

**Stevenson, Todd A.**

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**From:** JC Crouch [jcrouch@2wheels.com]  
**Sent:** Saturday, December 10, 2005 10:20 PM  
**To:** Stevenson, Todd A.  
**Cc:** tleighton@2wheels.com  
**Subject:** ATV ANPR

Hello-

Tom Leighton has been in the motorcycle industry for over 30 years and asked that I forward his input regarding the CPSC analysis of ATV-related injuries. His comments are as follows:

It is completely unfair to use statistics from 1982 through 1987 because the vast majority of these deaths and injuries were caused by Three Wheeled vehicles (ATC's), which were removed from the marketplace at that time. The more realistic method to evaluate this issue would be to use statistics from 1988 to the present, as this is when Four Wheeled vehicles (TRX's and others) have been available. The industry has made substantial strides in safety improvements and education, thereby reducing considerably the risk of death or injury when riding ATV's. By using statistics from 1982, you are skewing the numbers unfairly against the safer Four Wheeled vehicles.

Thank you for the opportunity to provide this input. Please feel free to call Tom at the number shown below, or e-mail either of us.

Sincerely,

J. C. Crouch  
Assistant Sales Manager  
Two Wheels, Inc.  
Kauai, Hawaii  
808.822.7283

12/12/2005

**Stevenson, Todd A.**

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**From:** Jeff Oliver [runt@hcis.net]  
**Sent:** Sunday, December 11, 2005 11:34 AM  
**To:** Stevenson, Todd A.  
**Subject:** ATV ANRP

To Whom it May Concern:

I am writing this letter to voice my opinion on possible new regulations regarding ATV's. I do not believe new laws or regulations are the answer to reduce children's injuries or deaths caused by ATV accidents. I think that better or free rider & or parent education is a more sinceable approach. I believe it is the responsibilities of parents that their children as well as themselves have the proper training & understanding of the hazards of riding an ATV. An ATV is not a toy it is a machine and any parent that thinks of an ATV as another toy for their child has not taking the time to inform themselves. It's a tragedy in any accident involving the injury or even death of a child. As parents we have to be responsible to try and insure our children as well as our selves are educated and informed as much as possible in everything we do. No one can or will lookout for our or our children's safety better than us as individuals & or parents. I know we can not watch over our children every minute the best we can do is give them all the information, training & discipline we can & hope & pray they make the right decisions in everything they do.

Thank You  
Jeff Oliver

12/12/2005

**Stevenson, Todd A.**

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**From:** Marianne [marianne@offsetprep.com]  
**Sent:** Sunday, December 11, 2005 12:39 PM  
**To:** Stevenson, Todd A.  
**Subject:** ATV ANPR

To whom it may concern,

I am writing concerning the proposed rulemaking for "free access" to ATVs for all ages.

I am vehemently against allowing children to operate adult ATVs.

My niece was riding an ATV up a steep hill and it stalled. She could not go forward or backward and had to be rescued. She was an adult at the time and said that it was really hard to hold on without sliding backward. She was visibly shaken and extremely fortunate that she was not seriously injured. I am certain that a child would not have had the strength to hold the ATV in place until help came.

Please vote to stop children from having access to adult ATVs. You will certainly be saving lives and heartache for families who would otherwise be affected. We really need to protect our children and you are in a unique position that can make an enormous difference.

Thank you for your consideration.

Marianne Smith

**Stevenson, Todd A.**

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**From:** renee mirza [mirlren@yahoo.com]  
**Sent:** Sunday, December 11, 2005 12:53 PM  
**To:** Stevenson, Todd A.; renee\_l\_mirza@keybank.com  
**Subject:** ATV Advance Notice of Proposed Rulemaking

December 11, 2005

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

Re: ATV ANPR

Dear Secretary Stevenson:

In connection with the U.S. Consumer Product Safety Commission's (CPSC) issuance of an Advance Notice of Proposed Rulemaking (ANPR) concerning ATV's (October 6, 2005), I am writing to not only support this next step in the rule making process but also to strongly encourage the CPSC to vigorously and urgently pursue this matter and to quickly take demonstrable actions to reduce the number of deaths and serious injuries that occur in connection with ATV use.

Tragically, my son and only child, Jimmy, was killed on an ATV while vacationing with his father on August 28, 2004. He had just turned 13 years old earlier in the month. His father rented the ATV and neither he nor my son had any idea how dangerous these vehicles truly could be. My son was killed instantly when the ATV flipped and he was thrown from the vehicle. He was wearing a helmet.

There are no words I can share with you that could convey the despair our family lives with every day. A most precious gift was lost when Jimmy left this world and, for those that loved him so, we have been sentenced to death, a life in this world without him.

I think about Jimmy every moment of every day. I think about first loves, proms, graduations, weddings, fatherhood and so many dreams and desires that will never be. I look at his picture with his beautiful eyes staring back at me and think about how things could have been different. How mandatory safety training could have saved his life. How he would be in his first year of high school now if his father had been properly informed by the rental agency of the safety hazards of the vehicle including the number of deaths and injuries to children each year. I encourage you to take a look at my son's seventh grade picture, which I have attached. It is my last school picture of him. This picture, crooked glasses and all, captures the essence of Jimmy; a boy too busy for details like straight glasses when there was fun to be had and laughter to be heard. To be certain, his father and I live every day knowing that, for all our overprotecting of him during his short life, in the end, we failed him. We do not stand alone in this failure.

This pain is compounded by the fact that I know more children will lose their lives or be seriously injured and more families will be destroyed even as I struggle to find the right words for this letter. The statistics tell a horrible story. The time for serious action is clearly at hand, the consequences of choosing no action profound.

12/12/2005

Clearly the ATV landscape is a multi-faceted one and deserving of thorough consideration. But despite its complexities in some areas, there are really three top contributing factors that are causing this landscape to be so dangerous:

The general public's lack of awareness of just how risky and dangerous riding an ATV can be. This is not only true of the personal setting concerning the death of my son, Jimmy, but I now share the horrifying statistics with everyone I can and truly not one person I've shared them with had any idea how many deaths and injuries were regularly occurring on these machines. People just don't realize how dangerous these vehicles can be nor are they being advised of this by the manufacturers, dealers, or rental enterprises. Jimmy was watched with the utmost care his entire life. He was not allowed to take his bicycle off our dead end street.

In addition to not knowing, people don't "sense" the danger of these vehicles either. They are wide, low to the ground, heavy, and they look quite sturdy. But for those who are in the know about ATVs it is clearly understood that these machines have a great propensity to roll over and flip. And people just don't sense that by looking at the machine. Like their parents, most children are unaware of the potentially life threatening danger that goes along with operating an ATV. The fact that these vehicles are called "all-terrain vehicles" is misleading and it adds to the misperception about their safety since these vehicles are NOT appropriate for ALL terrains. They are not made for driving on paved roads and often a slight ridge in terrain can cause these heavy machines to tip.

Of great concern is that the vast majority of younger children lack the mental and emotional maturity and judgment to operate these vehicles in a prudent and safe manner. The American Academy of Pediatrics supports this idea. These vehicles are complicated to ride and often require split second decisions with a level of reasoning that children under 16 just don't have.

Most importantly, I want to relay my strong support for the following proposals that both individually and collectively would serve to dramatically reduce the number of serious injuries and deaths on ATVs, especially with regard to children under the age of 16:

Children under the age of 16 should not be allowed to operate or ride an adult-size ATV. The speed, weight, and potential volatility of the machines make them inherently dangerous and this is especially true in context with teenagers and their long-known and now scientifically understood lack of maturity and judgment. The CPSC should implement mandatory standards forbidding the sale of an adult-size ATV for use by anyone under 16 years of age.

With respect to the general public's lack of awareness of the dangers ATV's pose:

- a. Dealers and rental establishments should be required to present and have signed (by the prospective purchaser or renter) a formal document that advises of the related safety issues concerning ATV operation **and** discloses the recent ATV injury and death statistics. Such document signature should be secured **in advance** of the sale or rental of an ATV. Further, such notification should be a standalone document (as in not buried in other paperwork) that is very clear and plainly written, and it should be a multi-part form for which one copy should be maintained by the dealer/rental agency, one by the customer, and one control copy forwarded to a central repository that can be checked by a governing body such as the CPSC to ensure compliance with such disclosure rules. Such control and compliance measures are critical to the success of raising awareness, and the need for compliance is justified and highlighted by the industry's known failure to even comply with current voluntary measures.

b. An industry-funded national marketing campaign should be undertaken to promote safe and responsible ATV operation as well as advising the public in a clear and straightforward manner of the high risk of injury and death associated with ATV operation.

More frequent and greater penetration by the CPSC on dealer compliance and stiffer penalties in connection with compliance shortfalls.

ATV manufacturers should earnestly explore all ways to improve the vehicle design and features to improve safety and quickly implement those that will provide the most benefit. While CPSC can't mandate safety training, such training should be mandatory on SIZE APPROPRIATE MACHINES for all individuals. Further, the ATV industry should provide strong incentives for all individuals (regardless of age) to take such safety training courses and such training should be substantive, affordable and readily accessible.

Finally, I have to express my opposition to the concept of a "transitional machine" as included as a potential area of study and response to ATV safety concerns. Children should not ride ATVs with engine sizes of more than 90 cc's because they lack the maturity and judgment to do so. In terms of safety, the issue is not size alone but a child's ability to reason and make complex, immediate life altering decisions. In addition, CPSC's potential support for a transitional machine appears to be in contradiction to the CPSC's long-held view and the ATV industry's golden rule, that children should not be riding adult-size ATVs defined as vehicles with an engine size of 90 cc's or greater. The CPSC's and ATV industry's support for this has presumably been due to speed, weight and injury considerations, basically that adult-size ATVs are too large, heavy and powerful for a child to handle safely. Nothing in CPSC's recent ATV death and injury statistics supports the existence of a transitional machine.

Thank you for your consideration. My sole goal is to prevent other families from suffering the devastating loss that my family has and continues to suffer as a result of riding ATVs. I look forward to working with you on this critical life and death issue.

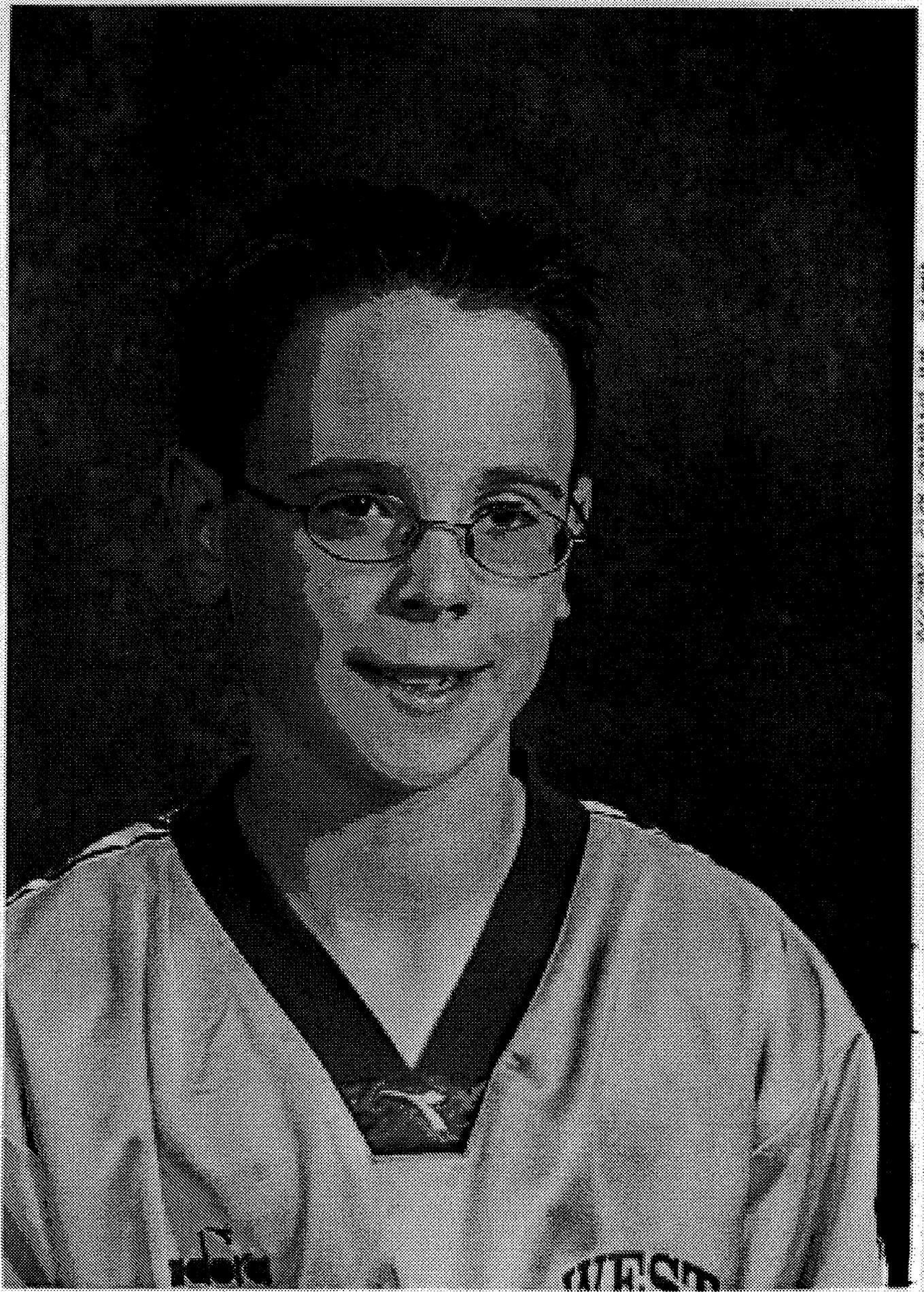
Respectfully,

Renee Mirza  
Mother of James Quinlivan

1 Jonden Trail  
Orchard Park, New York 14127

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**Stevenson, Todd A.**

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**From:** Cbrsjr96@aol.com  
**Sent:** Sunday, December 11, 2005 5:55 PM  
**To:** Stevenson, Todd A.  
**Subject:** ATV ANPR

Dear ATV Safety Committee,

I live here in Ohio and have been riding motorcycles for 32 and years and ATV's for 20 years. I previously worked in the powersports industry and I have been an ATV safety instructor for the ATV Safety Institute (Irvine, CA) since 1994.

In my experience, the majority of the ATV accidents I read and hear about are caused by ATV's 1) being ridden on roads 2) ATV's that have been borrowed from a friend or family member and subsequently involved in an accident.

Neither are the ATV's fault, nor the dealer that sold it. Regarding the current age/size restrictions, the biggest challenge is determining what size ATV a 14 and 15 year old rider can safely handle. This particular age bracket, especially for boys, must be revisited because the current 90cc size limit is not realistic.

I'd propose that this age group be allowed to purchase and operate an ATV in the 100cc to 250cc size range. A teenager this age has the physical and mental capacity to operate this size ATV safely, especially if they participated in the free training program. It would also reduce the temptation of them riding a larger sized machine, most likely owned by their sibling or parent.

You cannot legislate personal responsibility. Now that we all have more time and experience with all that can be good about the safe operation of ATV's, revising the current age/size slightly to accomodate these 14 and 15 year old riders will go a long ways reduce their risk of accidents or severe injury.

