health. While CPSC can prohibit the sale of adult-size ATVs for use by children under 16, state governments have the authority to set licensing and training requirements for riders of ATVs, prohibit riders from carrying passengers, and require riders to wear helmets and other protective equipment. We believe states must act to improve ATV safety in order to fill a void left by the ATV industry and CPSC.

The American Academy of Pediatrics has drafted model legislation that articulates the elements of comprehensive state ATV safety legislation.⁶² Among other things, the Academy's measure:

- 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 an appropriate state agency;
- Addresses risk factors by:
 - Requiring operators to wear helmets;
 - Prohibiting passengers and operation on paved surfaces; and
 - Requiring ATVs to be equipped with mufflers, workable brakes and spark arresters; and
- Requires that accidents resulting in death or injury requiring medical treatment be reported to the appropriate state agency.

Unfortunately, passing comprehensive ATV safety legislation at the state level has proven to be difficult. The effort to pass such legislation in West Virginia illustrates this point. West Virginia residents have suffered extensive physical harm as well as economic burdens as a result of the deaths and injuries caused by ATVs. According to CPSC Chairman Stratton, “West Virginia . . . ranked in

the top six states for ATV-related deaths between 1982 and 2001.”⁶³ In West Virginia alone, there were 264 deaths recorded between 1982 and 2001.⁶⁴ In 2002, the State led the nation in ATV deaths with 27.⁶⁵ In addition, ATV deaths have cost West Virginia taxpayers as much as \$34 million annually.⁶⁶

Given this growing public health problem, West Virginia legislators have discussed ATV safety legislation every year for the past seven years.⁶⁷ However, an ATV safety bill has yet to be signed into law. On August 3, 2003, a legislative subcommittee approved a new bill, incorporating many elements of measures previously approved by the House and Senate, which would prohibit ATVs to be driven on public roads and require helmets and training for people under 18 years old.⁶⁸ **However, the West Virginia ATV and Motorcycle Association vigorously opposes this bill because it believes the legislation is “a very restrictive bill against responsible riders.”**⁶⁹ Unfortunately, even this modest proposal may fail to become law in the special session due in large part to consistent opposition by the ATV industry.

While state action is critical, the example above demonstrates that moving legislation through 50 state houses is difficult and time-consuming. The Commission can not simply “encourage” states to do something, step aside and then hope for the best. It must provide active national leadership as well as serve as a resource for states as they help to address this growing public health crisis.

Parents Have a Role to Play

While state and federal action is necessary to adequately protect consumers, particularly children, from ATV injuries, parents have a critical role to play as well. If CPSC and states take a more direct role in promoting ATV safety, parents could expect to receive more objective information about the serious threats adult-size ATVs pose to children under 16. With this information, parents would have the facts, and the responsibility to use them, to make more informed choices about whether or not an ATV is appropriate for their child.

If parents purchase an ATV for their children or themselves, many organizations, including the National 4-H Council, Safe Kids Campaign, CPSC and Consumer Federation of America, provide useful information about how to reduce the risk of being injured by an ATV.^v

^v For more information from these organizations, visit: www.safechild.net, www.safekids.org, www.cpsc.gov, or www.fourhcouncil.edu.

CONCLUSION

The upward trend in ATV-related deaths and injuries since the industry assumed a voluntary approach to safety is alarming. Closer examination of the fundamental tenets of that approach – age recommendations, warning labels and offers of training – demonstrates why that approach is failing across the board. New evidence from 1997 to 2001 strengthens the conclusion that the ATV industry has failed to improve safety in general or better protect children from the threats posed by adult-size ATVs. Unfortunately, industry's response isn't to redouble its efforts to implement its own age recommendations, but rather to suggest that the solution is to put some children on bigger and faster ATVs made specifically for adults.

