



U.S. CONSUMER PRODUCT SAFETY COMMISSION
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Record of Commission Action
Commissioners Voting by Ballot*

Commissioners Voting: Chairman Hal Stratton
 Commissioner Nancy A. Nord
 Commissioner Thomas H. Moore

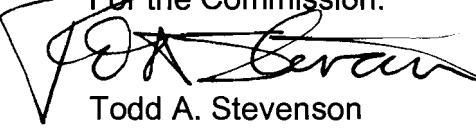
ITEM:

Petition CP 02-4/HP 02-1; Requesting Ban of All Terrain Vehicles ("ATVs") Sold for the Use of Children Under 16 Years of Age
(Briefing Package dated June 28, 2006)

DECISION:

The Commission voted (2-1) to deny the Petition CP 02-4/HP 02-1, and direct the staff to prepare a letter to the petitioner. Chairman Stratton and Commissioner Nord voted to deny the petition. Commissioner Moore voted to grant the petition. The petition from Consumer Federation of America and other groups requested the Commission to issue a rule banning adult-size four wheel ATVs sold for use of children under 16 years of age.

Commissioners Nord and Moore included the attached statements with their votes.

For the Commission:

Todd A. Stevenson
Secretary

* Ballot vote due July 12, 2006



U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

**STATEMENT OF THE HONORABLE NANCY A. NORD, VICE CHAIRMAN
U.S. CONSUMER PRODUCT SAFETY COMMISSION ON NOTICE OF
PROPOSED RULEMAKING FOR ALL-TERRAIN VEHICLES AND
PETITION CP 02-4/HP 02-1; PETITION REQUESTING BAN OF ATVs SOLD
FOR THE USE OF CHILDREN UNDER 16 YEARS OF AGE**

JULY 12, 2006

The Commission has before it two ballot votes concerning all-terrain vehicles (ATVs). The first is to adopt an ATV safety standard that would, among other things, establish mandatory performance (and for youth models, design) standards for ATVs, require warning labels and other point-of-sale disclosures concerning injuries and safe operation of the machines, increase the training opportunities for purchasers, allow for the introduction into the marketplace of more appropriate youth models, and ban the sale of 3-wheel ATVs. As a part of this proposed rulemaking, the Commission is also being asked to approve a new information and education (I&E) campaign, including the establishment of a new ATV safety web site (atvsafety.gov). The second ballot vote is to dispose of a petition to ban the sale of ATVs intended for use by children under the age of 16. For reasons explained below, I am voting to publish the proposed rule, with changes, for public review and comment and I am voting to deny the petition.

As the information in the staff packages accompanying these ballot votes indicates, the number of deaths and injuries associated with ATV use each year in the United States is very high and getting higher. Over 700 people are estimated to have died on ATVs last year alone, and annual estimated injuries on ATVs now exceeds 136,000. As the popularity of these machines continue to grow in the U.S., so too do the number of ATV incidents. While ATV safety is clearly a high priority for the Commission, the public should understand that the Commission is generally only authorized by our governing laws to regulate products, not how products are used. This new rule attempts to both make ATVs as safe as reasonably possible and to empower consumers with the information and resources they need to operate and enjoy ATVs safely.

Recently, I had meetings with numerous ATV stakeholders, including consumer groups and manufacturers, to find out as much as possible about ATVs, their use, and how we at the Commission can work together with the private sector to reduce the number of ATV deaths and injuries. Those meetings brought home the key point that how ATVs are used is often the most important factor contributing to ATV incidents. Adequate training, the wearing of helmets and other safety equipment and the safe operation of ATVs are all critical to helping prevent injuries. The meetings also highlighted for me how many new

ATV riders, including many parents of children who operate ATVs, do not fully appreciate just how powerful and potentially dangerous ATVs can be. However, as their increased purchase and use evidences, ATVs can also be fun and are often a useful tool for farmers, ranchers and others.

With respect to the proposed new safety rule, I support moving forward by publishing a notice of proposed rulemaking (NPR). However, my vote is contingent on the inclusion of several additional provisions that I believe will make the proposal more effective. Along with Commissioner Moore, I am asking that the point-of-sale safety information required to be provided to consumers include information on the overall death and injury statistics for all users, in addition to the requirement for a consumer disclosure statement about the number of children annually killed and injured while operating ATVs. I also have requested that the training provisions of the proposed rule require that ATV training be reasonably accessible to consumers. Finally, Commissioner Moore and I are requesting that the staff address several issues that need to be more fully developed before a final rule is brought to us for a vote. These issues include additional research on various aspects of youth ATV's, the relative effectiveness of various I&E campaign messages, and details for an ATV age guidelines enforcement and monitoring plan, among other issues. I am looking forward to hearing from the public on these issues and the others presented in the NPR.

