



# Consumer Federation of America

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Consumer Federation of America

Before the

U.S. Senate

Subcommittee on Consumer Affairs, Insurance and Automotive Safety

Committee on Commerce, Science and Transportation

All-Terrain Vehicle (ATV) Safety

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## **I. Introduction**

Chairman Pryor, Ranking member Sununu and members of the Subcommittee, thank you for the opportunity to speak today and for holding this meeting. My name is Rachel Weintraub; I am Director of Product Safety and Senior Counsel at Consumer Federation of America (“CFA”). CFA is a non-profit association of 300 consumer groups, with a combined membership of more than 50 million people. CFA was founded in 1968 to advance the consumer’s interest through advocacy and education.

Consumer Federation of America has been deeply concerned about the safety of all-terrain vehicles (ATVs) for many years. In fact, CFA has been involved in ATV safety issues since the 1980s when three-wheel ATVs dominated the market. We opposed the consent decree between CPSC and ATV manufacturers in 1988 because we felt that it did not adequately protect consumers. CFA petitioned CPSC in the 1990s and again in 2002, and legally challenged CPSC’s abandonment of their ATV rulemaking in the 1990s. The Commission denied our most recent petition, CP-02-4/ HP-02-1,<sup>1</sup> which requested that the U.S. Consumer Product Safety Commission ban the sale of adult-size four wheel all-terrain vehicles “ATVs” sold for use by children under sixteen years of age. We have testified before the Commission on two occasions in support of our petition<sup>2</sup> and testified before this Subcommittee eleven months ago.

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<sup>1</sup> Consumer Federation of America filed the petition on August 20, 2002 along with the American Academy of Pediatrics, American College of Emergency Physicians, Bluewater Network, Danny Foundation for Crib & Child Product Safety; Kids in Danger, National Association of Orthopaedic Nurses and the U.S. Public Interest Research Group.

<sup>2</sup> CFA testified in the June 5, 2003 field hearing in West Virginia and in the March 2005 hearing on CPSC staff’s briefing package.

## **II. ATV Death and Injury Data**

CFA and other groups have been working extensively on ATV safety because of the deaths and injuries caused by ATVs. According to the latest data from CPSC on ATV deaths and injuries, released in November 2006,<sup>3</sup> at least 136,700 people suffered ATV injuries that were serious enough to require emergency room treatment in 2005. Since 2001, there has been a statistically significant 24% increase in serious injuries. Children under 16 suffered over 40,000 injuries from ATVs, representing 30 percent of all injuries in 2005. Since 2001, there has been a statistically significant increase of 18% in the number of children under 16 seriously injured by ATVs. This age group incurred more serious injuries than any other. The estimated number of ATV-related fatalities reached 767 in 2004. In 2005, ATVs killed at least 120 children younger than 16, accounting for 26 percent of all fatalities. Between 1985 and 2005, children under 16 accounted for 36 percent of all injuries and 31 percent of all deaths.

## **III. Cost to Society**

Our society suffers not only because ATVs cost the lives of almost 770 people each year in the United States. These deaths and the over 137,000 ATV injuries incurred each year also cost the nation considerable amounts of money. An analysis of ATV deaths comparing data from 1999 to 2003 found that costs associated with ATV deaths have steadily increased. Costs associated with ATV deaths of children increased from \$493 million in 1999 to \$723 million in 2003. Costs associated with ATV deaths of adults increased from \$1,706 million in 1999 to \$2,517 million in 2003.<sup>4</sup> The vast and

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<sup>3</sup> U.S. Consumer Product Safety Commission, 2005 Annual Report on All-Terrain Vehicle (ATV)-Related Deaths and Injuries, November 2006. available on the web at <http://www.cpsc.gov/library/atv2005.pdf>

<sup>4</sup> Helmkamp, Jim, Ph.D., MS, FACE Director, West Virginia University Injury Control Research Center, Research Professor, Department of Community Medicine West Virginia University, Lawrence, Bruce A,

tragic costs in both human and economic terms compel government action. With appropriate federal and state regulations, lives as well as billions of dollars could be saved.