Sincerely,  
Jeff Rizzo  
Delaware, OH  
(740) 363-4945

12/12/2005

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**From:** Joseph A. Bellinger [racers@twcny.rr.com]

**Sent:** Sunday, December 11, 2005 7:22 PM

**To:** Stevenson, Todd A.

**Subject:** ATV ANPR

Hi ATV Saftey I think would greatly improve if riders were given more safe places to ride . (maintained trail systems).As far as younger riders using ATVs ,ATVs do not make good babysitters.I think that it's the parents job to supervise and make sure that their children are taught riding fundamentals, (formally or by the parent ). You can't simply hand over the use of a motorized vehicle to a inexperienced person, child or adult . Thank You  
Joseph A. Bellinger and Family

12/12/2005

**Stevenson, Todd A.**

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**From:** Farmsafetyday@aol.com  
**Sent:** Monday, December 12, 2005 11:08 AM  
**To:** Stevenson, Todd A.  
**Cc:** Roger.Hagie@kmc-usa.com; RJBernhardt@aol.com  
**Subject:** ATV ANPR

Dear ATV Committee:

Please see the attached. Also, you should receive a package today containing five hard copies of this information as well as a training video that we use. Thank you for your consideration.

Sincerely,

**Susan J. Reynolds**

Susan J. Reynolds  
Executive Director - Programs  
Progressive Agriculture Foundation  
P.O. Box 530425  
Birmingham, AL 35253  
(w) 888-257-3529 or  
(w) 205-871-0646  
(f) 205-871-2137  
farmsafetyday@aol.com

**"Making farm and ranch life safer and healthier for children through education and training."**

12/12/2005



## Progressive Agriculture Foundation

# Progressive Farmer Farm Safety Day Camps®

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Marketing Communications

December 10, 2005

Office of the Secretary  
Consumer Product Safety Commission  
Room 502  
430 East-West Highway  
Bethesda, MD 20814-4408

Dear ATV Safety Committee:

Please accept these comments on the use of ATVs by children and how the *Progressive Farmer Farm Safety Day Camp®* program teaches children throughout North America and American Samoa to stay safe on and around ATVs. Included with this information is a copy of the lesson plan used by the local community volunteers who teach this topic. In addition, I have sent a copy of the video produced by our staff to help the local camp volunteers conduct appropriate ATV safety demonstrations.

Thank you for your consideration of this information. I will be glad to provide further information if needed.

Sincerely,

Susan J. Reynolds  
Executive Director – Programs

Susan J. Reynolds, Executive Director – Programs, P.O. Box 530425, Birmingham, AL 35253  
Phone: 888-257-3529 Fax: 205-871-2137 E-mail: farmsafetyday@aol.com

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*Progressive Farmer Farm Safety Day Camp® Program*  
Teaches Children to Stay Safe On and Near ATVs

I would like to address two of the areas that the Consumer Product Safety Commission requested information on: 1) programs that are providing ATV training, and 2) current use patterns. As background, I am Executive Director for the Progressive Farmer Farm Safety Day Camp® program. In 2006, we will work with local volunteers to conduct approximately 365 one-day educational programs for children and youth in the U. S., Canada, U.S. Virgin Islands, and American Samoa. These camps will reach up to 80,000 children and 22,000 volunteers. The program is growing, with the number of camps increasing by approximately 10% each year.

Included in the list of topics taught at camp is safety around motorized vehicles such as tractors, combines, pick-up trucks, skid-loaders, and ATVs. Coordinators tell us they teach these topics because they see local children being injured or killed by these vehicles. Of these vehicles, coordinators report that the use of ATVs by children and youths from both farm and non-farm areas is increasing. They find that children who live on the farm may be expected to drive or ride on ATVs to carry-out daily chores. Where as ATVs were once a novelty on farms, today they are an integral part of farm life and work. They are used for everything from getting the mail, to checking fields, to feeding stock. In addition, non-farm children who visit a rural setting may often experience ATVs as their first self-propelled motorized vehicle experienced.

Parents may be aware of the risks associated with ATVs. However, they may be so busy that they neglect to give children proper instruction and supervision. In rural areas guidelines governing ATV use can be difficult to enforce and un-welcomed by farm families who value the freedom of their lifestyle.

Our answer to this is education. Volunteers who coordinate our camps receive training and a manual that contains in-depth, hands-on, age-appropriate, safe and fun lessons on a variety of topics, including ATV safety. Following the guidelines of the ATV Safety Institute and the National 4-H ATV Program, both farm and non-farm children learn to:

- 1) Identify safe and responsible use of ATVs including wearing proper protective gear.
- 2) Identify hazards associated with ATVs.
- 3) Understand that while ATVs can perform as valuable farm equipment, they are not “farm play things.”
- 4) Explain why ATVs must be the “right-size” for the operator.
- 5) Understand that ATV instructional classes are available through dealers and should be completed before operating a vehicle.
- 6) Identify state ATV laws.

We have been successful in helping children stay safer around ATVs. Pre-camp and 1-year post-camp data collected in 2002, indicated that helmet usage when riding an ATV increased by 62 percent for those who participated in an ATV safety learning station. In addition, the number of children driving ATVs decreased, as did the number of children riding as passengers either with a parent or friend.

Of the 324 *Progressive Farmer Farm Safety Day Camps®* held during 2005, 202 camps included ATV Safety as one of the eight to ten topics taught at their camp. As a result, more than 38,000 campers and almost 12,000 volunteers are safer on and around ATVs. And, as important, we have found that not only do the campers learn and become safer around ATVs, but that they are sharing what they learn and are influencing family members and friends to follow safety guidelines.

*Progressive Farmer* Farm Safety Day Camp® Program

Page 2

In summary, we feel that education is a key component of ATV safety and strongly encourage children to become involved in ours or other similar programs. And, I would be remiss if I did not stress the importance of government and industry support (including the support that we receive from Kawasaki Motors Corporation, U.S.A.) for non-profit educational programs such as the *Progressive Farmer* Farm Safety Day Camp® program.

Prepared by: Susan J. Reynolds  
Executive Director – Programs  
Progressive Agriculture Foundation  
*Progressive Farmer* Farm Safety Day Camps®  
1-888-257-3529  
farmsafetyday@aol.com  
12/9/05

# GELATIN BRAIN MOLD

## Learning Objectives

After completing this station, participants should be able to:

1. Understand the fragile nature of the human brain.
2. Understand the importance of wearing a helmet when operating ATVs.

## Safety Requirements

No safety requirements beyond the camp requirements are needed.

## Age-Appropriateness

This activity is entirely appropriate for participants ages seven through fourteen. When discussing general points, stress the dangers that ATV operation present. Participants may be fearless and thrill seekers.

The depth of content and the discussion needs to be tailored to the level of understanding of the group. Refer to the "Teaching Tips" and "Childhood Growth and Development" located in the Teaching Kids section of the manual for teaching how to deal with peer pressure.

## Suggested Instructors

Certified ATV instructor or an individual that has completed a rider course.

## Equipment/Supplies Needed

1. 3 large boxes (6 oz. each) peach or watermelon flavored gelatin.
2. 1 can (12 oz.) **lite** evaporated skim milk-**No other milk will work!**
3. 2 tsp. vegetable oil (for lubricating plastic mold)
4. Green food coloring
5. 3 ½ cups water (total)-2 ½ cups boiled and 1 cup cold water.
6. Jello brain mold

## Subject Outline

GROUP - DEMONSTRATION

**I. Introduction/Capture Their Attention**

- A. Introduce yourself and tell about your role driving ATVs or teaching ATV safety.
- B. Find out about your audience. Ask questions: How many of you operate ATVs? What do you use them for? How often? How many of you are passengers on ATVs? Do you know of anyone who has been injured on an ATV? What happened?

**II. Activity/Demonstration**

- A. Preparation of the gelatin brain from plastic mold.
  - 1. Spray or smear small amount of vegetable oil (2 tsp.) inside entire cavity of the plastic mold, wipe out excess oil.
  - 2. Put flavored gelatin in a large bowl. Add 2 ½ cups boiling water. Stir until completely dissolved, about 3 minutes.
  - 3. Stir in 1 cup cold water.
  - 4. Stir in skimmed evaporated milk for 2 minutes (if clear brain is desired, leave out skim milk and add an additional 1 ½ cups of cold water.
  - 5. Add a few drops of green food coloring to darken to the flesh tone.
  - 6. Pour gelatin mixture into the plastic mold, but do not fill to the top. Leave approximately one inch of space from the top. Set the mold on the stand that came with your mold and refrigerate.
- B. Extract gelatin brain from plastic mold.
  - 1. Shake until gelatin loosens from the walls of plastic mold.
  - 2. Place palm of hand over opening of plastic mold and turn over.
  - 3. Shake again until the gelatin brain mold plops out onto your palm or plate.
- C. Show the gelatin brain from plastic mold to the participants.
- D. Demonstrate the fragile nature of the human brain.
- E. Review the proper protective gear for the head.

### III. Discussion Points

- A. The Consumer Product Safety Commission has concluded that all terrain vehicles may present a risk of severe injury and death. ATVs continue to be incorrectly used on many farms.
- B. ATVs can be hazardous to operate. They handle differently than other vehicles, including motorcycles and cars. A collision or overturn can occur quickly, even during routine maneuvers such as turning and driving on hills or over obstacles.
- C. Discuss cause and effect. Explain the consequences of bad decisions such as not following the safety rule of wearing a helmet. Highlight that brain injuries are often permanent and discuss disabilities associated with brain trauma. Many people have become paralyzed or suffered severe internal injuries because of improper operation of ATVs.
- D. Discuss increased risks of injuries when not wearing a ATV helmet. Discuss the value of a helmet that fits properly. This discussion will include the value of this intervention, selecting the right size helmet, and properly fitting it. Remind young riders to wear their helmet all the time. They may not know that most injuries occur during off road driving.
- E. Talk about peer pressure. What do they like or dislike about wearing a helmet. What is it like to be the only one wearing a helmet?

### Resources

1. **Brain Molds** – The gelatin brain plastic brain molds are available from:

Oriental Trading Company  
P.O. Box 3407  
Omaha, NE 68103-0407  
Phone 1-800-228-0475

Items #25-1706 pricing \$3.95 plus shipping and handling

Anatomical Chart Company  
8221 Kimball Ave.  
Skokie, IL 60076-2956  
Phone 1-800-621-7500

Item #21013 pricing \$11.95 plus shipping and handling

2. **NAGCAT Guidelines** – Adults can use the North American Guidelines for Children’s Agricultural Tasks to match a child’s physical and mental abilities with the tasks involved in completing different agricultural jobs. Detailed information can be located at [www.nagcat.org](http://www.nagcat.org).
3. **Resource Guide** 2<sup>nd</sup> Edition, Partners for a Safer Community Revised 1999 pages 23 and 24.

# ATV SAFETY

## Learning Objectives

After completing this station, participants should be able to:

1. Identify safe and responsible use of ATVs, including wearing proper protective gear.
2. Identify hazards associated with ATVs.
3. Understand that while ATVs can perform as valuable farm equipment, they are not “farm play things.”
4. Explain why ATVs must be the “right-size” for the operator.
5. Understand that ATV instructional classes are available through dealers and should be completed before operating a vehicle.
6. Identify state ATV laws.

## Safety Requirements

1. ATVs should be moved to and removed from demonstration when participants are NOT present.
2. Only move ATVs if necessary as part of the demonstration. Participants must be supervised and must be 20 feet behind a designated safety zone such as a rope or yellow safety tape.
3. Instructor should keep ATV keys with them at all times. Do not leave the keys in the ATV.
4. Make sure ATV parking brake is set when unit is parked. Chock wheels for safety.
5. Participants cannot operate ATVs.
6. If allowed to sit on an ATV, participants should have one-to-one supervision with the other participants behind the safety zone.
7. Instructors can operate ATVs if they are the appropriate age for the ATV. Instructor operating ATVs must wear recommended safety gear.
8. If an ATV is started for demonstration purposes, have three instructors present: one to operate, one to instruct and one to patrol the area for safety. Both the instructor and the operator should be the appropriate age.

9. ATVs cannot be operated within 20 feet of participants. Participants should be kept behind the designated safety zone barrier.

### **Age-Appropriateness**

This lesson should be taught to participants who have the potential for operating ATVs. Children under the age of 6 are not legally allowed to operate an ATV. Therefore, this lesson should not be taught to this age group. This age group can be shown what an ATV is and told never to ride, operate, or play around them.

This lesson is entirely appropriate for participants ages seven through fourteen. When discussing general points, stress the dangers that ATV operation present. Participants may be fearless and thrill seekers.

These ages should not be driving other vehicles so will not understand a comparison to driving motorcycles or cars. Stress instead the speed and limited control. Children between the ages of seven and ten are still developing their speed-distance-time awareness. They need to understand that the ATV will be going much faster than they can run or ride a bicycle.

Younger participants may not be clearly identifying left and right. When explaining shifting weight, talk about shifting on the seat in the direction of where you are turning. Use your body and lead the group in practice turns.

The depth of content and the discussion needs to be tailored to the level of understanding of the group. Refer to the "Teaching Tips" and "Childhood Growth and Development" located in the Teaching Kids section of the manual.

### **Suggested Instructors**

Certified ATV instructor or individuals that have completed a riding course.

### **Activity/Demonstrations**

Choose a Hands-On activity/demo listed below or create your own. Develop your discussion points around the Hands-On activity/demo chosen. If time allows, you may choose more than one activity/demo as part of your safety presentation.

1. **ATV Wise Guys** – During this demonstration participants will view the safety features of ATVs, proper protective gear and how to be 'Rider Active' while learning specific ATV laws and safety points. Par-

participants will have the opportunity to sit on the ATV to determine their age and size appropriateness to an ATV.

2. **Stop! Don't Use Your Head!** – During this demonstration the participant will view a mock demonstration of what will happen to their head if they do not wear a helmet. This will be demonstrated by a cantaloupe without a helmet and one protected by a helmet.
3. **Gelatin Brain Mold** – During this demonstration the participant will view a mock brain and what will happen to their brain if they do not wear a helmet.

## **Subject Outline**

The following section contains information that can be molded into your chosen Hands-On activity(s). This is only *suggested* content. Choose the discussion points that best meet your objectives and correlates with Hands-On activity/demo you have chosen.

### **I. Introduction/Capture Their Attention**

- A. Introduce yourself and tell about your role operating ATVs or teaching ATV safety.
- B. Find out about your audience. Ask questions: How many of you operate ATVs? What do you use them for? How often? How many of you have been passengers on ATVs? Do you know of anyone who has been injured on an ATV? What happened to them?
- C. You may want to start with a personal story or experience.
- D. You may want to invite a person who has had an injury from operating ATVs to share his or her experiences. Make sure that you communicate to your guest your lesson plan and the time allotted prior to the camp. This will allow the guest to prepare and help them to stay within his or her allotted time to talk.
- E. Discuss unfamiliar terminology: Many individuals do not know that the acronym 'ATV' means, All Terrain Vehicle.

### **II. Discussion Points**

#### **A. General Points**

1. The Consumer Product Safety Commission has concluded that all terrain vehicles may present a risk of severe injury and death. ATVs continue to be incorrectly used on many farms.

2. Many people have become paralyzed or suffered severe internal injuries because of improper operation of ATVs.
3. Every month, thousands of people are treated in hospital emergency rooms for injuries received while operating ATVs.
4. ATVs can be hazardous to operate. They handle differently than other vehicles, including motorcycles and cars. A collision or overturn can occur quickly, even during routine maneuvers such as turning and driving on hills or over obstacles.
5. Before operating an ATV, you should carefully read the owner's manual, read warning labels on the vehicle, and attend an ATV instructional class. Instructional classes are available through a local dealer. Heed all warnings!
6. ATVs are intended for off-road use only! ATVs are not designed for operation on highways and may be difficult to control on any paved surface.

#### B. Protective Gear

Safe operation of ATVs requires that the rider wear protective clothing. Although complete protection is not possible, knowing what to wear and how to wear it can make a rider more comfortable and reduce the chance of injury. The following protective gear should be worn whenever riding an ATV:

1. **Helmet** – The most important piece of protective gear. The helmet should meet or exceed the Department of Transportation standards. Let participants know how to determine whether or not a helmet meets or exceeds standards. It should fit snugly and be securely fastened.
2. **Eye Protection** – A clear field of vision is required to ride safely. Select goggles or a face shield to protect the eyes without obstructing fields of vision. Regular sunglasses do not provide proper protection. Protective eyewear should be:
  - a. Free from scratches and bear the markings VESC8, V-8, or Z87.1 in one corner or should be constructed of hard coated polycarbonate.
  - b. Securely fastened.
  - c. Well-ventilated to prevent fogging.
  - d. Tinted for riding on bright days. A yellow tint is best for overcast days.