I am also voting to deny the petition to ban the sale of ATV's for use by children under the age of 16. I am persuaded by the staff's analysis that such a ban would be virtually unenforceable. While I understand the frustration of those who wish to see us take action to keep children off adult-sized ATVs, I believe that it is bad public policy to proceed with a ban which cannot be effectively enforced. Proponents of a ban are seeking to prevent children from riding adult-sized ATVs. Regulating rider behavior is not within the Commission's scope of authority but is rather the province of the states. State legislatures are best equipped to decide under what circumstances children should use these machines in their states. Our responsibility is to assure that the machines are as safe as possible and to help facilitate, to the greatest extent possible, safe ATV use. By moving forward with rulemaking and initiating an I&E campaign, we are carrying out this responsibility.

STATEMENT OF THE HONORABLE THOMAS H. MOORE
ON THE ALL-TERRAIN VEHICLE INITIATIVE, THE PETITION TO BAN ATVS
SOLD FOR THE USE OF CHILDREN UNDER 16 YEARS OF AGE
AND THE ATV SAFETY WEB SITE
July 12, 2006

Federal agencies are often criticized for taking too much time to solve a problem. Yet back in the 1980s, when this Commission first tackled the then relatively new product known (somewhat inappropriately) as the all-terrain vehicle, it took less than three years for the agency to get the manufacturers to agree, among other things, to: stop making the most dangerous version—the three-wheeler; create uniform standards for the remaining four-wheelers; implement a nationwide training program; implement age recommendations to try to keep children under 16 off of the larger ATVs; and fund an approximately \$8.5 million public awareness campaign. For a while those measures seemed to be working. The death and injury numbers went down. The agency and its staff had a right to consider what they had done to be a major accomplishment.

When the Consent Decrees expired in 1998, the Commission was able to get the manufacturers who had been a party to them, plus a few of the new entrants, to sign Letters of Undertaking (LOUs), which carried forward in a strictly voluntary fashion, most of the elements of the Consent Decrees. At the same time certain members of the industry agreed to another multi-year, multi-million dollar information and education safety campaign emphasizing the risks created when children younger than 16 operate adult-size ATVs.

As a result of the investigation that led to the Decrees, staff recommended that the agency ban the sale of ATVs (all ATVs, not just adult-sized ATVs) for the use of children under the age of 12¹ and the Consent Decrees signed with the manufacturers had age recommendations, geared to engine size, that started at age 12. The typical engine size and weight of an adult ATV at that time was 250cc (the largest was 400cc) and the largest machine weighed in at 600 pounds. In the intervening years, the ATV industry has changed drastically: engine displacement can now be as much as 800cc; the weights of the vehicles have also increased substantially, to as much as 800 pounds; the ATV manufacturers have managed to get around the no passenger rule by designing ATVs that are built for two; ATVs designed for children under the age of 12 are being marketed; and the sales of all ATVs have skyrocketed. And deaths and injuries are once more on the rise. Injuries, particularly to children, have increased significantly since the expiration of the Consent Decrees. While it is true that the number of ATVs being ridden has grown dramatically along with the number of ATV riders, the number of injuries has outpaced that growth and we do not know why. The introduction of bigger and more powerful machines may be part of the reason. All of the staff's analyses have found that the risk of injury increases with the size of the ATV engine.

¹ Report of the CPSC All-Terrain Vehicle (ATV) Task Force: Regulatory Options for All-Terrain Vehicles, 1986.