#### **IV. Failure of the Current Voluntary Approach**

CFA's recommended policy solutions are premised on the fact that the current approach to ATV safety-- the industry's self-regulating approach-- is not working. Not only has self-regulation by the ATV industry led to larger and faster ATVs and more children being killed and injured, but each year the number of deaths and injuries climb. These increases have frequently been by statistically significant margins and the Commission has routinely noted in annual reports of ATV deaths and injuries that these increases cannot be explained solely by rising ATV sales or usage. The failure of the current approach compels CPSC, Congress, and state governments to be involved, at least in part, through the enforcement of a mandatory standard.

In 2003, the CPSC issued the latest in a long line of studies documenting the dramatic increase in ATV injuries and deaths.<sup>5</sup> In assessing trends between 1997 and 2001, the Commission provided compelling evidence that the industry is failing to protect consumers. CPSC concluded that:

- ATV-related injuries requiring emergency room treatment more than doubled, rising to 108 percent from 52,800 to 110,100, while the number of ATVs in use increased by less than 40 percent.

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Ph.D., Pacific Institute for Research and Evaluation, Calverton, Maryland published a letter to the editor with appeared in *Pediatrics* 2007; 119(1):223-225. The authors used the National Highway Traffic Administration model for determining the economic impact. This incorporates work loss and quality of life components to estimate the cost of reported ATV-related fatalities. The assumption was made that ATVs are motor vehicles, and in the absence of a specific model for ATV-related fatalities, the NHTSA model is used for ATV crashes.

<sup>5</sup> Levenson, Mark S, U.S. Consumer Product Safety Commission, "All Terrain Vehicle 2001 Injury and Exposure Studies," January 2003.

- Injuries suffered by children under 16 increased 66 percent to more than 34,000 in 2001. Meanwhile, the proportion of these children among the driving population grew by 13 percent.
- Injuries caused by bigger and more powerful ATVs, defined by the Commission as machines with engines bigger than 400 cc, shot up 567 percent, from 3,662 to 24,437, while the number of these machines in use grew by less than half as much.
- Less than 4 percent of injured ATV drivers received formal safety training from a dealer, salesperson or organized training program. This proportion is unchanged since 1997.
- More than 40 percent of drivers injured in 2001 stated that their ATV did not have warning labels or they did not know if it did at the time of their accident.
- Nearly 90 percent of children under 16 years of age were injured while riding adult-size ATVs, in spite of the industry's voluntary policy not to sell these machines for use by children. This proportion is also unchanged since 1997.

#### **V. Weakness of CPSC Rulemaking**

CFA is profoundly disappointed with CPSC's current rulemaking on ATVs. CFA objects to CPSC's proposal to re-categorize ATVs from a system based on engine size to a system based upon speed. CPSC provided no evidence supporting that children can safely operate ATVs at the suggested speed limits. Further, we are concerned that the categorization is based on flawed speed limiting devices. Also of deep concern to CFA is that categorization based on speed is one-dimensional and ignores other critical factors that have a major impact on the safe operation of these vehicles, especially as they relate to operation by children. The weight and size of the machine alone, as well as in relation

to the weight of a child, are critically important factors that this proposed rule ignores. This rule would allow children to operate ATVs that have higher maximum speeds than what is currently suggested. No data supports moving in this dangerous direction.

We also have concerns about the lack of safety data supporting the creation of ATVs designed for two riders and the lack of lateral stability requirements. CFA fears that this rule will not only fail to curb the rising tide of deaths and injuries but could even place children even more at risk.

