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To: U.S. CPSC  
Fax: (301) 504-0127  
From: Mark Wakefield  
Date: July 3, 2003  
RE: FOIA Request

Number of Pages (Including This Page): 2

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Original to follow via regular U.S. Mail: \_\_\_\_\_

Message:

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2003 JUL -3 A 11: 17

Dear Commissioners,

We want to thank the Commission for holding the public hearing to allow comments from everyone that is associated with ATVing to give there comments. As a member organization we feel we speak for our members. When it came to the issue of banning or limiting the use of ATVs our members and non-members alike wanted to be heard.

The All-Terrain Vehicle Association asked interested parties to sign on to our petition; many added personal comments and letters. If there is any way we can be of any further assistance in this matter please feel free to call.

Sincerely,

  
Doug Morris

Director, ATVA

866-288-2564 ext. 1337

1506  
1278  
2784  
2943

Stevenson, Todd A.

Handwritten initials and number 216

From: Hammond, Rocky  
Sent: Monday, July 07, 2003 11:32 AM  
To: Stevenson, Todd A.  
Subject: FW: ATV Questions



ATV99.XLS



ATV2000.XLS



ATV2001.XLS



ATV2002.XLS

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

From: Wilson, Dennis B.  
Sent: Monday, July 07, 2003 11:15 AM  
To: Leland, Elizabeth W.; Hammond, Rocky  
Subject: FW: ATV Questions

Elizabeth and Rocky: Here is some material for the ATV petition.

Dennis Wilson

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

From: Rod Slings [mailto:Rod.Slings@dnr.state.ia.us]  
Sent: Tuesday, July 01, 2003 11:32 AM  
To: Wilson, Dennis B.  
Cc: Leland, Elizabeth W.; Hammond, Rocky  
Subject: Re: ATV Questions

Dennis,

1. ASI trains the trainer. Then the ASI certified instructors train the students here in Iowa.
2. The cost for a student to take the course is from \$125.00 to \$145.00 for each student depending on age. Our other education programs use volunteers to teach. ASI pay's their instructors, I think \$40.00 per student. So, if you have 10 students on a Saturday morning you make. \$400.00. Our new mandatory boater ed home study course is \$5.00. If you take it on line it is a total of \$20.00 with the aid of an online contractor. Our snowmobile course is \$3.00. Offered both home study and classroom. I would like to see a slight increase in these programs due to inflation. The price went up with ASI when the sunset on the 10 year agreement.
3. Boat registration fee's and marine fuel tax assist in off setting boating. With Snowmobile, registration fee's help offset.
4. See Attachments

I hope this information is helpful to you and your mission.  
Rod

P.S. As I was finishing this email, one of our officers called in. He advised that a marquee at one of the ATV shops in his area recently said, "IF IT DOESN'T GO FAST ENOUGH TO SCARE YOU, IT DOESN'T GO FAST ENOUGH!"

Rod Slings  
Recreation Safety Programs Supervisor  
Iowa DNR Law Enforcement Bureau  
515-281-8652 Office  
515-281-6794 Fax

Rod.Slings@dnr.state.ia.us

"The incident scene will speak to you. You must listen, for the sake of prevention."

>>> "Wilson, Dennis B." <DWilson@cpsc.gov> 06/27/03 08:40AM >>>

Rod: Things have finally calmed down here a bit after Senate Commerce Committee reauthorization. I had a chance to review the report that you sent me and I have developed the following questions. Answer them at your leisure. I am sending a second e-mail with one question on tree stands. I'm sending a second e-mail since both e-mails and your responses will be part of the public record, since we have petitions for rulemaking on both ATVs and tree stands. Thanks for your help!! Hope that all is well with you and Pam.

1. Does the ATV education class train ATV riders, or does it train persons to themselves train ATV riders?
2. The 2002 All-Terrain Vehicle Incident Recap mentions the "high cost of the [ATV education] class." What is the cost? What is, by contrast, the cost of the boating and snowmobile education classes, both of which also involved expensive motorized vehicles?
3. What accounts for the difference between the cost of the three classes?
4. The most interesting graph in the ATV report was the "2002 All-Terrain Vehicle Incidents by Engine CC's. There is an obvious "bulge" in the engine displacement sizes between about 250 and about 425 CC's. Does the Iowa DNR have comparable data for historical periods, or did it only recently begin tracking ATV incidents by engine size? If it does have this data, could it be furnished to the Commission?

1999 ATV Accident Summary

Date Final Report Received	Type of Accident	Primary Invest. Officer	County of Accident	Engine CC	Type of Injury	Description of Accident	Alcohol Involved
2/16/99	PI	D. Anderson	Pottawatt.	350	broken leg	foot caught between fender/tire	no
3/29/99	PI	Flynn	Van Buren	250	Concussion	Machine rolled over as it was being unloaded from pickup	no
3/29/99	PI	Operator	Audubon	229	Broken Leg/dislocated	flipped machine	no
3/31/99	PI	Bowman	Winnebago	400	fractured arm	climbing steep gravel pile & tipped over backwards	no
3/29/99	PI	Operator	Cass	400	Minor injuries	hit culvert and ejected operator & passenger	no
3/30/99	PI	Kocal	Scott	250	broken leg/severe arm injury	ATV collided with pickup	no
12/21/99	PI	Sheriff	Webster	400	multiple injuries	ATV hit bicycle	no
4/21/99	PI/PD	Sheriff	Iowa	400	abrasions/bruises	thrown from machine	no
12/21/99	2PIs	Sheriff	Webster	230/250	multiple injuries	2 ATVs collided	no
4/21/99	PI	Sheriff	Pott.	400	fractured arm	machine landed on victim	no
5/10/99	PI	Roffman	Clinton	400	head laceration	machine struck dog and overturned	no
6/3/99	PI	Operator	Winneshiek	246	broken teeth/cuts	struck barb wire strand	no
5/12/99	PI	State Trooper	Jones	350	scrapes/lacerations	collided with motor vehicle	no
5/25/99	PI	Sheriff	Linn	350	broken leg	sled into steep ditch	no
6/25/99	PI	Sheriff	Warren	300	lower back injury	overturned machine	no
6/16/99	PI	M. Edwards	Boone	300	broken leg/severe head trauma/multiple injuries	thrown from machine/ATV landed on top of victim	no
6/16/99	PI/PD	Sheriff	Cherokee	250	head injury, cuts/bruises	thrown from machine/hit fence	no
6/9/99	PI/PD	Operator	Lee	500	scrapes/bruises	hit parked pick-up	no
6/14/99	PI	Operator	Lee	300	broken collar bone	tossed off machine	no