Consumer advocates, doctors, nurses and other health professionals have joined together to ask: how much longer before a new approach is adopted? The U.S. Consumer Product Safety Commission has the authority to act now to prohibit the sale of adult-size ATVs for use by children under 16. While the Commission has increased its focus on this issue over the past year, largely in response to pressure from these groups, it is entirely unclear when, or even if, it might take direct, aggressive action on the national level. States should act as well by treating ATVs more like cars by establishing minimum age limits and requiring formal safety training and licensing. With access to more objective information about the dangers associated with ATVs, parents will be better able to make informed decisions about whether or not an ATV is appropriate for their children.

Unless we adopt a new approach to ATV safety, this national epidemic will continue.

ENDNOTES

- ¹ Ford G., Mazia M. Informing Buyers of Risks: Analysis of Marketing and Regulation of All-Terrain Vehicles. *Journal of Consumer Affairs* 1996; 30(1).
- ² United States of America v. Honda Motor Co., Civ. No. 87-3525, 1987 WL33507 (D.D.C.) (Filed Dec. 30, 1987).
- ³ All-Terrain Vehicles; Comment Request – Proposed Resolution. 63 Fed. Reg. 48199-48204 (1998).
- ⁴ Consumer Federation of America, Natural Trails and Waters Coalition, Bluewater Network. All-Terrain Vehicle Safety Crisis: America's Children at Risk. August 2002.
- ⁵ Consumer Federation of America, et. al, Petition to the U.S. Consumer Product Safety Commission Requesting Ban of All-Terrain Vehicles Sold for Use by Children Under 16-Years-Old, (CP-02/HP-02-1), August 20, 2002.
- ⁶ U.S. Consumer Product Safety Commission. All-Terrain Vehicle 2001 Injury and Exposure Studies. January 2003. p. 9, 32.
- ⁷ Injury Special Study Raw Data Files for 1997 and 2001, Provided as Attachment 2 to U.S. Consumer Product Safety Commission Response to Freedom of Information Act Request from Rachel Weintraub, Assistant General Counsel, Consumer Federation of America, February 11, 2003.
- ⁸ U.S. Consumer Product Safety Commission. All-Terrain Vehicle Exposure, Injury, Death and Risk Studies. April 1998. p. 36.
- ⁹ Injury Special Study Raw Data Files for 1997 and 2001, Provided as Attachment 2 to U.S. Consumer Product Safety Commission Response to Freedom of Information Act Request from Rachel Weintraub, Assistant General Counsel, Consumer Federation of America, February 11, 2003.
- ¹⁰ ABC News. Good Morning America. Rough Ride: Adult-Sized ATVs Pose Dangers to Children. November 8, 2002.
- ¹¹ U.S. Consumer Product Safety Commission. All-Terrain Vehicle 2001 Injury and Exposure Studies. January 2003. p. 22.
- ¹² Analysis of Injury Special Study Raw Data Files for 1997 and 2001, Provided as Attachment 2 to U.S. Consumer Product Safety Commission Response to Freedom of Information Act Request from Rachel Weintraub, Assistant General Counsel, Consumer Federation of America, February 11, 2003.
- ¹³ Ibid.
- ¹⁴ Ibid.
- ¹⁵ Ibid.
- ¹⁶ Ibid.
- ¹⁷ Ibid.
- ¹⁸ Ibid.
- ¹⁹ U.S. Consumer Product Safety Commission. All-Terrain Vehicle 2001 Injury and Exposure Studies. January 2003. p. 9.
- ²⁰ Ibid. p. 24.
- ²¹ Ibid. p. 14.
- ²² Ibid.
- ²³ Ibid.
- ²⁴ Ibid.
- ²⁵ Ibid. p. 32.
- ²⁶ All-Terrain Vehicle Association. Press Release. ATVA challenges attacks on all-terrain vehicles. August 22, 2002.
- ²⁷ U.S. Consumer Product Safety Commission. 2001 Annual Report: All-Terrain Vehicle (ATV)-Related Deaths and Injuries. May 2001.
- ²⁸ U.S. Consumer Product Safety Commission. All-Terrain Vehicle 2001 Injury and Exposure Studies. January 2003. p. 9.
- ²⁹ Ibid. p. 14.
- ³⁰ Ibid. p. 9.
- ³¹ Ibid. p. 32
- ³² Ibid.

