

August 24, 2004

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

By Fax and U.S. Mail

Dear Chairman Stratton:

In August 2002, the Consumer Federation of America (CFA), Bluewater Network (BWN) and seven other medical, consumer and safety groups submitted a petition to the U.S. Consumer Product Safety Commission (CPSC or Commission) requesting that it initiate a rulemaking process to develop and issue national safety standards that would bar the sale of adult-size all-terrain vehicles (ATVs) for use by children under the age of 16. Although CPSC agreed to consider a portion of the petition and held three field hearings in 2003, we believe further action is necessary and urge the Commission to act on the merits of the petition as soon as possible. The CPSC must assume a leadership role to address this growing public health and safety crisis.

In the two years since the petition was submitted, newspapers around the country have continued to carry regular reports of the alarming number of children under the age of 16 killed by ATVs. Although CPSC has not released fatality data for 2003 or 2004, it reported that at least 99 children under age 16 were killed in 2002. That year, these children made up 28 percent of total ATV deaths and children under 12 years old accounted for 10 percent of all deaths.

Repeatedly, doctors, public health experts and victims' families have emphasized the dangers that ATVs pose to children and adolescents nationwide. While ATV-related injuries and deaths broke records in 2002, responsibility for ATV safety remains with the industry under a voluntary approach adopted in the late 1990s. CPSC research, particularly its comprehensive assessment of injuries between 1997 and 2001 -- a period covered almost entirely by the voluntary system -- as well as annual reports indicate that the industry has had years to improve safety but has fallen short.<sup>1</sup> Moreover, rather than committing to improve compliance and enforcement of the voluntary guidelines, it is our understanding from testimony provided at field hearings that some in the industry are questioning the current age restrictions and suggesting conditions under which bigger and faster ATVs made specifically for adults could be sold for use by some children.<sup>2</sup>

The Commission has the authority to initiate rulemaking with the goal of developing and issuing national safety standards that, at a minimum, prohibit the sale of

---

<sup>1</sup> U.S. Consumer Product Safety Commission. All-Terrain Vehicle 2001 Injury and Exposure Studies. January 2003. U.S. Consumer Product Safety Commission. Annual Report: All-Terrain Vehicle (ATV)-Related Deaths and Injuries 2002. October 24, 2003.

<sup>2</sup> Statements of Michael Babusci, Executive Director, Pennsylvania Off-Highway Vehicle Association; Dick Lepley, Representative of the Pennsylvania Motorcycle Dealer's Association; and Doug Morris, Director, All-Terrain Vehicle Association, before the U.S. Consumer Product Safety Commission ATV Safety Hearing. Morgantown, WV June 5, 2003.

adult-size ATVs for use by children under the age of 16. Furthermore, the Commission cannot wait for states to act or rely on state regulation to address this national epidemic. While every state has set minimum age, licensing and training requirements to drive a car, few states utilize the same approach for ATVs. According to the Specialty Vehicle Institute of America, 24 states and the District of Columbia do not have a minimum age to operate an ATV, 40 states do not require licensing, and 34 states do not require safety training to operate these vehicles. States clearly have a role to play in addressing this problem; however, children and adolescents will remain exposed to avoidable and unacceptable risk of serious injury and death if the Commission fails to fill the national leadership vacuum.

With summer in full swing, ATV-related injuries and deaths are continuing to occur, many of which involve children and adolescents. Additional delays in initiating the rulemaking process as requested in our 2002 petition may jeopardize the lives and well-being of children nationwide. We urge the Commission to take appropriate action.

Sincerely,

Nancy Cowles  
Executive Director  
Kids in Danger

Lindsey Johnson  
Consumer Advocate  
U.S. Public Interest Research Group

Carden Johnston, MD, FAAP  
President  
American Academy of Pediatrics

Sean Smith  
Public Lands Director  
Bluewater Network

Robin Voss, BS, MHA, AACHE, TNCC-P  
President  
National Association of Orthopaedic  
Nurses

Rachel Weintraub  
Assistant General Counsel  
Consumer Federation of America