1999 ATV Accident Summary

6/14/99	PI	M.Rush	Wapello	350	multiple injuries	struck parked car	yes
6/30/99	PI	Baxter	Chickasaw	250	concussion, back injury	thrown from machine	yes
6/14/99	PI	Operator	Henry	250	Passenger suffered broken leg	hit tree	no
8/10/99	PI	Sandholdt	Clinton	200	multiple injuries	two ATVs collided	yes
6/29/99	PI	Sheriff	Muscatine	300	broken leg	thrown from machine	no
8/20/99	PI	Mekus	Humboldt	250	injured hip, leg/abrasions	passenger was thrown off	no
6/28/99	PI	Sheriff	Jasper	400	knocked unconscious	overturned machine	no
6/29/99	PI	Operator	Louisa	200SX	Broken Scapula	Flipped machine	no
7/8/99	PI	Sheriff	Clayton	200	head injury	thrown from machine	no
2/1/00	3PIs	City Police	Scott	unk	lacerations/fractures/	two ATVs collided/flipped	no
7/26/99	2PIs	Sheriff	Buchanan	250/250	cuts/bruises	2 ATVs collided	no
7/9/99	PI	City Police	Marshall	unk	facial lacerations	hit tree	no
9/10/99	2 PIs	Sandholdt	Clinton	UNK	multiple fractures	lost control, both thrown out	no
7/29/99	PI	Sheriff	Linn	230	head injury	flipped over in ditch	no
9/1/99	PI	Dessner	Louisa	300	severe cuts to face/head/	hit barbed wire fence	no
8/10/99	2 PIs	Sandholdt	Jackson	300	head injury/multiple cuts/	thrown from machine	no
8/4/99	PI	Sheriff	Pottawattamie	425	laceration on head	loading ATV from trailer	no
8/20/99	PI	C. Jackson	Cedar	250	broken collar bone	struck cement well cover	yes
8/20/99	PI	Sheriff	Pottawattamie	250	abrasions on leg	lost control on loose gravel	no
8/25/99	2 PIs	Sheriff	Johnson	unk.	abrasions/cuts	flipped machine	no
8/27/99	PI	Sheriff	Pottawattamie	unk	multiple injuries	struck barb wire strand	no
12/21/99	PI	Sheriff	Webster	unk	Minor injuries	rolled machine	no
9/21/99	PI	Pestonik	Pottawattamie	unk	multiple injuries	lost control & thrown from ma	no
9/29/99	PD	Flynn	Van Buren	500	no injuries	hit ditch lost control	yes
9/7/99	PI	Runyan	Monroe	185	multiple injuries	hit tree	no
9/23/99	2 PIs	Sheriff	Appanoose	unk	severe cuts to head	thrown from machine	no
9/29/99	PI	Flynn	Jefferson	290	head/pelvic injuries	ATV rolled over on to victim	no
10/4/99	PI	Sheriff	Pottawattamie	unk	laceration on head	laceration on chin/abrasion c	no
10/12/99	PI	Dessner	Louisa	unk	laceration on nose		unk
10/15/99	PI	Woodley	Butler	595	laceration on head	machine tipped over on victir	no

1999 ATV Accident Summary

1/18/00	FATAL	Meier	Scott	325	fatal	jumped off and was killed	yes
10/28/99	PI	Sheriff	Pottawattamie	400	multiple injuries	ATV struck pedestrian	no
11/2/99	PI	Messinger	Washington	300	head laceration/sprained	flipped machine	no
11/30/99	2Pis	Sansgaard	Adair	unk	multiple injuries	struck dog, riders ejected	no
11/30/99	FATAL	Franta	Lee	200	crushed skull	machine rollover, landing on	yes
11/4/99	PI	sheriff	Pottawattamie	unk	shoulder separation	struck fencing laying in open	no
12/28/99	FATAL	Hemmen	Guthrie	400	fatal, hit head on rock	machine rolled over	no
1/21/00	3Pis	Jauron	Woodbury	300	multiple injuries	thrown from machine	no
12/13/99	2 Pis	Operator	Woodbury	300	Fract. Pelvis/abrasion face	flipped ATV	no
12/27/99	PI	Purtilo	Clinton	250/300	broken ribs/collapsed lung	2 ATVs collided	no
Mar. 9, 00	PI	K. Lonneman	Hancock	200	ruptured spleen/removed	thrown from machine	no

2000 ATV Accident Summary

Date Final Report Received	Type of Accident	Primary Invest. Officer	County of Accident	Engine CC	Type of Injury	Description of Accident
5/5/00	PD	Pauley	Greene	350	none	struck parked car
3/23/00	PI	Jackson	Scott	125	Bruised knee	knee pinned between ATV/tree
5/15/00	PI	Throne	Cerro Gordo	400	multiple serious injuries	flipped machine
3/17/00	PI	Operator	Mahaska	230	sore neck/jaw	collided into storage shed
4/17/00	PI	Collins	Allamakee	200	fractured pelvis	flipped machine
5/10/00	PI	Bonser	Black Hawk	125	fractured collar bone	Operator thrown/machine
5/10/00	PI	Bonser	Black Hawk	220	Fractured leg	machine rolled on leg
5/22/00	PI	Sheriff	Cass	300	multiple injuries	rolled machine
5/25/00	PI	Sheriff	Washington	350	cuts/bruises head/legs	fell on machine
6/30/00	Fatal	Biederman	O'Brien	300	Fatal, head trauma	machine roll over
6/5/00	PI	M.Edwards	Boone	250	fractures on face/lost eye	machine flipped on top of victim
6/7/00	PI	Sheriff	Cass	225	minor bumps/abrasions	ATV/Truck collided
6/15/00	PI	Messinger	Washington	215	laceration on knee/abrasions	flipped machine
6/12/00	PI	Operator	Louisa	500	fractured ribs/collarbone/shoulder	Operator thrown/machine
6/21/00	2PIs	Bragg	Polk	400	broken back/concussion	ATV/Dirt bike collided
6/30/00	PI	JK Sells	Cherokee	281	broken arm	Thrown from machine
8/24/00	PI	Arp	Chickasaw			
8/24/00	PI	Campbell	Muscatine	350	fractured ankle	Machine rollover
7/24/00	PI	Arp	Howard			
7/24/00	PI	Sheriff	Jefferson	Unk	bruises/scrapes	Thrown from machine
7/23/00	Fatal/PI	Ryan	Mahaska	350	killed on impact/cuts/bru.	Thrown from machine
12/7/00	PI	Hager	Johnson	500	scrapes/bruises	flipped machine



## 2000 ATV Accident Summary

8/4/00	PI	Sheriff	Pottawattamie	unk	ankle injury/bruised	rolled machine
8/3/00	PI	Operator	Scott	125	laceration on leg	rolled machine
11/15/00	PI	Humeston	Hardin	80	broken arm	Thrown from machine
9/11/00	PI	Kocal/Sheriff	Scott	unk	fractured back	Thrown from machine
8/18/00	PI	Arp	Winneshiek	300	laceration on knee	flipped machine
8/16/00	PI	Nelson	Madison	250	Concussion/scrapes	Thrown from machine
11/6/00	PI	Ouverson	Dubuque	300	concussion/broken arm	overturned machine
8/25/00	PI	Sheriff	Dubuque	Unk	head injuries	loose gravel/lost control
	PI	Sheriff	Audubon	500	fractured ankle	rolled machine
10/6/00	Fatal	Bragg	Polk	300	head injury/killed on impact	collided with tree
11/15/00	PI	Schnoebelen	Cerro Gordo	350	broken rib/spleen injury	struck fixed object
9/7/00	PI	Sheriff	Carroll	unk	major injuries	ATV/Car collided
8/29/00	PI	Sheriff	Louisa	250	head laceration	flipped machine
9/12/00	PI	Purtilo	Jackson	300	head injury/road rash	lost control on gravel road
9/25/00	PI	Baxter	Chickasaw	400	fractured shoulder	Thrown from machine
9/18/00	2Pis	Sheriff	Pottawattamie	80	bruises/scrapes	Machine/pedestrian collision
9/18/00	PI	Sheriff	Pottawattamie	300	scrapes/bruises	machine rollover
10/2/00	Fatal	Cutts	Warren	unk	major head injuries	ATV/Auto collision
11/29/00	PI	Meier	Muscatine	200	fractured collar bone	ATV rollover
11/29/00	PI	Meier	Muscatine	80	bump on head/bruises	ran into fixed object
9/25/00	PI	Sheriff	Louisa	unk	severe ankle injury	ATV rollover
9/25/00	PI	Dessner	Louisa	400	back injury	Machine rollover
10/19/00	PI	Webinger	Clinton	unk	minor bumps/abrasions	machine rollover
10/17/00	2Pis	Kocal	Scott	unk	head/leg injury	Atv flipped
10/3/00	P/PI	Operator	Henry	350/150	laceration on leg	two ATVs collided
10/4/00	PI	Operator	Henry	unk	laceration on knee	foot caught by wheel
10/9/00	PI	Sheriff	Cherokee	595	back/hip/leg injury	machine rollover
10/16/00	PI	Operator	Clayton	250	laceration on leg/face	machine rollover
10/19/00	PI	Sheriff	Henry	250	laceration on elbow	Machine rollover
11/6/00	PI	Messinger	Washington	350	dislocated shoulder	accidentally hit throttle
	PI	B.Koppie	Bremer			









