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## POLICY STATEMENT

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AMERICAN ACADEMY OF PEDIATRICS:

### All-Terrain Vehicle Injury Prevention: Two-, Three-, and Four-Wheeled Unlicensed Motor Vehicles

Committee on Injury and Poison Prevention

#### ▶ ABSTRACT

Since 1987, the American Academy of Pediatrics (AAP) has had a policy about the use of motorized cycles and all-terrain vehicles (ATVs) by children. The purpose of this policy statement is to update and strengthen previous policy. This statement describes the various kinds of motorized cycles and ATVs and outlines the epidemiologic characteristics of deaths and injuries related to their use by children in light of the 1987 consent decrees entered into by the US Consumer Product Safety Commission and the manufacturers of ATVs. Recommendations are made for public, patient, and parent education by pediatricians; equipment modifications; the use of safety equipment; and the development and improvement of safer off-road trails and responsive emergency medical systems. In addition, the AAP strengthens its recommendation for passage of legislation in all states prohibiting the use of 2- and 4-wheeled off-road vehicles by children younger than 16 years, as well as a ban on the sale of new and used 3-wheeled ATVs, with a recall of all used 3-wheeled ATVs.

#### ▶ TWO-WHEELED VEHICLES

Miniature motorcycles intended for off-road use by children and adolescents have enjoyed wide popularity since the 1960s. However, manufacture of these vehicles is not regulated by federal motor vehicle safety standards. Neither the rider nor the vehicle is required to be licensed. Some of these cycles are small enough to be operated by children as young as 4 years, and many have been sold for use by school-aged children.<sup>1</sup>

*Minibikes*, the smallest and most primitive of the 2-wheelers, are motorized bicycle-style frames that weigh <45 kg and are powered by engines operating at <4 horsepower. The more sophisticated and higher-powered *minicycles* are constructed with suspension systems and transmissions that resemble miniature motorcycles. *Trailbikes* or *trailcycles* are larger than minicycles and have power and design

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characteristics that make them suitable for rough terrain. They are generally only approved for off-road use. *Mopeds* are bicycles with small, unenclosed assist motors and top speeds of about 30 mph. They are intended for street use but, in many states, neither the mopeds nor their drivers must be licensed.<sup>2</sup> Two-wheeled vehicles generally have a short and relatively unstable wheelbase, small tires, slow acceleration, borderline brakes, and poor visibility in traffic (both of the cycle and by the cycle operator).<sup>2,3</sup> *Motorcycles* are also 2-wheeled cycles, but require licenses in all states; these vehicles are not specifically discussed in this statement.

About 40 000 injuries related to 2-wheeled motorized off-road cycles were treated in emergency departments each year, 1994 through 1996.<sup>4</sup> Of the injuries, 26% were sustained by children younger than 15 years. From 1990 through the first quarter of 1995, the US Consumer Product Safety Commission (CPSC) collected at least 50 reports of deaths related to minibike and trailcycle use. All but 1 of the victims were male, and 42% were 16 years of age or younger.<sup>5</sup>

Injury typically results from loss of control of the cycle after striking rocks, bumps, or holes, or from illegal on-road use. Mopeds are more often involved in collisions with other vehicles, presumably because they are legally used on-road, and frequently in urban areas.<sup>2</sup> Shoulder, knee, and leg injuries account for more than one third of emergency department visits for moped-related injuries. Head injuries account for about half of the deaths.<sup>5</sup> Laryngotracheal trauma may result from driving across open fields into poorly visible wire fences. Thermal burns occur when engines are not enclosed, which is usual for mopeds.<sup>6</sup> Deaths are more likely to be associated with racing or jumping.<sup>5</sup>

## ► THREE- AND FOUR-WHEELED VEHICLES

All-terrain vehicles (ATVs) are motorized cycles, with 3 or 4 balloon-style tires, designed for off-road use on a variety of terrains. Although ATVs give the appearance of stability, the 3-wheeled design is especially unstable on hard surfaces. The ATV stability is further compromised by a high center of gravity, a poor or absent suspension system, and no rear-wheel differential. The danger is magnified because these vehicles can attain substantial speeds (30-50 mph).<sup>7</sup>

Most injuries associated with ATVs occur when the driver loses control, the vehicle rolls over, the driver or passenger is thrown off, or there is a collision with a fixed object.<sup>8</sup> Studies in Alaska and Missouri have identified a number of risk factors for injury, including rider inexperience, intoxication with alcohol, excessive speed, and lack of helmet use.<sup>9,10</sup> The recognition of the significant hazards associated with ATV use led to a federal investigation and the acceptance of consent decrees by the ATV manufacturers in early 1988.<sup>11</sup> Under the decrees, the industry agreed to cease production and sale of new 3-wheeled ATVs (but not to recall old ones), to implement a rider-safety training program nationally, and to develop a voluntary standard to make ATVs safer. Warnings and age recommendations were included on the vehicle and in advertising. ATVs with engines >70 mL could be used only by children 12 years and older; "adult-sized" engines (those >90 mL) were not to be used by children or adolescents under 16 years.<sup>11</sup> Although the decrees did not prohibit the sale of the ATVs with engines <70 mL, which previously had been promoted for children younger than 12 years, none

have been manufactured since 1986. After acceptance of the decrees, problems have occurred with some dealers not communicating the age restrictions to consumers, although pressure and enforcement by the CPSC have improved the situation. Nevertheless, children under 12 years still represent 15% of the deaths related to ATVs.<sup>12-14</sup> It is probable that the most effective outcome of the 1988 consent decrees was the attendant publicity that led up to the decrees and the educational campaigns that occurred after them. The consent decrees expired in 1998. At that time, participating manufacturers agreed to an ATV Action Plan in which they agreed not to market or sell 3-wheeled ATVs, not market or sell adult-size ATVs to or for use by children younger than 16, promote training, and conduct safety education campaigns.<sup>15</sup>

The approximately 2.4 million ATVs still in use are associated with significant morbidity and mortality. Almost 2800 deaths have been attributed to ATVs (about 200 to 300 annually) since 1985.<sup>14</sup> The risk of death, approximately .8 to 1.0 per 10 000 ATVs, has remained fairly steady since 1987. Annual emergency department visits for treatment of ATV-related injuries reached a peak of 108 000 in 1986 and declined after that to the present level of about 54 500.<sup>14</sup> Children younger than 16 years account for 47% of the injuries in 1997 and >36% of the deaths since 1985.<sup>15</sup> Head injuries account for most of the deaths, which usually are instantaneous.<sup>12</sup> Serious nonfatal injuries include head and spinal trauma, abdominal injuries, and multiple trauma.<sup>4</sup> Abrasions, lacerations, and clavicle and extremity fractures are common and less serious.<sup>4,13</sup> Some studies have suggested that children suffer more severe injuries. The severity of injury is the same for 3- and 4-wheeled ATVs.<sup>10,13,16</sup> Currently, 4-wheeled vehicles account for 75% of the injuries, largely because of changes in the manufacture and sales of 3-wheeled ATVs after the 1988 consent decree, although many 3-wheeled ATVs remain in use. More injuries occur when ATVs are used for recreation than when they are used for nonrecreational purposes, for example, as farm vehicles.<sup>4</sup>

It is clear that deaths and injuries began to decline in 1986, possibly as an effect of the publicity before the consent decrees on the driving behavior of ATV users. A decline in sales, as well as diminished use by children, occurred after the decrees, but well before the ban on 3-wheelers and design changes to make "safer" vehicles could have had a great effect.

## ► RECOMMENDATIONS

The American Academy of Pediatrics (AAP) now updates its earlier recommendations<sup>10,17</sup> to decrease death and injury related to the use of all 2-, 3-, and 4-wheeled ATVs:

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1. Education, public and individual patient and parent, about the hazards of all ATVs should continue. (Besides benefiting the riders, it may increase public demand for greater regulation; eg, helmet laws and limitation on use by children.)
2. During anticipatory guidance, families should be asked, either by direct questioning or intake survey, about the kinds of recreational activities in which they engage. Just as those who have a swimming pool merit special counseling, so do families who engage in off-road vehicle use. The following points should be emphasized:

- Off-road vehicles are particularly dangerous for children younger than 16 years who may have immature judgment and motor skills.<sup>10</sup> Children who are not licensed to drive a car should not be allowed to operate off-road vehicles.
- Injuries frequently occur to passengers, therefore riding double should not be permitted.
- All riders should wear helmets, eye protection, and protective reflective clothing. Appropriate helmets are those designed for motorcycle (not bicycle) use, and should include safety visors/face shields for eye protection.
- Parents should never permit the street use of off-road vehicles, and nighttime riding should not be allowed.
- Flags, reflectors, and lights should be used to make vehicles more visible.
- Drivers of recreational vehicles should not drive after drinking alcohol. Parents should set an example for their children in this regard.
- Young drivers should be discouraged from on-road riding of any 2-wheeled motorized cycle, even when they are able to be licensed to do so, because they are inherently more dangerous than passenger cars.

3. Although the consent decrees required some equipment modifications to make ATVs safer, further changes have been suggested. They include the following:

- Install seat belts on 4-wheeled ATVs and require that the vehicles also have a roll bar to prevent the driver from being crushed by the weight of the vehicle in the event of a rollover.
- Headlights that automatically turn on when the engine is started should be routinely installed on all ATVs to improve visibility by other vehicles.
- Speed governors (devices that limit maximum speed) should be installed on ATVs used by inexperienced operators.
- Efforts should be made to design ATVs so that they cannot carry passengers.
- Engine covers on small 2-wheeled vehicles, such as mopeds and minibikes, could reduce burn injuries resulting from body contact with the engine and exhaust system. A sturdy leg guard could avoid injuries from sideswiping solid objects or being pinned to the ground.

All of these proposed modifications should be thoroughly evaluated before use and monitored after introduction.

4. Laws should be passed in all states requiring motorcycle-style helmets for off-road use as well as for on-road use. Motorcycle helmet laws have been proven to increase helmet use, and helmet use has been proven to reduce death and serious head injuries.<sup>16,18</sup>

5. Many injuries are caused by various disruptions in the driving surface such as, bumps and holes. Developing and maintaining trails for the use of off-road vehicles may help reduce injury rates.