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- ³³ Statement of Dr. Edward Heiden, before the U.S. Consumer Product Safety Commission ATV Safety Field Hearing. Morgantown, WV. June 5, 2003.
- ³⁴ Children's Hospital Medical Center of Cincinnati. Hospital Registry Data. January 1996 to June 2003.
- ³⁵ Statement of Dr. Jeffrey Upperman, before the U.S. Consumer Product Safety Commission ATV Safety Hearing. Morgantown, WV. June 5, 2003.
- ³⁶ Brown R, Koeplinger M, Mehlman C, Gittleman M, Garcia V. All-Terrain Vehicle and Bicycle Crashes in Children: Epidemiology and Comparison of Injury Severity. *Journal of Pediatric Surgery* 2002; 37(3): 375-380.
- ³⁷ All-Terrain Vehicle Association. Press Release. ATVA challenges attacks on all-terrain vehicles. August 22, 2002.
- ³⁸ U.S. Consumer Product Safety Commission. All-Terrain Vehicle 2001 Injury and Exposure Studies. January 2003. p. 9.
- ³⁹ U.S. Consumer Product Safety Commission. All-Terrain Vehicle 2001 Injury and Exposure Studies. January 2003. p. 19.
- ⁴⁰ Ibid.
- ⁴¹ Ibid.
- ⁴² Statement of Michael Babusci, Executive Director of the Pennsylvania Off-Highway Vehicle Association before the U.S. Consumer Product Safety Commission ATV Safety Hearing. Morgantown, WV. June 5, 2003.
- ⁴³ Statement of Dick Lepley, Representative of the Pennsylvania Motorcycle Dealer's Association, before the U.S. Consumer Product Safety Commission ATV Safety Hearing. Morgantown, WV. June 5, 2003.
- ⁴⁴ Statement of Doug Morris, Director, All-Terrain Vehicle Association, and Royce Wood, Legislative Affairs Specialist, American Motorcyclist Association, before the U.S. Consumer Product Safety Commission ATV Safety Hearing. Morgantown, WV. June 5, 2003.
- ⁴⁵ Ibid.
- ⁴⁶ Statement of Roger Haige, Chairman of the Board of Trustees, Specialty Vehicle Institute of America, before the U.S. Consumer Product Safety Commission ATV Safety Hearing. Morgantown, WV. June 5, 2003.
- ⁴⁷ Statement of Bill Dart, Public Lands Director, BlueRibbon Coalition, before the U.S. Consumer Product Safety Commission ATV Safety Hearing. Morgantown, WV. June 5, 2003.
- ⁴⁸ Specialty Vehicle Institute of America. Summary of Model State ATV Legislation.
- ⁴⁹ American Academy of Pediatrics. All-Terrain Vehicle Injury Prevention: Two-, Three-, and Four-Wheeled Unlicensed Motor Vehicles. *Pediatrics* 2000;105(6): 1352-1354.
- ⁵⁰ American Academy of Orthopaedic Surgeons. Position Statement: All-Terrain Vehicles. 1999.
- ⁵¹ Ibid.
- ⁵² Brown R, Koeplinger M, Mehlman C, Gittleman M, Garcia V. All-Terrain Vehicle and bicycle Crashes in Children: Epidemiology and Comparison of Injury Severity. *Journal of Pediatric Surgery* 2002; 37(3): 375-380.
- ⁵³ Consumer Federation of America, et. al, Petition to the U.S. Consumer Product Safety Commission Requesting Ban of All-Terrain Vehicles Sold For Use By Children Under 16-Years-Old, (CP-02/HP-02-1), August 20, 2002.
- ⁵⁴ U.S. Consumer Product Safety Commission. Petition Requesting Ban of All-Terrain Vehicles Sold for Use by Children Under 16 Years Old – Notice. *Federal Register* 2002 October 18; 67 (202): 64353-64354.
- ⁵⁵ U.S. Consumer Product Safety Commission. 2001 Annual Report: All-Terrain Vehicle (ATV)-Related Deaths and Injuries. August 2002.
- ⁵⁶ Specialty Vehicle Institute of America. About the ASI Fact Sheet.
- ⁵⁷ Injury Special Study Raw Data Files for 1997 and 2001, Provided as Attachment 2 to U.S. Consumer Product Safety Commission Response to Freedom of Information Act Request from Rachel Weintraub, Assistant General Counsel, Consumer Federation of America, February 11, 2003.
- ⁵⁸ 15 U.S.C. sect. 2068(a)(1).
- ⁵⁹ ABC News. Good Morning America. Rough Ride: Adult-Sized ATVs Pose Dangers to Children. November 8, 2002 and the authors' personal conversations with Mrs. Rabe.
- ⁶⁰ Jeff Jones. "Safety Commission Exploring Rise in ATV Deaths." *Albuquerque Journal*. July 27, 2003.
- ⁶¹ Ibid.
- ⁶² American Academy of Pediatrics. All-Terrain Vehicle Regulation Act.