## 2000 ATV Accident Summary

2000 ATV Accident Summary

## 2000 ATV Accident Summary



## 2000 ATV Accident Summary

## 2000 ATV Accident Summary

## 2000 ATV Accident Summary

2001 ATV Accident Summary

Report Received	Operator's Report Received	Type of Accident	Primary Invest. Officer	County of Accident	Engine CC	Type of Injury/damage	Description of Accident	Alcohol Involved
		PI	Bonser	Blackhawk				
01	3/5/01	PI	Campbell	Muscataine	400	broke vertebrae 4, 5, & 6	sharp turn, overbalanced, rolled	yes
01		PI	Sheriff	Louisa	350	syndrome of left calf	rolled on victim	
01	2/13/02	PD	Kocal	Scott	400	hit phone co. box	to avoid tree hit phone box	no
	3/15/01	PI	Bonser	Grundy	500	Bruises to ribs		
01	5/15/01	PI	Sandholdt	Marion	500	Broken legs	ATV vs. Auto	yes
02	4/24/01	PI	Sisco	Woodbury	unkn	Broken rt. collar bone	Rolled ATV on road by running over tow bar	no
01	3/26/02	2-PI	M. Phippen	Pottawatta	250/400	Unknown Injuries	2 ATV's collided	
01	4/25/01	PI	B. Jackson	Buchanan	500	Cracked rib	slid, hit river bank, flipped	no
01	6/15/01	PI	Roffman	Dubuque	325	Broke both legs/collar	Struck obj./thrown	no
01	5/23/01	PI	Messinger	Washington	400	Ran stick into leg	riding along stick ran up	no
02	3/19/02	PI	K.Lonneman	Wright	400	hit head	flipped atv	no
01		PI	Sheriff 51-8	Jefferson	325	Unknown Injuries	2-collision, rollover	no
01	none	Fatal+PI	R. Jones	Jackson	500	Fatal, Pass. Multiple	Hit tree, went off roadway	yes
01		PI	E. Anderson	Calhoun	450	Broken neck	Thrown from ATV, flipped	
01	6/29/01	PI	T.Campbell	Muscataine	325	Minor injury	Thrown from ATV, flipped	no
01	6/27/01	PI	B. Collins	Allamakee	220	Hurt wrist	Thrown from ATV, flipped	no
01	7/26/01	PI	S. Hager	Johnson	250	Fractured Rt. Thumb	Thrown from ATV, flipped	no
01	7/30/01	PI	E. Johnston	Mitchell	220	Cuts, concus, brk elbow	Ran into 2nd ATV	no
01	7/26/01	PI	C. Jackson	Clayton	250	Bruised lower back	Thrown from ATV, flipped	no
02		PI	Fayette Shee	Fayette	unkn	Unknown Injuries	Rolled over on driver	no
02	4/4/02	PI	J. L. Woodle	Bremer	220	Cuts and scratches	Lost control and went thru fence	no
02	4/4/02	PI	J. L. Woodle	Bremer	378	2 broken ribs - liver	Thrown from ATV, flipped	no
01	7/26/01	PD	S. Kinseth	Delaware	697	Broken Bumper	Hit throttle instead of brake	no
01	4/23/02	PI	Sheriff	Monona	unkn	Minor injury	roll over	no
		PI	C.Lloyd	Cherokee		Minor injury	Thrown from ATV, flipped	

2001 ATV Accident Summary

Date	PI	Sheriff	Louisa	unkn	Head injury	Thrown from ATV, flipped	yes
/01	PI	Sheriff	Louisa	unkn	Head injury	Thrown from ATV, flipped	yes
/01	PI	Sheriff	Henry	250	Broken knee	Thrown from ATV, flipped	no
/01	PI	Sheriff	Pottawatta	400	Black eye	Thrown from ATV, flipped	no
/01	PI	B. Walters	Marshall	325	Head injury	Hit embankment, upset	no
/01	PI	Deputy Bahr	Webster	454	????	2 ATV's collided, flipped	no
	PI	M. Ouverson	Dubuque				
/01	Fatal	D. Davis	Keokuk	300	Fatal	ATV failed to stop at s. sign	no
/01	PI	A. Baxter	Chickasaw	325	leg's injured	Jumping ramps, crashed	no
/02	Fatal	B. Koppie	Tama	500	Multiple	High rate of speed, hit tree	yes
/01	PI	S. Hager	Johnson	350	Cervical neck strain	fell off ATV going down hill	no
/01	PI	S. Sisco	Woodbury	400	Multiple	ATV ran over victim	no
/01	PI	C. Flynn	Van Buren	450	5 fractured vertebrae	roll over	no
/02	PI	C. Flynn	Van Buren	450	abdomen injury	Hit washed out area & flipped ATV	no
	PI	M. Bonser	Bremer		Multipule for 2 individuals	Head on between 2 ATV's	no
/01	PI	Sheriff	Story	350	Back	Fell off ATV	no
	PI	M. Bonser	Blackhawk				
/01	PI	S., Meier	Muscatine	250	Broken Wrist	roll over	yes
/01	PI	M. Eby	Lyon	350	Cracked rib & abrasions	Turned too sharp, rolled	no
ate	None	D. Davis	Iowa	N/A	No injury,	Not enough damage to file	N/A
/01	PI	B. Collins	Allamakee	250	Bruising of left leg	ATV hit mound & rolled	no
/01	PI	S. Messinger	Washington	499	Head injury, arm, shoulder	Turned too sharp, rolled	no
/02	PI	D. Arp	Winneshie	500	On road, farm use	Pickup truck struck ATV on roadway	no
/01	PI	E. Kocal	Scott	90	Cut on head & scrapes	ATV failed to stop & hit car	no
/01	PI	G. Biederman	Clay	400	Scrapes	Hit curb and rolled ATV	no
/01	PI	B. Mullen	Tama	250	Broken leg, Broken ribs	ATV flipped going down hill	no
/02	PI	K. Lonneman	Hancock	250	hit head	Rolled ATV on road	no
/02	PI	J. Sandholdt	Marion	400	Minor back injury	Victim fell off back of machine when d	Yes
/02	PI	E. Kocal	Scott	500	Broken leg & ankle	2 ATV collided	no
	PI		Clayton	300	Pinned & Hypothermia		
/01	PI	A. Bevington	Pottawatta	400	Concusion & Cuts	Rolled over off of road	yes
/01	PI	A. Bevington	Pottawatta	200	Cut on head & scrapes	Hit ditch and passenger flew off	??









