

March 15, 2005

The Honorable Hal Stratton  
Chairman

The Honorable Thomas Moore  
Vice Chairman  
U.S. Consumer Product Safety Commission  
Washington, DC 20207

Dear Chairman Stratton and Vice Chairman Moore:

As pediatricians, trauma surgeons, nurses and other medical professionals, we urge you to reject the Commission's staff recommendation to deny the petition from Consumer Federation of America et. al. requesting a national safety standard barring the sale of adult-size all-terrain vehicles (ATVs) for use by children under age 16. Our daily experiences in emergency, operating and examining rooms nationwide as well as years of peer-reviewed research demonstrate that these children do not have the range of physical, cognitive and developmental skills necessary to safely operate these powerful motor vehicles. We believe that a federal rule issued by the Commission is an integral part of a more comprehensive effort to improve ATV safety, including aggressive education, enactment of state laws, and increased parental involvement.

The Commission is well-aware of the significant body of epidemiological research documenting the rising toll that adult-size ATVs take on our children in terms of serious injuries and deaths. Moreover, as the Commission's staff appropriately acknowledges in its recommendation, ATV-related injuries are more severe than those caused by any other form of recreation or sport in which children routinely participate based on hospitalization rates per thousand participants.<sup>1</sup> In light of these consistent and long-term findings, major national medical organizations, including the American Academy of Pediatrics and the American Academy of Orthopaedic Surgeons, have adopted formal policies and positions recommending that children under 16 years old not drive ATVs.

We are concerned that the staff's recommendation overall deemphasizes the significant public health and monetary benefits that could be achieved with a national standard, including the fact that moving children from adult-size ATVs to youth models could cut the risk of serious injury and death in half. Instead, staff focus on costs that can not be quantified and appear relatively minor when compared to the benefits associated with reducing serious injuries and fatalities. Furthermore, we question how the staff can effectively propose to continue to rely on industry's approach to safety when the Commission has documented significant dealer noncompliance with manufacturers' voluntary agreement not to recommend the sale of adult-size ATVs for use by children.

---

<sup>1</sup> U.S. Consumer Product Safety Commission. Briefing Package: Petition requesting ban of ATVs sold for the use of children under 16 years of age, February 2005, Tab J.

With these issues in mind, we urge you to reject staff's recommendation and move forward to develop a regulation prohibiting the sale of adult-size ATVs for use by children under age 16. In light of the serious and persistent nature of this public health problem, issuing a strong regulation would help to improve industry and dealer accountability and parental responsibility. This regulation would also be an important component of a comprehensive approach to this issue. We are committed to working with the Commission and others to develop and implement this approach on behalf of our patients and every child.

Thank you for considering our views. If you or your staff would like to discuss this issue in more detail, please feel free to contact any of us. Affiliations listed below are for identification purposes only.

Sincerely,

Dr. Phyllis Agran, MD, MPH

Dr. Mary Aitken, MD, MPH  
Associate Professor of Pediatrics  
University of Arkansas for Medical Sciences

Dr. Diana Alexander, MD  
Pediatrician  
Franklin Square Hospital  
Baltimore, MD

Peggy Allen, RN, BSN  
Nurse Educator, Community Outreach  
Project Director  
Barren County Safe Communities  
Glasgow, KY

Dr. Karen Armitage, MD, FAAP  
Pediatrician and Public Health Physician  
Santa Fe, NM

Dr. Barbara Barlow, MD  
Executive National Director  
Injury Free Coalition for Kids  
New York, NY

Ryan Barrett  
Program Coordinator  
Injury Free Coalition for Kids  
of Salt Lake City

Dr. Carl Baum, MD, FAAP, FACMT  
Center for Children's Environmental  
Toxicology  
Yale-New Haven Children's Hospital

Dr. Julia Belkowitz, MD  
Voluntary Assistant Professor of Pediatrics  
Injury Free Coalition for Kids of Miami  
University of Miami

Dr. Andrew C. Bernard, MD  
Assistant Professor of Surgery  
University of Kentucky Hospital Trauma  
Center

Dr. Clay Bordley, MD, MPH  
Associate Professor of Pediatrics  
Division of Emergency Medicine  
Director, Pediatric Hospitalist Program  
Duke University

Dr. William E. Boyle, MD  
Professor of Pediatrics and Community and  
Family Medicine  
Dartmouth Medical School  
Chairman, Committee on Injury and Poison  
Prevention (1991-1995)  
American Academy of Pediatrics