## **VI. Benefit of a Federal ATV Safety Law**

### **A. Children Should Not Ride Adult-Size ATVs**

The Commission, as well as the American Academy of Pediatrics (AAP), the American Academy of Orthopaedic Surgeons (AAOS) and the ATV industry's trade association, the Specialty Vehicle Institute of America (SVIA), have long-standing policies stating that it is inappropriate for children under 16 years old to operate or otherwise ride adult-size ATVs. CFA's petition and subsequent policy recommendations sought to give CPSC the necessary tools to enforce this guideline since no federal mandatory ATV safety laws currently exist.

The Commission and experts in child health have concluded that children should not ride adult-size ATVs because ATVs are inherently difficult to operate for adults and beyond the development capability of children to control. However, the Commission's proposed rule and the draft voluntary standards fail to consider this complexity.

While there seems to be almost universal agreement among experts that children should not operate or ride adult-size ATVs, no mechanisms are in place to ensure that this does not happen. Unfortunately, we know that children do ride adult size ATVs and that

that too many children are getting killed and injured when they drive vehicles that are too large, too fast, and too powerful for them.

### **B. Federal Role in Improving ATV Safety**

Federal regulation barring the sale of certain ATVs for children could significantly change legal and other dynamics facing the ATV industry, and dealers in particular. When the consent decrees were in effect, CPSC reported that compliance was consistently high. Compliance dropped dramatically when replaced with a voluntary approach. When the legal hammer was removed, dealers appear to have concluded that the risks of violating the voluntary standard are outweighed by the benefits associated with selling adult-size ATVs in violation of those standards. Ongoing monitoring by manufacturers failed to encourage widespread and consistent compliance. With a federal regulation in place and stepped up enforcement by CPSC, we believe the legal dynamics would be very similar to those that existed under the consent decrees. If dealer compliance rises, then sales of adult-size ATVs for use by children would decline. Reduction in such sales would indirectly affect use, because a smaller number of adult-size ATVs would be available to this age group.

### **VII. Legislative Background**

At the June 2006 hearing, Senator Pryor asked the parties who were testifying -- including among others, the American Academy of Pediatrics (AAP), Consumer Federation of America (CFA) and representatives of the ATV industry -- to work together to develop mutually supported legislation. During the following September, CFA and a lawyer for an ATV manufacturer provided comments to each other and to Senate staff on an ATV bill being drafted by then-Senator Allen. Those communications

were narrowly tailored to discussions about the draft bill and did not lead to the introduction of a broadly supported ATV safety bill.

On March 1, 2007, CFA and AAP were invited to meet with Senate Commerce Committee staff to discuss the Senate staff's desire for CFA and AAP to meet with representatives of the all-terrain vehicle (ATV) industry to find a consensus on ATV safety legislation. CFA and AAP agreed to meet with ATV manufacturer representatives.

Our first meeting took place on March 14, 2007. At this meeting all parties openly presented their perspectives on the current draft legislation as well as on broader ATV policy issues. The first meeting was candid, productive and set the stage for a positive working relationship. We met again on March 26, 2007.

#### **VIII. CFA's Position on ATV Import Legislation**

At these meetings, CFA expressed its view on the draft legislation which would require all ATVs sold in the United States to meet voluntary safety standards and to have an ATV Action Plan on file with the Consumer Product Safety Commission. Since all of the major domestic manufacturers already have such Action Plans, this bill is aimed at creating a level playing field with imported ATVs that are coming in from China and other nations. While it is clear that the large ATV manufacturers fear the rising percentage of less expensive, imported ATVs as an economic threat, there has been little evidence put forth indicating what percentage of ATV deaths and injuries are caused by these imported ATVs. CFA would like to thwart a safety threat before it becomes apparent but prioritizes working to solve the documented hazards of children riding adult-size ATVs.

In 2006, CFA reviewed ATV recalls undertaken by CPSC. We found that:



- For ATV recalls listing the country of manufacture, 20 were manufactured in the United States; 3 were manufactured in Canada; 3 were manufactured in Japan; 1 was manufactured in Taiwan; and 1 was manufactured in China.