2002 ATV Accident Summary

Officer Report Received	Operator Report Received	Type of Accident	Primary Invest. Officer	County of Accident	Engine CC	Type of Injury/damage
4/1/02	12/19/02	PI	B. Collins	Allamakee	400	Handlebar to jaw
2/12/02	2/12/02	PI	C. Jackson	Cedar	660	Concussion
1/24/02		PI	SO	Pottawattami		Cut leg
1/21/03		PI	B. Walters	Grundy	350	Fingers & left hand injuries
3/19/02	none	Fatal	J.Sandholdt	Marion	400	Compressional asphyx.
2/1/02	2/5/02	PI	Sheriff	Fayette	500	Broken ribs
2/7/02		PI	Sheriff	Pottawattami		fractured pelvis
N/A	2/4/02	PI		Mahaska		Lower back pain
4/30/02	4/30/02	PI	V.Hanson	Allamakee	350	Broken ribs
4/12/02		PI	G.Hemmen	Guthrie	250	Back injuries
4/2/02	4/3/02	PI	S.Zeinert	Clinton	250	Check out & released
4/2/02		PI	C.Weber	Pottawattamie	400	Ribs,elbow,knee
4/5/02		PI	C.Weber	Pottawattamie	300	????????????????
4/30/02	4/4/02	PI	G.Purtilo	Jackson	250	Fractured Lower Vert.
4/18/02		PI	D.Davis	Keokuk	500	Broken collar bone
4/30/02	4/30/02	PI	S.Meier	Cedar	350	30 stiches to lip
4/29/02	4/29/02	PI	E.Kocal	Scott	200	Separated shoulder
12/20/02		PI	S.Meier	Muscatine	400	injured arm
5/17/02	5/26/02	PI	R.Schlutz	Lucus	350	Lacer,to face,eye,nose
6/25/02	6/25/02	PI	T.Campbell	Muscatine	250	Fractures 12th vertbrae
7/17/02	7/17/02	PI	S.Hager	Johnson	200	Broken Leg
5/23/02		PI	Sheriff	Iowa	400	Fractures in face
5/23/02		PI	Sheriff	Linn	80	????????????????
6/25/02	5/13/02	PI	Sheriff	Delaware	350	Bruised
5/13/02		PI	Sheriff	Iowa	185	Lower back pain
5/8/02		PI	Sheriff	Kossuth	400	Pelvic injury
4/30/02	4/30/02	PI	Sheriff	Louisa	350	Right foot injury

2002 ATV Accident Summary

4/12/02		PI	Sheriff	Pottawattamie	?	?
4/12/02		PI	Sheriff	Delaware	?	Precautionary check
4/22/02		PI	Sheriff	Pottawattamie	90	Elbow injury
4/30/02	4/23/02	PD	Sheriff	Winneshiiek	?	
6/24/02	6/24/02	PI	D.Elledge	Fayette	650	Bruised
7/17/02	7/22/02	PD	T.Campbell	Cedar	300	Back injury
6/15/02	6/20/02	PI	A.Crouse	Mahaska	300	Broken pelvis
7/23/02	see off. Rpt.	PI	T.Campbell	Muscatine	100	Scrapes/bruises
6/25/02	7/15/02	PI	Sheriff	Jasper	229	Amputated leg
1/21/03	5/22/02	PI	Sheriff	Pottawattamie	300	Injured right hip and shoulder
12/12/02	5/28/02	PI	Sheriff	Henry	250	Injured neck and back
	5/30/02	PI	Sheriff	Hamilton	125	Broken Arms
7/31/02	7/31/02	PI	T.Campbell	Cedar	125	Bruised leg
1/21/03		PI	B.Walters	Grundy	250	Unknown
7/16/02	7/15/02	PI	Sheriff	Henry	350	Loss of Consciousness
7/12/02	Fatal	Fatal	Sheriff	Pottawattamie	185	Fatal
7/17/02		PI	IHP 108	Montgomery	500	
7/22/02	7/23/02	PI	C350	Jasper	400	Bruised leg
7/19/02		PI	Sheriff	Pottawattamie	400	
7/23/02	Fatal	Fatal	IHP 85	Crawford	300	Fatal
8/5/02	8/5/02	PI	L.Desner	Louisa		Head injuries
8/12/02	Fatal	Fatal	C.Flynn	Van Buren	250	Fatal
4/10/03		PI	B.Koppie	Delaware		Broken Leg
8/13/02	8/13/02	PI	L.Desner	Louisa	350	Broken back
9/4/02	Fatal	Fatal	D.Anderson	Monona		Fatal
12/16/02		PI	M.Eby	Clay	300	leg injury
9/16/02	9/16/02	PI	E.Kocal	Scott	300	Broken right wrist
8/25/02	Fatal	Fatal	A.Sloterdyk	Mahaska	660	blood clot result of surgery
9/4/02		PI	Sheriff	Sioux		Borken leg
9/4/02	8/30/02	PI	Sheriff	Pottawattamie		Bursed ribs
none	7/28/02	PI	none	Mahaska	426	Broken heel

2002 ATV Accident Summary

	PD	IHP	Crawford	N/A
8/27/02				
8/21/02	PI	Sheriff	Henry	125
8/22/02	PI	Sheriff	Delaware	minor injuries
1/17/03	PI	Sheriff	Marion	Hip injury and broken ribs
1/15/03	PI	Sheriff	Linn	425
12/12/02	PI	L.Webinger	Clinton	220
10/1/02	PI	Sheriff	Pottawattamie	300
9/25/02	PI	Sheriff	Iowa	Head injuries
	PI	Sheriff	Marshall	230
10/11/02	PI	D.Elledge	Fayette	250
10/4/02	PI	Sheriff	Pottawattamie	350
10/25/02	PI	Sheriff	Marshall	500
10/25/02	PI	Sheriff	Pottawattamie	90/400
10/29/02	PI	Sheriff	Delaware	400
N/A	PI		Cherokee	350
10/18/02	PI	Sheriff	Linn	250
10/21/02	PI	J. K. Sells	Plymouth	350
12/12/02	PI	Sheriff	Henry	90
9/25/02	Fatal	ISP #232	Clarke	Fatal
1/16/03	PI	T.Nimms	Humbolt	400
1/28/03	Fatal	Sheriff	Green	300
	PI	V.Hanson	Allamakee	200
12/20/02	PI	D.Anderson	Pott.	350
12/30/02	PI	J. Marcellus	Jefferson	400
11/22/02	PI	Sheriff	Pottawattamie	250
11/22/02	PI	Sheriff	Pottawattamie	injured left ankle
1/6/03	PI	Sheriff Wells	Pott.	injured lower back
1/6/03	PI	Sheriff 79-8	Poweshiek	110
1/6/03	PI	Sheriff Hoefler	Delaware	Lacerations on top of head
1/7/03	PI	Sheriff Bahr	Webster	Multiple injuries
1/7/03	PI	Sheriff Harlow	Pottawattamie	Multiple injuries
	PI			110
	PI			135
				Injuries to hip







2002 ATV Accident Summary

	Alcohol Involved	Total PI	Total F	Total PD
	No	1	0	0
ce	no	1	0	0
m drive	No	1	0	0
of him in ditch	??	0	1	0
	No	1	0	0
	No	1	0	0
		1	0	0
him	No	1	0	0
tor	No	1	0	0
	No	1	0	0
	No	1	0	0
down hill	No	1	0	0
ee root	No	1	0	0
n him	No	1	0	0
ay	No	1	0	0
ay	No	1	0	0
bankment into the other ditch & flipped, throwing himself				
RailRd	No	1	0	0
	No	1	0	0
	No	1	0	0
ep hill	No	1	0	0
	Yes	1	0	0
	No	1	0	0
	No	1	0	0
	No	1	0	0
ot	No	1	0	0













"They that can give up essential liberty to obtain a little safety deserve neither liberty nor safety."  
Benjamin Franklin



**ABATE OF ILLINOIS**  
DEDICATED TO FREEDOM  
OF THE ROAD

July 2, 2003

Attn: ATV Hearing, Office of the Secretary  
Consumer Product Safety Commission  
Washington, DC 20207

To Whom It May Concern:

A Brotherhood Aimed Toward Education – ABATE of Illinois is a motorcycle rights organization with 13,000 members who are committed to providing a safe and unrestricted motorcycling atmosphere. We would like to thank you for the opportunity to comment on the use of ATV's and ask that these comments be added to the public record and considered by the commission before taking any action in regard to ATV's.