For adults, today's non-machine-related injury factors are pretty much the same as they were back in the 1980s: excessive speed, carrying passengers, driving on paved roads, driving while drinking. With regard to the ATVs themselves, control and stability issues, factors which were identified as characteristics resulting in an increase in ATV injuries back in 1985, continue to be "major factors associated with ATV-related deaths and injuries involving 4-wheeled vehicles."² For children, a large factor continues to be driving ATVs that are too complex, big and powerful for their capabilities. Despite all the information and education campaigns, despite all the self-policing of the dealers by the manufacturers and this agency's selective monitoring, despite the LOU requirements and the voluntary standard, with which the vast majority of the ATVs on the market today comply, we have not managed in nearly twenty years to really change the landscape of ATV injuries. The current manufacturers are pointing the finger at new entrants as being the cause of the increase in injuries. However, the new entrants are a recent and fairly small portion of the ATV market. The deaths and injuries our staff has been chronicling over the years have been occurring on the established ATV manufacturers' machines. The LOUs and the standard are not failing because of a lack of participation by new entrants; they are failing because they do not adequately address the ATV problem. And there is a problem. It is defined by the first sentence in the preamble to the Notice of Proposed Rulemaking (NPR): **the unreasonable risks of injury and death associated with all-terrain vehicles.**

When the Commission issued an Advance Notice of Proposed Rulemaking on ATVs last October, there was cause for hope. It appeared that engineering and other research, such as had been done to get the three-wheeled ATVs off the market, would be done to find out what mechanical features of the four-wheelers (if any) were contributing to the deaths and injuries, what could be done to improve those features, and what other factors are behind the increase in injuries since the obvious factor of increased usage did not account for all of it. Instead, three months after the close of comments, and only five months after beginning the rulemaking proceeding, the ATV team was handed a detailed outline of what the proposed rule was to contain and told to have it to the Commission by May 30th. Plans for testing ATVs to the voluntary standard and for testing various models against each other to look for mechanical differences among machines that might lead to handling improvements, as well as other projects that would have been the basis for a recommended NPR were shelved.

Our staff deserves an enormous amount of credit for meeting their "March directive" with the same thoughtfulness and professionalism that they bring to every project. They did the best they could with what they had to work with. This is not a true staff recommendation (although they did manage to slip in a few improvements of their own) and, to the extent there is disappointment in the end product, that should be directed higher up the management chain.

As drafted, I do not think the NPR will have much impact on the unreasonable risk of death and injury from ATVs that the Commission has identified. Rather than simply be critical of the proposal, I have made, along with Commissioner Nord, a few

² See the staff response to my questions, dated July 11, 2006, answer to question number 4.

changes to the NPR and identified some additional areas of research for staff and industry to pursue in this next phase of the rulemaking proceeding.

The weakest part of the proposal is that it endorses the very solutions that have led us to this rulemaking in the first place. The voluntary standard does have some helpful provisions, but it is a barebones standard that staff considers “the minimum requirements that reflect manufacturing practices by the companies that currently represent the majority of the U.S. market.”³ This is a carefully worded statement that makes no reference to safety. Even industry, when it adopted the standard, was quick to dismiss provisions that our staff had considered important relating to pitch stability and suspension as not being safety related.⁴ Industry has made no significant changes to the standard since it was adopted in 1990. Yet this proposal would take the industry standard and certain of the LOU provisions and, with a few changes by our staff, convert them into a mandatory safety standard that will have preemptive effect. No State legislative or regulatory body (or perhaps even the State courts, in the case of youth ATVs) will be able to improve upon it. What our staff views as the floor, the minimum place to start in building a safety standard, suddenly, and without justification, is proposed as the ceiling.

If we are going to have a mandatory performance standard for ATVs (and I certainly agree that we should) we should have done the necessary testing to see if the current standard is effective in reducing deaths and injuries and found out what additional provisions should be included in a mandatory standard *before* we proposed it as the solution. It is impossible to make any assumptions about the proposal’s ability to reduce deaths and injuries without these steps. The only positive aspect of this part of the proposal is that it *could* prevent an even bigger increase in deaths and injuries if new entrants who are not complying with the voluntary standard substantially increase their market share in the future (although we really do not have the data to support the claim that they are not complying, let alone the claim that the LOUs and voluntary standard are effective in reducing deaths and injuries). It is, I suspect, the new entrants’ increase in market share, not their alleged noncompliance that has suddenly made the industry decide there needs to be a mandatory standard and is also responsible for their new willingness to add certain of the LOU components to that standard.⁵

The stability of 4-wheel ATVs continues to be an issue. Staff found that forty-five percent of all of the injuries in 2001 involved an ATV that tipped over in some way: roughly half tipped over forward or backward and the other half tipped over sideways.

³ See page 354 of the briefing package.