⁶³ U.S. Consumer Product Safety Commission Press Release, "35 Witnesses Set to Testify at CPSC Regional ATV Safety Hearing in West Virginia - ATV Injuries Double in 5-Year Period, Deaths Continue To Climb," Release # 03-136, June 3, 2003.

⁶⁴ Ibid.

⁶⁵ Staff/ Wire reports. "Raleigh Man Dies In ATV Accident." Charleston Gazette and Daily Mail, August 5, 2003.

⁶⁶ Helmkamp. J., Estimated Annual Costs for Fatal All-terrain Vehicle-related Injuries in West Virginia, West Virginia Medical Journal 2002; 98:24-25.

⁶⁷ Staff/ Wire reports. "Raleigh Man Dies In ATV Accident." Charleston Gazette and Daily Mail, August 5, 2003.

⁶⁸ "Committee revives ATV regulation bill." Charleston Gazette and Daily Mail. August 4, 2003.

⁶⁹ "Committee revives ATV regulation bill." Charleston Gazette and Daily Mail. August 4, 2003. (quoting Sam Love, lobbyist for West Virginia ATV and Motorcycle Association).

Appendix 1

Detailed Injury Information by Driver Age Group

| | | Age Group | | | | | | | |
|----------------------------------|------------|-----------|----------|-----------|-----------|-----------|-----------|-----------|----------|
| | | 0 to <6 | 6 to <12 | 12 to <16 | 16 to <18 | 18 to <25 | 25 to <45 | 45 to <65 | 65 and > |
| Injuries | 1997 | 256 | 7,224 | 10,974 | 6,594 | 11,161 | 15,270 | 2,985 | 236 |
| | 2001 | 854 | 8,883 | 19,277 | 9,444 | 29,364 | 33,564 | 8,895 | 1,420 |
| | % Increase | 233.1% | 23% | 75.7% | 43.2% | 163.1% | 119.8% | 198% | 502.2% |
| Drivers (Million) | 1997 | 0.0 | 0.7 | 1.8 | 0.8 | 0.9 | 5.3 | 2.1 | 0.4 |
| | 2001 | 0.1 | 1.0 | 1.8 | 1.1 | 1.5 | 6.5 | 3.6 | 0.8 |
| | % Increase | 149.7% | 43% | -1.6% | 43.6% | 57.3% | 21.9% | 70.5% | 111.5% |
| Driving Hours (Million) | 1997 | 8 | 105 | 232 | 98 | 118 | 661 | 297 | 56 |
| | 2001 | 13 | 148 | 250 | 150 | 209 | 898 | 566 | 130 |
| | % Increase | 70.5% | 41.5% | 7.7% | 52.5% | 76.5% | 35.7% | 90.7% | 133% |
| Injuries / 1000 Drivers | 1997 | 6.9 | 10.3 | 6.2 | 8.6 | 12.0 | 2.9 | 1.4 | 0.6 |
| | 2001 | 9.2 | 8.9 | 11.0 | 8.6 | 20.1 | 5.2 | 2.4 | 1.8 |
| | % Increase | 33.4% | -14% | 78.5% | -0.2% | 67.3% | 80.3% | 74.8% | 184.7% |
| Injuries / Million Driving Hours | 1997 | 33.3 | 69.1 | 47.3 | 67.2 | 94.4 | 23.1 | 10.1 | 4.2 |
| | 2001 | 65.1 | 60 | 77.2 | 63.1 | 140.8 | 37.4 | 15.7 | 10.9 |
| | % Increase | 95.3% | -13.1% | 63.2% | -6.1% | 49.1% | 61.9% | 56.3% | 158.5% |