6. Prehospital care networks and emergency services should be improved in rural areas, which may minimize the effects of injuries and reduce deaths.<sup>11</sup>

7. The AAP recommends a ban on the sale of all 3-wheeled ATVs, new and used, and a recall with a refund for present owners of the 3-wheeled models.

8. Laws should prohibit the use of ATVs, on- or off-road, by children and adolescents younger than 16 years. An automobile driver's license, and preferably some additional certification in ATV use, should be required to operate an ATV. The safe use of ATVs requires the same or greater skill, judgment, and experience as needed to operate an automobile.

9. ATVs should not be used after sunset or before sunrise, and carrying passengers should not be allowed. These provisions should be included in legislation.

10. Pediatricians should advocate for the passage of the AAP's model bill<sup>19</sup> that:

- prohibits the use of ATVs, on- or off-road, by children and adolescents younger than 16 years;
- requires an automobile drivers' license, and preferably some additional certification in ATV use;
- prohibits the use of ATVs on public streets and highways;
- prohibits passengers from riding on ATVs;
- prohibits operating an ATV under the influence of alcohol; and
- prohibits the use of ATVs between sundown and sunrise.

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## ► FOOTNOTES

The recommendations in this statement do not indicate an exclusive course of treatment or serve as a standard of medical care. Variations, taking into account individual circumstances, may be appropriate.

## ► ABBREVIATIONS

CPSC, US Consumer Product Safety Commission; ATV, all-terrain vehicle; AAP, American Academy of Pediatrics.

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## Trail of Tears

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The Mountain State is criss-crossed with all-terrain-vehicle trails. The four-wheel machines are popular among hunters, farmers and those looking for an exciting ride over the state's rugged terrain. But there is a dark side to the ATV proliferation – an inordinate number of deaths, particularly among West Virginia's children. Why is this happening? Are legislators prepared to pass safety laws after years of debate? And what about the parents and siblings left behind? Their stories provide the framework for this week-long series of articles tracing West Virginia's trail of tears.





January 07, 2003

# Fatal wreck snuffed boy's potential

By Sandy Wells  
STAFF WRITER

He considered going into the military. He thought about studying culinary arts. Many thought he would end up in his father's construction business.

But Robert Hunter III didn't do any of that. He drove an ATV over a 4-foot-high retaining wall.

He was a 16-year-old junior at Wheeling Park High School when he died.

"He had extremely huge brown eyes and long lashes a girl would envy," said his mother, Laura Hunter. "And he had a great smile. People say when he walked into a room, he lit it up."

- advertisement -

Robby was compassionate and caring, a loyal friend, his mother said. "He was a free spirit. He enjoyed having a good time. He wasn't an angel."

So when she opened the door to the police that night, she wasn't alarmed. "I joked with them, like, 'Well, what has he done now?' Then they told us he had passed."

He died close to midnight on a Saturday — March 13, 1999. "My other son was in a basketball tournament. We got home about 8:30 or 9. Robby had just been hanging out at home. About 10, he left with two other kids to watch a wrestling show at a friend's house."

The friend's father had an ATV. "Robby had been on it before, riding residential streets with no helmet. If he'd worn a helmet, he'd be alive today."

Nearly 800 kids attended his funeral. He wore khaki cords and a sweater, something he wore when he dressed up. Under the sweater, he wore a muscle shirt. "We had to make sure he had on a sleeveless undershirt. He liked those."

For his burial, his brother gave him a gold chain. His father gave him a diamond ring. His mom contributed the teddy bear that played music in the crib when he was a baby.

When she looks through class pictures given to him by friends, Laura Hunter thinks about the wasted potential. "He touched a lot of kids. The notes say, 'Thanks for helping me out that night,' or, 'Thanks for listening, even if it was 2 a.m.'"

His younger brother, Nathan, still suffers, she said. "They were real close. It's been a bad three years for him. He's struggled with school. I don't think the school system understands."

## ► Photos



**Robert Hunter III**  
Nov. 29, 1982-March 1  
1999

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Nathan just made it through his 16th year, longer than his brother ever lived. It was a kind of milestone, Laura said. "He just turned 17, and boy, that was tough. We about smother that kid, and he's very protective toward me."

She's adamant about the need for ATV restrictions. "It would help if they couldn't be ridden anywhere except where they should be, not on residential streets or highways, and always with helmets and protective gear.

"ATVs are motorized vehicles and pretty powerful. There needs to be age limits, and parents and owners of these things need to be accountable. So do the companies that sell them."

Reading about deaths of other children on ATVs makes her angry, she said. "In West Virginia alone, I don't know how many deaths I've read about since Robby. You already feel angry, alone, guilty and confused. Now you have to deal with the fact that the very vehicle that killed your child ... is killing other people's children, brothers, sisters, cousins, friends — and no one seems to care. No one seems to do anything to stop it.

"Children are dying on these vehicles. They think they are invincible. They have no fear. They are children, and we need to take care of them."

*To contact staff writer Sandy Wells, use e-mail or call 348-5173.*

January 12, 2003

# Memory never stops hurting

By Sandy Wells  
STAFF WRITER

Jamie Carpenter was 12, a seventh-grade student at Brooks-ville Elementary School in Calhoun County. She was a cheerleader, played flute in the band, sang in the choir, played softball.

She was petite, had shoulder-length dark blonde hair, freckles and snappy brown eyes. She had a dog, a cat and a horse. She wanted to be a veterinarian.

Instead, her body lies in a crypt in a Wirt County cemetery. Neighbors built the crypt. They painted the inside pink, her favorite color.

"She always said she didn't want to be buried underground," said her dad, Tim Carpenter of Annamoriah.

She died 12 years ago, just before Thanksgiving. On the Saturday before deer season, she took a friend for a short ride on her father's ATV. "They had trouble on that model with the brakes," he said. "When she slowed down, the brakes grabbed or something, and the ATV rolled over." She died the next day at Camden-Clark Memorial Hospital.

The memory never stops hurting, not even after 12 years, said her mother, Lisa Carpenter of Brohard. "I used to hear people say they could take anything but something happening to their kids. I tell them not to say that. You either deal with it or you blow your head off."

"You just learn to live with it," her father said.

But every year, from Thanksgiving through Christmas, living with it and dealing with it gets tougher. "I hate the holidays," Lisa said.

The Carpenters divorced a couple of years ago. "Something like that puts a lot of strain on a marriage," he said.

Jamie talked a lot about dying. Her parents believe she knew she wouldn't live long. "She told me six months before she died that she wanted to be buried on top of the ground like Jesus," Lisa said. "I told her that was silly. She said, 'Well, I'm just telling you that, Mom,' like somehow she knew.

"She told me if anything happened to her, she didn't want to be put on machines. I'm a nurse. I realize now that when people talk that way, when they say they are dying, they are."

The accident happened less than a quarter of a mile from her home. Her mother

## ► Photos



Jamie Carpenter  
May 16, 1978 — Nov. 1  
1990



This snapshot taken two years before her death shows Jamie Carpenter her beloved horse, Blaze. She wanted to be a veterinarian.

## ► More Trail of Tear

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rushed her to the closest hospital. "I knew that would be faster than an ambulance," Lisa said. "In the car, she told me she was hot. I knew that was the first indication of internal bleeding."

Doctors stabilized her and sent her to Camden-Clark for surgery. She kept telling her parents she was going to die. She told her doctor she wouldn't make it. Her mother remembers vividly the last time she saw Jamie alive.

"At the surgery door, she said she didn't want to go. I told her she had to go, that it was the only way to get better. She knew more than I did."

In her casket, they placed her diary, a picture of her horse, Blaze, and horse stencils. "That horse just stood around and looked for her for weeks," her father said. "I think animals know."

In his job as a gas well tender, he has to ride an ATV. "If it wasn't for work, I wouldn't ride one at all. I don't think they should be on any main roads. Any kid under 15 should be riding with an adult and should wear a helmet."

Jamie's mother said she never gave a thought to ATV dangers until Jamie's death. "Parents are very ignorant about this," she said. "I think more about it now, but it's too late."

*To contact staff writer Sandy Wells, use e-mail or call 348-5173.*

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A member of the Real Cities network

January 12, 2003

# A teen-ager forever

## ■ Girl's death leads to ATV safety video

By Sandy Wells  
STAFF WRITER

Jessica Adams couldn't wait to be a teen-ager. Her mother can still hear her running around the house telling everybody, "I'm going to be 13! I'm going to be 13!"

Two weeks after her birthday, she died.

She turned 13 on Sept. 15. She had a big party. On Sept. 30, she was killed in an ATV accident on Camp Mountaineer Road near her Morgantown home.

"She brought her yearbook pictures home that day and we talked about them," said her mother, Cindy Adams. "She left the house at 6 p.m. By 7, she was dead."

Townsppeople grieved for her. "When we left the funeral home, there must have been over 50 cars in the procession," her mother said. "I've never seen anything like it."

She was a seventh-grader at South Middle School. Students decorated her locker with her favorite things: a Butterfinger candy bar, Winterfresh gum, stuffed animals, jewelry, flowers, notes and ribbons. They made a banner: "Goodbye, Jess, We'll Miss You." Every student signed it.

They used notebook paper to make cards with personal messages: "Jessica Will Make a Beautiful Angel" and "Jessica Is in Good Hands Now. God Will Take Care of Her."

The art teacher drew her portrait. Jessica loved the teen dances at the armory. Friends dedicated songs to her. At the accident site, they created a memorial — a cross surrounded by flags, stuffed animals, pictures, notes and flowers.

The school raised \$800 in a fund drive. The family put the money toward her headstone.

The night of her death, family members saw one of the WVU football players and told him what happened. The Mountaineers said a prayer in Jessica's memory and dedicated the next home game to her. They put a banner on the WVU bus that read, "In Memory of Jessica."

