



**TESTIMONY OF MARY AITKEN
ON BEHALF OF THE AMERICAN ACADEMY OF PEDIATRICS**

**THE CONSUMER PRODUCT SAFETY COMMISSION
PUBLIC MEETING
CONCERNING
PETITION REQUESTING BAN
ON SALE OF ALL-TERRAIN VEHICLES SOLD FOR USE
OF CHILDREN UNDER 16 YEARS OLD**

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I appreciate this opportunity to present testimony on behalf of the American Academy of Pediatrics (AAP) before the Consumer Product Safety Commission regarding the petition to ban the sale of adult-sized All-Terrain Vehicles (ATVs) for use by children. The American Academy of Pediatrics is a non-profit professional organization of 60,000 primary care pediatricians, pediatric medical subspecialists, and pediatric surgical specialists dedicated to the health, safety, and well-being of infants, children, adolescents, and young adults and has a long history of activism in protecting children from the significant hazards posed by ATVs.

A clear consensus exists that adult-sized ATVs are inappropriate for children. Children do not possess the physical strength, coordination, or judgment necessary to pilot an adult-sized ATV safely.¹ This fact is borne out by frightening statistics, which are well known to both AAP and the CPSC:

- In 2003, 111 children perished due to injuries sustained when riding an ATV.² An estimated 38,600 children were treated in emergency departments for ATV-related injuries. These injuries have increased every year since 1995 and now equal the near-record injury rates of 1987, when unstable three-wheeled ATVs were still in major production.³
- Children who use an adult-sized ATV are twice as likely to be injured as those driving a youth model. In 2001, 89% of child injuries related to ATV use involved children who were driving adult-size ATVs.⁴
- Between 1982 and 2003, over 1,800 children were killed in ATV accidents. Of the fatalities where engine size and driver age are known, 86% occurred when a child under the age of 16 was driving an adult-sized ATV.

¹ Consumer Product Safety Commission, Briefing Package on Petition No. CP-02-4/HP-02-1, "Request to Ban All-Terrain Vehicles Sold for Use by Children under 16 Years Old," February 2005, p.17.

² Consumer Product Safety Commission, *2003 Annual Report of ATV Deaths and Injuries*, January 2005, Table 3.

³ Consumer Product Safety Commission, *2003 Annual Report of ATV Deaths and Injuries*, January 2005, Table 5.

⁴ Consumer Product Safety Commission, Briefing Package on Petition No. CP-02-4/HP-02-1, "Request to Ban All-Terrain Vehicles Sold for Use by Children under 16 Years Old," February 2005, p.i.

- Injuries sustained by children riding an adult-sized ATV are often serious. When compared with other recreational activities, there is twice the risk of injury serious enough to require hospitalization than any other activity studied.⁵

Clearly, ATVs pose a significant hazard to children who ride them. This fact is indisputable. The cost to society is also high, not only in regard to loss of life and health but in actual dollars. Just this month, the journal *Pediatrics* published a study in which my colleagues and I estimated that total hospital charges for children's ATV injuries over a two-year period exceeded \$74 million.⁶

I can also speak to the dangers of ATVs from my personal clinical experience. I practice at the only tertiary care pediatric hospital in a rural state where ATV use is very common. Currently, Arkansas Children's Hospital admits more than 60 children each year due to significant ATV injury, and our emergency department treats many more. Traumatic brain injuries and severe orthopaedic injuries are the most frequent injuries we see, in children ranging from only a few months old riding as ATV passengers to preteen and teenage drivers. We have recently submitted for publication a case series describing 7 patients with severe face and neck lacerations due to driving ATVs through barbed wire fences, including one youth who narrowly survived a near decapitation. I know from my experience as a clinician and an injury prevention researcher that the impact on the children and their families is profound and long-lasting.

Because of the rapidly escalating number of ATV-related child deaths and injuries, in 2002 the AAP joined the American College of Emergency Physicians, the Consumer Federation of America, and a range of other organizations in petitioning the CPSC to ban the sale of adult-sized ATVs for the use of children under the age of 16. The AAP and our co-petitioners conducted a thorough review of the data and found that the current efforts by industry and the CPSC have been insufficient to stem the tide of the epidemic increase in death and injury experienced by children using ATVs. It was

⁵ Consumer Product Safety Commission, Briefing Package on Petition No. CP-02-4/HP-02-1, "Request to Ban All-Terrain Vehicles Sold for Use by Children under 16 Years Old," February 2005, p.16.

⁶ Killingsworth, Jeffrey et.al., "National Hospitalization Impact of Pediatric All-Terrain Vehicle Injuries," *Pediatrics*, Vol. 115 No. 3 March 2005, pp. e316-e321.

clear that stronger CPSC action was necessary to produce the intended effect—saving children’s lives. Adult-sized ATVs should be made unavailable to children, and limiting their sale would be necessary to accomplish this goal.

Given the high rates of ATV-related injury and death, the strength of the evidence, and ineffectiveness of existing measures, the Academy is therefore deeply disturbed and disappointed that the CPSC staff briefing packet released in February recommends denying this petition. The Academy agrees substantially with the facts and figures cited within the report, and fully shares the report’s conclusion that, “The risk of injury for children on adult-size ATVs is high, and the benefits of getting children off adult-size ATVs could be substantial.”⁷ The fact that this statement is followed by a recommendation to deny the petition reflects a fundamental illogic that is not supported by the evidence. I would like to respond specifically to two items in the CPSC briefing packet.

