



# Consumer Federation of America

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Office of the Secretary  
Consumer Product Safety Commission  
4330 East-West Highway  
Bethesda, MD 20814  
Via: [www.regulations.gov](http://www.regulations.gov)

## **Comments of Consumer Federation of America to the U.S. Consumer Product Safety Commission on “Standard for All-Terrain Vehicles,” Docket No. CPSC-2017-0032**

Consumer Federation of America (CFA) submits these comments in response to the “Standard for All-Terrain Vehicles,” identified by Docket No. COSC-2017-0032. CFA is an association of non-profit consumer organizations, established in 1968, with a long history of working to decrease ATV-related injuries and deaths.

### **Background**

ATVs continue to account for a high number of fatalities and serious injuries. The CPSC recently reported at least 1,513 fatalities associated with ATVs between 2017 and 2019.<sup>1</sup> ATV-related fatalities accounted for almost 70% of all OHV deaths. In addition to CPSC’s data, CFA and its partners track news reports and compile OHV fatalities. While these fatalities are an undercount of actual OHV fatalities in the United States, the data provides a timely baseline. Our coalition documented at least 139 fatalities associated with ATVs from January 2023 to June 18, 2023<sup>2</sup> – almost 70% of all OHV fatalities.<sup>3</sup> Children under the age of 16 accounted for the most recorded fatalities at approximately 23%.<sup>4</sup> In 2021 and 2022, CFA tracked at least 352 and 287 fatalities, respectively.<sup>5</sup>

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<sup>1</sup> U.S. Consumer Product Safety Commission. (2023, May). 2022 Report of Deaths and Injuries Involving Off-Highway Vehicles with More than Two Wheels. Retrieved from <https://www.cpsc.gov/s3fs-public/OHV-Annual-Report-2022.pdf>.

<sup>2</sup> Consumer Federation of America. (2023, June). 2023 ATV Fatalities Report. Retrieved at <https://consumerfed.org/wp-content/uploads/2023/06/2023-OHV-Report-Generator-Sheet2-ATV-ROV-UTV-UK-June-18.pdf>.

<sup>3</sup> Consumer Federation of America. (2023, June). 2023 All-Vehicles Fatalities Report. Retrieved at <https://consumerfed.org/wp-content/uploads/2023/06/2023-OHV-Report-Generator-All-ATV-ROV-UTV-UK-June-18.pdf>.

<sup>4</sup> Consumer Federation of America. (2023, June). As July 4th Approaches, Consumer Federation of America Urges Caution for OHV Riders. Retrieved at [https://consumerfed.org/press\\_release/as-july-4th-approaches-consumer-federation-of-america-urges-caution-for-ohv-riders/](https://consumerfed.org/press_release/as-july-4th-approaches-consumer-federation-of-america-urges-caution-for-ohv-riders/).

<sup>5</sup> Consumer Federation of America. (2021, December). 2021 ATV Fatalities Report. Retrieved at <https://consumerfed.org/wp-content/uploads/2022/01/2021-OHV-Deaths-Report-Generator-ATV-December-31.pdf>;

The Consumer Product Safety Improvement Act of 2008 (CPSIA) required the CPSC to publish, as a mandatory consumer product safety standard, the American National Standard for Four-Wheel All-Terrain Vehicles Equipment Configuration, and Performance Requirements, developed by the Specialty Vehicle Institute of America (ANSI/SVIA 1–2007). The CPSC published a final rule in 2008 and has since revised the mandatory standard twice. In March of this year, ANSI notified the Commission that the ANSI/SVIA standard was revised. This Notice of Proposed Rulemaking responds to the 2023 update of the ANSI/SVIA standard.

The 2023 update fails to adequately address the serious risks related to fire-related injuries and deaths. Additionally, CFA is concerned that the removal of the maximum recommended tire pressure is not safety neutral and the option for only electronic user manuals is a significant reduction in safety.