⁴ “With respect to pitch stability, the participating industry members believe that use of static procedures to test and establish criteria is not representative of actual operating conditions. Nor has there been any analysis which indicates that static stability criteria have any significant relation to ATV accident or injury causation or frequency.[...] The suspension standard also represents a negotiated position. Most industry members view suspension primarily as a matter involving rider comfort. Moreover, there was an absence of accident data and analysis correlating accidents and injuries to the presence or absence of mechanical suspension.” From the Foreword to ANSI/SVIA 1-1990.

⁵ The proposal could have the perverse effect of driving a number of the manufacturers that have been trying to serve the youth ATV market, out of it, as the new entrants may find it difficult to institute the training requirements.

Tipping over was the precipitating event in forty percent of the child fatalities that staff studied from 1999 and 2000, and occurred in sixty-six percent (though it was not always the precipitating event) of the 184 child fatalities that staff reviewed for the petition to ban the sale of adult ATVs for the use children under 16. Therefore, language has been added to the preamble to let the ATV manufacturers know that we are not letting them off the safety hook and that they need to be looking at ways to make their machines more stable and less prone to injuring their riders and that we should see those recommendations before the standard is finalized. I hope the manufacturers will take this statement by the Commission seriously.

There are a number of things we do not know as we go forward with this proposed rule, but one of the things we do know with certainty is that children should not be driving adult ATVs. More than ninety percent of the children who die driving ATVs are on adult ATVs. The hospitalization rate for children injured on ATVs is about 12 percent. This is more than twice the hospitalization rate for all age groups for all consumer product-related injuries treated in hospital emergency room, which has averaged 5.4 percent over the last three years.⁶ When you have a higher hospitalization rate it is an indication of more severe injuries, such as head injuries and internal organ injuries. Some commenters like to point out the greater number of injuries to children from bicycle accidents. However, the hospitalization rate for children 15 and under for bicycle-related injuries in 2005 was only 4.2 percent. In 2001, 15 percent of bicycle deaths were to teenagers.⁷ During that same year, 26 percent of the ATV-related deaths were to children under 16. Not only are the ATV-related injuries to children more severe, but they are also far more likely to result in death.

Since the Consent Decrees were signed, industry and CPSC have made efforts to keep children under 16 off of adult ATVs. One of those efforts has involved the manufacturers instructing their dealers not to sell an adult ATV to a customer who indicates to the sales person that the ATV will be used by a child under 16. The Commission has monitored the dealers, as have the manufacturers, and on occasion a news organization has tested the dealers in this area as well. A NewsChannel 5 investigative team went to ATV dealers in 2004⁸ to see if the sales personnel would sell an adult ATV to them for a child under 16. Only one out of the five dealers they visited did not try to sell them an adult ATV. One dealer even coached the purchaser on what to say: "I can't sell a bike if it's for him because he's under 16. That's why when you come in, you have to make sure your husband has something he likes for himself to ride." Our own monitoring has found similar examples of ATV dealers knowingly evading the age guidelines. Now we are proposing to require that ATV sellers have purchasers sign an age acknowledgement form (something many dealers currently already do). The proposed version is an improvement over the forms currently in use as it will have the number of ATV-related deaths and injuries to children under 16 on it and it would be

⁶ A study published in *Pediatrics*, entitled "All-Terrain Vehicle-Related Nonfatal Injuries Among Young Riders: United States, 2001-2003," found that, compared to emergency departments visits for all types of injuries among children, children injured on ATVs were five times more likely to be hospitalized.

⁷ From the Insurance Institute for Highway Safety Highway Loss Data Institute.

⁸ Cleveland, Ohio, reported on NewsNet5.com, February 20, 2004.

required to be used by anyone selling a new ATV. However, this form cannot police the conversations that may have taken place prior to the signing of the form. If, as I suspect, the manufacturers abandon the LOUs if this proposal becomes final, then we will lose their promise to keep their dealers in line and be left with a piece of paper that any seller can use to show he told the purchaser that children under 16 should not be on adult ATVs. This could relieve him of any consequences from the sale of an adult ATV that he knew was being sold for the use of a child under the age of 16. If this happens, it would be a step backward in an area where compliance has never been as good as it should have been. We are, therefore, asking staff to give us their plan for how they intend to enforce the new age acknowledgement form, to describe the enforcement tools this provision would give them and to elaborate on when these tools would be used.