A Sales Ban Would Influence Riding Behavior

The briefing package argues that a ban on the sale of adult-sized ATVs for use by children would be unlikely to change riding behavior. It further states that the CPSC has no authority to intervene if parents purchase these vehicles and then allow their children to ride them in spite of having been warned otherwise. We reject both of these notions. As experts in injury prevention, pediatricians know the importance of the “3 E’s”—education, engineering, and enforcement. Therefore, we support the ban as one aspect of a comprehensive, multifaceted approach to prevention of ATV injuries to children. This move would support efforts of the AAP in advocating for state level legislation on ATVs, educating parents about the dangers of ATVs to children, and encouraging design improvements to ATVs. As child health professionals, pediatricians know that sometimes parents make decisions that place their children’s health and safety in jeopardy; it is up to the rest of society to protect children first by educating the parents and then, when necessary, preventing them from subjecting their children to danger.

The effectiveness of a sales ban in protecting minors from a wide range of dangerous or inappropriate products is broadly acknowledged and is used regularly at all levels of government. Children are not permitted to purchase products like firearms, cigarettes, cigarette lighters, or alcohol because they are inherently dangerous to them – even if used as intended. In addition to sales bans, other safety legislation and regulations have been scientifically proven to change behaviors and save lives -- primary enforcement of seat belt laws results in more people wearing seat belts,⁸ and bicycle helmet ordinances result in higher helmet usage.⁹ We even know that ATV legislation can be effective in inducing behavior change such as helmet use.¹⁰

The CPSC staff correctly point out that the usefulness of a ban will be reduced if states do not enact and enforce legislation prohibiting children from riding adult-sized ATVs, and they note that regulations and legislation may not keep some parents from making poor decisions. For these reasons, AAP chapters are active in advocating for state ATV legislation and pediatricians are encouraged to educate their patients about ATV safety. A ban is not intended to be a cure-all or a measure that operates in isolation, but as an important component of an overall strategy in keeping children off large ATVs and protecting them from injury.

Major Distributors Already Require Their Dealers Not To Sell Adult-Sized ATVs For Children

In Arkansas, we have been successful in engaging ATV manufacturers and dealers in our safety efforts, and I am convinced that collaboration among the industry, the public health community, and other groups is vitally important to solving the problem of ATV injury. My experience indicates that ATV dealers and other industry representatives are sincerely concerned about this problem and want to see ATVs used as recommended. The Voluntary Action Plans established with the major

⁷ Consumer Product Safety Commission, Briefing Package on Petition No. CP-02-4/HP-02-1, “Request to Ban All-Terrain Vehicles Sold for Use by Children under 16 Years Old,” February 2005, p.i.

⁸ Task Force on Community Preventive Services. Motor-Vehicle Occupant Injury: Strategies for Increasing Use of Child Safety Seats, Increasing Use of Safety Belts, and Reducing Alcohol-Impaired Driving. *MMWR Morb Mortal Wkly Rep.* 2001;50(RR-7):1-13.

⁹ American Academy of Pediatrics, Committee on Injury and Poison Prevention. “Bicycle helmets.” *Pediatrics.* 2001;108:1030-1032.

distributors of ATVs after expiration of the consent decrees in 1998 require dealers to obtain a signed acknowledgement from purchasers that they understand the age recommendations for ATV use. However, CPSC's own undercover inspections have revealed variable compliance with this requirement. The staff briefing package acknowledges, moreover, that compliance with this requirement appears to have declined from 1998: "in 1998, compliance was 85 percent, and in the years 2002 and 2003, 60 percent. However, for 2004, the compliance rate was 70 percent."¹¹ This indicates that over the past three years, approximately one-third of dealers were failing to comply with the requirements. These figures represent an unacceptable failure rate and indicate the ineffectiveness of the Voluntary Action Plans in this regard.

It is evident that many parents nationally are not receiving reliable information about age recommendations for ATV use. All parties interested in preventing these injuries, whether within the ATV industry or the healthcare community, need to work together in new and creative ways to send a clear message to any noncompliant dealers and particularly to purchasers about the appropriate use of these vehicles. Banning the sale of adult-sized ATVs for use by children would make a clear statement to purchasers that larger ATVs are unsafe for use by children under 16.

In conclusion, the American Academy of Pediatrics urges you to reject the staff recommendation to deny the petition on banning the sale of adult-sized ATVs for use by children under 16. The present state of affairs is entirely ineffective in keeping children safe. While a sales ban would not solve this problem in its entirety, it is a necessary part of a multi-pronged approach to reduce the injuries and deaths associated with these products. Even if a sales ban on its own only prevents a relatively small proportion of ATV-related child deaths and injuries, I hope you will agree that it is a crucial step in protecting our nation's children.

¹⁰Keenan, Heather T. and Susan L. Bratton. "All-Terrain Vehicle Legislation for Children: A Comparison of a State With and a State Without a Helmet Law." *Pediatrics*, April 2004.

¹¹Consumer Product Safety Commission, Briefing Package on Petition No. CP-02-4/HP-02-1, "Request to Ban All-Terrain Vehicles Sold for Use by Children under 16 Years Old," February 2005, p.9.