Her picture appeared on the front page of The Dominion Post. The paper ran articles calling for ATV regulations. Her death prompted WVU to prepare a video on ATV safety featuring Jessica and conversations with her friends. It will be distributed to students in Monongalia County schools.

"Everybody loved her," her mother said. "She was so full of life."

### ► Photos



*Cindy Adams of Morgantown displays a memorial portrait of her daughter, Jessica, who died in September in an ATV crash. Melinda Bist, Jessica's art teacher at South Middle School, drew the portrait from the yearbook photo Jessica brought home just hours before her death.*



*Jessica Irene Adams  
Sept. 16, 1989 — Sept. 2002*



*After Jessica Adams died, students at South Middle*

She was an honor student and a cheerleader. She took baton lessons and dance lessons.

"She always did everything she was supposed to do. She would come home and do her homework every day before she went out to play. She was up every morning at 6 a.m., getting ready to go to school. She was a perfectionist, about her hair, about everything. She brushed her teeth four times a day. She got me to quit smoking."

One night, at the trailer park where she lived, she met up with a 16-year-old boy who had taken the keys to his stepbrother's ATV. Jessica got on the back. They picked up another friend, a 14-year-old girl, who needed a ride home. When she got to her house, the girl asked if she could take the ATV for a spin. Jessica got on the back.

"People heard Jessica yelling at her to slow down," Cindy Adams said. "She lost control and ran up an embankment and hit a tree. She was thrown into the woods. Jessica stayed on the ATV. It turned over on her."

Neither girl wore a helmet.

The 16-year-old boy found the wrecked four-wheeler and ran to tell Jessica's mom. "When I got there, Jessica was lying spread-eagle on the bank. Her neck looked funny. An EMT was on the scene. I was shaking and yelling, 'Save her! Save her!' She had broken her neck. They were getting a heart rate, but they couldn't get an organized rhythm."

Her aorta split and filled her with blood, and her lung collapsed, her mother said. "They didn't know about the aorta until they took X-rays, or they might have saved her."

The driver survived a punctured lung and broken vertebrae.

For her burial, Jessica wore the jeans her mother gave her for her birthday; a necklace from her boyfriend; a dolphin ankle bracelet from Florida given to her by her mother's friend. "And I always made sure she had socks," Adams said tearfully, "so I put a pair of my socks on her with her favorite shoes."

After Jessica died, the trailer park manager installed a sign forbidding ATVs and dirt bikes in the trailer complex. Violators pay a \$500 fine.

"All these kids around here are on ATVs," Adams said. "That's all my son wanted. He's 6 feet tall and weighs 170 pounds. I'd just gotten him one so he could ride with the other kids. I got one with a kick-start so Jessica couldn't ride it. She was mad because I didn't buy her one. I told her I didn't want her to get hurt."

Her son's ATV is for sale. In the meantime, he isn't permitted to ride it. Not that he wants to. "He lost his sister over an ATV."

All the kids have helmets, she said, but they don't always wear them. "I would always say, 'You boys make sure to wear your helmets.' But they would leave them on my deck and go."

She would ban ATVs for anyone under 18. "I know West Virginia is hilly and people need them, but they aren't for children," she said. "The weight of it alone can crush them."

To contact staff writer Sandy Wells, use e-mail or call 348-5173.

**TALK BACK: [WRITE TO THE EDITOR] [DISCUSS IN THE FORUM]**

A member of the Real Cities network

School decorated her locker. The display included notes, flowers, tiny stuffed animals and her favorite candy bar, a Butterfinger.

► **More Trail of Tear**

- Memory never stops hurting
- Celebration never came for Amanda
- Life ended before dreams realized
- 'With each touchdown they pointed to heaven'
- It happened during just a half-mile's ride
- Fatal wreck snuffed boy's potential
- Signs pointed to youngster's death
- Role models
- 'Jessica was his little angel'
- Death on 4 wheels

January 10, 2003

## Life ended before dreams realized

By Sandy Wells  
STAFF WRITER

Ben Francis wanted to be a deckhand like his dad. If he could cook for the crew, all the better. "I taught him how to cook, and he loved it, especially omelets," said his mother, Teresa Sampson of Pinch.

"He went to night school at Hurricane High so he could get his GED and take safety classes to work on the barges. He was outgoing, a clown. He liked to fish and hunt with his dad. He liked rock music, the stuff we can't understand.

"He was a good kid, 6-foot-1, sandy hair, good looking. More friends than you could ever imagine. He had his whole life ahead of him."

He died in May, the Friday before Mother's Day, a month short of his 18th birthday.

"We were going to get together and cook on Mother's Day," his mother said.

On his last night alive, he'd planned to go to Wal-Mart with his friends to pick out Mother's Day gifts. Over and over, his friends called the house. When they couldn't reach him, they came over.

They found him lying in the yard, dead.

He'd been riding an ATV. The four-wheeler crashed into a tree in front of his house on Mill Creek Road. His head hit the tree.

Teresa Sampson was visiting a friend. She kept calling home to check on her son. She worried when he didn't answer. Her friend's son heard about the accident on the police scanner. She raced home, heart thudding with dread. "I saw all these lights. The police were in the house." And she knew.

They buried him in a white T-shirt and blue jean shorts, the kind of thing he always wore. "I put my Black Hills gold ring on his finger," his mother said. "He always wanted it."

His friends took up a collection to buy him a headstone.

His mother strongly supports legislation for ATV safety. "They ought to outlaw ATVs," she said. "You ought to have a driver's license and have to pass a safety course to get one. You shouldn't be allowed to ride one with somebody else. If you're going to be on them, you should have to wear helmets and gloves and kneepads.

"I'm very against them. They've killed too many people."

### ► Photos



Seventeen-year-old Ben Francis, born June 25, 1984, was killed in an ATV accident May 10, five days after this photo was taken.

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Her life has "gone to hell" since she lost Ben, she said. Behind on house payments, she's close to losing the house she shared with him. "My son was my life. He is all I had. I had to spend Christmas at his grave."

*To contact staff writer Sandy Wells, use e-mail or call 348-5173.*

**TALK BACK: [WRITE TO THE EDITOR] [DISCUSS IN THE FORUM]**



A member of the Real Cities network



January 11, 2003

## Celebration never came for Amanda

By Sandy Wells  
STAFF WRITER

On May 1, 1998, Amanda Hunt turned 17. "We were going to do something that weekend to celebrate," said her mother, Becky King.

They never got the chance.

On May 6, the Roane County teen-ager went for a ride on the back of an ATV. The 18-year-old driver lost control and ran off the road. "They went over a 100-foot embankment airborne," her mother said. "She catapulted 95 feet. It took the paramedics an hour and a half to find her."

She wasn't wearing a helmet. The wreck knocked her unconscious. After seven days on life support, she died of massive head injuries. "She never came to," her mother said. "She died peacefully."

Family members called her "Lulu." She was a student at Calhoun County High School. She wanted to be a nurse's aide "so she could take care of her grandma," her mother said. "Her grandma died 19 days after she did."

Becky King describes her daughter as spirited and fun loving, a prankster. Occasionally, she did something outlandish, like polishing her fingernails black. "But she wasn't into makeup. She had a natural look. She was just herself."

King remembers every detail of her daughter's last day. "I was in the hospital visiting my mother. When I got back, I asked where Lulu was. My daughter said she'd left in a truck with a four-wheeler on the back and said she'd be home by 11 that night. I thought she'd call about 10:30 or so, but the call didn't come. It was raining. I was uneasy. I couldn't sleep, especially with her being out on a four-wheeler."

"When the phone rang that morning, I thought it would be Lulu saying she had stayed at a friend's and was on her way to school. But it was the emergency room."

For burial, they dressed her in jeans and a tie-dyed T-shirt. "She wasn't a person for dresses," King said. She collected bears. They put her favorites in the casket. They added a Grateful Dead T-shirt and CDs by the Grateful Dead, Randy Travis, Garth Brooks and Celine Dion.

Her mother feels adamantly about the need for ATV safety regulations. A few minutes of joyriding, she said, cost her the life of her daughter and \$40,000 in hospital bills.

"Nothing anyone can say can make me change my mind about four-wheelers. They just aren't safe."

*To contact staff writer Sandy Wells, use e-mail or call 348-5173*

# With each touchdown, they pointed to heaven'

By Sandy Wells  
STAFF WRITER

Brian Browder would have graduated from Van High School in 2001, probably as a football and basketball star, most likely as an honor student.

Van's football team made the playoffs that year, said his father, Charlie Browder of Uneeda, Boone County. "They dedicated the season to him. With each touchdown, they pointed to heaven to recognize Brian."

Brian died on June 10, 1996, the victim of an ATV accident. He was 12. He was buried in his blue and gold No. 32 football jersey. He wore the same number on the Van Grade School basketball team.

"I had 32 in football," his father said. "That's why he wanted that number." - advertisement -

Browder coached his son for 10 years on the Van Midget League Football Team. "He was one of the best I'd ever coached. He played linebacker and fullback. He was strong and muscular. He worked out with weights. He was never on a losing team. He lived it."

On the night before Brian died, his dad worked the midnight shift in the coal mine. When he got home, he looked in on his sleeping son, just like he always did.

The next afternoon, he heard a call on the police scanner about a four-wheeler accident at Quinland Bridge. Brian was unconscious when he reached him. "I saw the last breath of life go out of him."

Brian's service at the Handley Funeral Home in Danville was one of the largest anyone can remember there, his father said. "He was one of the sweetest kids you'd ever meet, and that's not just my opinion. Anybody who knew him would say the same thing."

The ATV belonged to Brian's girlfriend. "I had considered buying one for Brian. I read all I can about ATV regulations, about adults and kids getting killed on them. You think those things happen to somebody else. Any parent thinking of getting their child a four-wheeler had better think twice.

"I'm hoping they will pass some legislation," he said. "I wish they would outlaw them. I don't want anyone else to go through this. Losing Brian has put us through six years of hell, every day."

He finds some consolation in Brian's faith.

He belonged to the Quinland Freewill Baptist Church and attended regularly. "The main thing is that he was a Christian. When I die, I know I can be with him for eternity."