**A LEGITIMATE FORM OF RECREATION**

The U.S. Bureau of Land Management declared Off-road riding as a viable form of recreation in the late 90's. The U.S. Congress has provided motor fuel tax programs to promote it and revenue generated by this sport and hobby has become a multi-million dollar business across the country.

ATV's provide a unique and vast range of services to our society including snow removal, landscaping, and farm implement equipment. Used as recreation vehicles ATV's promote family unity, teach teenage responsibility and self-reliance, and provide a healthy outlet for children and adults to relive the stress of over busy lives.

When properly created and maintained, ATV trails expand the great out doors to everyone – even those who would otherwise be denied access due to physical limitations. ABATE of Illinois encourages the U.S. CPSC to look at ATV's as viable and indispensable – not something that our rural farmers and family trail riders can live without.

**THE ROLL OF AN AGENCY**

The CPSC has encouraged State Legislatures to pass legislation that would restrict the use of ATV's and mandate safety measures. The regulation of agency appropriations for the purpose of advocacy has long been established. As early as 1919, Congress enacted 18 U.S.C. SS 1913, an Anti-Lobbying Act that prohibited the use of funds to pay for items that intended to influence members of Congress. ABATE of Illinois supports this code and asks the CPSC to stop advocating for or against legislation.

The CPSC has been charged with protecting consumers from products that pose a fire, electrical, chemical, or mechanical hazard or that can injure children. To purchase an ATV and operate it properly does not fall

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Cheryl Pearre ~ Legislative Coordinator ~ 2403 Susan Curve ~ Cortland, IL 60112  
Phone: 815.758.0517 ~ Fax 815.756.1868 ~ cheryl.il@verizon.net

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OFFICE OF  
THE SECRETARY

under any of these categories. Rather it is the improper or careless use of, or driver error that may cause an accident. The machine is not faulty or harmful – humans can be.

ABATE of Illinois believes that the regulation of the operation of an ATV does not fall under the commission purview.

### **ATV BANS**

The CPSC has recommended that no one under the age of 16 years old should operate an ATV over 90cc. This age-based ban actually puts children at risk when their body weight exceeds the products limits, which is very likely with 13-15 year olds.

The Agencies eagerness to implement this ban before researching the unsafe consequences for our countries children points to an undefined and underlining motive. ABATE of Illinois again asks the CPSC to recognize the use of ATV's as a valid form of recreation.

### **SOLUTIONS**

In an effort to provide a safer riding atmosphere, ABATE of Illinois offers the following comments in response to the CPSC recommendations.

CPSC - Hands-on training course by certified instructors.

ABATE of Illinois – We believe that no one cares more about ATV & Motorcycle safety more than those who ride. Education classes have proven to reduce accidents and are preferred over regulation. Many ATV manufacturers even provide a hands-on course with the purchase of a new vehicle.

Once riders have taken the class, proper riding areas are still difficult to find. ABATE of Illinois along with the Illinois Department of Natural Resources has worked hard to provide an off-road vehicle (OHV) Grant Program to provide these needed area's.

During the public hearing portion of this grant process, those who support the CPSC ban, testify against the creation of new trail riding parks and stop the progression of proper riding areas forcing recreation to take place in area's that could be unsafe.

ABATE of Illinois would be against any mandate for training. History has shone that supply cannot keep up with demand and any regulation or law mandating riders to pass a course, would in reality only create a ban.

CPSC – Helmets

ABATE of Illinois – We believe strongly in the right of individuals to choose whether or not to wear a helmet. In fact, the Illinois Supreme Court ruled mandatory helmet laws unconstitutional in 1968. This resulted in a 38% decrease in motorcycle fatalities per 10,000 motorcycles registered.

CPSC - No passengers

ABATE of Illinois – We believe that the issue of riders as well as cargo should be addressed at safety training courses and should not be mandated through regulation or law.

CPSC - A ban on paved roads

ABATE of Illinois – Similar to snowmobiles there are times when crossing or using pavement are appropriate for ATV's. Banning this would prove limiting in area's such as from field to field in rural area's and when used to transport handicapped individuals on paved pathways. ABATE of Illinois would oppose any regulation or legislation that would ban ATV's from pavement.

CPSC – Ride Sober

ABATE of Illinois – It is the responsibility of each and every operator of motorized vehicles whether cars, trucks, buses, motorcycles, boats, snowmobiles, or ATV's to ride sober. However, no one rider should be mandated to be "more sober" or "less sober". We oppose any separation of B.A.C. levels for motorists.

In closing we would like to reiterate that ATV's are not faulty or hazardous equipment, alone they are not a consumer hazard and should not be regulated by the CPSC. We encourage families to become involved in the development and maintenance of trails and training courses throughout the country. We urge the CPSC to support funding for safe and proper trails systems through SAFE-TEA. And we encourage everyone to Look Twice and Save a Life!

Respectfully,



Cheryl Pearre

c.c. Illinois Congressional Delegation

12 Stark Road  
Pittsford, NY 14534-2525  
June 24, 2003

ATV Hearing  
Office of the Secretary  
U.S. Consumer Product Safety Commission  
Washington, D.C. 20207

Dear CPSC,

As an American citizen and a lifelong responsible outdoor recreation enthusiast, I am adamantly opposed to any further regulation of all-terrain vehicles (ATVs).

Although I hold negative views towards three-wheeled all-terrain vehicles, the four-or-more-wheeled all-terrain vehicles are safe when used properly. They need no additional restrictions, added safety equipment, or other intervention from government regulators.

I do strongly support efforts to expand and improve safety training for ATV operators. If you are going to take any action on all terrain vehicles, that action should be to encourage voluntary safety training for users, particularly new users who are unfamiliar with the somewhat unique characteristics of these vehicles.

I urge you to ignore the rantings of those who seek to impose their restrictive agendas on this activity.

Yours truly,



David Wells



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WASHINGTON STATE  
**Motorsports**  
DEALERS ASSOCIATION

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

June 25<sup>th</sup>, 2003

Dear Mr. Secretary,

The Washington Motorsports Dealer Association (WSMDA) represents the interests of over 69,400 off-road enthusiasts in our state, as they interact with our 105 dealer members and their 2800 employees. Our WSMDA experience with both the safety and retailing aspects of ATV's may be of interest.

First of all, it has to be recognized that rapid technological progress has radically altered the design, and inherent safety, of all ATVs being sold today, no matter the manufacturer. All of them stop faster, turn with more alacrity and stability, and offer greater reliability than the ATV products of even a few years ago. Because of these improvements, they are easier to ride, and bring inherent enhancements in safety of operation to the market.

It is obvious that many of the harshest critics of ATVs have other agendas, as the critiques do not stand up under the light of reason and facts. Modern ATVs are stable, quiet, non-polluting, and offer recreation and adventure for both individuals and families. ATVs offer a way of access to the great outdoors to many people who, for a variety of reasons, would not be able to get out and enjoy recreational lands without them. There are many people with physical challenges of one sort or another for whom hiking is not a viable option, nor is the use of horses or other means of travel. A modern, clean, reliable, and safe ATV machine can offer life-enhancing benefits to a wide variety of users, all with little impact on either the environment or other recreationalists.

Some of the criticisms and suggestions – such as air bags and seat belts – are difficult to take seriously, as they clearly come from people with little or no experience with ATVs. Still, such proposals take up time and money, and can lead to monumental expenditures such as the regrettable “backwards” bike built over 25 years ago by NHTSA – a design determined to be unstable and unusable by the very man who earned the healthy government contract to build it!