Source: U.S. Consumer Product Safety Commission, All-Terrain Vehicle 2001 Injury and Exposure Studies, January 2003. This table provides data for ATV drivers only.

Appendix 2

For the full text of Good Morning America piece on ATVs, visit:

http://more.abcnews.go.com/sections/gma/goodmorningamerica/gma021108atv_dangers.html

Appendix 3

Compilation of ATV Incidents since August 20, 2002

While comprehensive government data only is available through 2001, anecdotal data shows that death and injuries have continued unabated over the past year. Based upon a limited search of newspaper and television reports since August 20, 2002, the following articles illustrate the pervasive and harmful impacts of ATVs upon consumers and children specifically.

Deaths:

- In Lacoochee, Florida, a crash of an all-terrain vehicle in northeastern Pasco County on August 21, 2002 claimed the life of a teenager and injured a 10-year-old boy as they were riding an ATV. *Candace J. Samolinski, "Pasco Teen Dies After ATV Hits Barbed-Wire Fence," Tampa Tribune- metro section, Aug 22, 2002.*
- In Franklin, Massachusetts a 13-year-old girl died from her injuries after the ATV she was riding threw her off. *Alisha Cox, "Girl dies after ATV crash," Metro West Daily News, September 4, 2002.*
- In Henry County, Virginia, an 8-year-old boy was killed in an ATV incident during the weekend of September 21-22, 2002. *Hobbie Lehman, "ATV Driver Age Requirements," ABC 13, WSET, September 24, 2002.*
- Tyler Scott Butcher, a 13-year-old from Shady Spring, West Virginia was killed when he lost control of the ATV he was riding and flipped over a gravel road. *Associated Press, "Shady Spring teen dies in ATV accident," Associated Press Newswires, September 29, 2002.*
- In West Virginia a 14-year-old was injured and three 13- year-olds died in ATV crashes in one five day period. *Tom Searls, "ATV deaths renew debate on restrictions," The Charleston Gazette, October 3, 2002.*
- In Robinhood, Mississippi two 14 year-olds and one 12 year old died in an ATV crash on October 4, 2002. The third –the 12-year-old died on October 6, 2002. *Theresa Kiely, "Collision claims 3rd victim, 12," The Clarion Ledger, October 6, 2002.*
- In Utah so far in 2002, 8 people have died in ATV incidents. One of those killed was under age sixteen. *Kevin Cantera, "Driven Young," Salt Lake Tribune, October 27, 2002.*