## ►Photos



**Brian Lester Browder**  
Oct. 16, 1983 — June 10, 1996

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## It happened during just a half-mile's ride

By Sandy Wells  
STAFF WRITER

Thirteen-year-old Tyler Butcher was looking forward to going squirrel hunting the next day with his dad. They were already packed up. "That's one reason I bought the ATV, because we like to hunt," Scott Butcher said.

But the next day, Tyler was dead.

Tyler Scott Butcher had blue eyes and blond hair cut in a flat top. He was a Boy Scout. He liked the outdoors. He wanted to be a carpenter like his dad. "But I didn't push that. It's no kind of life, and him being diabetic, he'd have to stop to eat snacks. He'd been on the insulin pump for two years. So I told him, no, you get an education. But I wish you could see some of the things he made. He was all the time wanting to work on something, put something together."

The accident happened Sept. 27. They'd been working together, father and son, installing doors in a house about a half-mile from his home in Shady Spring, Raleigh County. Tyler had to go home to eat.

Tyler rode the four-wheeler home, followed by his dad in the truck. While Tyler ate lunch, his dad left to run an errand. "We were supposed to meet back where we'd been. My wife assumed I'd had enough time to get back. But there was a homecoming parade, and I got held up in traffic."

So Tyler headed out on the ATV to meet his father. "It was just a half-mile stretch. He'd be going 15 miles an hour. He wouldn't be going in the woods. What could happen?"

Tyler lost control of the ATV on the gravel road. He was thrown from the four-wheeler and killed. He wasn't wearing a helmet.

The Butchers are flat-road bikers, members of the American Motorcycle Association. But bikes are different, he said. "With a cycle, you can get away from it. Four-wheelers probably should be outlawed all together. It's an awkward thing, big and clumsy."

He preaches the importance of wearing helmets, he said, but he doesn't believe they should be mandatory. "This country was founded for a free people," he said. "Another law added is just another freedom gone."

A mandatory helmet law would unfairly punish parents if a child refused to wear one, he said. "The parent should bear the responsibility for a kid disobeying. If a kid is killed on a four-wheeler and the law said he had to have a helmet but he left the house without it, then you're looking at prosecution on top of losing a son."

"I've been strict with my boys. I told them 15 minutes before the accident happened that if I caught them doing anything out of the way on the ATV, I would take it away and sell it. But a lot of things you say to kids, they don't take heed."

Tyler's brother saw the accident. "He said Tyler swerved into a yard and went to turn around and rolled over. There was a scratch on his back and his hand, but no other marks anywhere."

The police report said he died of head injuries. "Maybe a helmet would have saved him," Scott Butcher said. "Everyone has their demons, what if this and what if that. What if we'd never bought the ATV?"

To contact staff writer Sandy Wells, use e-mail or call 348-5173

## Signs pointed to youngster's death

By Sandy Wells  
STAFF WRITER

Two days before she died, a picture fell off the wall. "It was hanging right by my door, the picture with the teddy bear with the big red ribbon around it," Ronda Thompson said. "The picture has 'I love you,' on it. I found it in the middle of the kitchen floor."

She remembered something about pictures falling down, a superstition. "It means a death in the family. Tracy knew she was going to die."

That very morning, she said, two hours before Tracy Johnson got killed, her brother went to the bathroom and started crying. "He said, 'Someone is going to the morgue.'"

After Tracy died, her mother remembered something else. For Mother's Day, the last one before her death, Tracy made her mother a card. "On the back, she wrote the word 'Goodbye.'"

A 13-year-old sixth-grader at Ashton Elementary School in Mason County, Tracy was 5-foot-2, weighed 100 pounds, had cropped dark-blond hair and big blue eyes. She liked to read, especially the Bible. She liked \*NSYNC and the Backstreet Boys.

An adventurous tomboy, she loved playing basketball and climbing trees and anything to do with the outdoors. She could hardly wait to learn to drive.

On Sept. 16, 2000, the last day of her life, Tracy Johnson dressed hastily in the Tweety bird overalls and Tweety shirt she loved. She raced from the house, joyous over the prospect of an ATV ride with two neighborhood boys.

"She didn't say goodbye or anything," Thompson said. "Her face was full of smiles. She was smiling ear to ear. It was like a big old angel had come over top of her. She got on that four-wheeler, in the middle, and that was the last time I saw her."

Later, some boys came running off the hill, hollering for help. A neighbor ran up to see what was going on. The ATV slid over a hill and smashed head-on into a tree. The jolt broke Tracy's neck. She wasn't wearing a helmet.

They buried her with a rose and a teddy bear. She wore a dark purple dress printed with roses.

"She's been gone for two years now," her mother said. "It's really hard on me.

"I can't even stand to look at a four-wheeler," she said. "I wish they'd ban them all."

To contact staff writer Sandy Wells, use e-mail or call 348-5173.

**TALK BACK:** [WRITE TO THE EDITOR] [DISCUSS IN THE FORUM]

### ►Photos



Tracy Lynn Johnson  
June 15, 1987-Sept. 16,  
2000

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January 05, 2003

## 'Jessica was his little angel'

By Sandy Wells  
STAFF WRITER

Everyone remembers the weather that day. Hot. Sunny. A picture-perfect afternoon. How could anything so awful happen on such a magnificent day?

"It was August 14, 1993. The sun was shining and the sky was the bluest color you could ever imagine," Tina Ha recalls. Nearly 10 years after the tragedy, she remembers details with the indelible clarity that accompanies life-altering events. "I was home on break from college. It was four days before my 21st birthday."

She spent her birthday in the intensive care unit at Charleston Area Medical Center. On her milestone 21st birthday, family members buried her little sister.

Her sister, 11-year-old Jessica Marie Ayers, was part of her expanded family, a sibling she gained through her mother's marriage to Charley Ayers Sr. of Pinch. - advertisement -

On that fateful day in 1993, Tina took Jessie for a ride on an ATV. They joined the rest of the family for birthday cake. Then, Jessie begged Tina for another ride.

Tina took her, of course. "She was like that," Tina said. "She would pester you until you did what she wanted. Such a funny little kid. She had a fun spirit that anyone would fall in love with."

They were having a great time on the ATV. Then, disaster struck. Rumbling down the hill on the four-wheeler, gleeful Jessie holding on, Tina heard the gears make an odd, growling noise. "We were flying down this hill. There were no brakes. I tried first gear, but it was jammed in neutral.

"I told Jessie to hang on. Maybe I should have told her to jump, but I didn't. She did what I said and hung on for a life. I was almost to the level ground when my wheel went into the ditch and drug us into a tree. We crashed."

Breaking the eerie silence that followed, she called to Jessie, asking if she was all right. Again and again, she asked. "She never said a thing."

A neighbor saw the injured girls — Tina in the ditch, Jessie lying beside the tree. He raced to the Ayers home. Alternating CPR with his brother, Charley Ayers tried to revive his daughter. "We had her breathing with a faint heartbeat," he said, "but she never regained consciousness. They lost her when she got to the emergency room

One life was lost, another irrevocably damaged. Tina remembers sweating and chilling and feeling faint, knowing somehow that this was how it must feel to die. "If the paramedics had not gotten to me when they had, I would not be here."

Taken by helicopter to CAMC, she suffered life-threatening internal bleeding, a lacerated liver, crushed pelvis and broken hand and arm. She required extensive surgery and extended rehabilitation to learn to walk again. She copes with chronic pain.

"The accident changed her completely," said Tina's mother, Joy Ayers, Charley Ayers' second wife. "She was in college studying to be a teacher. With the stress of the wreck, her sister dying and her fear of being alone at WV with the injuries she had, she didn't go back to school. She was too scared.

"Even her personality changed. She used to be happy-go-lucky. Now, she's very serious. She doesn't do the

spontaneous things she used to do. She won't get on a bike."

Every day, the family passes the tree with the bark torn off, the one the girls crashed into. "A neighbor offered to it down," Joy said, "but we'd still see the stump and that would be twice as bad."

Nobody agonizes over Jessie's death more than Tina. "Her life was taken at the blink of an eye, for something th had no control over," Tina said, "and yet I feel responsible. This is something that I will have to live with the rest of my life."

"Please don't blame my other daughter for the death of her sister," Charley Ayers said. "If you have to blame anyone, blame me, for it is the parents who let their children on the ATVs."

The family fervently supports strict ATV regulations for young people. "They should wear helmets," Ayers said. "They ought to be more strict on it. I don't know if a helmet would have made a difference, but I am so sorry that didn't ask her to wear one."

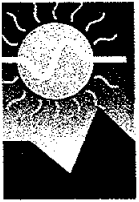
Jessie dreamed of becoming a doctor, he said. "She was very bright. She made good grades. She'd be kind of bashful until she got to know somebody, but then she was windy and asked a lot of questions. She was very curious. She was my baby."

"Jessica was his little angel," Joy Ayers said. "He always called her Jasper."

Joy and Charley Ayers had been married about a year when Jessie died. "We took each other's children as our own," Joy said. "Jessie called me mom, but she missed her mother a great deal." Jessica lost her mother in 1997 after an eight-year battle with cancer. "All she talked about was seeing mommy in heaven."

Tina likes to think that they're together. "Jessie always talked about heaven and that one day she would be with mother. I believe Jessie is there right now, rejoicing and singing with the angels."

*To contact staff writer Sandy Wells, use e-mail or call 348-5173.*



## **Hatfield ~McCoy Trails**

### **Testimony of Matthew G. Ballard, Executive Director of the Hatfield-McCoy Regional Recreational Authority**

The purpose of the Hatfield-McCoy Regional Recreational Authority is to develop, manage, and promote safe recreational trails and facilities for motorized use of all-terrain vehicles (ATV's), motorbikes and for non-motorized use (horses, bicycles, and hikers) in southern West Virginia. The Hatfield-McCoy Regional Recreation Authority was created by the West Virginia Legislature and codified in West Virginia Code §20-14 (1-10).