In the case of ATV design and use, as in so many areas of recreation that involve a degree of risk – “common sense” and reason are the guides to good solutions – and both are so rarely found.

It is clear that the selection of an appropriate ATV must be left open to the expertise of the consumers, so that people do not feel the need to subvert

**SINCE 1969**

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WASHINGTON STATE  
*Motor Sports*  
DEALERS ASSOCIATION

arbitrary rulings and develop their own machines that are outside the bounds – machines that would be noisier, less stable, and more harmful than the fine designs currently for sale in professionally run dealerships. In addition, we must have designated, controlled areas set aside for ATV use. Such areas would allow for stricter policing of other lands inappropriate for motorized vehicle use. Such lands will, at the same time, be impacted to a lesser degree because usable alternative areas have been provided.

ATV users work in this country and pay taxes – and they have a right to have their efforts and their tax dollars be used to allow equitable access to recreation areas for all, and to allow the best ATVs that retail competition can create be available to them. To do so will work for the best interests of ATV users and non-users, the environment and even the economy.

Thank you,



Jim Boltz  
Chairperson  
WSMDA Board of Directors

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**West Virginia  
Traumatic Brain  
and  
Spinal Cord  
Injury  
Rehabilitation  
Fund Board**

955 Hartman Run Road  
Morgantown, WV 26505

Toll Free:  
1-877-SCI-TBI-4  
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Morgantown Area:  
(304) 293-4692

Fax:  
(304) 293-7294

Website:  
[www.ced.wvu.edu/tbisci](http://www.ced.wvu.edu/tbisci)

The Board comprises representatives from the following state agencies:  
Bureau of Employment Programs  
Bureau of Medical Services  
Department of Education  
Department of Education and the Arts  
Department of Health and Human Resources  
Division of Military Affairs and Public Safety  
Office of Behavioral Health Services  
Office of Emergency Services  
Division of Rehabilitation Services  
Other selected gubernatorial appointees

June 25, 2003

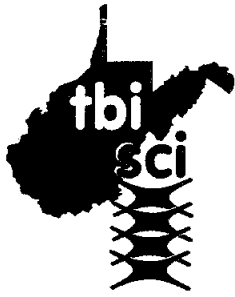
Office of the Secretary  
Consumer Product Safety Commission  
Washington, DC 20207

To Whom This May Concern:

Over the past eighteen years 218 West Virginian men, women and children have died as a result of all-terrain vehicle (ATV) accidents. Just over the past seven years, an average of 20 people have died annually in ATV crashes, with hundreds more seriously injured. The average number of deaths has risen more than 150 percent over a five year period. Of these accidents, one quarter of these have been children under 17 years of age. More than 95% of the crash victims were not wearing a helmet. One third of the crashes involved passengers and 40% of the crashes occurred on paved roads ([www.hsc.wvu.edu/som/crem/FeatRes.htm](http://www.hsc.wvu.edu/som/crem/FeatRes.htm)). Nearly 90% of children under the age of 16 were injured while riding adult size ATV ([www.consumerfed.org](http://www.consumerfed.org)).

The average annual comprehensive economic loss resulting from ATV related deaths is estimated to be \$10 million to \$34 million. The cost of nonfatal injuries is hard to calculate due to inconsistent and inaccurate data (The West Virginia Medical Journal, 2002). However, it is estimated that a single person with brain injury can cost a state more than \$2 million over a lifetime. A person who survives a head injury typically needs 5 to 10 years of intensive rehabilitation services. It is estimated that a lifetime cost of all these services may exceed \$4 million per injured person ([www.ced.wvu.edu/Programs/Community/tbisci/Index/index.htm](http://www.ced.wvu.edu/Programs/Community/tbisci/Index/index.htm)).

West Virginia had the highest ATV accident fatality rate per capita in 2001, and again in 2002. It is one of six states without any ATV legislation. The West Virginia Traumatic Brain and Spinal Cord Injury Rehabilitation Fund Board supports legislation that would regulate the operation of ATV use on certain roads and property; prohibit passengers on ATVs operated by



**West Virginia  
Traumatic Brain  
and  
Spinal Cord  
Injury  
Rehabilitation  
Fund Board**

955 Hartman Run Road  
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Toll Free:  
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persons under the age of 18; require all persons to complete a rider training course; require all persons under the age of 18 to wear helmets; prohibit a person under the age of 16 to ride an ATV that is too large for them; and prohibit ATV operation while under the influence of drugs and alcohol.

We all know that accidents do happen. However, most of these deaths could have been prevented if only riders would have followed manufacturers' safety recommendations, and if parents had been more aware of the consequences of children riding ATVs that were too large for them or without wearing proper safety gear.

Sincerely,

Dr. Lawrence Dolecki, Chair

West Virginia Traumatic Brain and Spinal Cord Injury Fund Board

The Board comprises representatives from the following state agencies:  
Bureau of Employment Programs  
Bureau of Medical Services  
Department of Education  
Department of Education and the Arts  
Department of Health and Human Resources  
Division of Military Affairs and Public Safety  
Office of Behavioral Health Services  
Office of Emergency Services  
Division of Rehabilitation Services  
Other selected gubernatorial appointees

Timothy B. Stefanko, Sr.  
44 Salt Court  
Rittman, Ohio 44270  
330-927-4814  
Leadboot@neo.rr.com

June 25, 2003  
RE: Consumer product Safety Commission  
ATV Safety Issues

Dear Sirs:

It is with great concern that I am watching over these proceedings, and greatly appreciate my views being considered. With 15 years of ATV riding and racing experience, as well as 30+ years of dirt biking experience, I would consider myself quite knowledgeable on the subject matter. I am also the father of a nine-year-old boy who I've trained and supervised to be an ATV rider and racer over the past 5 years, so I'm also quite sensitive in regards to ATV problems and issues relating to children.

The first concern I'd like to address is your statistics that show ATV accidents on the rise. Certainly the number of accidents is up, but when you consider new ATV sales went from 150,000 in 1990 to 734,000 in 2000, it would be reasonable to conclude that ATV use has increased at a much higher rate than ATV accidents. ATV accidents per rider have in fact, dropped!

The second concern I have is your citing of a rise in accidents on larger displacement machines over 400cc, which can also be attributed to the huge increase in the number of these machines recently being introduced and sold. Again statistics show that the accidents on these machines have not increased at a higher rate than usage. It is also noteworthy that the main reason for the introduction of the new sports quads with greater than 400cc is the necessity to increase engine size drastically to match the performance on the smaller 2 cycle motors the EPA has decided to regulate out of existence.

Off road riding of any type carries inherent risks, and mishaps are to be expected. Even top professional riders roll and flip on a regular basis, but rarely sustain serious injuries. It could easily be attributed to their preparation for mishaps that they assume will occur, instead of the unrealistic utopian goal of ending all mishaps. They wear proper safety gear, and train extensively on what to do when things go wrong, unlike most ATV safety courses offered to the public that seem to be based on the premise that following the course material will eliminate all accidents and therefore the need to be prepared for one. In using correct riding procedures in the handling of rolls, flips, or bogging out during a climb, adding roll bars, seat belts, and governors as suggest by obvious non riders, would greatly increase the danger to the rider.

While education should be available to those who would like it, most adult accidents and injuries occur as a direct result of people taking risks that they already "know better" but have chosen to ignore. Nearly any adult of average intelligence is quite capable of choosing most of the "right" answers and passing any written test, without taking any ATV training courses. Safety instructional videotapes are even given free with most new ATV purchases. Most adult

accidents involve them in actions that they already know are unsafe, but do anyways. Constitutionally, adults who choose to take unnecessary risks to their own safety provided they are not also putting others at risk, have that right, and the CPSC should not step in. The purpose of CPSC is to review products deemed defective or unsafe when used in the manner as intended, not those which are unsafe when abused by free thinking adults. The ATVs themselves are safer than ever, with continuous improvements in quality and safety **when used in a manner consistent with the manufacturer's recommendations!** Nearly every mishap presented as "evidence" that these machines are unsafe involves noncompliance with the manufacturer's safety guidelines. Adults have that right!