3. Clothing – Examples of proper protective attire should include:
  - a. A pair of good gloves to increase grip while protecting hands from potential injuries.
  - b. A pair of strong over-the-ankle boots with low heels.
  - c. A long-sleeved shirt and long pants.
  - d. Shin guards and chest/shoulder protectors if riding over rough-terrain or racing.

C. Safe ATV Operation Procedures

1. Discuss examples of safe operating practices. Age and size appropriateness:
  - a. From the back portion of the seat can they reach the handlebars and foot pegs comfortably?
  - b. Depending upon age of participants, you discuss weight-shifting issues.
  - c. Do they have proper grip, throttle, and brake reach.
2. Discuss safe ATV operation on different types of terrain.
  - a. Weight should be shifted to the front of the seat while going up an incline.
  - b. Weight should be shifted to the rear of the seat while going down an incline.
  - c. When making a left turn the weight should shift to the left.
  - d. When making a right turn the weight should shift to the right.
3. Discuss different sizes of ATVs and why some machines are not appropriate for children under certain ages. The discussion should include an explanation of why size is so important to safety and why the incorrect size poses special risks.

<b>ATV Engine Size . . . . .</b>	<b>Recommended Operator Age</b>
Under 70 cc . . . . .	6 years and older
70 cc to 90 cc . . . . .	12 years and older
Over 90 cc . . . . .	16 years and older

4. Explain differences between three- and four-wheel ATVs, dangers of operation, and special precautions to be taken for each type of vehicle.
5. Encourage participants to take additional certified ATV training before operating an ATV.

6. No passengers. Do not ride double. ATVs are designed for one operator and no passengers to allow for the operator to be 'Rider Active' (Shifting weight from the front of the seat to the rear or left to right while turning.) Passengers impair the driver's ability to shift weight in order to steer and control the ATV.

## **Resources**

1. **National 4-H ATV Program** – The 4-H Community All Terrain Vehicle (ATV) Safety Program offers resources and training to help you address ATV safety issues in your community. Many of the resources are available for little or no charge. Check their Website [www.atv-youth.org/](http://www.atv-youth.org/) for materials and program information.
2. **National ATV Safety Institute** – The ATV Safety Institute (ASI) is a nonprofit division of the Specialty Vehicle Institute of America (SVIA). They provide all-terrain vehicle safety education and awareness. Check their website [www.atvsafety.org](http://www.atvsafety.org) for materials and program information.
3. **NAGCAT Guidelines** – Adults can use the North American Guidelines for Children's Agricultural Tasks to match a child's physical and mental abilities with the tasks involved in completing different agricultural jobs. Detailed information can be located at [www.nagcat.org](http://www.nagcat.org).
4. **Resource Guide** 2<sup>nd</sup> Edition, Partners for a Safer Community Revised 1999 pages 23 and 24.

# STOP! DON'T USE YOUR HEAD!

## Learning Objectives

After completing this activity the participants should be able to:

1. Understand the importance of wearing a helmet.
2. Understand the importance of wearing a helmet that fits.
3. Understand the fragile nature of the human brain.

## Safety Requirements

1. Make sure the helmet you use for your demonstration is an old helmet. It will be dropped several times and once helmets have come into contact with a hard surface they lose their viability. This helmet is NOT to be used to protect one's head once the demonstration is complete.
2. Create a splash zone. Practice your demonstration prior to the camp to determine the splash zone.
3. Use proper ladder safety if using a step ladder to reach an elevated height.

## Age Appropriateness

This activity is entirely appropriate for participants ages seven through fourteen. When discussing general points, stress the dangers that ATV operation present. Participants may be fearless and thrill seekers.

The depth of content and the discussion needs to be tailored to the level of understanding of the group. Refer to the "Teaching Tips" and "Childhood Growth and Development" located in the Teaching Kids section of the manual for teaching how to deal with peer pressure.

## Suggested Instructors

Certified ATV instructor or an individual that has completed a rider course.

## Equipment/Supplies Needed

1. ATV helmet
2. Hard surface: Concrete, dry ground, or plywood

3. Two or three hard/nonripe cantaloupes
4. Ripe cantaloupes, Make sure you have enough for each session you are teaching.
5. Watermelon, Make sure you have enough for each lesson you are teaching.

## **Subject Outline**

### **I. Introduction/Capture Their Attention**

- A. Introduce yourself and tell about your role driving ATVs or teaching ATV safety.
- B. Find out about your audience. Ask questions: How many of you ride an ATV? How many wear helmets? Have you ever injured on an ATV? Do you know of anyone who has been injured on an ATV? What happened?
- C. You may want to start with a personal story or experience.
- D. Have a sports figure discuss the value of a helmet, for example in football or hockey. This can make a lasting impression. Make sure that you communicate to your guest your lesson plan and the time allotted prior to the camp. This will allow the guest to prepare and help them to stay within his or her allotted time to talk.

### **II. Activity/Demonstration**

- A. Using cantaloupes:
  1. Preparation: Set up an area that has a hard foundation such as a concrete surface or plywood. Put a hard/none ripe cantaloupe in an ATV helmet. Make sure your helmet is an old one.
  2. Drop a ripe cantaloupe, using a little force, onto the hard surface. The cantaloupe should burst open.
  3. Drop the helmet with the cantaloupe in it. The cantaloupe should not break.
  4. Explain to participants that the cantaloupe is like their brain on the road or ground if they were to hit their head while operating an ATV without wearing a helmet.



mental abilities with the tasks involved in completing different agricultural jobs. Detailed information can be located at [www.nagcat.org](http://www.nagcat.org).

4. **Resource Guide** 2<sup>nd</sup> Edition, Partners for a Safer Community Revised 1999 pages 23 and 24.



## **GROUP - DEMONSTRATION**



# ATV WISE GUYS

## Learning Objectives

After completing this station, participants should be able to:

1. Identify safe and responsible use of ATVs, including wearing proper protective gear.
2. Identify hazards associated with ATVs.
3. Understand that while ATVs can perform as valuable farm equipment, they are not “farm play things.”
4. Explain why ATVs must be the “right-size” for the operator.
5. Understand that ATV instructional classes are available through dealers and should be completed before operating a vehicle.
6. Identify state ATV laws.

## Safety Requirements

1. ATVs should be moved to and removed from demonstration when participants are NOT present.
2. Only move ATVs if necessary as part of the demonstration. Participants must be supervised and be 20 feet behind a designated safety zone such as a rope or yellow safety tape.
3. Instructor should keep ATV keys with them at all times. Do not leave the keys in the ATV.
4. Make sure ATV parking brake is set when unit is parked. Chock wheels for safety.
5. Participants cannot operate ATVs.
6. If allowed to sit on an ATV, participants should have one-to-one supervision with the other participants behind the safety zone.
7. Instructors can operate ATVs if they are the appropriate age for the ATV and instructor operating ATVs must wear recommended safety gear.
8. If an ATV is started for demonstration purposes, have three instructors present: one to operate, one to instruct and one to patrol the

GROUP - DEMONSTRATION

area for safety. Both the instructor and the operator should be the appropriate age.

9. ATVs cannot be operated within 20 feet of participants. Participants should be kept behind the designated safety zone barrier.

### **Age-Appropriateness**

This activity is entirely appropriate for participants ages seven through fourteen. When discussing general points, stress the dangers that ATV operation present. Participants may be fearless and thrill seekers.

These ages should not be driving other vehicles so will not understand a comparison to driving motorcycles or cars. Stress instead the speed and limited control. Children between the ages of seven and ten are still developing their speed-distance-time awareness. They need to understand that the ATV will be going much faster than they can run or ride a bicycle.

Younger participants may not be clearly identifying left and right. When explaining shifting weight, talk about shifting on the seat in the direction of where you are turning. Use your body and lead the group in practice turns.

The depth of content and the discussion needs to be tailored to the level of understanding of the group. Refer to the "Teaching Tips" and "Childhood Growth and Development" located in the Teaching Kids section of the manual.

### **Suggested Instructors**

Certified ATV instructor or an individual that has completed a rider course.

### **Equipment/Supplies Needed**

1. Two ATVs of different sizes one 90cc or smaller and one over 90cc (3 and/or 4 wheeler)
2. Protective equipment, such as knee pads, gloves, and helmet
3. A manikin to wear protective gear. (Optional)

### **Subject Outline**

#### **I. Introduction/Capture Their Attention**

- A. Introduce yourself and tell about your role operating ATVs or teaching ATV safety.
- B. Find out about your audience. Ask questions: How many of you operate ATVs? What do you use them for? How often? How many of you are passengers on ATVs? Do you know of anyone who has been injured on an ATV? What happened?
- C. You may want to start with a personal story or experience.
- D. You may want to invite a person who has had an injury from operating ATVs to share his or her experiences. Make sure that you communicate to your guest your lesson plan and the time allotted prior to the camp. This will allow the guest to prepare and help them to stay within his or her allotted time to talk.
- E. Discuss unfamiliar terminology. Many individuals do not know that the acronym 'ATV' means, All Terrain Vehicle.

## **II. Activity/Demonstration**

- A. Preparation
  - 1. Set-up ATV equipment prior to the participants arriving.
  - 2. Display protective gear on a manikin or a volunteer (adult). You may want to create a way that the manikin is standing up right.
- B. Review the proper protective gear to wear.
- C. Review the types of ATVs and their safety features.
- D. Review your states specific ATV roadway laws.
- E. Demonstrate age and size appropriateness as an example: from the back portion of the seat, they should be able to reach the handle bars and foot pegs comfortably.

## **III. Discussion Points**

- A. General Points
  - 1. The Consumer Product Safety Commission has concluded that all terrain vehicles may present a risk of severe injury and death.

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2. Many people have become paralyzed or suffered severe internal injuries because of improper operation of ATVs.
3. Every month, thousands of people are treated in hospital emergency rooms for injuries received while operating ATVs.
4. ATVs can be hazardous to operate. They handle differently than other vehicles, including motorcycles and cars. A collision or overturn can occur quickly, even during routine maneuvers such as turning and operating on hills or over obstacles.
5. Before operating an ATV, you should carefully read the owner's manual, read warning labels on the vehicle, and attend an ATV instructional class. Instructional classes are available through a local dealer. Heed all warnings!
6. ATVs are intended for off-road use only! ATVs are not designed for operation on highways and may be difficult to control on any paved surface.

#### B. Protective Gear

Safe operation of ATVs requires that the rider wear protective clothing. Although complete protection is not possible, knowing what to wear and how to wear it can make a rider more comfortable and reduce the chance of injury. The following protective gear should be worn whenever riding an ATV:

1. Helmet – The most important piece of protective gear. The helmet should meet or exceed the Department of Transportation standards. Let participants know how to determine whether or not a helmet meets or exceeds standards. It should fit snugly and be securely fastened.
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  - a. Free from scratches and bear the markings VESC8, V-8, or Z87.1 in one corner or should be constructed of hardcoated polycarbonate.
  - b. Securely fastened.
  - c. Well-ventilated to prevent fogging.
  - e. Tinted for riding on bright days. A yellow tint is best for overcast days.

3. Clothing – Examples of proper protective attire include:
  - a. A pair of good gloves to increase grip while protecting hands from potential injuries.
  - b. A pair of strong over-the-ankle boots with low heels.
  - c. A long-sleeved shirt and long pants.
  - d. Shin guards and chest/shoulder protectors if riding over rough-terrain or racing.

C. Safe ATV Operation Procedures

1. Discuss examples of safe operating practices. Age and size appropriateness:
  - a. From the back portion of the seat can they reach the handlebars and foot pegs comfortably?
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  - d. When making a right turn the weight should shift to the right.
3. Discuss different sizes of ATVs and why some machines are not appropriate for children under certain ages. The discussion should include an explanation of why size is so important to safety and why the incorrect size poses special risks.

<b>ATV Engine Size:</b>	<b>Recommended Operator Age:</b>
Under 70 cc	6 years and older
70 cc to 90 cc	12 years and older
Over 90 cc	16 years and older

4. Explain differences between three- and four-wheel ATVs, dangers of operation, and special precautions to be taken for each type of vehicle.

5. Remind participants to take additional certified ATV training before operating an ATV.
6. No passengers. Do not ride double. ATVs are designed for one operator and no passengers to allow for the operator to be 'Rider Active' (Shifting weight from the front of the seat to the rear or left to right while turning.) Passengers impair the operator's ability to shift weight in order to steer and control the ATV.

### Resources

1. **National 4-H ATV Program** – The 4-H Community All Terrain Vehicle (ATV) Safety Program offers resources and training to help you address ATV safety issues in your community. Many of the resources are available for little or no charge. Check their Website [www.atv-youth.org/](http://www.atv-youth.org/) for materials and program information.
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4. **Resource Guide** 2<sup>nd</sup> Edition, Partners for a Safer Community Revised 1999 pages 23 and 24.

**Stevenson, Todd A.**

114

**From:** Sharon & Ron McCallum Jr. [ryrrd828@optonline.net]  
**Sent:** Monday, December 12, 2005 2:38 PM  
**To:** Stevenson, Todd A.  
**Subject:** ATV ANPR

As a parts manager for an ATV dealer, I see various problems relating to injuries on a daily basis. The common thread that I see is lack of education or lack of common sense.

The father whose 13 year old son crashed the father's 500cc utility quad into a tree lacks common sense. He shouldn't have allowed his son access to the key or the machine. The son lacks education. He should have been educated better on the number of injuries and deaths relating to ATVs. He also should have been better educated in the operation of an ATV and why size and weight of the machine in contrast to size and weight of the rider is key to safe riding.

The parent who wants to buy a 90cc ATV just so their 7 year old can have reverse (which is not available on a 50cc) needs to understand A) MOST 7 year olds don't have the motor skills to back up a motorized vehicle and B) That 90cc machine that weighs over 250 pounds is much too heavy for their child to roll off of them if they are caught under it in an accident.

I personally have witnessed two accidents involving children in the past three months that could have easily been avoided through education and supervision.

The first was a 14 or 15 year old, with moderate experience riding a 450cc, who stopped in the middle of an ATV track intended for advanced riders. He was struck by an adult who could not stop in time. He had no parental supervision (his father was off walking the dog). Fortunately there were no reported injuries.

The second was a child of 8 or 9 years of age, once again on the same track intended for advanced riders. He was riding a 250-400cc utility machine weighing 400-600 pounds. He rode over a "tabletop", landed poorly, and according to witnesses, thrown over the handlebars where the machine rolled over him. His father and his sister (who was also riding a machine too large for her) had pulled off the track to take a rest. Once again, FORTUNATELY there were no reported injuries. The father wouldn't allow the EMTs to check the child out.

The remedy for occurrences such as these, I believe, is large and complicated. I believe it should start with licensing. Licensing of the riders and the dealers who sell ATVs. In the case of minors, I believe at least one parent should also be licensed. The licensing for riders should be at the state level through the Division of Motor Vehicles. The licensing for the dealers could be at the state or federal level, but a minor shouldn't be able to walk into a local PEP BOYS and buy an ATV.

The next step should be to adjust the age and size recommendations for ATV use. A) age 5-8 maximum cc - 50, maximum machine weight - 175 pounds. B) age 9-11, maximum cc - 90, maximum machine weight 275 pounds. C) age 12-15 maximum cc - 250, maximum machine weight - 450 pounds. Any inexperienced youth in the B or C categories listed above should be required 1 year experience on the next smaller machine or 20 hours of supervised instruction through the ATV Safety Institute (or recognized alternative). Any inexperienced adult should be restricted to 450cc or less until licensed for one year or receiving 20 hours of training.