ATVs are not toys, but many parents treat them as if they were. ATVs are heavy, fast and dangerous for all but the most skilled and mature drivers. The current situation that permits children under 16 to drive adult ATVs is unacceptable. I do not understand how the Commission can have continued to declare this to be a dangerous practice for nearly twenty years, but not ban the sale of adult ATVs for the use of children under the age of 16. It is true that the sellers of new ATVs are only a part of the picture, but they are a part of the picture. If sellers had to have an ATV purchaser sign a form that said that federal law prohibits the sale of adult ATVs for the use of children under the age of 16, and they knew that they faced penalties from a federal agency if they got caught circumventing that form through their verbal communications or otherwise, perhaps more purchasers and sellers would take the age issue seriously. I think even one well-publicized enforcement action would get the attention of the industry and the public.

Over the years we have emphasized the need for all ATV riders to wear helmets and other protective gear. We will continue to emphasize protective gear, but when a several hundred pound machine flips over onto a rider, very often all the protective gear in the world is not enough. That is why I cringe when I read reports of parents saying things like one parent said in a 2005 TV news report. When he was asked if he ever worries about his daughter riding an ATV, he replied, "Nah. She wears the gear. She's protected." He should talk to the father of Michael Beltz, a six-year old who was wearing a helmet, a chest protector, gloves and eye protection but who, for reasons that are not clear, went flying over the handlebars of his ATV, broke his neck in three places, and died. In reading the in-depth investigations from the briefing package on the petition to ban the sale of ATVs for the use of children under 16, it seems clear that, of the children who died on ATVs who were not wearing helmets, many would have died even with a helmet because they had fatal neck or crushing torso injuries. Even adults have been crushed to death or been trapped and died from asphyxiation, drowning or other causes, because their ATVs were so heavy they could not extricate themselves when they got trapped underneath of them. But adults are more likely than children to have the judgment to leap free of the machine if it overturns. Children often lack the judgment to escape from the consequences of their mistakes. No amount of training can instill judgment. The brain is going to mature on its own schedule and, as we now know from research conducted at the National Institute of Mental Health, the parts of the brain that control impulses and decision-making do not fully mature until about age 25.

I fear, however, that it is too late to turn back the clock with regard to children between the ages of six and sixteen driving ATVs. Staff found that 7.2 million children under the age of 16 were riding ATVs of one size or another in 2001. I am sure that number is even higher today. So we are left, once again, with trying to get children off of the adult ATVs by proposing new, more size-appropriate youth ATV models. Certain requirements proposed by staff for the youth ATVs, such as automatic transmissions and stop lamps, are good ones. I also think it is right that we have proposed moving away from engine size as the sole demarcation between adult and youth ATVs and among the youth ATV categories (although I am not convinced that speed tied to age should be the only criterion). Engine displacement is no longer a rational criterion and is having the unintended effect of restricting the training opportunities for children and forcing the bigger (though not necessarily more mature) children onto adult ATVs. Part of that problem can be laid at the doorsteps of the major ATV manufacturers. Our staff has indicated that there was no reason bigger-framed youth ATVs could not have been made under the current engine size restrictions.

Of course, it is not at all clear that these new classes of youth ATVs will be made by the major manufacturers either. They may decide not to compete in the youth market and there is nothing in the proposal that requires them to do so. If they can dodge the age guidelines with a simple signature on a form, they may have even less incentive to make youth models than they do now. We cannot even be certain that if the new youth models are made, that they will attract the larger children away from the adult machines. A ban on the sale of adult ATVs for the use of children might give the manufacturers more incentive to push the youth models and encourage parents to buy them. As the preamble to the NPR notes, the injury rate for ATV riders under the age of 16 who are driving adult ATVs is twice the expected injury rate of those who are driving age-appropriate ATVs. We must find the right mixture of size, weight, speed and other factors relative to the maximum size of the children who will be riding them, to make them attractive enough for youths (and their parents) to choose over their more dangerous adult counterparts.