### **Fuel Systems Requirements**

In ATV accidents, fire-related injuries are horrific and often fatal. In the past six months, for example, injuries and deaths include a 11-year old child with severe burns to 40-50 percent of his body after his ATV rolled over and caught fire<sup>6</sup>, the death of a 14-year old child and the serious injury of a 13-year old friend and mother following a fiery ATV crash<sup>7</sup>, a 66-year old man who suffered severe burns to 35% of his body after his ATV caught fire<sup>8</sup>, and the deaths of four young adults after a Polaris Razor side-by-side ATV rolled over and started a gas-fueled fire<sup>9</sup>.

This hazard is also apparent in the recalls of ATVs, which overwhelming are related to fire hazards.<sup>10</sup> Fire related hazards include issues such as fuel hoses leaking, exhaust pipes cracking, firewalls failing, melting of components, and other fuel related issues.

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Consumer Federation of America. (2022, December). 2022 ATV Fatalities Report. Retrieved at <https://consumerfed.org/wp-content/uploads/2023/01/2022-OHV-Report-Generator-ATV-December-31.pdf>.

<sup>6</sup> Guenther, H. (2023, March 2). *North Idaho 11-year-old recovering from severe burns after ATV accident*. NonStop Local KHQ. [https://www.khq.com/helpmehayley/north-idaho-11-year-old-recovering-from-severe-burns-after-atv-accident/article\\_a6918f24-b95c-11ed-b31f-7741d712f77a.html](https://www.khq.com/helpmehayley/north-idaho-11-year-old-recovering-from-severe-burns-after-atv-accident/article_a6918f24-b95c-11ed-b31f-7741d712f77a.html); Lobsinger, C. (2023, February 23). *Community rallies around injured youth*. Bonner County Daily Bee.

<https://bonnercountydailybee.com/news/2023/feb/23/community-rallies-around-injured-youth/>.

<sup>7</sup> Lowrey, E. (2023, July 26). *Loranger fiery ATV Crash kills 1 teen, seriously injures another*. WDSU. <https://www.wdsu.com/article/tangipahoa-parish-fiery-atv-crash-teen-dead/44639758>; Brown, D. (2023, July 25). *Teen killed, second teen injured and mother seriously burned trying to save them following ATV crash*. Unfiltered with Kiran. <https://unfilteredwithkiran.com/atv-crash-claims-life-of-loranger-teen/>.

<sup>8</sup> Swenson, M. (2023, April 27). *Payson man burned after ATV burst into flames*. KSLTV.com. <https://ksltv.com/544932/payson-man-burned-after-atv-burst-into-flames/>; Danielle MacKimm, K. *Payson Man endures 2nd, 3rd Degree Burns after getting caught in ATV Fire*. <https://kutv.com/news/local/payson-man-endures-2nd-3rd-degree-burns-after-getting-caught-in-atv-fire-payson-fire-rescue-burn-victim-air-life-helicopter-ambulance-hospitalized-blaze-spark-flames-firefighters>.

<sup>9</sup> Dallas, J. (2023, August 1). *4 people killed after ATV rolls over and bursts into flames in Kittitas County*. KIRO 7 News Seattle. <https://www.kiro7.com/news/local/4-people-killed-after-atv-rolls-over-burst-into-flames-kittitas-county/7OWX5GBVF5FUFMUM6LL5YVC32I/>; <https://www.seattletimes.com/seattle-news/4-dead-in-atv-rollover-in-kittitas-county/>; Brunner, J. (2023, August 9). *4 dead in ATV Rollover in Kittitas County*. The Seattle Times. <https://www.seattletimes.com/seattle-news/4-dead-in-atv-rollover-in-kittitas-county/>.

<sup>10</sup> Consumer Federation of America. (2023, July). *An Analysis of OHV Recalls: Increasing Number of OHVs Pulled from Market Due to Safety Concerns*. Retrieved at <https://consumerfed.org/analysis-ohv-recalls-increasing-number-ohvs-pulled-market-due-safety-concerns/>.

The 2023 edition fails to reduce the risk of fire and burn injuries because the recent revision fails to account for the inherent instability of ATVs in its fuel system testing. ATVs have a high center of gravity, narrow wheelbase, and knobby low-pressure tires for off-road use. These features increase the risk of operators losing control of vehicles. ATVs are complex machines that roll over frequently. Any revision must include fuel system testing that mirrors real world interactions with ATVs. CFA recommends that testing consider real word scenarios in which fuel systems are compromised, such as rollovers and crash events.