I personally have witnessed training administered through the ATV Safety Institute. While I can say they do an admirable and effective job, MOST people would benefit from more than one day of instruction.

I would like to point out that legislation does not mean anything without enforcement. Unfortunately, we no longer live in a society of recommendations or guidelines. People, in general, no longer do what they "should" or what is "right".

I greatly appreciate the opportunity to provide input, and hopefully some insight, into your review of the current guidelines. I respect the wisdom of the individual(s) who chose to request the input of riders and enthusiasts and hope they display an equal amount of wisdom in making revisions.

Respectfully,  
Ron McCallum Jr.  
Parts Manager  
Atlantic Powersports  
Brick, NJ

12/12/2005



# ATV Safety Campaign

Mindy Underberger

Director

Safe Kids North Central Florida

# Research/Situation Analysis

- Each year, 120 children die and 37,000 are injured nationwide
- 16 pediatric traumas were seen at Shands at UF last year
- High usage among area youth
- Advisory Board mandate
- Coalition mandate

# Planning/Objectives

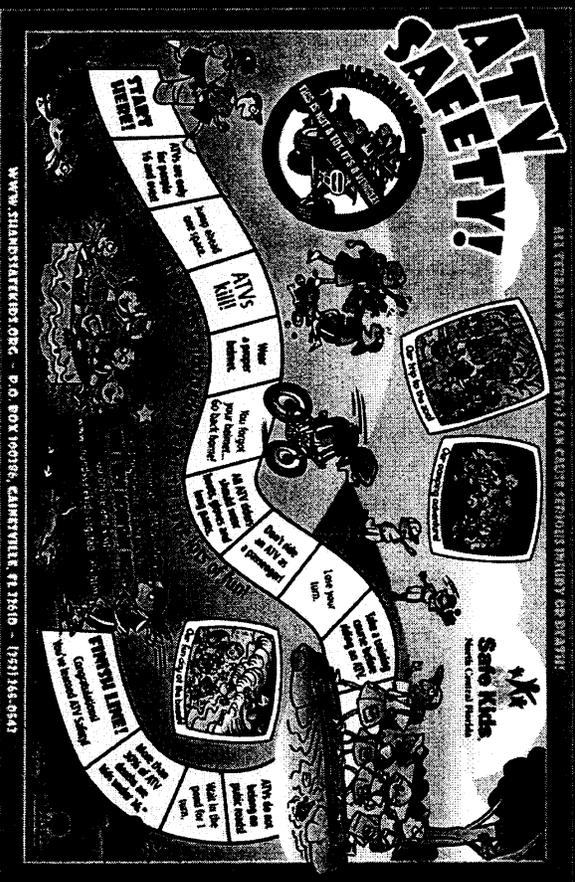
- Set policy with leadership groups
- Recommend no use under 16
- Other safety guidelines
  - Wear a helmet
  - Wear boots, gloves and long pants
  - No passengers
  - Take a training course
  - Don't ride on public roads

# Objectives

- To educate 5,000 at risk children in our eight county area about ATV safety
- To educate parents and community leaders about ATV safety through the news media
- To decrease the number of pediatric traumas caused by ATVs to 0 in five years
- To advocate/support public policy efforts

# Action Plan

- Develop educational tool for children
- Placemat/game board
- Distribution: Schools, restaurants, hospitals, kids club

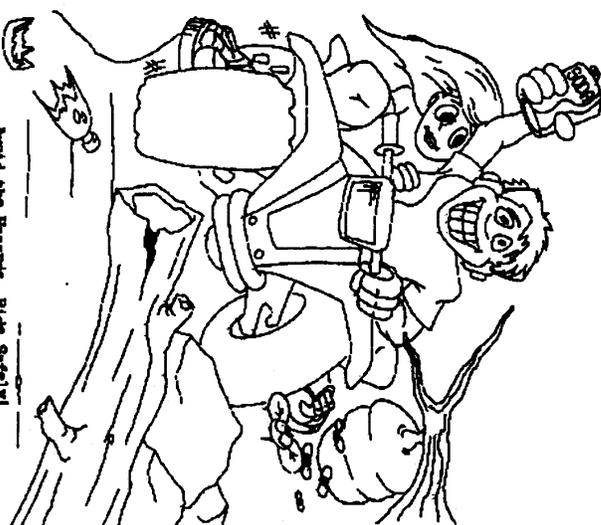


# Action Plan

- Develop Safe Kids Club newsletter (Kids Beat) on ATV Safety
  - Distribution: e-mail to 1,060 members
  - Feature info, tips and games on ATV safety

**How Many Hazards Can You Find?**

1. _____	5. _____	9. _____
2. _____	6. _____	10. _____
3. _____	7. _____	11. _____
4. _____	8. _____	12. _____



**Avoid the Hazards, Ride Safely!**

# Action Plan

- Develop TV PSA promoting ATV Safety
  - Distribution: kid focused channels on cable

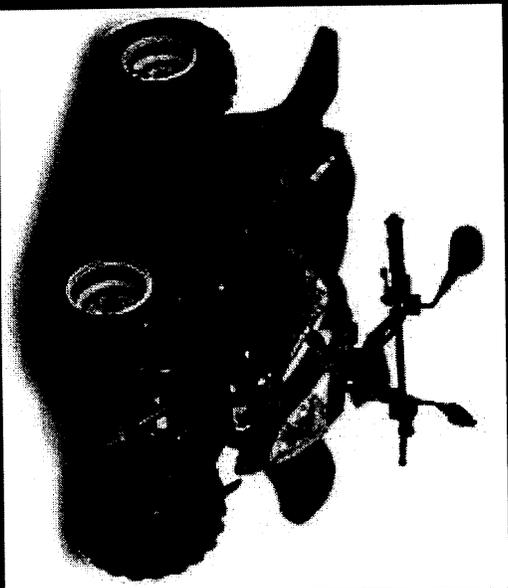
# Action Plan

- Develop story about campaign and letter to the editor
  - Send letter in response to news story
  - Distribution: school publications, hospital publications, Children's Miracle Network newsletter, all area media

# Evaluation

- # of pediatric traumas-16
- # of contest entries-14
- # of news stories-6
- # of airings of PSA-500

This is not a toy.



  
**Safe Kids.**  
North Central Florida

**Stevenson, Todd A.**

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**From:** G.Harry Ransom [ransomhouse@att.net]  
**Sent:** Tuesday, December 13, 2005 12:40 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.

G.Harry Ransom  
4925 W. Glenarden Drive

Las Vegas, NV 89130



December 13, 2005

To: The Honorable Hal Stratton, Chairman, CPSC  
 The Honorable Thomas H. Moore, Commissioner, CPSC  
 The Honorable Nancy A. Nord, Commissioner, CPSC

From: Richard A. Rondeau, President, MATVA  
 Nick Jensen, ATV Owner/Parent, MATVA

RE: CPSC – ATV ANPR

Dear Chairman and Commissioners:

Since its inception in 2000, the Michigan All Terrain Vehicle Association's, (MATVA's) main focus, has been to increase the safety of children while operating their ATV's, through the education of both the parent and the child.

In 2000, our Association developed a "hands-on" driver training program, which was implemented by the Michigan Department of Education, as the model for ATV driver training in our state. This program, designed to teach ATV operators age six, (6) and up about their responsibilities as a driver of a vehicle, also taught parents how to properly "fit" their children to; and encouraged the use of; a vehicle that properly matched the physical size, strength and mental abilities of the operator, to the ATV.

In addressing the concerns brought to the CPSC by the Consumer Federation of America, as to the dangers related to the operation of ATV's by children under age sixteen, (16) MATVA provided a video and verbal presentation to CPSC staff in Bethesda, MD on July 23, 2003.

We agree, the safety of all persons, especially children, related to the use of ATV's is important. As the number of persons involved in incidents related to the use of these vehicles has risen consistently with their sales figures, we conclude that, while effective, the current regulations regarding ATV's can be improved upon, as we seek to reduce their estimated incident to sales ratios.

We would like to make the following two recommendations as methods to better educating consumers about these vehicles and their use, thereby improving their overall safe operation and reducing injuries and deaths:

1. Initiate "Drive" vs. "Ride" language throughout all media related to these vehicles.
2. Initiate "size-fit" guidance in place of the current "age to engine size" guidance.

We are providing a brief history and cause/effect of the current regulations along with rationale for our recommendations in the following pages. Additionally, we are available to make appearance at your facility, providing "size-fit" demonstrations, upon request.

We appreciate the Commission taking seriously the safety of all persons using ATV's and considering our ideas, which have been successfully implemented in Michigan, as potential methods of improving nationwide statistics and the safe operation of ATV's.

Best Regards,

Richard A. Rondeau  
 President, MATVA

Nick Jensen  
 ATV Owner/Parent

*"Creating A Positive ATV Future"*

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MATVA PO Box 2448 Dearborn, MI 48123 Ph 313-565-3818  
 Email [matva@michiganatv.com](mailto:matva@michiganatv.com)

## The term “Drive” Vs. “Ride”

In our opinion this is one of the most significant factors in helping to create a safer vehicle operator. Throughout all media related to the promotion of; and use of; these vehicles, commonly, terms such as “ride” and “rider” are used. Here are some examples of statements that are commonly used in various medias:

1. “Professional riders shown on closed course”
2. “Be a responsible rider”
3. “...recommends that all ATV riders take an approved training course.”
4. “Virtually all of the riders seen...are experienced experts or professionals.”
5. “This vehicle is designed for two riders”

Ride is a “passive” term. While it sounds like fun, it also implies a lower level of control and responsibility.

As a verb in the transitive sense, Webster’s Dictionary defines the term ride as: *to travel on <ride the bus>*.

As a noun, the term ride is defined as: *any of various mechanical devices (as at an amusement park) for riding on*.

Riders are not in control of the conveyance they are on. (*Professional Bull Rider certainly fits*) For example; It makes sense that we would “ride” a roller coaster or “ride” a bus. However, what about horses? Do we ride them or drive them? We drive them; up until the moment the horse decides it is not willing to cooperate with our requests as a driver. The driver, becomes a rider, as they are no longer “in control” and are now “along for the ride”.

The reason the term “ride” is commonly used is likely unknown. However, we do know the term ride implies a higher level of “thrill” or “fun”. While we do not believe it is a good idea, we understand why manufacturers market these vehicles in this way. Let’s face it; they are intended to be “fun”. The problem is; we also associate “riding” with someone or something else being in control, keeping us safe.

In cases where people have hurt themselves, statements such as the following have commonly been used:

1. “The ATV hit uneven terrain and...”
2. “The ATV just flipped over and...”

We know for sure the “ATV”, of its own accord, did not “do” anything. It is not possible for the ATV to “do” anything without input from a person, its rider. It is however possible for a rider to not understand the handling dynamics of; and skills required to drive the vehicle, mis-drive it, cause it to go out of control, creating an incident.

Drive is an “active” term. It implies a higher level of awareness, control and responsibility.

As a verb in the transitive sense, Webster’s Dictionary defines the term drive as: *to operate the mechanism and controls and direct the course of <as a vehicle>*.

A person, a driver, must operate the controls of an ATV in order to make it “do” anything. We must “drive” the vehicle. The concept of driving causes us to become more aware, inherently thinking, there are things we need to know in order to keep ourselves safe. We have a higher level of awareness of; the possibility of; unseen dangers. We understand that in order to drive safely and competently we need education and training. We typically will use more care and take due consideration when we think of ourselves and others as “driving”.

For example: Even amongst adults, possibly we get a new sports car and one of our colleagues ask us if they can take it for a “drive”. We might ask them: “Are you sure you can ‘drive’ a manual transmission?” We are naturally and immediately inquiring about their competency and skill, in order to protect our friend as well as our investment.

## **“Size-Fit” Vs. “Age to Engine Size”**

*(The terms ride and drive are intentionally used in their “dictionary referenced meanings” throughout this section)*

It is not our intention to offend any person, persons or entities of whom which created the current age to engine size guidelines. We believe that while they were a good idea at the time they were created, they can now be improved upon as the vehicles themselves have changed and we, as a society, have learned a great deal more about what it takes to place a person on; and to have them successfully navigate an ATV.

We apologize for not knowing which “factors” were considered when these guidelines were created. We know they were intended to help keep ATV riders safe, and assume they were modeled around a person’s age, relating their age to their assumed cognitive abilities. We presume those abilities were then attempted to be matched to the vehicles ability to create ground speed, based on the vehicles engine size. (Smaller engine=slower speed=safier vehicle?) No matter the rationale then, let’s take a look at the inherent problems resultant of the current guidelines.

The first guideline we are given as consumers is to not allow anyone under age six, (6) to ride an ATV. Once a person becomes age six, (6) we are recommended to have them ride an ATV with an engine size not larger than 50cc. While there is no “upper limit” as to the age of a person operating this “size” ATV, there is a typical recommended weight restriction for riders on these vehicles of not more than 150 lbs.

Once a person becomes age twelve, (12) we are recommended to have them ride an ATV with an engine size not larger than 90cc. While, again, there is no “upper limit” as to the age of a person operating this “size” ATV, there is a typical recommended weight restriction for riders on these vehicles of not more than 209 lbs.

Once a person becomes age sixteen, (16) we are no longer provided guidance as to which ATV is appropriate for them to ride, except possibly from friends, family members, dealers, the media ect. As we attempt to place our children on an ATV and we apply, or “use” the current recommendations in their guided steps, it would look something like this:

My child turns six, (6). I purchase a 50cc ATV for them that they ride until they become twelve, (12) years old at which point I purchase a 90cc ATV for them to ride until they reach age sixteen, (16). While these guidelines may be a good place to start when determining a persons potential ability to safely drive an ATV, they do not account for vehicle ergonomics, how they impact the driver and the fact that not all people are the same shape and size.

There is a point at which a person no-longer “fits” on the vehicle. It is just as dangerous to have a person who is too large on a vehicle as it is to have a person who is too small on the vehicle. *(As an adult, try riding a “kids” bicycle)*

For the 50cc model ATV, recommended riders, persons age six, (6) to eleven, (11) can range in height from as small as 42” all the way up to 61”. Their weight can vary from as little as 35 lbs. all the way up to 120 lbs.

For the 90cc model ATV, recommended riders, persons age twelve, (12) to fifteen, (15) can range in height from as small as 54” to as tall as 72”. Their weight can vary from as little as 68 lbs. to as much as 175 lbs.

Again, once a person reaches the age of sixteen, (16) they are no longer provided guidance as to the appropriate vehicle for them. We must consider that persons age sixteen, (16) and older, can be 60”, 95 lbs. and would still benefit from improved guidance.

This is where consumers “see” a problem with the current guidelines and choose to either ignore or simply rebel against them. A properly educated parent can look at a vehicle and tell if it is the “correct size” for their child.

For example: It does not make sense that a person who is sixteen, (16) years old, 5’ tall, 95 lbs. can ride a 400cc, 600 lb. while the fifteen, (15) year old person who is 6’ tall and 175 lbs. is recommended to only ride a 90cc vehicle. Parents know that their child did not, overnight, *(transition from 15 to 16)*, suddenly become more competent and are now able to operate a vehicle that is substantially larger than what was recommended just yesterday.

Consumers simply need good guidance as to which vehicle is right for them, measured by its size, weight, engine power, etc. For example: While legal, it is rare that a parent would purchase a 500 hp, 180 mph Chevrolet Corvette for their newly licensed driver. Why not? They are commonly educated as to the potential and inherent dangers. They know there is a much higher risk of that person mis-driving the vehicle and causing themselves or others injury.