- 91.7% of ATVs recalled involved units manufactured by major ATV manufacturers who are members of the Specialty Vehicle Institute of America (SVIA).<sup>6</sup>

- In 2005 alone, 94% (16 out of 17) of ATVs recalled were manufactured by major ATV manufacturers.

Thus, CFA is concerned that efforts to deal solely with imported ATVs will have a marginal benefit to the health and safety of Americans riding ATVs. The focus of ATV safety legislation must be on all ATVs, not merely those imported into the United States, no matter how quickly that sector may be growing. CFA is alarmed that the draft legislation does not seek to solve any of the existing ATV safety problems caused by the major ATV manufacturers. Thus, while seeking to prevent the sale of unsafe imported ATVs is a goal with which both CFA and AAP could concur, it cannot be the sole focus of any legislative proposal that purports to address “ATV safety.”

#### **A. Weakness of SVIA/ ANSI Voluntary Standard**

CFA also has deep reservations about legislation that would require all ATVs to meet the SVIA/ANSI ATV standard. Especially with its proposed revisions, the standards are far too weak to curb ATV deaths and injuries. While the latest draft language of the bill makes compliance with the existing standard mandatory, the legislation allows for CPSC to make future versions of the standard the substantive

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<sup>6</sup> Polaris joined SVIA in September of 2005.

requirements underlying the legislation. CFA has opposed these revisions and has provided extensive comments to the SVIA/ANSI ATV Standard Developer.

Our opposition is premised on the fact that these standards are changing the way ATVs have been traditionally categorized, shifting away from engine size to a system based upon speed. The SVIA/ANSI draft standard proposes to alter the age/size guidelines by creating a system that limits the maximum speeds of ATVs intended for use by children under the age of 16. The draft standard proposes a Category T (Transition Model) ATV, intended for children 14 or older with adult supervision, or by an operator 16 or older, with a maximum speed of 38 mph; Category Y-12+ ATVs, intended for children 12 or older, with a maximum speed of 30 mph; Category Y-10+ ATV, intended for use by children age 10 or older, with a maximum speed of 30 mph; and Category Y-6+ ATVs, intended for children age 6 years old, with a maximum speed of 15 mph.

No evidence supports the development of the above-described categories. No data exists to demonstrate whether children could safely operate ATVs at the speed limits suggested. Further, the explanations for the speed limits are based upon consumer preference, not medical expertise or safety. In addition, the speed limits will be maintained by speed-limiting devices that we understand have a history of failure. Finally, we are concerned that the draft standard's new categorization does not consider the implications of the weight of an ATV – a key factor in many devastating injuries when ATVs topple or roll over.

#### **B. Weakness of ATV Action Plans**

The draft legislation also proposes to require that the manufacturers or importers of all ATVs that are sold in the United States file “ATV Action Plans” with the CPSC.

These Action Plans are a continuation of the substantive provisions of a court-approved consent decree between ATV manufacturers and the CPSC, which forced the industry to end production of highly dangerous three-wheel ATVs, and which expired in 1998. Since that time, major ATV manufacturers have been operating under voluntary “Action Plans.” These Action Plans rely on fine print in ads, warning labels, and recommendations enforced at the discretion of manufacturers. This voluntary approach, however, is failing to curb the rising tide of ATV deaths and injuries. Further, the CPSC has not provided compliance or enforcement information of these “Action Plans” to the public, thus not allowing for the opportunity to evaluate the effectiveness of, or even compliance with, these agreements.

#### **IX. Results of Meetings between AAP, CFA and ATV Manufacturers**

During the meetings among representatives of CFA, AAP, and ATV manufacturers, the parties not only expressed concern or support with the draft legislation, but CFA and AAP also provided a list of policies that should be included in any meaningful ATV safety legislation. This list of policies provided the framework for these meetings. The AAP’s list of recommendations includes:

1. Children under 16 should not operate ATVs.

- A driver’s license should be required to operate an ATV.