Dr. Anne Brayer, MD  
Assistant Professor, Pediatric Emergency  
Medicine  
University of Rochester  
Golisano Children's Hospital  
Rochester, NY

Dr. Jeffrey W. Britton, MD, FAAP  
Co-Chair, Committee on Injury and Poison  
Prevention  
Wisconsin Chapter, American Academy of  
Pediatrics

Dr. Julie Brown, MD, MPH  
Pediatric Emergency Medicine  
Children's Hospital and Regional Medical  
Center  
Seattle, WA

Dr. Marilyn J. Bull, MD, FAAP  
Morris Green Professor of Pediatrics  
Director, Developmental Pediatrics  
Riley Hospital for Children  
Indianapolis, IN

Dr. Richard Lee Byrd, MD  
Chief of Pediatrics  
Kelsey-Seybold Clinic  
Houston, TX

Dr. Deborah Callanan, MD, FACEP, FAAP  
CHRISTUS Santa Rosa Children's Hospital  
San Antonio, TX

Arlethea D. Campbell, RN  
Houston, TX

Dr. Carolyn B. Carlson, MD, PhD, FAAP  
Pediatrician  
Kelsey-Seybold Clinic  
Houston, TX

LesleyAnn Carlson, RN, MS  
Director, Emergency Services  
San Diego Children's Hospital

Dr. Marcel J. Casavant, MD, FACEP,  
FACMT  
Emergency Medicine Physician  
Children's Hospital  
Columbus, OH

Dr. Susan Lee Chan, MD  
Pediatric Emergency Medicine Attending  
Long Island Jewish Medical Center

Dr. Jennifer Chapman, MD  
Assistant Professor of Pediatrics  
Columbus Children's Hospital  
Ohio State University

Dr. Lynn Cimpello, MD  
Assistant Professor, Pediatric Emergency  
Medicine  
University of Rochester  
Golisano Children's Hospital  
Rochester, NY

Susan A. Cox, RN, MS, CEN  
Director of Trauma Service  
San Diego Children's Hospital

Dr. Natalie Cvijanovich, MD  
Associate Physician  
Division of Critical Care  
Children's Hospital Oakland  
Oakland, CA

Dr. Walter Dehority, MD  
First Choice Community Healthcare  
Albuquerque, NM

Dr. Margaret Dolan, MD, FAAP

Susan Douglass  
Administrative Director, Child Health and  
Safety Awareness  
Injury Free Coalition for Kids of San  
Antonio  
Safe Kids Coalition of San Antonio

Dr. Susan Duthie, MD  
Pediatric Intensivist  
San Diego Children's Hospital

Dr. Paul D. Edwards, MD  
Shriners Hospital, Plastic Surgery  
Harvard University

Dr. James Eusebio, MD, FAAP  
Davis, CA

Dr. Mary E. Fallat, MD  
Chief of Surgery and Trauma  
Kosair Children's Hospital  
Professor of Surgery  
Division of Pediatric Surgery  
University of Louisville

Cheri Fidler, MEd  
Director, Center for Healthier Communities  
San Diego Children's Hospital

Dr. Jami D. Frost, MD  
Associate Professor, Pediatrics  
University of New Mexico

Dr. Barbara A. Gaines, MD  
Director of Trauma and Injury Prevention  
Children's Hospital of Pittsburgh  
Assistant Professor of Surgery  
University of Pittsburgh.

Dr. Madelyn Garcia, MD  
Fellow, Pediatric Emergency Department  
University of Rochester  
Golisano Children's Hospital  
Rochester, NY

Dr. H. Garry Gardner, MD  
Darien, IL

Dr. Karen Gelfand, MD  
Member, American Academy of Pediatrics  
Farmington, NM

Dr. Barry Gilmore, MD, FAAP  
Medical Director of Emergency Services  
Assistant Professor of Pediatrics  
University of Tennessee College of  
Medicine

Dr. Michael Gittelman, MD  
Assistant Professor of Clinic Pediatrics  
Cincinnati Children's Hospital Medical  
Center

Dr. John Golestan, MD, FAAP  
Director, Pediatric Emergency Medicine  
Mercy Hospital of Pittsburgh

Dr. Carol Green, MD  
Kelsey-Seybold Clinic  
Houston, TX

Dr. Jonathan I. Groner, MD  
Trauma Medical Director  
Children's Hospital of Columbus  
Clinical Associate Professor of Surgery  
Ohio State University College of Medicine  
and Public Health