- In Oregon, this past May, their 10-year-old son, Kyle, was killed after his family's ATV tipped over on him as he was returning home for supper. Kyle's death was one in a rash of five ATV-related deaths in the Mid-Willamette Valley this year. *Carol McAlice Currie, "Santa, please help family's warnings ring loud," Statesman Journal, December 10, 2002.*
- Joshua Dean Mattson, a 15-year-old boy from Waycross, Georgia, died while driving an ATV onto a highway. He was the second southern Georgia teenager killed this year in an ATV incident. *Teresa Stepzinski, "ATV driver dies of injuries- Ware County teenager involved in highway collision with oncoming car," The Florida Times- Union, December 31, 2002, p. B1.*
- On January 4, 2003, Justine Lingren, an 11-year-old, from Maple Grove, Minnesota, died when the ATV she was riding with her two young cousins lost control. *Lisa Donovan, "11-year-old's ATV death underscores the need for safety precautions," St. Paul Pioneer Press, January 12, 2003, p. 5B.*
- In New Mexico, there were more motorcycle and ATV deaths than in past years. *D'Val Westphal, "Good News, Bad News," Albuquerque Journal, January 28, 2003, p. D1.*
- In Milam County, Texas, 15-year-old Michael Eulenfeld died when the ATV he was driving crashed into a barbed wire fence. *Steven Kreytak, "Teen driving four-wheeler hits fence, dies," Austin American-Statesman, February 10, 2003, p. B1.*
- In Gower Corner, Florida, Kaitlin Bolin, an 8-year-old, second-grader died from her injuries sustained when the ATV she was riding and her 14-year-old sister was driving crashed. *James Thorner, "Girl dies from ATV accident injures," St. Petersburg Times, February 21, 2003.*
- Seventh-grader Randall Price died Sunday as a result of injuries that he sustained while driving an all-terrain vehicle on his family's property in Riner, Virginia. *"RINER BOY DIES IN ATV ACCIDENT," The Roanoke Times March 11, 2003, NR5.*
- In Graham, North Carolina, Matthew Hockaday, 16-years-old, died after he was thrown from an ATV driven by his friend, also a teenager. A third 16-year-old boy was thrown from the ATV as well and did not suffer serious injuries. *The Associated Press, "Teenager Charged in ATV Death," The News and Observer, March 14, 2003.*
- Three sixth-grade girls were riding on an ATV when it crashed into a wire fence. The driver, Rose Frommelt, was treated and released from Floyd Memorial Hospital. One passenger, Shelby Riley was listed in serious condition, while the other, Ashley Andres, died of a lacerated liver. *"Girl killed in ATV crash identified," Courier-Journal, March 17, 2003.*

- Jordan Hedrick, a 5-year-old from Marionville, Missouri, died after the ATV he was driving capsized in a ditch and threw him from the vehicle. *“Mother describes boy’s ATV death,” News-Leader, April 14, 2003.*
- In Lakeland, Florida, Olivia Hernandez, a 13-year-old girl, died after the three-wheel ATV she was driving hit a hole and threw her off. *“Lakeland 13-year-old killed in three-wheeler accident,” St. Petersburg Times, April 26, 2003.*
- Truman Cobia, a 13-year-old from Layton, Utah, died after his ATV rolled down a dirt embankment about fifteen feet high and into a field. *“For the Record—ATV crushes boy to death,” The Salt Lake City Tribune, May 22, 2003.*
- Two people have died in ATV crashes this year in Spokane, Washington and there were six fatalities in Idaho’s Shoshone County. In Sacred Heart Medical Center in Spokane, Washington there has been an increase in ATV-related emergency room visits: in 2000 there were 12; in 2001 there were 30; and in 2002 there were 29. *Associated Press “ATV deaths increase,” The Colombian, June 10, 2003.*
- A 6-year-old boy died in Roxand Township, Michigan when his ATV struck a tree and rolled into a drainage ditch. He and his 12-year-old passenger were trapped under the ATV in about a foot of water. The 12-year-old escaped with minor injuries. *Kara L. Richardson, “Boy, 6, killed in ATV wreck-- Boy was driving vehicle when it rolled into ditch,” Lansing State Journal, June 10, 2003.*
- In Monroeville, Ohio, 10-year-old Aaron Greene was killed when the ATV he was riding flipped over on him and his sister when they were riding up a hill. Fourteen-year-old Kevin Green crashed and died from injuries attained while riding his ATV in a wooded area of Lorain. *Opinion “Have summertime fun, but don’t forget safety,” Lorain Morning Journal, June 25, 2003.*
- A 17-year-old boy from Stapelton, Georgia died After the ATV he was riding was stuck by a car as he attempted to cross a road. *Associated Press, “Teen Athlete Dies After ATV Wreck,” June 26, 2003.*
- In Burney, California, 9-year-old Carlos Villarruel was riding an ATV with his 17-year-old cousin, Javier Luperio when the ATV hit an unknown object. Both boys were propelled forward and Carlos died shortly after his arrival at Mercy Medical Center. *“ATV crash kills boy, 9, cousin hurt,” Inter Mountain News, July 9, 2003.*
- On the weekend of July 12, 2003, a 9-year-old boy died in Wyoming County, New York on an ATV, and another 9-year-old, Brendon Gacek, died riding his ATV in Exeter Township, Pennsylvania. *Paola Giangiacomo, “ATV Safety,” Newswatch 16, July 15, 2003.*