The Hatfield-McCoy trail system in its entirety is approximately 400 miles long, with four trailheads along four different trail systems, which are located throughout an eight county project area that spans southern West Virginia, including Logan, Mingo, Mercer, Lincoln, Wayne, Wyoming, McDowell, and Boone counties. The number one goal of the Authority is to maintain a professionally managed trail system, with a focused priority on safety for all trail users and to drive economic development in southern West Virginia.

To meet federal standards, trails are developed in conjunction with the Bureau of Land Management. The Hatfield-McCoy Trails are mapped using GIS technology, and field crews perform daily inspections and maintenance on each of our four systems. All trails are well marked and rated according to skill level. Finally, trail maps are updated regularly and kept in constant supply at each trailhead to alert riders of any changes in the trail system.

Today we gather to talk about one type of Hatfield-McCoy trail users, those off-highway vehicles enthusiasts who ride ATV's. We all know, in fact, that improper use of all-terrain vehicles can involve risk. Public safety groups have compiled statistics on how dangerous they can be when they are ridden in an irresponsible manner. Consumer Product Safety Commission statistics estimate that from 1997 to 2001, the number of ATV-related injuries that had to be treated in a medical facility rose from 54,700 to 111,700. These same statistics also tell us that over 500 deaths were associated with the use of ATV's in the year 2000.

Allow me to share with you now, the statistics The Hatfield-McCoy Regional Recreation Authority has compiled after operating the Hatfield-McCoy Trails for almost three years now. The Authority compiles its statistics from the trail user permit database, from incident reports that are filed by our trail rangers, and from the trail survey cards completed by trail users. The following information was collected from the beginning of the trails existence in October of 2002 until now:

- Over 21,000 permits for use of the trail have been sold, helping to bring much needed income to the economy of southern WV.
- An estimated 150,000 user days (one user riding on the trail during the course of a day equals one user day)
- 67% of the visitors to the Hatfield-McCoy Trails rode the trails on an ATV.
- In almost three years of operation the trail has had 55 reported accidents only 15 of which needed medical attention, of which only 7 needed hospital admittance for the seriousness of their status, and most importantly not one fatality in the history of the Hatfield-McCoy trail system.

Along with these statistics, we also compiled information from the Hatfield-McCoy survey cards and data permit database, which showed that 92% of trail users rate that their trip to Hatfield-McCoy country "as well worth the time and effort", and it is the "best place that they have ever ridden", and an astonishing 94% reported that they are "very likely to return to Hatfield-McCoy country" in the future. Proving that riding an ATV safely, can be fun.

How has the Hatfield-McCoy Trails been able to maintain such a successful safety record? The Authority has a variety of factors that keep the trails safe. First and foremost, the Authority has very strict usage rules. All ATV riders must wear a helmet, you cannot double or ride a passenger on an ATV, you must wear over the ankle footwear, and all ATV's must be equipped with a spark arrestor. Other rules include:

- The trail system is open from sunrise to sundown to prevent night riding accidents
- Extensive signage on the system, gates, and barriers keeping riders away from dangerous areas not fit for riding.
- No alcoholic beverages may be consumed or carried while on the Hatfield-McCoy Trails
- Trails are designed with safety in mind, reducing the ability of the rider to "speed" through the trails.
- ATV operators must meet the manufacturers minimum age requirements, as well as the riding requirements of the Hatfield-McCoy Regional Recreational Authority
- Everyone must wear a DOT, SNELL, or other approved helmet, as well as protective eye gear to protect the facial area.

How are these rules enforced you may ask? The Hatfield-McCoy Regional Recreation Authority employs law enforcement rangers that work 365 days a year, to insure the safety of our users. We have four (4) full time rangers that work at each of the trailheads, and 16 part-time rangers, all certified through the West Virginia State Police Academy. The rangers not only enforce the rules and regulations of the Authority, but routinely make DUI arrests on the trail, as well as arrests related to trespassing and drug use. With this elite force of law enforcement officer highly visible on the trail system, with the full enforcement



powers of the West Virginia State police, it is no wonder the strict rules maintained by the Authority to keep people safe have been so effective. Further, all guided tour service personnel that use the trails on a consistent basis are required to be accredited by the ATV Safety Institute and are also First Aid Certified.

The Hatfield-McCoy Regional Recreation Authority is also taking the lead when it pertains to safety and young ATV users. The Authority currently has submitted an application for a grant through the RTP (Recreational Trails Program) to begin a safety program which would implement an ATV safety course in the elementary and middle schools, which lie within the eight-county Hatfield-McCoy project area. The Hatfield-McCoy Regional Recreational Authority believes in our goal to help educate and create an entire generation of safe ATV riders. While we all know that it is sometimes hard to teach an old dog new tricks; our safety program will give the information-hungry youth of today exciting and fun ATV education, which could save their life. Our program will leave specific safety impressions on children and young adults who are using or will in the future use, an ATV.

As ATV ownership grows, so does the need for properly managed areas where ATV's may be operated legally and safely. Yet even as demand for such areas are rising, their availability is falling. This situation not only creates safety risks for ATV riders, it also creates liability and maintenance risks for owners of non-managed lands. That is where the Authority has filled the need, providing a safe, legal and managed recreation facility for all our users, including ATV users. The Hatfield-McCoy Trails are not only safe, proven by our track record, but are some of the most challenging and enjoyable in the eastern United States. Every user of our trails is a paying guest, and we welcome them with West Virginia's legendary hospitality. Our trails are marked and mapped. Our guests know just what is in store for them and what skill level it demands. Rangers stationed at each trailhead enforce all applicable safety laws and policies. Our staff works hard each day to maintain the quality and integrity of the land. Their efforts ensure that our trails aren't just safe; they are beautiful as only the hills of West Virginia can be. Not only do we make southern West Virginia a safe place to visit, but the stimulus our guests bring to the local economy makes southern West Virginia a better place to live.

For an ATV user, the most thrilling memories are ones in which you are safe. The Hatfield-McCoy Regional Recreation Authority and its trails spare no effort to be the guardian of safety, but ultimately the best guardian of safety, is the ATV user. While the Authority, federal, state, and local governments can provide users with safe riding areas, and rules and regulations for riding, they can't take the ride for the ATV user. With a little common sense, everyone can use ATV for recreation and for work. The Hatfield-McCoy trails are the model of what recreational institutions know as the standard, not only for recreational activities, but for safety within those activities.

TESTIMONY – Russ Ehnes, NOHVCC – for CPSC ATV Hearing

Mr. Chairman, members of the committee, thank you for the opportunity to comment today at this hearing today. My name is Russ Ehnes and I'm the Executive Director of the National Off-Highway Vehicle Conservation Council, a non-profit organization advocating responsible off-highway vehicle access.

Our organization is comprised primarily of volunteer representatives from forty-three states who work with the hundreds of off-highway vehicle clubs and state associations across the nation. These OHV organizations are made up of folks just like me. We're passionate about the positive effects that our form of recreation has had on our quality of life and our families.

My family has enjoyed motorized recreation in the form of trail motorcycles and ATVs for the past forty years. We enjoy the access that ATVs can provide to backcountry and remote areas where we enjoy the wildlife, scenery, and history we encounter along the way. Our lives have been enriched immeasurably by the time we've spent together, the environment we ride in, and the fun of riding off-highway vehicles. I can testify to the fact that the family that plays together stays together.

My family and I, like thousands of other families, have also been involved in our local and state ATV clubs, which promote safety training for all riders, safe riding practices, responsibility and environmental ethics. I believe clubs could be an important tool that the OHV community and industry

could use to increase awareness of safety training programs and safe riding techniques in the future.

I'd also like to point out how ATVs have been particularly beneficial in allowing some recreationists to enjoy the outdoors after they can no longer walk because of age or disabilities. My good friend Dan Kleen was injured in a diving accident while swimming thirteen years ago. Thanks to his ATV, Dan has been able to continue his outdoor pursuits in spite of the fact that he's bound to a wheelchair.

In addition to the recreational benefits of ATVs, there are a multitude of ways that ATVs can be used for utility purposes. ATVs allow utility companies to access their facilities quickly while using less energy than full-sized vehicles. The ATV has also become an indispensable tool for search and rescue efforts across the nation, providing mobility and quick access as well as quick extraction of injured people from remote accident scenes.

The ATV has become an integral part of American agriculture, making today's farms more efficient and economical. The ATV has the ability to safely and quickly transport a worker to a remote location on a farm where taking a full-sized vehicle may be impossible or walking or riding a horse may be impractical.

The ATV has also become a great tool in the fight against invasive plant species across the nation. ATVs can carry a chemical tank, pump and sprayer to remote, difficult to reach locations and are used by municipalities, utility companies, highway departments, and agriculture for this purpose.

The economic benefits of OHV recreation are also very significant. A recent Economic Impact Study done in Pennsylvania found that the economic impact of ATV use in that state is approximately a billion dollars per year. The Paiute ATV trail in central Utah is a very popular destination for ATV riders and offers about 1250 miles of trails designed for ATV recreation. The trail adds an estimated fifteen million dollars to the local economies of seventeen small towns. These towns were struggling to survive prior to the development of the Paiute ATV trail system.

The Paiute is a well-managed facility designed for ATV recreation. I'd like to talk about the role that additional well planned, designed, and managed OHV opportunities can have in the future in regards to not only safety but the protection of the environment.

Our organization works closely with the Bureau of Land Management, the United States Forest Service, a variety of state agencies, and OHV organizations across the nation to teach land managers the latest and best management techniques for managing OHV recreation.

Well-managed recreational facilities include trail systems designed to minimize erosion and other environmental effects as well as offering a fun riding experience that actually takes advantage of terrain to keep speeds low and the fun and safety factors high. Managed facilities are also great places to conduct ATV safety classes and for riders to be exposed to others who practice responsible, safe riding techniques.

We are making progress, with more managed areas available than ever before. I believe that emphasis in the future should be placed on providing more well-managed safe opportunities along with safety training rather than restrictions on ATVs. The overall benefit of responsible ATV recreation, the utility applications of ATVs, and the economic benefits of ATV recreation are far too important to overlook. Thank you.