Dr. John W. Hafner, MD, FACEP  
Clinical Assistant Professor of Surgery –  
Emergency Medicine  
University of Illinois College of Medicine at  
Peoria  
Attending Physician  
OSF Saint Francis Medical Center  
Department of Emergency Medicine  
Peoria, IL

Dr. Martin I. Herman, MD, FAAP, FACEP  
Assistant Director Emergency Services  
Lebonheur Children's Medical Center  
Associate Professor Pediatrics  
Division Critical Care and Emergency  
Services  
University of Tennessee College of  
Medicine

Dr. Bob Hickey, MD  
Division of Pediatric Emergency Medicine  
Children's Hospital of Pittsburgh

Judith Hirschfeld, BS  
Passenger Safety Program Specialist  
Children's Hospital Trauma Program  
Columbus, OH

Dr. Benjamin Hoffman, MD, FAAP  
Assistant Professor  
Director, Pediatric Residency Program  
Department of Pediatrics  
University of New Mexico

Vicki Hunter, RN, MSN, CNS  
Kelsey-Seybold Clinic  
Houston, TX

Dr. Stanley H. Inkelis, MD  
Director, Pediatric Emergency Medicine  
Harbor-UCLA Medical Center  
Professor of Pediatrics  
David Geffen School of Medicine at UCLA

Dr. Henry J. Iwinski Jr., MD  
Associate Professor of Orthopaedic Surgery  
University of Kentucky  
Assistant Chief of Staff Shriners Hospital  
for Children

Sally Jacko, RN, MPH  
Deputy Director  
Injury Free Coalition for Kids  
New York, NY

Dr. David Jaffe, MD  
Washington University School of Medicine  
St. Louis, MO

Dr. Alan Johnson, MD  
Pediatric Emergency Medicine  
Children's Hospital and Research Center at  
Oakland  
Oakland, CA

Dr. Carden Johnston, MD, FAAP, FRCP  
Birmingham, AL

Kristi K. Kangas, MPH, MSW  
Community Coordinator  
Injury Prevention Program  
Emergency Services  
Children's Hospital Boston  
Injury Free Coalition for Kids

Pam Kavanagh, RN  
Midland Park, NJ

Dr. Karen R. Kingry, MD  
Medical Director, Pediatric Programs  
Chair of Pediatrics  
Suburban Hospital  
Bethesda, MD

Dr. Jane Knapp, MD  
Injury Free Coalition for Kids

Dr. Abigail Klemsz, MD  
Riley Hospital for Children  
Indianapolis, IN

Dr. Robert L. Kriel, MD  
Hennepin County Medical Center (MN)

Dr. Giorgio Kulp, MD, FAAP  
Pediatrician  
Metropolitan Pediatrics, LLC  
Montgomery County, MD

Dr. Lois Lee, MD, MPH  
Director of Trauma Research  
Division of Emergency Medicine  
Children's Hospital Boston

Dr. Michael Levy, MD  
Chief, Neurosurgery  
San Diego Children's Hospital

Dr. James G. Linakis, PhD, MD  
Associate Professor of Emergency Medicine  
& Pediatrics  
Brown Medical School  
Associate Director, Pediatric Emergency  
Medicine  
Hasbro Children's Hospital/Rhode Island  
Hospital

Dr. Jan Loeffler, MD  
Valdosta, GA

Dr. Barry E. LoSasso, MD, FACS  
Trauma Medical Director  
San Diego Children's Hospital

Dr. Melinda Lucas, MD, FAAP  
Maryville, TN

Dr. Merlene McAlevy, MD, FAAP  
Kelsey-Seybold West Clinic  
Houston, TX

Dr. Constance McAneney, MD  
Associate Director, Division of Emergency  
Medicine  
Cincinnati Children's Hospital Medical  
Center

Dr. Kevan McCarten-Gibbs, MD  
Department of Emergency Medicine  
Children's Hospital Oakland  
Oakland, CA

Dr. R. Ian McCaslin, MD, FACEP  
Director, Emergency Medicine  
San Diego Children's Hospital

Dr. Celeste Madden, MD  
Syracuse, NY

Dr. Mark S. Mannenbach, MD  
Division Head  
Pediatric Emergency Medicine  
Mayo Clinic  
Rochester, MN

Dr. Nelly Ann Marciano, MD, FAAP,  
FACEP  
University Community Hospital  
Tampa, FL