2. Alcohol use by operators of ATVs should be prohibited, with zero tolerance among 16- to 20-year-old operators.

- Zero tolerance policies for underage ATV operators.

3. ATV use should be banned on paved roads.

- Use of ATVs should be allowed only on designated, well-maintained trails.

4. Appropriate protective gear should be required to operate an ATV.

- ATV operators should be required to wear a helmet.

5. Carrying passengers on an ATV should be prohibited.

6. ATVs should not be operated before sunrise or after sunset.

7. Manufacturers should redesign ATVs to improve safety.

8. National ban on children under 16 operating ATVs on federal lands.

9. Other restrictions related to children under 16 operating ATVs on federal lands.

In addition to AAP's recommendations for ATV safety, AAP made clear that their policies firmly oppose children under 16 riding any size ATV.

CFA also provided all parties with recommendations to be included in a legislative proposal. Included in the list below are CFA's recommendations and reasoning for the provision as well as the industry's response:

1) Make the ban on the sale of adult size ATVs for use for children mandatory.

Give manufacturers the tools to hold dealers accountable for known sales of adult-size ATVs for children. CFA's official position is that children under 16 should not ride adult-sized ATVs. This position is shared by CPSC and industry. This is an effort to codify industry's golden rules and to give tools to manufacturers to hold dealers responsible when they knowingly sell adult-size ATVs to children.

The ATV manufacturers philosophically agreed that no child under age 16 should operate an adult machine. However, they would not agree to a ban on sale due to concerns regarding enforcement, potential liability for dealers who acted in good

faith, and lack of control over parents' choices regarding their children's riding habits.

- 2) Institute guidelines for federal lands that:
  - a. Prohibit children from riding adult size ATVs
  - b. Require the use of helmets
  - c. Ban passengers
  - d. Ban riding on paved roads
  - e. Ban riding at night

These provisions essentially mirror SVIA's model law – including provisions to require helmets, and ban passengers, riding on paved roads, riding at night, and children on adult ATVs. These behaviors are all already included on warning labels on ATVs. Federal lands offer a unique opportunity for the Federal government to institute best practices.

The ATV manufacturers were amenable to drafting language on all provisions except passengers, where they wished to allow passengers on two-up ATVs. They agreed to explore requiring CPSC to partner with USDA (USFS) and Interior (NPS, FWS, etc.) to develop regulations.

- 3) Create a incentive system in Federal law for states to pass strong ATV safety laws

that ban children from riding adult size ATVs, ban passengers, ban use on paved roads and at night, and require helmets and safety gear. CFA noted that incentives could be a “carrot” (increased funds if laws are passed) or a “stick” (reduced funds if they are not).

ATV manufacturers are amenable to exploring potential incentives for states to pass restrictions along the lines of the SVIA model law.

4) Ban the sale of three wheel ATVs. Issue a recall for all those which remain in use.

Three wheelers are still causing 10% of ATV injuries and have been documented to be even more unstable and unsafe than 4-wheelers.

ATV manufacturers agreed to ban sale of three-wheeled ATVs. Domestic manufacturers have not produced them for many years. However, ATV manufacturers refused to agree to a recall. The industry position is still that three-wheeled ATVs are not inherently unsafe.

5) Codify 90 ccs as the threshold for adult size ATVs. CFA is particularly concerned

that the voluntary standard and CPSC rulemaking are moving away from engine size as the classification basis for youth versus adult-size ATVs. CFA is concerned that this new categorization will lead to more children on larger, faster ATVs. CFA views this as critical to safety and views transitional ATVs as a cause

of potential increases in deaths and injuries. CFA also argues that there is no basis in safety for speed limits of transitional and youth models.