There are a couple of substantial points to make here relative to the above example:

1. If an incident occurred, the vehicle itself would not be identified as being "at fault" or "un-safe". In fact, the Corvette is far from "un-safe". It is however, intended for experienced drivers. Most of us have that awareness. If we do not, it is likely an educated dealer, would provide this guidance. *(We look to vehicle dealers to help educate us)*
2. People will choose to let their new driver, drive the performance vehicle, many are successful, some are not. *(We can not prevent people from making informed yet poor decisions)*
3. The above identified driver, in most states, at age 15, is legal to drive the Corvette and yet is not recommended to ride, nor can they get training on an ATV with an engine larger than 90cc.

Since the current guidelines do not "add up" or "make sense" to the consumer, they immediately dismiss them as flawed. They then seek to make their own decision as to what they "see" as the appropriate "size" vehicle for their child. *(This, in most cases, is in fact, done successfully.)*

Educated consumers, who use these as well as other vehicles, have a good idea of "which one" their learning driver is capable of successfully operating. As with dirt bikes, bicycles and other "like" vehicles, educated parents have many years of experience choosing for; and having their child successfully operate, many different vehicle types.

The modern day bicycle, which, within our society, is the vehicle we have the most experience fitting a person to, has been around for over 200 years. As the guidelines for fitting a person to this vehicle makes sense to us, we tend to respect and follow their guidance. The ATV, by comparison is relatively young having only been around for 30 or so years. Consumers will benefit from a well structured set of guidelines that teach them how to properly fit a person to the vehicle. Again, when guidelines make sense to us, we are more likely to respect them and follow them.

Another problem with the current guidelines relates to the educational side of this equation. We will all agree that education is the key to success in everything we do; this is one of the reasons the manufacturers training class exists today. Unfortunately, nearly every agency providing training uses the existing guidelines when developing or offering ATV rider training classes. *(Training for a 15 year old driving a 250cc ATV is, in most cases, not available)*

As a trainer for the manufacturers, I found myself "attempting" to train a person, who was too large for their vehicle, how to operate it "safely". Unfortunately, if a person is too large for their vehicle, they must be shown all of the wrong riding techniques in order to compensate for the mismatch in their physical size related to the vehicle.

A person who is too big for their vehicle, needs to be taught to sit to the rear of the ATV in order to have knee clearance at the vehicles handlebars and leg clearance at the vehicles front fender, placing the bulk of their weight over the vehicles rear wheels. This riding position causes the vehicles front end to become "light", decreasing it's "steer ability" and can lead to an incident. In this case, the rider can not move their weight to the front of the vehicle, placing more pressure on the front wheels, helping to improve its "steer ability" thus successfully turning the vehicle.

When this rider "stands up" to travel over obstacles, as they are supposed to, their body weight is now located far above the vehicles center of gravity, causing a potentially hazardous riding position. *(If they can tip it...they can flip it.)* Also, when standing up, a person this tall, in order to hang onto the handlebars, needs to bend severely at the waist and shoulders, their fingers tend to "pull" off of the handgrips and their neck is strained to look "up". All of this can add up to rider discomfort causing them to focus more on their discomfort than driving the vehicle.

It is important to point out that several states and agencies across the nation have successfully implemented both legislation that allows a parent to properly "fit" their child to an ATV along with training programs designed to teach operators how to drive an ATV that "fits" them. Michigan happens to be one of those states.

A successful guideline for “fitting” a person to an ATV, which would cross all age, height and vehicle ergonomic lines, would be well served to include the following parameters:

**Identification of the “major categories” in which ATV’s are manufactured, as well as their design intention:**

**Race Models** – These vehicles are designed for experienced drivers operating on closed courses.

**Sport Models** – These vehicles are typically designed for drivers operating in a more aggressive manner.

**Sport Utility** – These vehicles are typically designed to be more “driver friendly”; are used for both work and play.

**Utility** – These vehicles are typically intended to do “work” related activities.

**Identification of; along with an explanation of; the “drivers” requirements:**

The operator’s proper physical size – When standing on the vehicles footrests:

**Minimum height** – Is determined by the operator’s inseam clearance which is measured between the operator’s inseam and the top of the vehicles seat. The operator needs to have more inseam clearance than the rated suspension travel of the vehicles rear wheels. *(Found in the vehicles owners’ manual.)*

**Maximum height** – The operators back and shoulders should be held comfortably “upright”. Their head should be looking “up and forward”. Their fingers should be comfortably wrapped around; and their hands comfortably rested on the handgrips.

**The operators mental capacities** – Be sure the person operating the vehicle has the ability to “see” as well as “interpret” potential hazards or problems, make decisions quickly and effectively and has the ability to act quickly and effectively on those decisions.

**The operator’s physical strength** – Be sure the operator has the necessary “strength” to maneuver the vehicle they will be driving. The operator needs to be able to turn the vehicles handlebars, while the vehicle is stationary, full to the left and full to the right without “excessive struggle” or “forcing”.

**The operator’s ability to reach all controls** - Be sure the operator can physically reach and effectively activate all of the vehicles controls, both by the hand’s and feet, while seated, turning the handlebars full to the Left and full to the Right.

The existing training programs could easily accommodate the above guidelines and would not need a “major overhaul” in order to be implemented. In allowing a person to be properly “fitted” to the ATV, the existing training agencies would be able to effectively reach all operators of ATV’s. More Education=Safer Drivers

We would also recommend the name of these training programs be called “ATV Driver Training” in place of the currently used “ATV Rider Training”.

We are very concerned about the many people who have injured or even killed themselves while riding these vehicles. We also want to highlight the point that there are millions of these vehicles in operation, within our country. By far, the majority of them are being driven successfully, without incidents.

Restricting the use of these vehicles to those over age 16 is not the answer. Creating a system of educating the consumer about the need for a person to be a “driver” on the vehicle along with a system of matching the physical size of the ATV to the size, strength, and mental abilities of a potential driver, will best serve the greatest number of people. The last page of our submission lists several “bulleted” facts, as well as opinions related to this problem.

We sincerely thank the Commission for investing their time in considering our solution to this problem and look forward to a proactive result that serves as well as educates those consumers who desire to recreate on these vehicles both safely and responsibly.

**Facts:**

1. The vehicle does not cause the incident. The way in which the vehicle is ridden causes the incident.
2. Education of parents and consumers will help protect our children.
3. Children will participate in; or be involved in; activities and they will get hurt:
  - a. Bicycle "riding" – Over 468,000 estimated injuries/year
  - b. Football – over 410,000 estimated injuries/year
  - c. Basketball – Over 646,000 estimated injuries/year

In each of these activities, as it is with the ATV, parents will choose to allow their children to participate in them understanding that there are risks involved and that their children may get hurt.
4. The CPSC can not control or govern how a product is used.
5. The CPSC can not control or govern consumer to consumer sales.
6. The CPSC can provide guidance to a manufacturer as to how their product is marketed and sold.
7. The CPSC can cause manufacturers to include information on their products and their safety concerns.
8. There are electric powered cars, toys, for children as young as 12 months that travel up to 2 mph.
9. There are electric powered ATV's, for children as young as 3 years that travel up to 5 mph.
10. There are small dirt bikes, manufactured for and intended for youths, with no minimum age recommendations.
11. We need to educate consumers as to which ATV is right for themselves and their children.

**Opinions:**

1. Children can successfully operate powered vehicles.
2. Causing the creation of another "youth model" ATV will not fix the current problem.
3. More restrictions will not fix the problem.

**Stevenson, Todd A.**

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**From:** Crawford, Whitney E. on behalf of Chairman Stratton  
**Sent:** Tuesday, December 13, 2005 11:27 AM  
**To:** Stevenson, Todd A.; DeTemple, Ann  
**Subject:** FW: ATV Open Forum

Whitney Crawford  
Executive Ass't to the Chairman  
U.S. Consumer Product Safety Commission  
4330 East West Hwy Bethesda, MD 20814  
Phone: 301-504-7066  
Fax: 301-504-0768  
wcrawford@cpsc.gov

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

**From:** Kregenow, Robert [mailto:Kregenow\_R@kids.wustl.edu]  
**Sent:** Thursday, December 08, 2005 4:23 PM  
**To:** Chairman Stratton  
**Subject:** ATV Open Forum

The Honorable Hal Stratton  
Chairman  
U.S. Consumer Product Safety Commission  
Washington, D.C. 20207-0001

Dear Chairman Stratton:

As a pediatrician emergency physician, I would like to take this opportunity to comment on the Advance Notice of Proposed Rulemaking on All-Terrain Vehicles (ATVs) that appeared in the *Federal Register* on October 6, 2005.

Throughout the year I see multiple injuries to children as a result of operating or riding an ATV. Many with very serious injuries requiring long term care. Some children suffer from lifelong disabilities after the injuries. There are some who die before they even make it to our trauma center. It pains me to see this needless carnage to protect the ATV enthusiast's rights. These vehicles are inappropriate for children to ride or drive and the children need to be protected.

ATVs are highly dangerous to children. Between 1982 and 2004, over 2,000 children under age 16 were killed in ATV crashes. Injuries sustained by children riding ATVs are often very serious, including severe brain, spinal, abdominal, and orthopedic injuries. Children simply lack the judgment, coordination, and strength to operate these powerful vehicles, just as they do not have the skills needed to safely operate a car.

As the federal agency with jurisdiction over these products, the CPSC must take strong action and lead the nation in efforts to reduce ATV deaths and injuries. The ineffectiveness of past CPSC actions in protecting children is demonstrated by the steady rise in deaths and injuries related to ATV use every year. **I echo the longstanding recommendation of the American Academy of Pediatrics that children under 16 not be allowed to operate ATVs of any size.** Failing that, the CPSC could protect

12/13/2005

children by:

- Prohibiting the sale of adult-size ATVs for use by children under age 16.
- Require all ATVs to be sold with a helmet.
- Discouraging efforts to develop a new generation of ATVs for older children, the so-called "transitional ATV," which would be larger, faster and more powerful than those currently marketed for children.
- Create engine size limits.
- Prohibit production of ATVs designed to carry passengers.
- Require all states to register and license all ATVs and all users be required to take the training course and obtain a graduated users license.
- Create and enforce penalties for those with out a license and riding inappropriate size ATVs.
- Create and enforce laws to prohibit road use and alcohol use with driving ATVs.
- Make laws apply to both public and private land use.
- Impound vehicles driven illegally until above requirements (license, registration, training) are met.

In general, the CPSC should pursue a multi-pronged approach of banning the sale of ATVs for children, educating retailers and consumers, engaging in meaningful enforcement, requiring safety training, and requiring engineering and design changes that will improve ATV safety.

In conclusion, I urge the CPSC to place substantial restrictions on children operating ATVs. If no further action occurs this year, we can expect that next year over 130 children will die and over 40,000 will be injured seriously enough on ATVs to need treatment in the emergency department. Over the next 10 years, that projects to more than 1300 deaths for those less than 16 years. We can and must do better. With decisive action on ATVs, the CPSC can save children's lives and preserve their health.

Sincerely,

Robert Kregenow, M.D., M.P.H.  
Instructor in Pediatrics  
Washington University  
St. Louis, MO 63110

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12/13/2005

**Stevenson, Todd A.**

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**From:** Crawford, Whitney E. on behalf of Chairman Stratton  
**Sent:** Tuesday, December 13, 2005 11:21 AM  
**To:** Stevenson, Todd A.; DeTemple, Ann  
**Subject:** FW: Potential Spam: ATV ANRP-2005

Whitney Crawford  
Executive Ass't to the Chairman  
U.S. Consumer Product Safety Commission  
4330 East West Hwy Bethesda, MD 20814  
Phone: 301-504-7066  
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wcrawford@cpsc.gov

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

**From:** Mark Storks [mailto:mstorks@mppumps.com]  
**Sent:** Monday, December 12, 2005 2:50 PM  
**To:** Commissioner Moore; Chairman Stratton; Commissioner Nord  
**Subject:** Potential Spam: ATV ANRP-2005

Dear Sirs,

I am an owner of 3 ATV's. I have 4 children ages 9, 13, 19, 22 and all have taken atv rider safety, hunter safety, and boating safety classes which they have all been certified. We are all outdoor enthusiasts and consider ourselves natural resources conservatives. I also own 20 acres of wooded land in Northern Lower Michigan adjoining several thousand acres of State land. I understand that there are considerations of banning all riders of ATV's under the age of 16. Why are snowmobiles, mopeds, motorcycles, boats, and personal watercraft exempt from this consideration? From reading your rulings, I surmise that the Parents of these children you keep referring to, should be the ones regulated (or banned), and NOT the rule abiding, safety conscious riders. I am appalled by the apparent mindset of "regulate the masses" due to the actions of a few. If someone wishes to use these machines in a safe and purposeful way, great. If one wishes to abuse the machines and drive in an unsafe, maniac way-which leads to injury or death- so be it, isn't it their decision? Better yet where are their parents? That is where the problems lies. And if this abusive rider is an adult...no matter what regulations you enact. I would recommend adoption of the following:

1. Establish a formula for "size fits", versus age.
2. Mandatory training with parental participation.
3. Daytime running lights for greater visibility on trail.

Mark Storks  
MP Pumps  
Operations Manager  
Tecumseh Products Company  
586-415-1335

12/13/2005



Preventing accidental injury.

December 13, 2005

Todd Stevenson  
Secretary  
U.S. Consumer Product Safety Commission  
Washington, D.C. 20207-0001

RE: ATV ANPR

Dear Mr. Stevenson:

On behalf of Safe Kids USA, a program of Safe Kids Worldwide (hereinafter "Safe Kids"), I am writing in response to a request for comments, published in the October 14, 2005 issue of the *Federal Register*, for the advance notice of proposed rulemaking (ANPR) for all-terrain vehicles (ATVs). As stated in our March 11, 2005 letter and testimony given to the Consumer Product Safety Commission (CPSC), Safe Kids believes that children under the age of 16 should never operate adult-sized ATVs. Since our March filing and accompanying testimony, Safe Kids has extended its concerns to now include, not only adult-sized ATVs, but youth-sized ATVs as well. These vehicles in all its forms are simply too dangerous for children. We appreciate this opportunity to further discuss our position and make recommendations in light of the CPSC's ANPR.

## I. Safe Kids' Positions on ATVs

### A. Children Under Age 16 and Adult-Sized ATVs

Safe Kids recommends that children under the age of 16 should not operate adult-sized ATVs. After careful consideration, Safe Kids issued this ATV position based on several factors. First, ATVs are inherently difficult to operate, and children do not have the cognitive and physical capabilities to operate these large vehicles safely. Second, ATV-related injuries tend to be serious and while wearing a helmet can reduce the risk of head injuries, there are no safety devices to adequately protect against other injuries commonly sustained while riding ATVs. Lastly, children are dying and being injured from ATVs at an alarming rate. According to the CPSC's latest research, children made up 31 percent of all ATV-related injuries; children under the age of 16 suffered 44,700 injuries in 2004 alone. In addition, ATVs were associated with 130 child deaths last year, accounting for 28 percent of total fatalities.

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

Safe Kids contends that the ATV death and injury statistics compel some kind of action from the CPSC.

### **B. Children Under Age 16 and Youth-Sized ATVs**

At the time of our last comment letter to the CPSC, Safe Kids recommended that children under the age of 16 should not ride adult-sized ATVs. Since that filing, Safe Kids has expanded our recommendation to include all ATVs, including youth-sized and "transitional" devices. Although children are not being injured at the same rate on youth-sized ATVs (when compared to adult-sized ATVs), dangers are inherent to all ATVs, regardless of size. Children simply do not have the intellectual and physical capabilities to safely operate these smaller motorized vehicles. As stated previously, there are no means of adequate protection against the injuries that commonly occur while riding ATVs. Helmets can reduce the risk of head injuries, but the nature of ATV-related injuries tend to be very serious. **Accordingly, Safe Kids has advised the general public and our coalition network that ATVs of any size are inappropriate for use by any child.<sup>1</sup>**

## **II. Safety Recommendations Regarding ATVs**

Safe Kids' broad position against ATVs of any size for children under the age of 16 prevents us from fully contributing or responding to the CPSC's request for guidance on how to protect children on ATVs (i.e., we are uncomfortable recommending helmet use or safety course participation when we strongly feel that children should not be operating or riding on these vehicles in the first place). Notwithstanding this constraint and our accompanying inability to provide a broad range of safety suggestions, we can, in our view, tender a few ideas that respond to the spirit of the ANPR and help prevent children from being injured or killed.