**Stevenson, Todd A.**

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**From:** Russ Ehnes [russehnes@attbi.com]  
**Sent:** Thursday, May 29, 2003 2:47 PM  
**To:** Stevenson, Todd A.  
**Subject:** ATV Hearing Testimony and request for oral presentation

Dear Rockelle,

I have attached my testimony and cover letter as Word documents. If you are unable to read these documents or would like to have them faxed, please call me at 406-454-9190 or on my cell phone at 406-899-0898.

I will be bringing 20 printed copies of my testimony to the hearing in Morgantown.

Thank you,  
Russ Ehnes  
NOHVCC

5/30/03

Statement of Scott Kovarovics  
Director, Natural Trails and Waters Coalition

Before the U.S. Consumer Product Safety Commission  
Field Hearing on Safety of All-Terrain Vehicles (ATVs)

Morgantown, West Virginia  
June 5, 2003

Chairman Stratton and Commissioners Gall and Moore, I appreciate the opportunity to testify today about the growing safety problem caused by all-terrain vehicles (ATVs). My name is Scott Kovarovics. I am here on behalf of the Natural Trails and Waters Coalition, which includes more than 100 grassroots and national conservation, recreation and other organizations working to protect public lands and waters from the damage caused by ATVs and other off-road vehicles. Coalition member Bluewater Network joined the Consumer Federation of America and other groups in submitting the petition, which is partially the subject of the hearing today. This hearing is a positive step, and we appreciate the Commission's interest in gathering additional information about a persistent and increasingly serious threat to children under 16, and every person that rides an ATV.

Much of my testimony today will focus on our analysis of the effectiveness, or ineffectiveness, of the ATV industry's approach to safety, which is voluntary and outlined in the "ATV Action Plans" signed by major ATV manufacturers. As the Commission is well aware, this voluntary approach has several key elements, including:

- Manufacturers recommend against the sale of adult-size ATVs (defined by the Commission and industry as ATVs with engine sizes greater than 90 cc) for use by children under 16;
- Heavy reliance on use of warning labels and owner's manual to communicate key safety messages, including warnings against carrying passengers and riding on paved surfaces; and
- Offers of safety training to qualified purchasers of new ATVs.

Although many of my comments will focus on the dangers that adult-size ATVs pose to children under age 16, I want to state clearly for the record that these comments should not be construed to suggest that smaller ATVs, sold specifically for children, are safe for young children or teenagers. In fact, the American Academy of Pediatrics and American Academy of Orthopaedic Surgeons have issued written policies that conclude ATVs of any size are unsafe for children under 16.

### **ATV Industry is Concealing Critical Information from the Public:**

I must note at the outset the true scope of this public health threat is being hidden by the ATV industry. The growing number of serious injuries and deaths caused by ATVs is alarming in and of itself and proof that the industry's voluntary approach to safety is failing to protect consumers. But this is only half of the picture. There is huge population of drivers, which the Commission conservatively estimated totaled more than 16 million in 2001, that is at risk. And a vital question for this hearing and the Commission in the future is: is the industry's voluntary approach to safety actually reducing the risk that these riders will end up in the emergency room or the morgue because of an ATV crash?

Unfortunately, the Commission appears to have been forced to rely on the industry to collect information necessary to evaluate this risk. And the industry has slapped a gag order on release of that information. The industry doesn't want the public



to know how many ATV riders don't know if their ATV has warning labels or the reasons that the overwhelming majority do not receive safety training from a dealer or organized program. The industry's hiding behind a façade of "competitive disadvantage" it claims will arise if the risk data is released.

The ATV companies will only face a "competitive disadvantage" if the general public becomes much more aware of how dangerous and unsafe its products are. Right now, the public, doctors, consumer advocates and others face a disadvantage in terms of having information with which to draw conclusions about the effectiveness of the industry approach. The Commission can help to even the scales a bit by analyzing this data and releasing aggregate findings concerning key components of the industry's voluntary approach to safety. Releasing the percentage of riders who do not remember the messages on warning labels or listing common reasons drivers do not receive training will not give Honda a competitive advantage over Polaris. However, these general findings will help to evaluate whether or not the industry's current approach to safety is playing a positive role in addressing the problem. Based on the information that is currently available to the public, we believe it is not.

#### **ATV Industry's Voluntary Approach to Safety is Ineffective:**

Although critical information is being concealed by the industry, it is still quite easy to draw conclusions about the effectiveness of the industry's voluntary approach to safety. Based on the Commission's annual injury reports and its other research and studies by doctors across the country, it is clear that the industry's approach is ineffective at best. This conclusion is self-evident after answering a series of simple questions.

**Have ATV-related Injuries and Deaths Declined Since 1997?** -- The most recent study from the Commission – *All-Terrain Vehicle 2001 Injury and Exposure Studies* (hereafter the "studies"), released in February – provides an unequivocal answer -- no. According to the study, the estimated number of injuries requiring emergency room treatment increased by 104 percent between 1997 and 2001 to 111,700. Injuries increased substantially across every driver age group ranging from 23 percent for children age 6 to 12, to 233 percent for children younger than 6, to 502 percent for adults 65 and older. In three-quarters of the age groups (6 out of 8) for which detailed data were provided, the increase in total injuries was greater (generally by a factor of 2 to 4) than increases in the number of drivers or hours driven. In its 2001 Annual Report on ATV-related deaths and injuries, the Commission estimated that ATV-related deaths increased 88 percent from 291 in 1997 to at least 547 in 2000 (the most recent year for which estimates are publicly available).

The finding about increasing injuries based on a fixed number of ATVs or drivers is particularly significant because it debunks the industry's claim that the overall increase can be attributed to rising ATV sales and usage. In responding to a comprehensive report on ATV safety issued last year by consumer advocates, conservation groups and doctors, the ATV industry and its surrogates have attempted to dismiss its findings by alleging that the dramatic increase in ATV-related injuries (and deaths) is attributable to the

growth in ATV sales and usage. Some members of the ATV community have also argued that injuries per ATV rider have actually declined because so many more are in use today than in the early 1990s. The studies disprove both theories and reinforce conclusions the Commission has consistently reached in this area when issuing its annual reports on ATV-related deaths and injuries.

By every measure, injuries went up significantly between 1997 and 2001 when evaluated based on 1,000 ATVs, 1,000 drivers/riders and 1 million riding/driving hours. As the Commission is well aware, such measurements control for the growth in number of ATVs as well as increased usage (riding hours). For all drivers, injuries per 1,000 increased by nearly 51 percent while injuries per 1,000 ATVs jumped by more than 46 percent. For drivers under age 16, injuries per 1,000 increased almost 40 percent.

These findings also disprove the theory that injuries per driver declined. If that was the case, injuries per 1,000 drivers would go down rather than up between 1997 and 2001. For all drivers, injuries per 1,000 increased nearly 51 percent from 4.5 to 6.8. For three-quarters (6 of 8) of all age groups for which more detailed information is provided (See Table A2 of studies), injuries per 1,000 drivers increased in a range from 33 percent for drivers under age 6 to nearly 79 percent for drivers ages 12 to 15 to 185 percent for drivers 65 and older. The same holds true based on injuries per 1 million driving hours. The studies clearly conclude that under the industry's voluntary approach, injuries per driver have actually increased.

**Are Children Under 16 Being Injured Less Frequently by Adult-size ATVs? –** The answer is no. When evaluating households that owned an ATV in 2001, CPSC concludes that more than 88 percent of injuries suffered by children under 16 – or more than 27,000 injuries – were caused by ATVs with engines larger than 90 cc. This figure is virtually unchanged since 1997 when CPSC found that more than 87 percent of children in this age group were injured by ATVs with engines larger than 90 cc. Children under 16 were injured on average by an ATV with a 240 cc engine – machines nearly three times bigger than the industry's voluntary 90 cc limit. It is important to note that the figures released by the Commission actually underreport the number of children injured by ATVs that are inappropriate for their age. By lumping all children into one age group (under 16) and all ATVs with engines 90 cc or less, the Commission obscures the fact that many children under 12, for example, are injured by ATVs with engines larger than 70 cc, which the industry claims it does not sell for their use. In 1997, the Commission concluded that 95 percent of all injured children rode an ATV too large for their age.

Children under 16 continue to suffer much greater numbers of injuries than older drivers on large machines. When evaluated based on injuries per 1,000 drivers, the studies conclude that compared to drivers 16 and older, children under 16 suffer approximately four times as many injuries on ATVs with engine sizes between 91 and 199 cc and twice as many on ATVs with engines 200 cc and larger.

The studies also demonstrate that the disproportionate impact of ATV injuries on children under 16 became more severe between 1997 and 2001 because their share of the

riding and driving populations declined while the number of injuries went up. In 2001, children under 16 accounted for 31 percent of all riders down from 36 percent in 1997 while they made up 17 percent of all drivers down from about 21 percent in 1997. During this same period, the number of injuries suffered by riders under 16 increased by nearly 57 percent while injuries to drivers jumped by an equal amount. For example, the number of drivers between the ages of 12 and 15 declined while they suffered nearly 76 percent more injuries during the study period. In addition, the number of injuries per 1,000 drivers under age 16 increased nearly 40 percent from 7.3 to 10.2. These findings demonstrate the disproportionate impact on children and the fact that they face a greater risk of injury today than when the industry assumed its voluntary approach to safety in 1998.

**Are More Riders Receiving Formal Safety Training?** – Simply put, no. Based on data from 2001, the Commission found that approximately 4 percent of injured ATV riders received formal safety training from a dealer, salesperson or organized safety program. This marks no change since 1997 when a similar proportion of injured riders received such training. Furthermore, in 2001, children under 16 were no more likely than older riders to receive formal safety training. In its 1998 report, the Commission highlighted the importance of safety training in terms reducing risk of injury generally and for new riders in particular. While the industry touts safety programs as a cornerstone of its voluntary approach to safety, the vast majority of riders do not receive this training – a finding largely unchanged since 1997.