On this issue, there is a fundamental disagreement between the parties. Industry believes a set of criteria (engine size, fit, top speed, etc.) is a better yardstick. Industry is responding to their view of what the market wants: kids are riding adult size ATVs because they seek more speed and power. The transitional ATVs are a response to this consumer demand.

- 6) Require improvements in ATV marketing, particularly on the presentation of safety information:
  - a. set size limits for the font of safety information
  - b. set guidelines for placement on pages
  - c. limit marketing to children based on speed and power

Current marketing and advertising hides safety information in small font and in hard-to-access locations in advertisements. Safety information must be readable and more prominent. Riders should not be shown undertaking unsafe behaviors; children should not be marketed to using prohibited conduct, speed or power.

ATV manufacturers expressed a willingness to discuss options, but wished to be sure that any changes would apply to all manufacturers, not a subset. They

expressed their willingness to discuss giving CPSC the authority to set standards on ATV marketing to children.

- 7) Establish minimum stability requirements for ATVs. Require addition of a lateral stability test and improvements to the pitch stability equation by requiring a higher pitch stability coefficient. The current pitch stability computation should be abandoned. Stability issues, such as those involved in causing rollovers, contribute to 45 percent of injuries, according to a CPSC examination of incidents from CPSC's 2001 injury study. Yet the voluntary standard does not include a lateral stability test. CPSC has not been able to conduct research due to limited funds. This is an issue of critical importance that has been overlooked.

The ATV manufacturers are opposed to this proposal. They argue that the issue is too variable to set useful requirements or standards.

- 8) Issue a standard to reduce suspension failures. Suspension failures are a basis for a large number of ATV recalls by numerous manufacturers in recent years. Even if quality assurance is a problem, as CPSC and manufacturers claim, this should be prevented by better standard.

ATV manufacturers oppose this proposal. They argue that such failures are usually due to quality assurance issues (e.g. failure of materials) not design problems.



- 9) Improve standards for ATV training and requirements to make training free and geographically available. According to a CPSC study, less than four percent of ATV purchasers take ATV training courses. Some anecdotal evidence suggests ATV trainings are not substantive and are located too far away from most buyers for realistic use.

ATV manufacturers expressed a willingness to discuss options, but were not sure of possibilities. They discussed current cash rebates and data on why training does not occur, including a high “no-show” rate. A number of states require children to have certification. ATV manufacturers also discussed adding this to model standards under proposals for standards in federal lands.

- 10) Require sale of helmet with ATV. Helmet usage could likely reduce severity of injuries associated with head trauma.

ATV manufacturers stated that any helmet proposal must be restricted to children. They discussed the possibility of covering helmet usage under proposals for standards on public lands.

- 11) Require CPSC to conduct a study evaluating a child’s ability to operate vehicle up to 38 mph and conduct an analysis of the safety implications of operating an ATV at 30 and 38 mph. This proposal is aimed at providing data to counter the

trend toward faster machines for youth. Both ATV industry and CPSC have set speed limitations for youth and transitional models without evidence justifying operability by a child or safety consequences.

ATV manufacturers were amenable to having a study, but would like CPSC to have broad authority to develop and tailor parameters. They do not wish to specify ages, speeds, etc. in legislation.

12) Request GAO studies analyzing CPSC compliance efforts on the ATV Voluntary Action Plans; actual costs to society of ATV deaths and injuries; and an analysis of enforcement mechanisms to ensure compliance with existing state laws and the potential for enforcement of a federal law. CPSC has not made their compliance efforts publicly available, but inclusion in a Commissioner's statement implies compliance rates have dropped. CFA wrote a letter to CPSC's General Counsel requesting this data but has not received any information. This information is important to document realities of market compliance with voluntary system and effectiveness of current system. No broad-based studies document the cost to society of ATV deaths and injuries.

ATV manufacturers were open to a GAO study. They would like the study to include benefits of ATV usage (e.g. economic benefits) as well.