Finally I would like to address issues with children operating ATVs. This is an area the CPSC could make some improvements, but their track record for poor decisions, an obvious lack of knowledge of ATV operation, and making things worse leave me somewhat reluctant to suggest their intervention, but I will do so anyways.

The first example of "poor decisions" by the CPSC is the engine size to age recommendations. Aside from the obvious safety gear, the greatest factor in causing serious injury is the sheer weight of the machine, and not its motor displacement. A 50cc powered adult size quad weighing 450 lbs is much more likely to be deadly to a 70 lb child than a 90cc quad weighing 240 lbs. Children **WILL** roll ATVs. We must focus on the outcome of a roll rather than fooling ourselves into thinking we can eliminate them. Another factor this formula doesn't even consider is that smaller 2 cycle motors normally perform at much higher levels than larger 4 stroke engines. The most practical and accurate way to categorize quads for children is by weight, and **NOT** displacement. Machines with insufficient motor size and power, relative to the machine and rider weight create additional hazards when they run out of power half way up an incline. With all of the controls that all minis are normally equipped with, available to parents to limit performance and speed, such as throttle stop screws and airflow restrictors, motors too small are much more hazardous than motors too large provided the machines total weight is proportional to the child's physical size.

The other even more ludicrous half of this equation currently being used is the attempt to gage and measure children by their age instead of size. There is such a huge variance in physical size of children at any given age that this makes no practical sense whatsoever. They also have a wide range of skill levels. Its not uncommon to see 12 year olds at 6' tall weighing 180 lbs while others may weigh half that. My 9 year old weighs in at 80 lbs, while others his age often weigh in at 50 lbs. The current system also tends to err on the side of using a smaller quad, which is downright dangerous. Putting too large (physically) of a child on a quad that is too small, regardless of motor size, raises the center of gravity much higher which will tip easier, and makes the machine handle much more poorly as is easily demonstrated by any adult trying to ride one. As mentioned before, when your 80 lb child is halfway up an incline on a quad designed for 40 lb kid, and it runs out of power, it can be a dangerous situation. The manufacturers also design braking systems to handle an expected range of weight, and an oversized rider on an undersized quad again presents a hazard on downhill riding. Would considering a child's weight rather than age when selecting a quad not make much more sense? A simple formula, such as "**a machine's dry weight should not exceed 3.5 times that of the child**" would be a lot more realistic and accurate to cover a much wider range of children, and more accurately govern when a "child" can appropriately move on to an adult sized quad. An adult sized

June 30, 2003

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

ATTN: ATV Hearing

I am submitting the following comments in response to your request for views from the public concerning ATV's and safety outlined in Federal Register DOCOD: fr23ap03-23.

My wife and I have been involved with the sport of ATVing for 14 years. We have taken the recommended safety training with each new ATV that was purchased. I have and still recommend these courses to my friends. Personally I see a lot of value in the hands on training techniques that are offered by the courses I took.

I would support enhanced safety training that includes proper riding gear, and safe riding techniques, which will improve rider skills. I do not support any further regulation.

For ATV operators in the 12 to 16 year old range. I would support the same enhanced safety training requirements for operation of ATV. I would recommend that the parent or guardian participate in the training with the child.

In my opinion the Consumer Product Safety Commission could better serve the public by supporting increased training opportunities for all ATV riders to educate them on proper riding gear and techniques. Thank you for the opportunity to comment on ATV safety.

*David Kryzer*  
*Lisa Kryzer*

David & Lisa Kryzer  
8017 Russell Ave N.  
Brooklyn Park, MN  
55444-1636

253

June 30, 2003

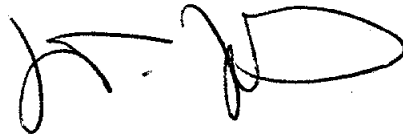
ATV Hearing  
Office of the Secretary  
Consumer Products Safety Commission  
Washington, DC 20207

To whom it may concern,

Upon reviewing the commission's plans to restrict/ban ATV's I was appalled. ATV use is a great family activity that encourages athleticism, hand-eye coordination, and teaches responsibility. Used properly, ATV's are great forms of entertainment, promote a competitive sport, and create income for land management.

Any machine used incorrectly or used by an idiot will be dangerous. It is not constitutionally just for a ban to be put on ATV's. It is more than reasonable to make more requirements to ride/own an ATV but banning them all together or any age group from using them is not right (or legal). If the Consumer Products Safety Commission has it's way, we'll all find ourselves locked in our homes to avoid getting hurt or having fun. The Commission is in place to ban products that are dangerous or improperly manufactured, not to ban products that consumers "could" get hurt using. If they are there to ban every product that "could" hurt a consumer than we may as well just clear the shelves because you can get hurt doing almost anything!!

An ATV ban would be a violation of our rights and a waste of time considering the many real dangers our citizens face. I urge the Commission to see this initiative as what it is: a waste of taxpayer money on a none issue.



Jason Souders  
757 Columbine Way  
Central Point, OR 97502



Mark Phillips  
1165 Oakes Drive  
Iowa City, IA 52245  
(319) 466-7206

July 2, 2003

ATV Hearings  
Office of Secretary  
Consumer Product Safety Commission  
Washington, D.C. 20207

Dear Commission Members:

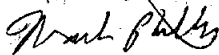
I am against any further age or engine size restrictions for ATV use. Age is not the issue, it is whether the operator is physically able to control it and if the give proper respect to what it is capable of.

Arbitrary rules for ATVs unfairly restrict their use. Education and parental supervision are the key to safety with **any** motorized vehicle. ATVs have been unfairly singled out because of their broad appeal to the people who have never owned a motorized entertainment vehicle.

My son started racing ATV's when he was 16. It has been a great 6 years of family involvement with my son with his racing. We spend weekends together at the race tracks and have a lot of common enjoyment of working on the ATV preparing it for racing. If you would have taken ATV racing from my son, you would have taken away a huge family opportunity for me to have involvement with my son. We are in difficult times when it is hard for parents to relate to children and to have opportunities to keep them involved.

I am a 50 year old, conservative, Certified Public Accountant with a top 6 public accounting firm. I feel that I am well educated and responsible. I do not believe that further arbitrary restrictions are warranted.

Sincerely,



Mark Phillips

225

**Hammond, Rocky**

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**From:** David Fisher [djent4@bresnan.net]  
**Sent:** Wednesday, June 25, 2003 9:57 PM  
**To:** Hammond, Rocky  
**Subject:** ATV Ban

Today is the age of lets ban anything that hurts or injures humans without the safe guideance of safety in mind. Like anything education is the way to help prevent injuries. We have drivers education, have safety workshops, we have safety classes of how to best utilize a product before we use it. We have boating classes from the Coast Guard. People need to have fun, but some don't heed the warnings, don't know their own limitaitons but let's not blame the product that is human controlled. If thats the case lets ban the automobile, trains, and planes because more people are injured on a yearly basis per capita than that of an atv. So please take a common sense and inteleculal approach to these product so some of us can have fun.....