### **A. A Ban by Labeling**

As ATVs pose an unreasonable risk of death and injury to children, Safe Kids strongly encourages the CPSC staff to re-consider its position concerning our suggested federal ban by labeling. In our March letter to the CPSC, we proposed that a federal ban on the sale of adult-sized ATVs for children could be implemented through appropriate labeling. In 1995, the CPSC "banned" small parts in toys marketed to children under age three. Today, and for the past ten years, toys that contain small parts must be labeled as not being suitable for children under the age of three. This "ban" of small parts did not remove small parts from the marketplace. To the contrary, there are more small parts in toys today than in the 1990s. Rather, the small parts ban was effectuated in part by clear, conspicuous labeling, which was mandated by federal regulation.

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<sup>1</sup> Please note that notwithstanding Safe Kids USA's ATV position, several of our coalitions have developed ATV safety curriculum and tips for children in their communities who ride youth-sized ATVs. No member of our coalition network, however, believes that adult-sized ATVs are appropriate for children under the age of 16.

While the CPSC staff believes that an ATV ban by labeling is ineffective, Safe Kids respectfully disagrees. Though it is difficult, if not impossible, to completely control how consumers will actually use a product once they bring it home, a ban by labeling will convey important safety information at the point of purchase as well as serve as a constant reminder on who should not use an ATV. The CPSC staff's concern regarding ineffectiveness did not prevent the CPSC from implementing a ban on small parts by labeling. Congress and the CPSC still felt that there were benefits to providing education on the dangers of small parts at the point of purchase to toy-buying consumers, even though the government could not control how toys would ultimately be used when brought home. We believe that the same applies to ATVs. A federally-crafted and mandated label that communicates both the ban and safety warning in a universal manner would better educate the public about the dangers associated with ATVs as well as their age appropriateness. That label would also carry the imprimatur of a government warning which we believe means more to the consuming public than warnings supplied by the ATV industry and public health organizations like Safe Kids. (See our past filings to the CPSC for suggested labeling, format and content suggestions.) We continue to believe that any comprehensive solution to child ATV deaths and injuries must include a federal ban on the sale of adult-sized ATVs for use by children, and conspicuous government-mandated labeling is an appropriate mechanism to implement that ban.

#### **B. CPSC Should Express Concerns Regarding Youth-Sized ATVs**

Although Safe Kids has not, at this juncture, suggested an outright ban on youth-sized ATVs, we have definitively recommended to Safe Kids coalitions, parents and ATV owners that children under the age of 16 should not operate ATVs of any size. The CPSC should join Safe Kids and the American Academy of Pediatrics in this recommendation by cautioning parents against the use of these smaller vehicles. To date, CPSC tips and public statements regarding ATVs have only addressed adult-sized ATVs or ATVs in general. We believe the CPSC's pronouncements regarding these products needs to be more specific and targeted. We recommend that the CPSC caution against the use of these products altogether until it collects more data specifically on them and conducts more research on how many injuries and deaths are associated with youth-sized ATVs, what the mechanics are of the injuries, how they are used, and ultimately whether they are safe options. In the alternative and at the very least, the CPSC should be crafting, communicating and distributing particular safety tips targeted to parents and children about the smaller "age appropriate" vehicles.

#### **C. Manufacturers and Distributors Need to Market ATVs More Responsibly**

Safe Kids believes that ATV manufacturers and distributors should better communicate safety information in their advertising and marketing practices, and to

achieve this result, government involvement may be necessary. Over the past two years, we have reviewed numerous ATV ads and promotional materials, and found the following:

1. Appropriate safety messages were often omitted all together;
2. If included, the messages were regularly incomplete and inconspicuous; and
3. Promotional materials (such as magazines for ATV users) often demonstrated unsafe behaviors, including children riding on adult-sized ATVs.

Safe Kids believes that the failure to include adequate safety information in advertisements and promotional materials could be considered an unfair or deceptive practice under Section 5 of the Federal Trade Commission (FTC) Act, if it is determined that such safety information is "material" as defined by the FTC. The CPSC should call upon the FTC to determine if manufacturers and distributors' promotional and advertising behaviors violate federal law. (Examples of questionable ATV promotional and advertising materials have previously been circulated to the CPSC by Safe Kids.) Whether a violation has occurred or not, manufacturers, distributors and ATV magazine publishers should be making every effort to communicate safety information in a conspicuous manner and demonstrate use that does not promote child operation of an adult-sized ATV. The CPSC or the FTC should encourage, if not require, this behavior.

We hope that the CPSC moves in a timely manner on this ANPR in order to protect children from the dangers of riding ATVs. Please do not hesitate to contact me at (202) 662-4463 or Tanya Chin Ross, Senior Public Policy Associate, at (202) 662-0606, if you have any questions or need further information.

Sincerely,



Alan Korn, J.D.  
Director of Public Policy & General Counsel

Stevenson, Todd A.

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**From:** Tom Yager [tyager@msf-usa.org]  
**Sent:** Tuesday, December 13, 2005 5:01 PM  
**To:** Stevenson, Todd A.  
**Subject:** ATV ANPR



ATV ANPR  
ments SVIA 12\_13.

Please accept the attached comments on behalf of the Specialty Vehicle Institute of America <<ATV ANPR Comments SVIA 12\_13\_2005.pdf>> to the All Terrain Vehicles; Advance Notice of Proposed Rulemaking; Request for Comments and Information as published in the Federal Register October 14, 2005.

Thomas S. Yager  
Vice President, Safety Programs  
Specialty Vehicle Institute of America  
2 Jenner St., Suite 150  
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**ATV ANPR**  
**A Submission to the Consumer Product Safety Commission**  
**by the Specialty Vehicle Institute of America**

These comments are in response to the advance notice of proposed rulemaking (ANPR) as listed in the Federal Register dated October 14, 2005 requesting information relative to the following:

**ATV RIDER TRAINING**

More than 15 million Americans ride all-terrain vehicles. Besides recreational use, ATVs are also used in agriculture, a wide variety of industries, and the Armed Forces and municipalities. The ATV Safety Institute leads the way in implementing and expanding ATV rider training programs nationwide for all riders.

Member companies of the Specialty Vehicle Institute of America (SVIA) and its ATV Safety Institute division offer free training nationwide to purchasers of new ATVs. The ATV Safety Institute's *ATV RiderCourse*<sup>SM</sup> is a hands-on training course conducted by a licensed Instructor. No other industry has undertaken an initiative as comprehensive and far-reaching as the members of the SVIA which include: Arctic Cat, Bombardier, Bush Hog, Honda, John Deere, Kawasaki, Patriot, Polaris, Suzuki, Tomberlin and Yamaha.

The *ATV RiderCourse* had its beginnings in 1985 as the ATV Rider's Course. It was modeled after the successful Motorcycle Safety Foundation beginning rider program and content was solicited from experienced ATV riders at that time.

The SVIA established a network of trained instructors throughout the US and administered a toll-free telephone referral and postcard system to facilitate training.

To deliver the training that was agreed to by SVIA member companies in the Final Consent Decree (FCD) in 1988 the ATV Rider's Course was updated in consultation with the CPSC and became the *ATV RiderCourse*. The program was administered through structure and staffing that was specified in the FCD.

In 1990 the U.S. Consumer Product Safety Commission (CPSC) contracted the National Public Services Research Institute (NPSRI), contract CPSC-C-90-1279, to conduct a study of the ATV training program administered by ASI. The July 17, 1991 final report identified the scope of the study; "The study examined how many enroll, why others do not enroll, and what can be done to encourage more to participate in the course." In that same report the Study Objective includes the statement, "The objective of this investigation was to see if there might be some paths to greater enrollment that have not been as yet noticed or explored.." SVIA worked with the CPSC to implement recommendations to increase enrollment in the ATV training program. The report also suggested that a shorter course may enhance participation in the ATV training program.

The CPSC expressed interest in exploring a shortened *ATV RiderCourse*. With this understanding the SVIA staff drafted a modified *ATV RiderCourse*. The following outline of lessons with objectives and rationale is the result of this effort.

### **Lesson 1 – Introduction to the ATV RiderCourse**

Rationale: The purpose of Lesson 1 is to establish the tone and framework of the *ATV RiderCourse*. An Instructor must exhibit professionalism and enthusiasm to promote a safe learning environment. The content of the lesson will set the stage for the rest of the course and help to develop the knowledge, skills and attitude of the riders.

### **Lesson 2 – Range Signals, Rules and Warm-up Exercises**

Rationale: Lesson 2 is designed to establish the Instructor signals, provide the rules to maintain a safe learning environment, and to stress the importance of being physically ready to ride. The Instructor signals provide a means of non-verbal communication to facilitate learning in the course. The *ATV RiderCourse* rules establish the procedures and rider conduct in the course. Completing the warm-up exercises provides an opportunity to stress the importance of being physically able to maneuver the ATV in a safe manner.

### **Lesson 3 – Controls/Starting the Engine**

Rationale: Lesson 3 gives the riders an opportunity to learn how to operate the major controls of the ATV, as well as how to effectively start and stop the engine.

Objective: The student should be able to correctly mount and sit on the ATV, locate and operate the controls, start and stop the engine, and dismount so that control of the ATV is maintained when riding.

### **Lesson 4 – Starting Out, Shifting Gears and Braking**

Rationale: The purpose of Lesson 4 is to teach smooth, basic skills operation. This is for many riders the first time they have operated the ATV under power and used the brakes. Care should be taken so that all riders achieve the objectives before continuing onto the next lesson.

Objective: The student should be able to use the throttle, shift lever (and clutch) to move in a straight line and to shift gears for basic control. Maintaining control of the ATV is a basic requirement for reducing risk. The student should be able to use the brakes properly to bring the ATV to a safe stop.

### **Lesson 5 – Turning**

Rationale: The purpose of Lesson 5 is to provide the riders an opportunity to improve their turning techniques. Up to this point in the course, turns have been very gradual. This lesson requires turning in a smaller radius than in previous lessons. Success in achieving the lesson objective is important before riders can proceed to more difficult turns.

Objective: The student should develop basic turning skills by shifting their weight properly to maintain balance and avoid the possibility of losing control of the ATV.

### **Lesson 6 – Riding Strategies**

Rationale: Lesson 6 is a discussion lesson and is designed to establish the thinking strategy for safe and responsible ATV operation. The SIPDE strategy is a decision-making process that riders can use continuously to help prevent an accident or injury while riding.

#### **S = Scan/Search**

- Keep eyes moving, searching the terrain and environment.
- Watch several seconds ahead in path of travel.

#### **I = Identify Hazards**

- Pick out specific factors creating risk.

#### **P = Predict what may happen**

- Think of consequences (collision or fall).

- Predict effect on handling
- D = Decide what to do**
- Do not exceed your abilities or the capabilities of your ATV.
  - Choose to reduce risk.
- E = Execute your decision**
- Adjust speed/path of travel.
  - Use proper technique.

SIPDE is a riding strategy to reduce and manage risk and to help increase enjoyment.

Objective: The student should know the use of the SIPDE process as a system for safe riding strategies, and how to apply it in different situations.

### **Lesson 7 – Riding Circles & Figure 8**

Rationale: Lesson 7 is designed to improve the turning skills of the riders. Turning in a circle requires maintaining a more exaggerated weight shift than in Lesson 5. The figure 8 portion of the exercise allows the riders an opportunity to alternate shifting weight to the left and to the right, and also provides the riders the experience of applying SIPDE to choose a safe gap at the crossover point.

Objective: The student should be able to turn the ATV by coordinating body position and speed to maintain balance while riding safely around circles and figure 8.

### **Lesson 8 – Quicker Turns**

Rationale: Lesson 8 is designed to teach another method of turning an ATV, making quicker turns by skidding or broadsliding the rear wheels. The technique may be learned and improved with practice. ATVs may differ in their capability to broadside the rear wheels.

Objective: The student should be able to make quicker turns by coordinating speed, body position and weight shift to help make quick directional changes to avoid an obstacle.

### **Lesson 9 – Sharp Turns**

Rationale: The purpose of Lesson 9 is to teach the technique to negotiate sharp turns. Previous lessons have developed the skill for gradual turns. This lesson utilizes a path of travel requiring modified turning techniques. Riders must be able to perform the skills required to negotiate sharper turns.

Objective: The student should be able to make sharp turns by coordinating braking, weight shift and throttle control to maneuver and maintain control of the ATV in tighter turns.

### **Lesson 10 – Quick Stops/Swerves**

Rationale: The purpose of Lesson 10 is to have riders experience handling an ATV in emergency situations. Riders have been taught to identify and avoid circumstances that may lead to emergency braking or emergency swerving. This lesson allows riders to maneuver the ATV in emergency situations to help them prevent mishaps.

Objective: The student should be able to make quick stops and swerves to avoid unexpected hazards when riding.

### **Lesson 11 – Quick Stop in a Turn**

Rationale: The purpose of Lesson 11 is to provide an opportunity for riders to learn the proper technique to make a quick stop in a turn. Both stopping to the left and to the right are included.

Objective: The student should be able to make a quick stop in a turn to avoid hazards that may suddenly appear in their path.

**Lesson 12 – Riding Over Obstacles**

Rationale: Lesson 12 is designed to teach the techniques of crossing obstacles that cannot be avoided. This lesson allows a rider to develop the techniques to negotiate both narrow and wide obstacles.

Objective: The student should use the proper technique to safely ride over obstacles that cannot be avoided.

**Lesson 13 – Safe and Responsible Riding Practices**

Rationale: Lesson 13 is a discussion lesson that promotes safe riding practices. Included is information that encourages responsible use of the environment.

Objective: The student should know the safe riding practices and be aware of the environmental concerns shared by responsible riders.

**Lesson 14 – U-Turns/Traversing Hills**

Rationale: Lesson 14 is designed to teach the proper method for U-turns and traversing a hill. A U-turn on a hill may be necessary to avoid a hazard or because a rider may lose momentum while ascending. Traversing is a common practice for riders on hilly terrain.

Objective: The student should be able to ride up, traverse and ride down a hill using the proper techniques to help them safely ride on hilly terrain.

**Lesson 15 – Circuit or Trail Ride**

Rationale: The purpose of Lesson 15 is to provide a riding experience that allows application of the principles and skills learned in the course. Instructors will make this lesson a positive experience so riders will appreciate the rewards of responsible ATV riding.

Objective: The student should practice the application of the strategy SIPDE that leads to safe and responsible riding practices.

**Lesson 16 – Wrap-Up & Review**

Rationale: This final lesson is a quick review of the *ATV RiderCourse*. As the class is dismissed, riders receive their course materials and Student Performance Evaluation Form.

CPSC staff observed initial trials of the modified course and gave approval of the shortened *ATV RiderCourse* in a letter dated February 22, 1994. Implementation of the shortened course began nationally in mid 1994.

Each participant receives the *ATV RiderCourse Handbook*. The handbook reinforces the safety information and riding techniques covered in the *ATV RiderCourse*. Students keep the handbook as a reference as they continue to practice the skills taught in the *ATV RiderCourse*.

Once training is completed, most purchasers of new ATVs are eligible for an incentive, typically \$100 cash or equivalent merchandise certificate. Training incentives have varied over the years in type and amount. One company used a quarterly and annual drawing for an incentive of much greater value than \$100. It appears the guaranteed incentive, regardless of amount, is a greater inducement to complete training.