13) Increase funding for CPSC's ATV safety efforts -- specifically for enforcement and monitoring of dealer compliance. Given CPSC's limited resources, the Agency needs additional funds to work on ATV compliance and regulatory efforts.

Industry representatives agreed.

14) Establish mandatory standards for speed-limiting devices, including making them impervious to tampering or adjustment by consumers. Current CPSC and industry proposals for youth and transitional vehicles depend upon use of speed-limiting devices that have a high failure rate and can be tampered with easily by youth. The industry has no standard for these devices.

ATV manufacturers would likely oppose this proposal. Industry representatives debated whether to provide for dealerships to be the sole entity with the ability to adjust speed governors and decided that parents should have that control. The ANSI standard has performance specification for governors that suffices.

15) Require improvements to service brake performance. Brake problems were the basis of a large number of ATV recalls in recent years. The consequences of brake failure include death or serious injury. Such consistent failures, even if caused by quality assurance problems, could be prevented by a standard.

ATV manufacturers oppose this proposal. They argue that such failures are usually due to quality assurance issues (e.g. failure of materials) not design problems.

- 16) Require seatbelts. Seatbelts would decrease severity of injury in crashes and rollovers.

ATV manufacturers oppose this proposal. Industry data shows seatbelts would cause more injuries in some circumstances.

- 17) Require roll-cages. Roll bars would decrease severity of injury in crashes and rollovers.

ATV manufacturers oppose this proposal. Industry data shows roll bars would cause more injuries in some circumstances.

- 18) Require headlights or running lights on all ATVs to improve visibility. There was discussion of whether lights could be bright enough to improve visibility without encouraging night riding.

ATV manufacturers were not certain of their support for this proposal. Current standards prohibit headlamps on youth ATVs to discourage nighttime riding. The

proposed revised SVIA/ANSI standard would permit (not require) headlamps on youth models.

- 19) The following language should appear on warning labels for all ATVs, “Even with ATV experience, youths have immature judgment and should never drive an ATV that is too large or too fast for them to operate. Children die and are seriously injured when they operate ATVs that are too large and too powerful for them.” This language best reflects reality of consequence of children riding adult size ATVs and would provide more effective warning to parents of consequences of children’s operation of adult-size ATVs.

ATV manufacturers oppose this proposal. This language reportedly proposed tested poorly among parents, some of whom found it “offensive” since it referred to immature judgment among youth. They also stated that language was too broad. The differences with CPSC-mandated language could be problematic.

Thus, on our priority issue of banning the sale of adult size ATVs for use for children, we do not have agreement. We do have some basic philosophical agreement on the following issues: safety standards for federal lands; incentives for states to pass strong ATV safety legislation; possible agreement on selling helmets with youth model ATVs; improvements to marketing and training; requiring CPSC to conduct a study of a child’s ability to operate an ATV at various speeds; requesting a GAO study on CPSC’s compliance efforts and increasing funding for CPSC’s ATV safety activities.

## **X. Role for States in Conjunction with Federal Role**

We recognize that CPSC does not have the authority to take every action necessary to solve the full scope of the problems currently caused by ATVs. While CPSC can ban the sale of adult-size ATVs for use by children under 16, we urge CPSC and industry to support state efforts to set licensing and rider training requirements, prohibit riders from carrying passengers, and require ATV riders to wear helmets and other protective equipment. We also believe that, with the Federal and state governments taking strong action and providing more information to consumers, parental responsibility will increase as well.

## **XI. Conclusion**

Each and every year, more people, especially children, are killed or injured as they ride ATVs. The current voluntary approach to safety has allowed these deaths and injuries not only to continue but to increase. Every year, hundreds of families have to deal with the loss of a loved one, face caring for a severely injured family member, and incur the vast costs of medical care caused by the use of a recreational product: the all-terrain vehicle. We urge this Subcommittee to take strong action to curb the well documented hazards of all-terrain vehicles.