David R. Fisher

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6/27/03

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Law Offices Of  
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July 8, 2003

Office Of The Secretary  
Consumer Product Safety Commission  
Washington, D.C. 20207

Re: ATV Hearing

Dear Members Of The Commission,

On behalf of my client, the Off-Road Business Association (ORBA) please accept this letter as our formal comments concerning All Terrain Vehicle (ATV) Safety Review meetings held by your department. By way of background, ORBA is a non-profit trade association organized under 26 USC 501(c)(6), with its office located in Santee, California. ORBA represents the interests of numerous of off-road related businesses nationwide that are concerned with the continued accessibility of public lands for Off-Highway Vehicle (OHV) recreation and the safe, responsible use of OHVs on our public lands.

Millions of families across America enjoy ATV recreation. Off-roading is a constructive activity, it keeps kids off the streets, and brings families together. We urge the Commission to keep these positive aspects in mind when making decisions affecting ATVs. We have the following comments on the issues being considered by the Commission.

Requiring additional "safety" devices and other proposed restrictions. Just like automobiles, no matter how many safety devices you install on a vehicle, the ultimate responsibility for an person's safety begins and ends with that individual. Thus, educating the public about how to properly operate their machinery must be the number one priority for the Commission.

a) Installing roll bars and seatbelts. This would actually make ATVs more dangerous. Seatbelts would merely serve to trap the operator on the machine, prohibiting the user from stepping off and away from the vehicle in the event of a crash. With seatbelts, what might once be a successful "get-off" from an out of control vehicle would become an all-or-nothing ride to the finish for the unfortunate passenger. Seatbelts would also create the potential for internal injuries caused by the seatbelt itself. A roll bar would create the potential of crushing a person's limbs if they were caught underneath the roll bar if the ATV flipped upside down. Frankly, anyone who would suggest seatbelts and roll bars for ATVs has obviously never ridden one.

b) Speed Governors. Again, properly familiarizing users with the potential (and limitations) of their ATV would do wonders compared to placing speed governors on the

vehicles. There is nothing inherently unsafe about operating an ATV at high speeds in the right conditions. Experienced users are well aware of the fact that they can get hurt at *any* speed if they do not know how to control their vehicle. And how fast is *too* fast, and according to who? It always seems like people who are opposed to an activity (in this case off-road recreation) try to artificially "restrict" that activity until it just isn't fun anymore and hopefully people will stop doing it. We hope that you see this "speed governor" proposal for what it really is: it's just another anti-ATV argument clothed in the guise of "user safety", designed to chip away at one of America's favorite recreational activities.

c) Banning users under 16 years of age. Perhaps the same people suggesting this restriction would like to tell several members of the U.S. Women's Olympic Gymnastic team who are under the age of 16 that they aren't old enough to participate in this dangerous activity. Some of the greatest athletes in the world (such as professional motocross racer Ricky Carmichael) were well on their way to the top before they turned 16. We all know that children and young adults are perfectly capable of safely participating in potentially hazardous activities (sno-boarding, gun shooting, BMX racing, just to name a few). This age restriction argument seems to be another variation of the now well-worn "save the children" emotional plea that adults hide behind when trying to advance their own selfish interests. The focus should again turn toward educating users, young and old, on how to properly operate an ATV.

d) Wearing Helmets And Other Safety Gear. Safety equipment is the best way to prevent injuries. ORBA fully supports wearing the proper safety gear when participating in off-road activity, and would not oppose recommendations for increased usage of safety gear for people of any age. The technology and quality of ATV safety gear has increased dramatically within the past few years. We encourage the Commission to familiarize itself with the significant advancements in modern protective gear available to ATV enthusiasts. Carbon fiber knee braces, chest and back protectors, neck braces, third generation full face helmets, and nearly indestructible plastic composite boots are just some of the new protective gear available. If you investigate the majority of ATV related injuries, you will find that most could have been minimized or eliminated altogether had the user been wearing the proper safety gear.

e) Limiting engine displacement. The argument against this is much the same as the argument against speed governors. Familiarity with the potential of an ATV, properly worn safety gear, and training would accomplish what limiting engine displacement would not: minimizing accidents. People can injure themselves in a Corvette just as easily as a Geo Metro when they don't know what they are doing.

f) Federal Performance Standards For ATVs. We would assume that if there were a product defect in the design of an ATV, the plaintiff's bar would certainly capitalize on this fact. The laws relating to strict products liability have been in place for decades, and establishing further standards for the ATV industry to comply with will do nothing to advance the laws that are already in place, namely that every product manufactured must

perform as a reasonable consumer would anticipate. There is no need for further regulation in this regard.

g) Local and state ATV use restrictions, regulations and licensing activities and their impact on ATV safety. Again, the law of strict products liability as it stands serves to protect the public from defectively designed ATVs. At least in California, we can assure you that there are plenty of local and state ATV restrictions on use of these vehicles, but they have virtually nothing to do with safety. The majority of these regulations deal with spark arrestors and riding in restricted areas due to environmental concerns. In fact, environmental restrictions placed on ATV users have become so severe that the resulting loss of riding space has served to increase the safety hazards faced by ATV users, as more and more people are confined to a smaller space. We respectfully suggest that the Commission make a finding that there needs to be a dramatic increase in the amount of public lands available to the ATV public, so as to minimize the potential of vehicle collisions.

With respect to licensing, it should not be necessary to obtain a license as a prerequisite to operating an ATV because hundreds of thousands of people across this country have already demonstrated that they are able to safely operate an ATV without the equivalent of a driver's license. Indeed, there is no logical relationship at all between the fact that a person has a license to drive an automobile and their chances of being involved in an auto wreck.

We thank you for the opportunity to comment on these matters, and we hope that you will focus your efforts on rider education and training to enhance the ATV riding experience for all concerned.

Very Truly Yours,

Joshua D. Mackenroth  
Attorney for the Off-Road Business Association  
tabbycat@orbisnet.com

cc: Client

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**Hammond, Rocky**

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**From:** Derek "Mavrick" Hadfield  
**Sent:** Wednesday, July 09, 2003 4:30 PM  
**To:** Hammond, Rocky  
**Subject:** ATV Issues.

Dear Sir Or Mam,

This E-Mail Is In Regard To The Possible Ban Of ATV's. I Am 15 Years Old And I Will Be 16 In Less Than 70 Days. I Do Not Own An ATV At This Time But I Am Saving My Money. I Plan To Purchase This AT Next Year. I Do Not Understand Why The CPSC Is Trying To Ban ATV's. This Is Madness! The The Reason Deaths Are Happening Is: #1. The Sales Have Increased Nearly Triple The Past Few Years. #2. Untrained ATV Operators. Now I Know I May Be Preaching To The Choir But This "Ban" Is Un-Needed. In My Opinion Riding ATV's Is A Choice And The People Who Are Operating The ATV's Understand That They Can Be Killed. The Only Thing I Hear Nowadays Is That ATV's Are Killers. I Have Been Riding For Quite Some Time Here And I Have Never Become Injured. I Plan On Taking An ATV Safety Course When I Purchase My New ATV. Even Though I Am An Experienced Rider I Feel Like I Should. I Think If You Ban ATV's I Know Myself And My Friends Will Lose All Faith In Our Government. ATV'ing In A Fun And Recreational Sport For Thousands Upon Thousands. I Just Moved From West Virginia To Southern Ohio And There Are ATV's Everywhere. And I Know About The Woman in Wirt County, WV That Was Killed. Alcohol And Quads Do Not Mix. When They Do That's When You Get Accidents. By Living In The United States Of America I Think We Should Have More Rights Than We Do Right Now. Like RIDING ATV's! Whats Next? Banning Cars?? Banning Airplanes?? No.. Of Course Not. All I Am Saying Is PLEASE DO NOT BAN ATV'S. IT WILL BE A HUGE MISTAKE! Thank You For Listening To What I Have To Say.

Derek Hadfield  
Belpre, Ohio