Dr. Melissa Mason, MD, FAAP  
Albuquerque, NM

Melinda Mast  
Executive Director  
Brain Injury Association of Kentucky

Beverly Miller, MEd  
Coordinator, Center for Health Promotion  
Department of Pediatrics  
University of Arkansas for Health  
Promotion

Dr. David P. Mooney, MD  
Director, Trauma Program  
Children's Hospital Boston

Dr. Melanie Mouzoon, MD, FAAP  
Pediatric Hospitalist  
Kelsey-Seybold Clinic  
Houston, TX

Hope Mullins  
Project Coordinator  
Injury Free Coalition for Kids  
University of Arkansas for Medical Sciences

Dr. Gene Nathan, MD  
Past President  
American Academy of Pediatrics, Chapter 3  
San Diego, CA

Dr. Doug Nelson, MD  
Associate Professor of Pediatrics  
Associate Chief, Pediatric Emergency  
Medicine Primary  
Children's Medical Center  
University of Utah

Dr. Eliot W. Nelson, MD  
Professor of Pediatrics  
University of Vermont College of Medicine  
Attending Pediatrician  
Vermont Children's Hospital

Dr. Michael Ng, M.D.  
Staff Pediatrician  
Presbyterian Healthcare Services  
Albuquerque, NM

Dr. Joseph O'Neil, MD  
Riley Hospital for Children  
Indiana University School of Medicine

Donna Parnell, RN, MNsc  
Trauma Program Coordinator  
Arkansas Children's Hospital

Dr. Robert F. Patterson, MD, FAAP  
Department of Pediatric Critical Care  
Nemours Children's Clinic  
Pensacola, FL

Dr. Richard H. Pearl, MD, FAAP, FACS  
Professor of Surgery and Pediatrics  
University of Illinois College of Medicine at  
Peoria  
Surgeon-in-Chief  
The Children's Hospital of Illinois  
Peoria, IL

Dr. John R. Pederson, MD  
Pediatric Hospitalist  
Presbyterian Hospital  
Albuquerque, NM

Dr. Victor Perez, MD, MPH, FAAP  
Assistant Professor of Pediatrics  
UCLA School of Medicine

Dr. Shannon Connor Phillips, MD, FAAP  
Director, Pediatric Hospitalist Program  
The Children's Hospital at The Cleveland  
Clinic

Melissa Pickle, RN  
Pediatric Coordinator  
Kelsey-Seybold Clinic  
Houston, TX

Dr. Anthony Pohlgeers, MD  
Assistant Medical Director  
Pediatric Emergency Medicine  
Wolfson Children's Hospital  
Jacksonville, FL

Dr. Susan H. Pollack, MD, FAAP, PI  
Injury Free Coalition for Kids of Lexington  
Assistant Professor, Departments of  
Pediatrics and Preventive Medicine  
Kentucky Injury Prevention and Research  
Center  
University of Kentucky

Dr. Wendy J. Pomerantz, MD, MS  
Co-Director, Injury Free Coalition of  
Greater Cincinnati  
Cincinnati Children's Hospital Medical  
Center

Dr. Albert C. Price, MD  
Senior Advisor  
Lancaster County (PA) Safe Kids

Dr. Tara S. Ramsay, MD, MPH  
Kelsey-Seybold Clinic  
Houston, TX

Dr. Nikita Rangwalla, MD  
Pediatric Emergency Medicine  
Children's Hospital of Atlanta at Scottish  
Rite

Dr. John Ratmeyer, MD, FAAP  
Deputy Chief of Pediatrics  
Medical Consultant to the Child Protection  
Team  
Gallup Indian Medical Center  
Gallup, NM

Dr. Gadi Revivo, MD  
Rehabilitation Medical Director  
San Diego Children's Hospital

Richard Ricciardi, MSN, CPNP  
President  
National Association of Pediatric Nurse  
Practitioners

Dr. George C. Rodgers, Jr., MD, PhD  
Professor of Pediatrics  
University of Louisville

Dr. Steven G. Rothrock, MD, FACEP,  
FAAP  
Emergency Medicine/Pediatric Emergency  
Medicine  
Orlando Regional Medical Center

Dr. Thomas R. Russell, MD, FASC  
Executive Director  
American College of Surgeons

Blair Sadler  
President and CEO  
Children's Hospital and Health Center  
San Diego, CA

Estella Saenz, MA  
Kelsey-Seybold Clinic  
Houston, TX

Dr. Richard A. Saladino, MD  
Chief, Division of Pediatric Emergency  
Medicine  
Children's Hospital of Pittsburgh  
Associate Professor of Pediatrics  
University of Pittsburgh School of Medicine