**Are Warning Labels Well-Known?** – The Commission's February studies do not include information about this question. The Coalition and Consumer Federation of America requested the raw survey data in order to answer this and other critical questions and to make comparisons to previous findings by the Commission on similar issues. The findings in this area also demonstrate that the industry's approach to safety is ineffective. Based on in-depth surveys with a representative national sample of injured ATV riders, 42 percent reported that their ATV did not have warning labels or stated that they did not know if it did. Furthermore, even when riders report that their machines have labels, relatively few remember the messages printed on those labels. For example, 27 percent of injured riders were aware of labels concerning driving on paved roads and only 14 percent remembered warnings about stunt riding. Knowledge wasn't any better concerning age limits -- only 12 percent recognized warnings about use of certain size ATVs by children under 12 years old while fewer than 40 percent knew about warnings concerning the use of adult-size ATVs by children under 16. In fact, knowledge of warnings concerning age limits actually declined between 1997 and 2001.

### **Are Four-Wheel ATVs Inherently Unsafe?:**

The evidence presented above demonstrates that the ATV industry's voluntary approach to safety is ineffective. While this finding in and of itself warrants a proactive and aggressive response from the Commission, other findings indicate that four-wheel ATVs are not inherently more stable than their three-wheel predecessors. Once again, the Coalition and Consumer Federation analyzed raw data collected by the Commission

in 2001 from a national sample of injured ATV riders. The Commission collected information about the type of terrain on which accidents occurred, direction the ATV was traveling, and whether or not the ATV tipped over or overturned during the accident sequence.

Our analysis produced several key findings. It is important to note that these aggregate findings apply almost exclusively to accidents involving four-wheel ATVs. First, 57 percent of injured ATV riders reported that their accident occurred on level ground. Second, more than 83 percent of riders reported that they were not engaged in any “maneuver, such as jumping, wheelies or racing” at the time of the accident. Third, approximately 58 percent of riders stated that their ATV tipped (the survey explains that an ATV “tips” when one or more wheels leave the ground) at some point during the accident. Of the machines that tipped, 69 percent overturned (which occurs when the ATV comes to rest with two or more wheels completely off the ground in the case of a four-wheel ATV). Evaluating four-wheel ATVs only produces nearly identical findings – 56 percent tipped at some point during a crash and 74 percent of these machines overturned.

The proportion of ATVs that tipped over during accidents has actually increased since 1997 when 49 percent of all ATVs, 59 percent of three-wheelers and 45 percent of four-wheelers tipped during accidents. The term “all-terrain vehicle” suggests that these machines are capable of operating safely across many types of terrain. The manufacturers advertise them as safe for the roughest ground, but they are highly unstable on level ground under normal operating conditions. If ATVs are so unstable under these conditions, what are the potential risks associated with operation over tough terrain? Simply put, the term “all-terrain vehicle” may be a deadly misnomer.

We also analyzed the data in order to determine whether four-wheel ATVs are significantly more stable, i.e. less likely to tip over or overturn, than three-wheel ATVs, which the Commission forced the industry to phase out in 1988 largely due to concerns about their inherent instability. In its 1998 report on ATV injuries, deaths and risk, the Commission concluded that there was not a statistically significant difference between three- and four-wheel ATVs in terms of tipping over. Four years later, our analysis demonstrates once again that there is not a statistically significant difference between the number of four- and three-wheel ATVs that tip during accidents nor is there a significant difference between the machines in terms of tipping to the right/left or back/front. On the other hand, four-wheel ATVs are much more likely than three-wheelers, by a statistically significant margin, to overturn during an accident. These findings, which largely mirror previous Commission findings, raise serious questions about the instability of four-wheel ATVs.

Furthermore, findings reported in the Commission’s February studies raise additional red flags about potentially inherent safety problems. For example, the Commission found that drivers with 10 or more years of experience suffered the highest percentage increase in injuries (144 percent) of any group – an increase that far outstripped growth in the number of drivers in this category or driving hours. Injuries per

1,000 drivers with this level of experience increased by 74 percent. If one assumes that this population of ATV riders is most knowledgeable about how to safely operate these machines, then these findings should cause the Commission to investigate characteristics of these vehicles that may make them unsafe for any rider, regardless of age, physical size or experience.

This finding also directly relates to risk factors identified by the Commission in 1998. In that report, the Commission found that the risk of injury to ATV riders dropped dramatically as experience grew and remained very low for riders with 10, 12 or 14 years of experience. The evidence from the 2001 studies should prompt the Commission to reevaluate this conclusion and to identify the cause of such a dramatic increase in injuries among the most experienced group of riders.

Based on the combination of findings above, the Commission must redouble efforts to evaluate ATV design and engineering issues as significant causes of this growing safety crisis.

**And What About the Burgeoning At-Risk Population?** – I am compelled to return to the issue with which I began concerning the industry's grip on critical information. The evidence based on injury and fatality data alone proves that the industry's voluntary approach to ATV safety is failing to protect ATV riders regardless of age, experience or number of wheels on their machine. For many of the questions and conclusions about the injured population, there is a parallel among the much larger population of all ATV riders. How many know if their ATV has warning labels and the messages printed on them? How many are receiving formal safety training from an ATV dealer or organized safety program? Why don't they receive such training and are children younger than 16 any more likely than other riders to receive formal training? Do virtually all children under 16 ride adult-size ATVs in spite of the industry's policy not to sell these machines for their use? How does the ATV industry's unrelenting pursuit of the biggest, most powerful ATV exacerbate the risks that an ever-growing number of ATV riders will end up in the emergency room or the morgue?

The industry has the information with which to answer these and other critical questions. It appears that CPSC was forced to make a Faustian bargain in order to obtain invaluable data about the ATV riding population. It defies explanation that the government's "consumer watchdog" must make such deals with an industry that it has the authority to regulate. Nevertheless, CPSC can help the public to more effectively evaluate cause and comment on this problem by analyzing this data and releasing aggregate findings concerning key components of the industry's voluntary approach to safety. Releasing the percentage of riders who do not remember the messages on warning labels or listing common reasons drivers do not receive training will not give Honda a competitive advantage over Polaris. However, these general findings will help others to evaluate whether or not the industry's current approach to safety is playing a positive role in addressing the problem. Based on the information that is currently available to the public, we believe it is not.

Holding this hearing represents a positive step. Breaking the industry's grip on critical information about the millions of ATV riders at risk of serious injury or death is even more important in terms of developing a long-term solution to the growing ATV safety epidemic.

### **Conflict of Interest Inherent with Voluntary Approach:**

The continuous increase in ATV-related injuries and fatalities and a wide body of medical research demonstrate that the voluntary "ATV Action Plans" are ineffective and must be replaced.

These agreements are fundamentally flawed because their core tenet – that manufacturers do not recommend the sale of adult-size ATVs for use by children under 16 – is undermined by an inherent conflict of interest. The goal of the ATV industry is to maximize profits, which requires maximizing sales. Providing potential purchasers with the cold, hard facts about the growing number of injuries and deaths as well as actively exploring whether or not an adult-size ATV will be used by a child under age 16 could reduce sales.

An investigation by Good Morning America (GMA) last fall reaffirms the serious flaws with this approach. As reported on November 8, 2002, GMA visited or called 10 randomly selected ATV dealers nationwide and asked salespeople to recommend an ATV for a 14-year-old child. Nine of the ten dealerships recommended an adult-size ATV with full knowledge that it was being purchased in violation of the industry's recommendation. Many dealers recommended the adult-size machines without caveats while one explained the age restrictions, then proceeded to tell the reporter how to evade them. I have attached the full text of the program to my testimony. While the industry might assert that these are "isolated incidents," neither it nor CPSC visit a broad enough cross section of the thousands of ATV dealers nationwide to conclude that this level of noncompliance is uncommon.

When confronted with this evidence by GMA, a representative of the ATV industry explained that this provision is "only one" of the ways it attempts to disseminate safety information. Based on these comments, the industry appears to view this provision as no more important than any other in the voluntary agreements. In fact, the age restrictions represent the core of the agreements and should be the bulwark against widespread sale of adult-size ATVs for use by children under 16. After a dealer violates this policy, labels on machines, warnings in owner's manuals and tiny print in advertisements have limited effectiveness in terms of protecting children.

In addition to this evidence, changes in the ATV market since 1998 demand a new approach that applies uniformly across the industry. The Action Plans only cover the specific companies (Honda, Polaris, Suzuki, Yamaha, Kawasaki, and Arctic Cat) that executed them with CPSC. They do not apply to other parties that manufacture, sell or import ATVs in the United States. Since the plans were adopted, there has been a dramatic increase in the number of entities selling ATVs in this country. Most of these

firms or individuals import ATVs from Taiwan, Hong Kong, Korea, Italy and other countries around the world and sell them under a range of names, including Monsoon, Predator, Monster Joe, and Xtreme Machine. These companies are not covered by the Action Plans. Therefore, they are free to sell vehicles of any size to any individual, they do not have to offer training, and they are completely exempt from even the minimal oversight that the major ATV makers exercise over their dealer networks.

The growth in this emerging market further demonstrates the fundamental flaw with a voluntary, company-specific approach. It would make no sense for the federal government to sign agreements with Chevrolet and Honda to equip their cars with seat belts while not doing the same with Chrysler and Volkswagen. However, this is just the type of "system" that exists today as more than 800,000 new ATVs enter the market each year.

### **Commission Can No Longer Delay Action:**

The Commission's annual reports and comprehensive studies, on-going medical research, and other evidence demonstrate that the ATV industry's voluntary approach to safety is ineffective and must be replaced with a proactive and aggressive safety initiative implemented by the Commission. The ATV industry has been given ample opportunity to improve safety through voluntary means, and it has failed.

The Commission can no longer deny the problem nor delay initiation of the formal rulemaking process as requested in the petition by the Consumer Federation, Bluewater Network and others. We urge you to issue a regulation that prohibits the sale of adult-size ATVs (vehicles with engines larger than 90 cc) for use by children under age 16. Such action will give the Commission a powerful, and independent, enforcement tool and provide the industry with an incentive to improve compliance with age restrictions. A rule would also send a clear message to prospective ATV buyers that adult-size ATVs pose a serious threat to the health and safety of children under age 16.