- Ashleigh Beal, a 14-year-old girl from Mexico, Missouri, was killed over the fourth of July weekend while riding on an ATV with Shawn Woodruff, a 15-year-old, of Sturgeon, Missouri. The ATV overturned on an Audrain County road, killing Beal and seriously injuring Woodruff. *Associated Press, "Safety-Experts: ATV Accidents Common," News 5 Kansas City, July 16, 2003.*
- A 5-year-old boy, Brady Reisinger, was involved in a fatal ATV accident on July 15, 2003 in Ickesburg, Pennsylvania. He was riding on the ATV with his aunt when it rolled down a small embankment and killed him. *Kelli Altiery, "Perry ATV wreck kills child," The Sentinel News, July 16, 2003.*
- On July 20, 2003, Carlton Powell Jr., a 14-year-old boy, was killed when he lost control of the ATV he was riding in a gravel pit, and it flipped over on top of him. *Jamie Stockwell, "Tragedy Renews Concern Over Young Teens, ATVs," Washington Post, July 22, 2003, B01.*
- In New Mexico, more than 40 people died in crashes on three-wheel and four-wheel ATVs over the past decade. Last year was the deadliest yet, with ten fatalities. *Jeff Jones "ATVs Largely Unregulated in N.M.; Injury Rates Climbing," Albuquerque Journal, July 27, 2003.*
- In West Virginia, the nation's current leader in ATV deaths, twenty-seven people have died while riding ATVs this year. *Staff/ Wire Reports, "Raleigh Man Dies In ATV Accident," Charleston Gazette and Daily Mail, August 5, 2003.*

Injuries:

- In Olympia, Washington, two 14-year-old boys were seriously injured on September 22, 2002 in separate accidents at the same ORV park. *Cindy Yingst, "Agency's look at age limits perturbs riders," The Olympian, September 30, 2002.*
- In West Virginia three 13- year-olds died and a 14-year-old was injured in ATV crashes in one five day period. *Tom Searls, "ATV deaths renew debate on restrictions," The Charleston Gazette, October 3, 2002.*
- In Connecticut, in November 2002, two women were injured in an ATV crash and a 45 year-old man and a six-year old were injured when the ATV they were riding rolled over. *Jennifer Hicks, "Young Women hurt in ATV crash." Norwich Bulletin, November 20, 2002.*
- In Graham, North Carolina, Matthew Hockaday, 16-years-old, died after he was thrown from an ATV driven by his friend, also a teenager. A third 16-year-old boy was thrown from the ATV as well and did not suffer serious injuries. *The Associated Press, "Teenager Charged in ATV Death," The News and Observer, March 14, 2003.*