The course offers students an opportunity to increase their safety knowledge and to practice basic riding skills in a controlled environment under the direct supervision of a licensed instructor. The hands-on, half-day *ATV RiderCourse* is conducted by a licensed

ATV Safety Institute Instructor. Each licensed Instructor completes a four-day Instructor preparation program and must successfully complete a skills assessment, knowledge test and student teaching experience. SVIA offers its licensed Instructors on-going professional development as a means to continually enhance the delivery of instruction.

As delivery of the ATV *RiderCourse* has been enhanced, so too has the administration of the program. As computer and telephony technology improved, ASI began development of a centralized enrollment system in an effort to provide more timely enrollment and training to purchasers. This concept and application was implemented in 1994-1995 and has undergone two major upgrades since its implementation as the technology has continued to evolve.

The latest innovation to improve access to training is on-line enrollment through the ASI website, launched in May 2005. This system allows students to enroll 24 hours per day, 7 days a week. We are experiencing increased use of this process and expect that its use will continue to grow.

Today, ATV Training is accomplished through a national network of:

- Active Training Sites: 917
- Active ATV Safety Institute Instructors: 2,196
- Active ATV Safety Institute Chief Instructors: 53

The number of ATV *RiderCourse* students trained in 2004 is 51,305 (an increase of 4% over 2003) in 10,835 classes. Total students trained since 1989 in the ATV *RiderCourse* is 616,399.

Consumer Product Safety Commission data shows that first-time purchasers without prior riding experience benefit most from ATV training. One of the ways SVIA and ASI encourages prospective buyers to complete training is through the "Try Before You Buy" program.

The "Try Before You Buy" program enables prospective buyers to take the ATV *RiderCourse* before they purchase an ATV to see if ATV riding is an activity they and their family would like to pursue.

Students who complete prior training and then purchase an ATV within 12 months are eligible to receive reimbursement for their training fees plus any available training incentive from the vehicle manufacturer just as if they had purchased the ATV first and then took training.

Benefits of the "Try Before You Buy" program:

- Helps parents be better prepared to supervise children
- Provides potential riders with hands on training before they commit to purchasing an ATV

Whether a new rider or an experienced one, the feedback ASI receives from ATV *RiderCourse* participants is overwhelmingly positive. Our goal is to encourage all riders, especially inexperienced riders, to complete training. We accomplish this through continual program improvement and expanded access.

As described in this brief history of the training program SVIA and member companies are committed to the continual enhancement of the program, cooperation with CPSC, and efforts toward increased participation. SVIA remains open to suggestions on ways to further improve our training program.

#### **REACHING ATV CONSUMERS THROUGH PUBLIC INFORMATION AND EDUCATION<sup>1</sup>**

ATVs are inherently a niche product. While overall public awareness of these vehicles has risen due to a rise in their popularity. Because of their price, intended off-road use as well as the basic user skill set involved with their operation (i.e. both motor and mental skills), they will continue to be a vehicle with limited market appeal.

Corresponding awareness and attention levels will therefore always remain substantially lower for ATVs than for products with mass market acceptance and broader appeal. The product simply has no relevance to the majority of consumers in the marketplace.

Mass market advertising, when exercised at appropriate media weight levels (i.e. achieving targeted reach and frequency levels), has proven effective at increasing awareness in mass market product categories (provided of course, that the product or service is relevant to the target and the message is clear, single-minded and able to attract the attention of the consumer).

With regard to a consumer's response to a communication, however, consumer awareness is well up the decision-making ladder from the objective or goal of achieving an actual change in consumer behavior.

Many models of information processing with respect to consumer communications have been postulated throughout the years (for a review of the origins of many of the current models see Consumer Behavior Theoretical Sources, Ward & Robertson 1973; for current iterations and adaptations of these approaches refer to almost any recent marketing communications textbook).

In their most basic form, these models postulate that awareness and comprehension (i.e. the messaging is seen by, relevant or of interest to, and understood by the consumer) is generally followed by retention and consideration of the new information, then some kind of attitudinal adaptation – acceptance of the new information – and ultimately “trial” or behavior on the basis of the new belief. In some models it has been further postulated that there are situational specific probabilities associated with each step (i.e. at every step there can be acceptance or dismissal of the information) and that these probabilities are multiplicative. Simply put, the odds of achieving the desired end result of behavior change or modification is suggested to be a multiple of the probabilities associated with every step in the process, and therefore by the very nature of the process the odds of ultimately changing behavior are extremely low (Ward & Robertson 1973).

For behavior to change, the consumer generally needs a compelling, relevant and reinforced reason to want to change, or be motivated enough to change, modify or instill

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<sup>1</sup> This section was prepared by Mr. Dean Thompson, an experienced advertising professional who currently serves as Director of Communications for the Motorcycle Safety Foundation.

a new behavior. Simple awareness of an issue is not necessarily in and of itself motivating, no matter how compelling the message.

Behavior patterns are often ingrained into an individual from the socialization and development process over a consumer's lifetime, acquired based on a conscious or unconscious understanding of the perceived risks, rewards and consequences of a specific behavior or action (Woelfel, unpublished lecture notes, 2005). Consumer behavior is often fundamentally rooted in a consumer's wants and needs (Zyman 2002) and the promise of a consumer benefit (Ogilvy 1963).

For low involvement purchasing decisions requiring little or no perceived physical or mental investment, as well as few potential consequences (e.g. many, if not most, mass market product or services), temporary modification of a consumer's behavior is indeed achievable – in other words, moving a consumer from awareness to behavior can be a fairly fluid process.

However, the communication paradigm for providing safety messaging to ATV consumers is obviously more complicated than the classic scenario for the sale of a mass market item as described above. The safety communication objective for the ATV target is not one of selling a product or service in an established mass market category, but something much more difficult to achieve.

The objective for the various ATV targets is the task of communicating and educating the consumer on the eight key message points or basic tenants of ATV safety in an effort to ultimately instill in the target audience safe and responsible ATV behaviors and practices.

The established rules of safe and responsible ATV riding are all of primary concern, and given their extensive and comprehensive nature (eight separate message points with no singular unifying message or theme), they become much more difficult, if not impossible, to communicate to the target via traditional mass market advertising means. When using traditional advertising media (e.g. 30-second television, 60-second radio, outdoor billboards, etc.), the communication has to be relevant and reasonably single-minded, or as research has proven, it will likely be ignored, dismissed or, at a minimum, not be easily understood (Ogilvy 1983).

The key messages to be communicated are:

- Always wear a helmet and other protective gear
- Never ride on public roads – another vehicle could hit you
- Never ride under the influence of alcohol or other drugs
- Never carry a passenger on a single rider vehicle
- Ride an ATV that's right for your age
- Supervise riders younger than 16; ATVs are not toys
- Ride only on designated trails and at a safe speed
- Take an ATV RiderCourse; to enroll visit [www.atvsafety.org](http://www.atvsafety.org) or call toll free (800) 887-2887

Additional, more specific messages that may be important to provide, such as knowing if your children's friends have ATVs and how act as a responsible parent given that specific scenario (a specific message point that is in essence a further subset of the

broader parental responsibility message), or how to determine what ATV is right for one's age, are even further limiting in their ability to be communicated easily.

In terms of applying traditional mass market communication approaches, given the specific and lengthy nature of the messages important to be communicated – combined with the limited awareness of the product category – it is likely that the attention to and comprehension of any messages via traditional media will remain low, and the likelihood of ever moving a consumer to the point of behavior change will remain remote.

With the ATV audience, at the basic consumer level there is a much more difficult task than a mass marketer traditionally faces – that is the need to communicate and have understood multiple messages, to provide what is in essence an education about the safe and responsible usage of a product (ATVs) that in turn will ultimately affect parental/rider behavior and decisions.

An alternate approach that has more likelihood of success in achieving an end result with the more ambitious communication objectives in the ATV arena is one that uses extremely targeted communication as well as a more localized approach than traditional advertising. In the various ways and forms that it can be arranged or orchestrated to occur, peer discussion and input, counseling, one-on-one and group teaching or training opportunities and similar high user involvement interactions all are likely to be more effective at eliciting behavior change for a product such as an ATV. Again this is because the communication is by its nature not singularly focused or a simple message point. In face-to-face teaching environments, the opportunity exists not only to communicate, but also to discover if learning has occurred, as well as to adjust communication based on direct audience feedback and response, with the opportunity to repeat exposure to the information until the message is absorbed and understood as is the case with SVIA's *ATV RiderCourse* training program, safety events, and targeted outreach efforts.

#### **Communicating Toward Behavior Change**

Moving forward, given that the target audience ("who") and the messages ("what") have already been well-defined and established for ATV communications, and the potential delivery options understood (i.e. by what means – the "where," "how" and "how much" of the communication), a brief discussion on the kind of appeal or technique one uses to impart the messages to be communicated is in order.

Whether via mass media or via a more targeted and localized communication approach, there are many potential choices for the kind of appeal one uses to deliver the information for presentation or communication to the target audience. Though not intended to be an exhaustive list, these appeals can range from positive reinforcement appeals such as modeling appropriate behavior, to the use of humor, irony or evoking empathy, to negative approaches such as those that have been commonly referred to as "fear appeals" (Hastings, Stead and Webb 2004).

The only thing that appears to be consistent with respect to the existing body of research on fear appeals is the inconsistency of conclusions regarding their persuasive effects on consumers. "... [A]fter more than five decades of study, published data and theory development are still described as confused and confusing" (LaTour, and Rotfeld 1997). "After all these years, there does not exist a sound and supported theory about fear per se" (Rotfeld 1988).

Further, the research points out, "A response to fear is probably specific to the situation, topic, person and criterion" (Burnett and Oliver 1979). "Laboratory studies, which have been the basis for most of the research on fear appeals and which generally suggest that high fear works, have limitations that include forced exposure, short-term measurement, and an over dependence on student samples. Although, unfortunately, field research evaluations of fear appeals are few, they usually reveal that fear has both weaker effects and unintended deleterious effects in real-world social marketing campaigns" (Hastings, Stead and Webb 2004).

In the face of these conclusions, why, then, do fear appeals continue to be used as a potentially viable approach in which to wrap message? One possible reason is provided by the U.S. Department of Education's Higher Education Center of Newton Massachusetts (2002): "...fear appeals continue to have strong intuitive appeal and are frequently used in social marketing campaigns, in part because focus groups usually rate strong fear appeals as highly motivating and effective. But remember that focus groups do this even when subsequent experimental studies show those appeals to be ineffective."

As an attention getting device, fear – or perhaps more correctly stated, threats that may illicit fear as an emotional response (LaTour and Rotfeld 1997) – if executed well, may cut through the sheer volume of communication clutter in the marketplace. They may be able to overcome the "communication filters" that consumers have developed as a way to manage the daily assault to their senses, an assault that includes an average of 3000 ad messages a day (U.S. News & World Report 2004). These filters aid them in their efforts to ignore, repress or discount the overwhelming volume of communications they face daily in which they lack interest, or find not relevant or consistent with their lives. Mere attention given to a fear or threat-based appeal, however, when the long-term effects of such an approach for inducing behavior change are questionable at best – combined with ATV Industry's desire to educate and ultimately elicit a behavior change – falls far short of the formidable task at hand.

#### **A Positive Approach to ATV Safety**

SVIA through the ATV Safety Institute has developed a nationwide public awareness campaign to promote the safe and responsible use of ATVs. Activities include a collection of 21 public service announcements for print and web applications addressing:

- Age and size recommendations
- Parental supervision
- Environmental Responsibility
- Training
- Protective Gear
- No Passengers on single rider vehicles

In addition to PSAs, SVIA makes available publications and videos that communicate key safety messages and are useful tools for riders and parents.

**Tips and Practice Guide for All-Terrain Vehicle Riders** - a booklet designed to answer a rider's questions about ATVs, increase their knowledge of proper operation and use, and help the rider learn and respect the capabilities of their ATV.

**Parents, Youngsters and All-Terrain Vehicles** - a booklet designed to help parents determine their child's readiness to ride an ATV.

**"Ride Safe, Ride Smart"** - a video that illustrates the safety elements of riding an ATV, as well as its many uses. Through Video Placement Worldwide, an international service company specializing in placing sponsored educational materials in our nation's classrooms, we have distributed 3,500 copies of this video which has been viewed by over 2.8 million people.

In addition to printed material, SVIA uses electronic media as well.

**ATV Hotline** - ASI maintains a toll-free ATV safety hotline ((800) 852-5344), to provide safety and training information, including the age recommendations for ATVs.

**"ATV Rally"** - an interactive CD-ROM, was distributed to 1.7 million children.

**School ATV Safety and Awareness Campaign** - Prior to the end of this past school year the ATV Safety Institute sent an e-mail to principals across the country, asking them to impress upon their students and their parents the importance of all-terrain vehicle safety. A letter accompanied the e-mail to parents and guardian, as well as a flyer "What is an ATV?". We received numerous positive responses, and facilitated requests to translate the letter to parents and guardians into Spanish, and to provide a complete supply of the letter and the flyer for all of their students to take home.

- E-mail was sent to over 40,000 principals across the country
- Potential outreach - 5.8 million teachers, parents and students

**[www.ATVSafety.org](http://www.ATVSafety.org)**

ATVSafety.org is the optimum starting point for all riders, both current and prospective, to learn about ATVs and how to ride them safely. The website provides visitors with information about the *ATV RiderCourse*, Enrollment Express, safety tips, publications for parents, as well as information on the ATV industry and press releases from the ATV Safety Institute and the Specialty Vehicle Institute of America.

**Safety Events** - Our staff has also participated in both enthusiast and non-enthusiast events to promote the safe and responsible use of ATVs and to help create ATV safety awareness. These include national, state, and local events. So far in 2005 we have participated in over 60 events in 26 states that include press conferences, Safety Days, Women in the Outdoors, Police Activities League, Expos, Fairs, as well as health care events to promote the safe and responsible use of ATVs.

#### **PROACTIVE PUBLIC OUTREACH THROUGH MAINSTREAM MEDIA**

The Specialty Vehicle Institute of America reaches out to millions of consumers and potential ATV buyers by working with mainstream media to inform a wide array of print, broadcast and online audiences. The SVIA's ongoing media relations program, known as Discover Today's ATV, contacts newspapers, magazines, online media, television news and feature programs, and invites journalists to learn about proper ATV use.

DTA has hosted events at far-ranging sites, from Los Angeles and Las Vegas, to Seattle and Montana, all the way to the hub of national media, New York City. At these events, journalists are properly outfitted in riding gear, taken through an ATV Safety Institute training session, and then on a short trail ride. DTA's experts familiarize writers and television producers with the right way to approach ATV riding. DTA stresses the golden rules of ATV safety and provides media guests with valuable information and images that they can pass on to their readers and viewers. The program has secured numerous media placements in major print outlets, with local TV news, and on various cable/satellite programs.

In addition to these day-long media events, DTA also will arrange private training sessions for journalists in all parts of the country. And while nationally based media, and their large circulations and viewerships, are primary DTA goals, the program also extends to community and regional media through the use of ready-to-print matte releases that focus on safety training and accident countermeasures. DTA also publishes the 10-Step Journey to Adventure, and offers a PDF version available online, so consumers and journalists have an easy-to-read manual all about ATVs and how to use them in a safe manner.

SVIA also does more targeted campaigns. Prior to the Memorial Day and Fourth of July holiday weekends the ATV Safety Institute issued a Summer Safety Alert to urge all riders to be safe and exercise caution over the holiday weekend when riding ATVs.

#### **ANSI STANDARD DEVELOPMENT**

The SVIA in 1985 became an organizational member of the American National Standards Institute (ANSI) and was accredited to proceed with the development of a voluntary standard for the equipment, configuration and performance requirements of 4-wheel all-terrain vehicles. The ANSI administrative procedures for standards development are rigorous, extensive, transparent by nature and subject to audit. The SVIA, as an accredited standards developer using the ANSI canvass method, assumed responsibility on behalf of the ATV industry for managing the standards development process to assure that the final product was acceptable to a consensus of interested parties and in full compliance with ANSI guidelines.