To try to achieve that end, the staff is being instructed to undertake a number of projects related to the design and development of the new youth models and to the training of the children who will be learning to drive the youth ATVs. The briefing package notes that children cannot be trained out of the characteristics that make them and an ATV a dangerous combination⁹. This raises issues as to how children learn and what we can really expect a child of six or seven, or fifteen, for that matter, to take away from a training course. The standard SVIA training course is not geared to children. I believe that children should be trained separately and with a program tailored to their

⁹ "Behavioral characteristics such as impulsiveness, immature judgment, high risk-taking propensity, disregard for consequences, and susceptibility to peer pressure are present in most teens, no matter their experience level, and often persist until the late-teens to early twenties. Research affirms that these behavioral characteristics may be due to both social development and the physical maturation process of the brain (Giedd, 2002, NIHM, 2001, Restak, 2001). These behavioral characteristics are commonly dominant in adolescents and are difficult to modify through training, supervision, or warnings. It is not that adolescents are unintelligent or unable to learn to operate an ATV, but in general, these developmental factors suggest that it is beneficial to limit a teen's access to high-speed motorized vehicles." From the staff briefing package, pages 361-362.

learning abilities. We have instructed staff to look into this area and come up with recommendations for training courses adapted to the younger drivers. I believe it is crucial that we commit the resources to make sure that youth ATVs are designed to be as safe as they can possibly be, that they are built to fit the children who will be driving them and that the training that children receive is designed to maximize the ways that children learn. Obviously the process will go faster and farther with the active participation of the ATV industry.

As mentioned earlier, there have been several expensive ATV information and education campaigns in the past. We do not know what impact they have had on reducing deaths and injuries. While I am a proponent of a new ATV information and education campaign, I am not convinced that the same old message—wear your helmet, don't carry passengers, don't drive on paved roads, drive an appropriately sized ATV, etc.—is effective any longer (if it ever was). ATVs have become ubiquitous in certain areas of the country. They are no longer novelties. It is time we investigated whether we need a harder-hitting campaign that does not minimize the unreasonable risks of death and injury that ATVs present. To that end, the staff is being asked to determine what messages will get the attention of parents and their children. Parents need to understand exactly what they are letting themselves and their children in for when they allow their children to climb aboard an ATV. I do not ever want to hear another parent of a dead child lament that they did not understand how powerful and dangerous these machines can be. Parents will still misjudge their children's abilities, but it should not be because they did not have all the information they needed to make the proper decision.

The proposal contains a number of other helpful provisions, such as: the creation of an ATV web site that pulls together information from all fifty states about their ATV regulations and provides basic ATV safety information; the requirement that all ATVs be certified to a mandatory standard; more descriptive warning labels; the formal banning of three-wheeled ATVs; changes to the training curriculum to provide for written and riding skills tests; and the requirement that all sellers provide free training for ATV purchasers and their families. None of these are likely to have a major impact on the current death and injury trends but they are all good ideas nonetheless.

Additions to the NPR such as, looking more carefully into pre-purchase training, the addition of Commissioner Nord's language about the expectation that training be reasonably accessible, revising the web site incident reporting form to allow for more detailed information to be collected about ATV incidents and to include a separate page on the web site about what parents about to buy an ATV need to know, are also positive steps. While I cannot disguise that I feel the package as originally proposed was weak and that the additional items we have added, while helpful, still do not cure it of its fundamental flaws, it is still a step in the right direction and I hope that we are not done yet. This is just the proposal stage and since it was not achieved with the normal research and testing that one would expect in a rule of this magnitude, no one should hesitate to suggest bolder changes which might require re-proposal.

I find it interesting that in the preamble to the proposed rule, the language on preemption is back to our usual practice of merely quoting the statutory language on preemption without editorial comment. I suspect that is because, had the majority followed the course they set out in another recent rulemaking, they could have found themselves trying to explain why State court actions involving adult ATVs, which are regulated under the Consumer Product Safety Act, are not subject to preemption, but those involving youth ATVs, which are regulated under the Federal Hazardous Substances Act are. Thus parents of children killed on youth ATVs might be prevented from suing the manufacturer in certain instances, but if that same child had been on an adult ATV, the same lawsuit could go forward. That outcome would certainly be counterproductive to what we are trying to achieve.

While the ATV Notice of Proposed Rulemaking is not as aggressive as I had hoped it would be, I am nevertheless voting to approve it with the changes attached to my ballot. I am also voting to approve the petition to ban the sale of adult ATVs for the use of children under 16 and the creation of the new ATV web site. I hope that the next stage in the proceeding will not be as rushed as this stage has been and that staff will be allowed to do the work they need to do to justify a final rule.