- On March 16, 2003, Jason Hayward Jr., a 13-year-old from Lakehead, California was injured when his ATV ran into a car at a high speed. He broke his left femur. *"ATV crash hospitalizes teen," Redding.com, March 17, 2003.*
- Three sixth-grade girls were riding on an ATV when it crashed into a wire fence. The driver, Rose Frommelt, was treated and released from Floyd Memorial Hospital. One passenger, Shelby Riley, was listed in serious condition, while the other, Ashley Andres died of a lacerated liver. *"Girl killed in ATV crash identified," Courier-Journal, March 17, 2003.*
- David Licht, a 13-year-old boy from North Tonawanda, New York, suffered a broken arm after his ATV tipped over. The boy tried to make a quick right turn, which got the ATV's wheels stuck in the dirt, causing the ATV to tip. The boy extended his left arm to break the fall, and it was broken by the weight of the ATV. *"Boy, 13, breaks his arm in accident on ATV," Buffalo News, April 21, 2003.*
- A 16-year-old from Winchendon, Massachusetts was injured while riding an ATV in a gravel pit. The boy went over a 30-foot embankment, his helmet fell off and he suffered injuries to his head and leg. *"ATV accident victim improving," Telegram and Gazette Worcester, MA, April 29, 2003.*
- In El Paso, Texas, a 13-year-old girl was killed while riding an ATV. Although she was wearing a helmet, she was an inexperienced rider and ran into a barbed wire fence that cut her right at the neck. A 14-year-old El Paso girl died in April from ATV related head injuries. *Tammy Fonce-Olivas, "ATV dangers make doctor want the vehicles banned," El Paso Times, May 1, 2003.*
- In Rowley, Massachusetts, Chad Fraser, a 16-year-old, was listed in fair condition after being thrown over the handlebars of his ATV into a concrete wall. *Jessica Benson, "Boy, 16, stable after ATV accident injury," Eagle Tribune, May 8, 2003.*
- A 15-year-old from Germantown, Wisconsin suffered three broken ribs and a punctured lung after falling off his ATV in his driveway. *"ATV accident," The Milwaukee Journal Sentinel, May 11, 2003.*
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- In Schaghticoke, New York, 11-year-old Benjamin Fogarty injured himself and 12-year-old passenger Emily Hilliker, when the ATV he was driving hit a tree. *"11-year-old ATV Driver, Passenger Hurt in Crash," Times Union, June 17, 2003.*
- Brock Robinson, a 13-year-old boy from Westfield, Indiana, suffered injuries when the ATV he was driving was struck by a pickup truck. *"Teen Recovering after ATV was hit by pick up," Indianapolis Star, June 20, 2003.*
- A 3-year-old boy in White House, Tennessee, was injured after the ATV that he was riding alone struck some wood. The child fell off the ATV, landing on a pile of glass jars that cut his back very badly. *"3-Year-Old Injured in ATV Accident," News 2, Nashville, July 6, 2003.*
- Amanda Hesse, a 13-year-old from Missouri, suffered a collapsed lung due to an ATV crash this spring. She was one of at least eleven children treated at St. Louis Children's Hospital for ATV injuries this year. *"ATV injuries on the rise," News Channel 5, St. Louis, Missouri, July 11, 2003.*
- An 8-year-old New Britain, Connecticut boy was injured when the ATV he was riding was struck by a car. *"Town News Briefing-- Now in Fair Condition," The Hartford Courant, July 16, 2003.*
- A 15-year-old girl from St. Mary's County Maryland suffered a broken collarbone and a concussion when the ATV she was riding as a passenger was struck from behind by a 15-year-old boy driving another ATV. The drivers and another passenger were treated for scrapes and bruises. *Michael Amon, "Teenagers Injured in ATV Accident: Limits Considered on Models Like Those in Crash," Washington Post, July 31, 2003.*
- Two 13-year-olds from Sanford, Maine, one driving, the other a passenger on an ATV escaped serious injury when the ATV they were riding collided with a truck. *"Boys 'very lucky' after ATV hits dump truck," Journal Tribune, August 4, 2003.*
- Stephen Stamper, a 13-year-old from Scottsville, Kentucky was critically injured when the ATV he was driving failed to negotiate a curve and crashed into a tree. *"Scottsville teenager injured in ATV accident," (Bowling Green)Daily News, August 4, 2003.*

While anecdotal, and merely a small sampling of the press coverage concerning ATVs since August 20, 2002, these articles tell the story of a nationwide epidemic in which children are killed or seriously injured while riding on all-terrain vehicles.