### **Tires**

ATVs are not designed to be operated on paved roads.<sup>11</sup> To this end, many ATV manufacturer instruction manuals clearly state that ATVs should not be operated on paved roads. However, many ATV deaths continue to occur on public paved roadways.

The 2023 edition does not specify a maximum recommended tire pressure, removing from Sections 4.19.1 and 4.19.2 reference to the maximum recommended tire pressure of 69 kPa (10psi). CFA is concerned that removing the maximum recommended tire pressure of 69 kPa (10 psi) may not be safety neutral if manufacturers or users disregard warnings not to use ATVs on public roads and paved surfaces. CFA suggests that the reference to the maximum recommended tire pressure not be removed.

### **Paper Manuals**

In the 2023 edition Section 4.21 now states: “All ATVs shall be provided with a manual in paper *or electronic format* at the time of delivery to the first purchaser.” (Emphasis added.) The default must be paper manuals. Anything less, including an electronic format only manual, is a serious reduction in risk. Considering the use of these vehicles – hunting, fishing, camping, trailing riding, and other outdoor recreation - consumers need access to paper manuals if they encounter issues where there is no internet or electronic devices are unavailable. CFA recommends that paper manuals be a safety requirement.

### **Issues Not Addressed in the 2023 Edition**

There are several other issues that the ATV standard continually fails to address edition-after-edition.

- **Youth Model ATVs.** Children should not ride adult-size ATVs, which are defined as vehicles with an engine size of 90cc or larger. Further, neither rationale nor evidence has emerged to justify the “transitional” class of ATVs, which serves to place children on larger, faster, heavier, and more powerful ATVs. ATV weight is a critical factor that adds to the seriousness of injuries and ATV deaths. The standard should provide a maximum weight based upon scientific evidence for each class of ATV. This must include consideration of the impact of the weight on a turned over ATV, the risk of traumatic brain

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<sup>11</sup> Consumer Federation of America. (2014, March) ATVs on Roadways: A Safety Crisis. Retrieved at <https://consumerfed.org/pdfs/ATVs-on-roadways-03-2014.pdf>.

injury in rollovers, and the threshold weight preventing the crushing of the chest cavity of a child operating the “appropriately sized” machine.

- **Speed Limiting Devices.** The 2023 update continues to rely upon speed limiting devices to limit the speed of the various classes of youth-size ATVs. We are concerned that there are insufficient barriers in place to prevent children from removing these devices. We are further concerned that the speed limiting devices have unacceptably high failure rates.
- **Type I ATVs-Make Carrying a Passenger Impossible.** Type I ATVs are designed for one driver and no passengers. Warning labels on ATVs and recommendations by the ATV industry, CPSC, and other organizations have stated that there should never be passengers on ATVs. However, the long seat on ATVs makes it not only possible but also inviting for a passenger to ride. The seat length should be shortened and designed differently, making it impossible for more than one person to sit on the seat at one time. Other design standards should be considered to make carrying passengers impossible.
- **Type II ATVs.** Type II ATVs have been developed to allow an operator to carry a passenger. Given the long-held view of medical organizations, CPSC, and SVIA that ATVs should not be operated with a passenger because of dire safety consequences, no rationale nor evidence was provided to support the creation of a tandem ATV. Further, it is not clear how the Type II ATV is designed to allow for the addition of a passenger. Other than additional factors to allow for the physical presence of another person, such as footrests and handholds, there seems to be an absence of a standard for lateral stability or other standards making the machine better equipped to carry two passengers. Because there is an increase in instability, the standard should require the addition of a roll cage that does not pose additional risks to occupants. Finally, the warning label on the Type II ATVs should indicate its increased instability, warn operators and passengers of this increased instability, and recommend the riding positions that least increase the instability of the vehicle.
- **Seat Belts and Roll Cages.** All ATVs should be equipped with the safest, most secure seat belts. There should be a minimum standard for seat belt integrity. In addition to seat belts, standards should also require all ATVs to be equipped with a roll cage to prevent the driver from being crushed by the weight of the vehicle in the event of a rollover. There should also be standard setting a minimum force and weight that the roll cage can withstand.

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