Dr. Julie Sanchez, MD  
Pediatric Surgeon  
Lead Physician, Injury Free Coalition for  
Kids of Austin  
Children's Hospital of Austin  
Austin, TX

Dr. L. R. "Tres" Scherer, III, MD  
Principle Investigator, Indianapolis Injury  
Free Kids Coalition at Riley Hospital for  
Children  
Chair, Indiana Committee on Trauma

Dr. Richard M. Schwend, MD  
Associate Professor, University of New  
Mexico  
Chief, Division of Pediatric Orthopaedics  
Carrie Tingley Hospital  
Albuquerque, NM

Dr. Robert Sege, MD, PhD  
Chief, Division of General Pediatrics and  
Adolescent Medicine  
Director, Pediatric and Adolescent Health  
Research Center  
Tufts-New England Medical Center

Ben Selassie, MSW, MPH, ACSW, LCSW  
Project Administrator  
Injury Free Coalition for Kids-Baltimore  
Johns Hopkins Children's Center

Dr. Karen Sheehan, MD, MPH  
Children's Memorial Hospital  
Chicago, IL

Dr. Frederick C. Sherman, MD  
Medical Director, Carrie Tingley Hospital  
Professor of Orthopaedic Surgery &  
Pediatrics  
Department of Orthopaedics &  
Rehabilitation  
Department of Pediatrics  
University of New Mexico School of  
Medicine

Dr. Benjamin K. Silverman, MD  
Attending Pediatrician  
Emergency Department  
Professor of Pediatrics  
Harbor/UCLA School of Medicine  
Children's Hospital of Orange County (CA)

Dr. Morey Silverman, MD  
Co-Director, Pediatric Emergency Medicine  
Christus Santa Rosa Children's Hospital  
San Antonio, TX

Dr. Gary Smith, MD  
Director, Center for Injury Research and  
Policy  
Columbus Children's Hospital

Dr. Gilbert A. Smith, MD  
Colbert, WA

Gayane Stepanian  
Director of Community Affairs  
Injury Free Coalition for Kids - Miami  
University of Miami/Jackson Memorial  
Medical Center

Dr. William Storo, MD  
Chairman, Department of Pediatrics  
Dartmouth Hitchcock Concord  
Concord, NH

Dr. Vish Talwalkar, MD  
Assistant Professor  
Shriners Hospital for Children  
University of Kentucky  
Department of Orthopaedic Surgery

Dr. Robert R. Tanz, MD  
Immediate Past-Chair, Section on Injury and  
Poison Prevention  
American Academy of Pediatrics  
Professor of Pediatrics  
Northwestern University  
Feinberg School of Medicine

Dr. David M. Tolo, MD, FAAP, PEM  
Medical Director, Children's Emergency  
Services  
Children's Hospital  
Omaha, NE

Dr. Susan B. Tully, MD  
Professor Emerita, Pediatrics  
David Geffen School of Medicine at UCLA  
Consulting Pediatrician  
Olive View - UCLA Medical Center

Melanie Tyner-Wilson, MS  
Special Needs and Early Childhood  
Outreach  
Injury Free Coalition for Kids-Lexington  
Kentucky Injury Prevention and Research  
Center

Dr. Jeffrey S. Upperman, MD  
Assistant Professor of Surgery  
Department of Pediatric Surgery  
Children's Hospital of Pittsburgh

Chris Vitale, RN, MSN  
Injury Prevention Coordinator  
Department of Trauma  
Children's Hospital of Pittsburgh

Robin S. Voss, RN, MHA, BS, TNCC-I  
President  
National Association of Orthopaedic Nurses

Dr. Gary Wasserman, DO  
Chief, Section Medical Toxicology  
Children's Mercy Hospitals and Clinics  
Kansas City, MO



Dr. Andrea B. Weaver, MD  
Advanced Pediatrics  
Vienna, VA

Dr. Lucy I. Weinstein, MD, MPH  
Director, Injury Prevention and Control  
Winthrop University Hospital  
Mineola, NY

Dr. Jeffrey Weiss, MD  
Section Head, General Pediatrics  
Medical Director, Injury Prevention Center  
Phoenix Children's Hospital

Dr. James A. Wilde MD, FAAP  
Associate Professor of Pediatrics and  
Emergency Medicine Section Chief  
Pediatric Emergency Medicine Research  
Director  
Department of Emergency Medicine  
Medical College of Georgia