



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](http://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.