I appreciate the opportunity to discuss this critical issue with you today. The Natural Trails and Waters Coalition stands ready to work with the Commission to develop and implement a proactive response to this persistent and growing public health problem.



## Testimony of the BlueRibbon Coalition Before the Consumer Product Safety Commission Hearing on All-Terrain Vehicle Safety

June 5, 2003, Morgantown West Virginia

Thank you for providing this opportunity to provide testimony on the very important topic of All Terrain Vehicle safety. My name is Bill Dart, and I am the Public Lands Director for the Blue Ribbon Coalition. The BlueRibbon Coalition is a national recreation coalition based in Pocatello, Idaho. The BlueRibbon Coalition has over 700 member organizations representing over 700,000 individuals and families all across the country. The majority of our members enjoy off-highway motorized recreation utilizing a variety of vehicles, including sport utility vehicles, motorcycles, snowmobiles, and all terrain vehicles, although we also have sizeable numbers of members who are equestrians and mountain bikers. Many of our members enjoy recreating on all-terrain vehicles, either as the primary recreation, or to facilitate other recreation such as hunting, fishing, nature photography, sightseeing, and just getting out to enjoy nature and escape their normal workaday environment. ATV's are also very important to our older members, as well as those with physical limitations, as they provide a means to get out and enjoy the outdoors and access areas and locations they would otherwise not be able to. ATV's represent the fastest growing recreation vehicle segment, and making sure that these vehicles are operated safely and responsibly is a very high priority of the BlueRibbon Coalition.

Besides being very concerned about safety, we focus a tremendous amount of our efforts on educating members about responsible land use ethics and trail courtesy. We publish a monthly magazine that includes our Code of Ethics, as well as our Mission, Vision, and Values, along with articles about responsible recreation and land use ethics. Our website, [www.sharetrails.org](http://www.sharetrails.org), also prominently features our Code of Ethics and Mission, Vision, and Values.

Of utmost importance is making sure that every ATV operator receives proper training. The ATV industry has long offered free training to new vehicle purchasers, and this has been very effective, and should be recognized and applauded. But many other folks end up operating the vehicles besides the original purchaser, and many of them have not gotten training. The basics of ATV operation can be quickly learned by almost anyone, and the ease of



operation can generate a false sense of security and safety. Operator confidence levels rise very quickly, outpacing their skill and experience level initially. In contrast, off-highway motorcycle operation takes longer to master, and the confidence level rises much more slowly, and usually does not exceed the experience and skill level. All operators need to learn that ATV operation can be dangerous, or even fatal, if basic safety principles are not followed and proper safety equipment and apparel are not utilized. Safety training needs to be easily available for ALL ATV operators, including secondary buyers, and occasional operators.

The issue of operators between the ages of 12 and 16 is an area of particular concern. Dealers do not sell full size ATV's for use by this age group, but the reality is that many of them are physically large enough that they do not fit the small ATV's designed for children. The reality is that many are physically capable of safely operating full size ATV's, and do. It must be recognized that people in this age group frequently operate motor vehicles safely. Drivers licensing is available in many states for 14 year olds. People under 16 often operate farm equipment. Many people in this age group are expert motorcycle riders. Full size ATV's are operated by people in this age group, and training must be available for them. Current CPSC guidelines do not allow anyone under the age of 16 to be trained on a full size ATV, and this is partly responsible for some of the injuries and deaths that have occurred. The state of Utah has ignored the guideline, and has trained over 20,000 operators under the age of 16, and not a single fatality has occurred to one of their trainee's. Training and operation needs to take into consideration the physical size and ability of the student, not strictly age.

Another issue that needs to be addressed in training is riding double. While this practice is illegal in some states, and is never encouraged for machines designed for operator only use, the reality is that riding double is common. Training should have a strong message that riding double on machines designed for an operator only should not occur. Operators need to understand that the balance and handling characteristics are much different with 2 people, and if circumstances result in riding double, the ATV needs to be operated accordingly, with lower speeds, and more consideration for slope and handling.

ATV training for owners who have families that may be involved in operating the machine should have the whole family trained, preferably all at the same time. Parents need to understand that children MUST be trained and supervised when they are involved with ATV's. Children need to understand that improper operation can lead to injuries or even death. Parental responsibility and supervision must be strongly emphasized.

Proper safety equipment and apparel are issues that are too often ignored, especially by adults. Not enough people wear helmets, which should be worn at all times. Long pants and shirtsleeves, sturdy footwear, gloves, and eye

protection should be worn at all times. Proper apparel and safety equipment will minimize injuries should an accident occur, and eliminate injuries such as getting something in an eye from an overhanging tree branch or rocks or gravel thrown by other vehicles.

Lastly, we question the motivation of some of the organizations involved here today. Some have an open agenda of trying to severely restrict or eliminate motorized recreation of all kinds. We feel that ATV safety issues are sometimes a surrogate for their primarily philosophical opposition to motorized recreation. We feel that if safety was their real interest, they would be working to make sure that proper safety training is more readily available, rather than filing lawsuits to try to close public lands to snowmobiles and personal watercraft, as well as other types of actions to restrict or eliminate use of motorized recreation vehicles by anyone under the age of 16. The focus needs to be on making sure that everyone is properly trained and is using appropriate safety equipment and apparel, not attempting to ban products or activities. Unfortunately, there are many times more accidents and fatalities from a wide range of recreation activities than there are from ATV's. Bicycling and water sports, as examples, lead to substantially higher numbers of incidents with children than do ATV's. Proper training and supervision, as well as using proper safety equipment are the keys to minimizing incidents in these activities; just they are regarding the use of ATV's. Product or use bans are not the answer.

Thank you again for this opportunity to testify on this important topic. The BlueRibbon Coalition stands ready to assist in any way we can to advance the cause of improving ATV safety.

Bill Dart, Public Lands Director

## **ATV Safety and Positive Youth Development**

**Susan Halbert, Senior Vice President, National 4-H Council  
Testimony Before the U.S. Consumer Product Safety Commission  
Morgantown, West Virginia  
June 5, 2003**

Mr. Chairman and members of the Commission, thank you for this opportunity to testify about ATV safety. I share your deep concern about this issue and have been actively engaged in addressing it as a youth development professional for over twenty years. I am here today because of a strong belief that a major part of the solution is to engage young people as participants in training and as full partners in designing strategies to influence adults with safety messages regarding use of ATVs by youth and passing state and local legislation on this issue.

4-H's education and public awareness programs have been completely consistent with the safety goals and supported by the research and messages of the CPSC since inception in the mid 1980s. We remain concerned, however, that the many youth under 16 years of age who have access to and already ride ATVs will not – have not – stopped just because someone says they should. It is these young people that we will continue to reach through local training teams of youth and adult volunteers doing community-based programs. With nearly 700,000 volunteers and 6.8 million youth involved in 4-H, our reach is extensive, especially in the small towns and rural communities where ATV use on private property is prevalent. Our evaluation research of nearly 15 years now consistently documents reduction in risk behaviors by those we reach.

The 4-H youth development program is based in the local government of nearly all of the 3,067 counties and every Land Grant university. Through this vast network that has focused on positive youth development at the grassroots for 100 years, we will continue to promote the ATV training that has proven effective in reducing injuries and fatalities of those youth we reach. However, our evaluation research suggests two additional dimensions that we are beginning to address this issue.

First of all, active participation by parents and other adults responsible for making ATVs accessible to young people will be the target of a community education campaign designed by youth and adults as partners. To support this key element of our future efforts, National 4-H Council has commissioned Montana State University, in partnership with San Diego State University, to conduct a study to guide this education and social marketing effort. The goal of this research review is to learn how to reduce childhood deaths and injuries from ATV use by learning from successful strategies, if any, from other risk-inherent activities in which children engage under the supervision of their parents. Our work has focused on such activities as: snowmobiles, skateboarding, horseback

riding, skiing, boating, car seat and seat belt use, roller blading, and jet skis. We will receive the full report and begin planning in July. We are in a time of a peak U.S. population between the ages of 10-19 which dictates that we give our full attention to the role of adults as well as the behaviors of youth. In this time of major fascination with "extreme sports", parents need to be equipped with new and innovative strategies for reinforcing safe behaviors of their children in all aspects of their lives.

Secondly, we are providing training nationwide that supports and energizes youth and adults to work as full partners in addressing issues of local governance. Those groups are prepared to train others in building partnerships as well as in how to actively engage in and influence the development and passage of regulations or legislation on key state and local issues. They will also be creating advisory councils develop, implement and evaluate strategies that promote the safety of youth who ride. Young people have been full partners in decision-making about the design and implementation of our programs from the start. We believe that the full partnership with young people is the core ingredient of our effectiveness. It's really no surprise that this emphasis has played a critical role in our program's success – most youth are more receptive to messages about safety when their peers deliver them.

We need these types of programs now more than ever. Between 1985 and 2001, children under the age of 16 represented the largest category of people injured while using ATVs, according to the Commission's own research. And there is likely to be an increase in the number of young ATV riders in the near future. I'm proud to say that the 4-H Community ATV Safety Program has been committed to this goal for more than 20 years. With the Commission's support, we've reached more than fifteen million youth and adults through courses, workshops, exhibits, classroom activities, media, and regular 4-H club meetings.

I believe the youth development field is uniquely suited to deliver ATV safety training to young people. A 2001 national survey revealed that 85% of 4-H'ers agree or strongly agree that our movement helps them improve their decision-making capabilities. Our programs in 4-H also addresses the critical elements of positive youth development which include: skill mastery, service, relationships with caring adults, opportunities to be engaged learners, and to have a positive connection with the future.

To conclude, while regulations can certainly improve safety, they simply do not provide enough protection for our young people. Therefore, I urge the Commission to support ATV training programs based on sound youth development practices, a focus on adults who provide access to ATVs by young people, and local and state legislation designed to promote safe behaviors of all who ride ATVs. In all cases, I strongly encourage - and stand ready to support –

the involvement of youth as full partners in the design and decision-making regarding the work to be done.

Mr. Chairman, members of the Commission, thank you again. I'll be more than happy to answer any questions, either today or at a later date.