In managing standards development, SVIA staff is charged with coordinating the working group, SVIA Technical Advisory Panel, whose participants are drawn from SVIA member companies. The working group, with the approval of the SVIA Board, ultimately constructs the standard. Specific tasks falling to staff include developing a list of potential canvasees inclusive of interest groups that will be materially and directly affected by the standard and will acceptably meet ANSI criteria. Staff also prepares and submits various ballots to the canvass list, catalogues ballot results and coordinates the disposition of views, objections and appeals. The resulting final draft standard is submitted to ANSI for review, rejection, or approval and publication.

Work on the initial ATV standard began in 1985, consisted of 155 separate staff and working group action items and culminated with the publication in 1990 of ANSI/SVIA 1-1990. The second iteration of the process to revise and update the standard began with

internal meetings in 1996 and followed a similar course to include 42 formal meetings of the industry working group and the production of 22 separate draft documents. The revised standard was completed in 2001 and published by ANSI as ANSI/SVIA - 1-2001. SVIA, as the standards developer, is charged by ANSI with periodic maintenance of the standard to occur at five-year intervals. A review/revision of the current version, entailing the same process and commitment of staff resources, began formally on September 6, 2005.

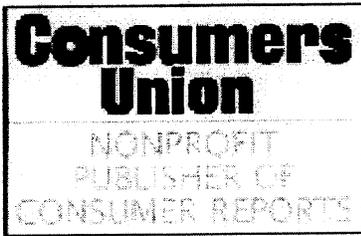
On November 8, 2005 the SVIA Board broadened the products represented by the association to include fore and aft seated four wheeled off-highway vehicles, commonly called 2-up all terrain vehicles and directed the SVIA Technical Advisory Panel to consider the 2-up draft standard, prepared by I2AMA, for inclusion as part of the revision.

There are specific time-frames associated with some activities, for example, a Pre-Canvass Survey is mailed with 30 day response time. When a revised standard is canvassed SVIA must allow 60 days for a response (or until all ballots are received) before taking further action. Consideration of views, objections, and appeals must be completed within 4 weeks. The actual time required to complete the final revision will depend on the response times of canvasees, the number of comments and objections, and the number of times the draft standard will be canvassed.

SVIA continues to make good progress toward the revision of the standard. SVIA will move as quickly as possible while maintaining conformance with ANSI protocol.

This voluntary standard addresses design, configuration and performance aspects of ATVs, including, among other items, requirements for mechanical suspension; throttle, clutch and gearshift controls; engine and fuel cutoff devices; lighting; tires; operator foot environment; service and parking brake/parking mechanism performance; and pitch stability along with additional requirements which address maximum speed capability and speed limiting devices for youth-sized ATVs. As such this standard, or it's revision, could serve as the basis for a proposed regulation.

SVIA is committed to the furthering the safe and responsible use of ATVs. Thank you for the opportunity to provide comment.



December 13, 2005

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**Comments of Consumers Union of the U.S. Inc.  
 to the Consumer Product Safety Commission  
 16 CFR Chapter II  
 All Terrain Vehicles: Advance Notice of Proposed Rulemaking;  
 Request for Comments and Information**

Introduction

Consumers Union (CU), publisher of *Consumer Reports* Magazine, submits following comments in response to the Consumer Product Safety Commission's ("CPSC or "Commission") Advance Notice of Propose Rulemaking ("ANPR"), entitled "All Terrain Vehicles: Advance Notice of Proposed Rulemaking; Request for Comments and Information."<sup>1</sup> In this current ANPR, the CPSC "is considering whether there may be unreasonable risks of injury and death associated with some all terrain vehicles ("ATVs")." The Commission also "is considering what actions, both regulatory and non-regulatory, it could take to reduce ATV-related deaths and injuries."<sup>2</sup> According to the CPSC "in recent years there has been a dramatic increase in both the numbers of ATVs in use and the numbers of ATV-related deaths and injuries."<sup>3</sup> According to a report issued by the CPSC on December 31, 2004:

the Commission had reports of 6,494 ATV-related deaths that have occurred since 1982. Of these, 2,019 (31 percent of the total) were under age 16, and 845 (13 percent of the total) were under age 12. The 2004

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<sup>1</sup> See 70 Fed. Reg. at 60031 (October 14, 2005).  
<sup>2</sup> Id.  
<sup>3</sup> Id.

annual report states that in 2004 alone, an estimated 129,500 four-wheel ATV-related injuries were treated in hospital emergency rooms nationwide.<sup>4</sup>

## Background

Concern by CU over the danger posed by ATVs is longstanding. In 1988, CU objected to the CPSC's decision to enter into a consent decree (CD) with ATV manufacturers in lieu of continuing the lawsuit against them. Although the CPSC had initiated a rulemaking to address injuries caused by ATVs in 1985<sup>5</sup> the Commission terminated the regulatory proceeding 1991.<sup>6</sup> In 1998, at the expiration of the CD, CU expressed concern at the inadequacy of the terms of the CD in reducing harm caused by these vehicles – especially to children.<sup>7</sup> Our concern was based upon the CPSC report entitled, "ATV Exposure, Injury, Death, and Risk Studies," released April 27, 1998. This Commission review of the impact of the CD revealed an injury rate for children under 16 of as high as 47% of all injuries -- comparable to the rate for injuries suffered by children in 1985, prior to the institution of the CD.

After the release by the CPSC of a report of injuries caused by ATVs on November 5, 2003, CU issued a statement entitled, "New ATV Injury Data Indicates 'Public Health Crises;' Consumers Union Calls on Congress to Protect Children, *Injuries to kids under 16 from All Terrain Vehicles increases again.*" At the time CU (i) indicated support for the petition ("Petition")<sup>8</sup> filed by the Consumer Federation of America (CFA) and other organizations calling for a ban on the sale of ATVs to children 16 years and younger; (ii) urged Congress to hold hearings on ATV hazards and provide incentives to states to pass laws to encourage safer use of ATVs; and (iii) called upon states to adopt model legislation regulating ATVs such as that proposed by the American Academy of Pediatrics.

## Current CPSC ANPR

We commend the CPSC for taking this recent step. However, based upon the increasing number of deaths and incidents of serious harm caused by ATVs (especially to a disproportionate number of children), we believe that this action is long overdue. CU's recommendations in response to the current ANPR follow:

- CU is concerned about increasingly larger and more powerful vehicles on the market, which pose an increasing danger to consumers. In light of the growing availability, size and power of ATVs, we continue to support the Petition requesting

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<sup>4</sup> Id.

<sup>5</sup> 50 Fed. Reg. 23129.

<sup>6</sup> 56 Fed. Reg. 47166.

<sup>7</sup> See Consumer Union Press Release, April 28, 1998, "Consumers Union Calls for Congressional Crackdown on All-Terrain Vehicles."

<sup>8</sup> CPSC Petition No. CP-02-4/HP-02-1, "Request to Ban All-Terrain Vehicles Sold for Use by Children under 16 Years Old."

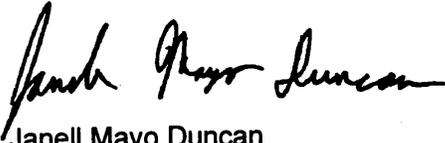
that the Commission ban the sale of adult-sized ATVs for use by children under 16. Similarly, for so-called "transitional vehicles," CU opposes any sales of ATVs with over 90 cc engine for use by children under age 16.

- CU urges the CPSC to work with dealers to ensure they are not selling adult-size ATVs for use by children. CU is concerned with decreasing level of compliance by dealers with the age recommendations in Voluntary Action Plans<sup>9</sup> revealed by the CPSC in its February 2005 Briefing package.<sup>10</sup> In addition, we also are concerned that some ATV manufacturers are not currently operating under Action Plans. CU would like to see uniform mandatory requirements for the entire ATV industry.
- CU asks the CPSC to determine appropriate testing of ATVs to assess dynamic stability, rollover propensity, braking, suspension, and handling systems. After testing elements are created, we recommend that the CPSC create mandatory safety and performance standards to create safer ATVs.
- CU supports Congressional action to provide financial incentives for states to adopt safer ATV laws, such as the Model Statute proposed by the American Academy of Pediatrics (including training, licensure, safety gear, proper clothing, and helmets). We urge the CPSC to support this effort on both the Congressional and state levels to achieve safer use of ATVs.

We look forward to working with the CPSC to address this current crisis, and to dramatically reduce the number of injuries and deaths associated with the use of ATVs – especially of children.

Respectfully submitted,

Sincerely,



Janell Mayo Duncan  
Legislative and Regulatory Counsel  
Washington Office

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<sup>9</sup> CPSC Action Plans covered such elements as point of sale information, advertising and promotional materials, and training and education programs.

<sup>10</sup> See Briefing Package on Petition No. CP-02-4/HP 02-1, "Request to Ban All-Terrain Vehicles Sold for Use by Children under 16 Years Old," CPSC, February 2005, at 9.

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

**JOINT COMMENTS OF  
ARCTIC CAT INC.,  
BOMBARDIER RECREATIONAL PRODUCTS INC.,  
and  
POLARIS INDUSTRIES INC.**

\_\_\_\_\_  
All Terrain Vehicles;  
Advance Notice of Proposed Rulemaking;  
Request for Comments and Information  
\_\_\_\_\_  
70 Fed. Reg. 60,031 (Oct. 14, 2005)  
\_\_\_\_\_

**ATV ANPR**

**December 13, 2005**

## **I. INTRODUCTION**

In addition to the manufacture and distribution of single-rider ATVs, Arctic Cat Inc. and Bombardier Recreational Products Inc. also manufacture and distribute tandem or 2Up-all terrain vehicles ("2Up-ATVs"). Polaris Industries Inc. will manufacture and begin distributing 2UP-ATVs starting in 2006.

As such, they appreciate the opportunity to submit these separate comments on those aspects of the U.S. Consumer Product Safety Commission's ("CPSC" or the "Commission") advance notice of proposed rulemaking ("ANPR") requesting comments specifically on tandem ATVs or 2Up-ATVs. 70 Fed. Reg. 60,031 (Oct. 14, 2005).

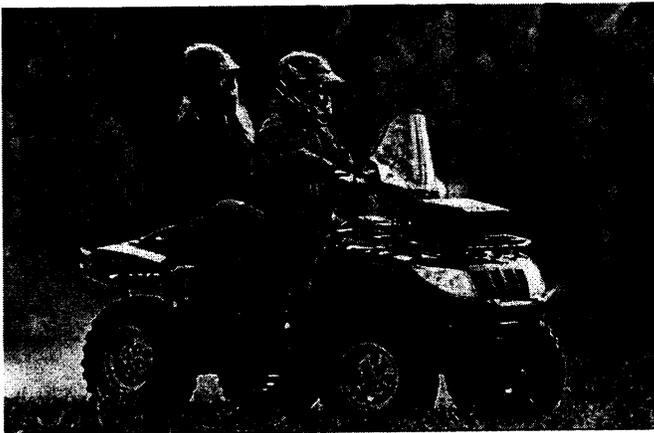
## **II. TANDEM OR 2UP-ATVS**

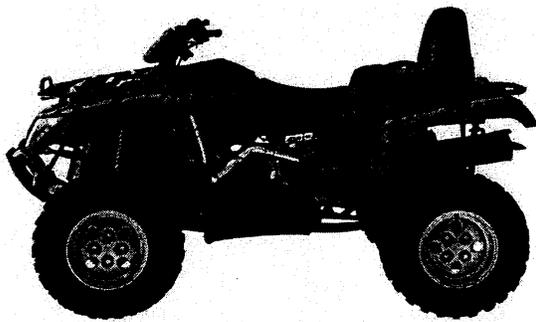
Tandem ATVs or 2Up-ATVs are ATVs specifically designed by the manufacturer for use with one operator and one passenger. On such a vehicle, the passenger is located behind the operator and both straddle the seat. As previously discussed with CPSC staff members prior to the market entry of these vehicles, the development of these vehicles arose out of a desire to address the obvious customer interest in riding ATVs with a passenger and the realization by the above manufacturers that they could design and manufacture such a vehicle that met and sometimes exceeded all the test requirements set forth in the ANSI SVIA ATV standard. The availability of such a vehicle on the market offers a proper alternative to customers who previously were unsafely riding double on a single-rider ATV. Additionally, laws in many states specifically permit or mention passengers on ATVs and define these vehicles as ATVs. From a regulatory standpoint, the U.S. Environmental Protection Agency and the California Air Resources Board also classify these vehicles as ATVs. Consumers also recognize these vehicles as ATVs.

### **A. Comparison to Single-Rider ATVs**

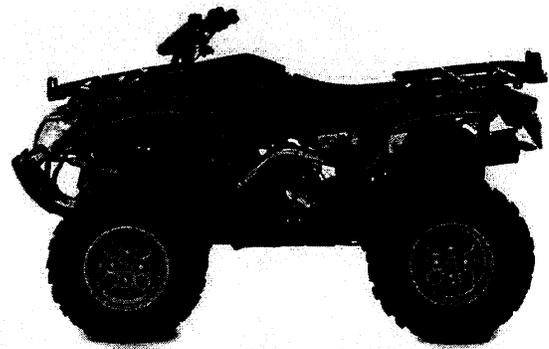
Users of ATVs often have experience with other recreational vehicles on which passengers are permitted such as motorcycles, snowmobiles and personal watercraft. Tandem or 2Up-ATVs generally use common chassis, body, suspension and driveline components as a single-operator ATV. As a result, the general external appearances of the vehicles are similar. However, tandem or 2Up-ATVs have a number of differences--longer wheel-bases and other modifications to allow for a passenger including separate seating area, separate passenger handhold, separate footrests and backrest. Such ATVs may be offered as convertible ATVs, where the operator has the choice to keep the second seating area for the passenger or to replace those features with a separate box for storage or hauling functions.

The pictures below show these features.

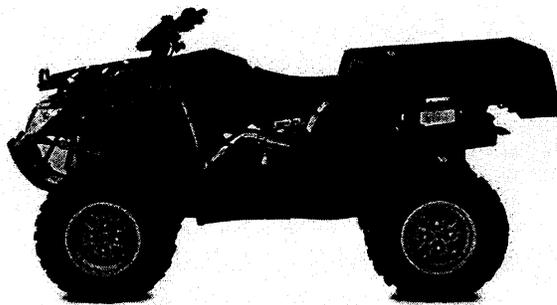




**2Up-ATV**



**Single-rider ATV**



**B. Subject to Action Plans**

Arctic Cat Inc., Bombardier Recreational Products Inc. and Polaris Industries Inc. have each filed action plans with the CPSC. In these action plans, each company has voluntarily committed, with respect to their respective 2Up-ATVs, to undertake the same safety programs and related obligations undertaken for single-rider ATVs. Those efforts include the provision of free training offered to purchasers of 2Up-ATVs and incentives to take that training program (which is provided by the ATV Safety Institute), warnings, labels, hang tags, point of purchase materials, videos and other safety information.

**C. 2Up-ATV Standard**

As requested by the CPSC, the International 2Up-ATV Manufacturers Association (“I2AMA”), obtained approval from the American National Standards Institute (“ANSI”) to be

the standard developer of a standard for 2Up-ATVs. A draft standard regarding equipment, configuration, performance, safety information and training requirements was developed and canvassed (including to the CPSC). In recent months, the Specialty Vehicle Institute of America (developer of the standard for the single-rider ATV) has indicated that it may be willing to assume the responsibilities of completion of a standard for the 2Up-ATV. Discussions are underway regarding that possible transfer of duties.

### III. CONCLUSION

In cooperation with the CPSC, the above companies have undertaken significant efforts to promote the safe and responsible use of 2Up-ATVs. These companies will continue with their efforts to develop a voluntary standard for such vehicles, and to fulfill their action plan undertakings to implement ATV safety programs.

Respectfully submitted,

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