



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P.O. Box 3378  
HONOLULU, HAWAII 96801-3378

WRITTEN  
ONLY

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File:

**HOUSE COMMITTEE ON TRANSPORTATION**

**HCR0019, REQUESTING THE DEPARTMENT OF HEALTH TO REPORT TO  
THE LEGISLATURE INFORMATION ON ANNUAL INJURIES AND DEATHS  
ASSOCIATED WITH ALL-TERRAIN VEHICLE.**

**Testimony of Loretta J. Fuddy, A.C.S.W., M.P.H.  
Interim Director of Health**

**March 23, 2011, 9:00am**

1 **Department's Position:** The Department of Health supports the intent of this measure.

2 **Fiscal Implications:** None.

3 **Purpose and Justification:** The Department of Health provides statistics on all injury-related  
4 areas. As an injury area, DOH also provides statistics on hospital-related data for ATV injuries  
5 and deaths and would be glad to provide that data on an annual basis to the Legislature. The  
6 Department of Health is able to compile data regarding fatalities from ATV crashes from death  
7 certificates, and within the limitations of medical record data, nonfatal injuries treated in Hawaii  
8 hospitals using data from the Hawaii Hospital Information Corporation (HHIC).

9 Although the number of ATV-related injuries and deaths are relatively small compared to  
10 other traffic safety areas, it would be prudent to follow the example of other states that have  
11 enacted ATV safety legislation in order to support a safe environment on and off Hawaii's roads.  
12 The DOH would be glad to work with the Legislature to provide accurate injury and fatality data,  
13 and review and support legislation from other states that is applicable to Hawaii's environment.

14 Thank you for the opportunity to testify on this measure.



# THE QUEEN'S MEDICAL CENTER

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Rep. Joseph M. Souki, Chair

Rep. Linda Ichiyama, Vice Chair

## COMMITTEE ON TRANSPORTATION

March 23, 2011, 9:00 a.m.

State Capitol, Conference Room 309

### In Support of HCR 19/HR 22, Relating to All-Terrain Vehicles

Chair Souki, Vice Chair Ichiyama, and Members of the Committee:

My name is Daniel J Donovan, M.D. As a neurosurgeon who has provided treatment for adults and children with brain and spine injuries for 20 years, and as the Medical Director of Neurotrauma at The Queen's Medical Center, I am writing in support of HCR 19/HR22 which requests the Department of Health to report to the Legislature information on annual injuries and deaths associated with ATVs. The risks of traumatic brain injury, spinal cord injuries and death to children who ride ATVs are well-documented. Numerous peer-reviewed publications in reputable medical journals support such legislation for the following reasons:

- **Legislation alone can reduce serious injuries and death to children.** A 2009 study in North Carolina reported a significant decrease in children's serious injuries and death following adoption of a law similar to HB 18.<sup>1</sup>
- ATVs are extremely unstable and are prone to rolling over, **resulting in serious injuries that require costly surgery and intensive care.**<sup>2</sup> The injuries we typically see in our trauma center from ATV riders include head injuries, facial trauma, extremity fractures, and spinal cord injuries.
- **Helmet use on ATVs is not mandated in Hawaii, thus a majority of children who ride ATVs do not wear protective head gear,** thereby increasing their risks of traumatic brain injury. Every study published on the subject shows a reduced rate of serious head injury when helmets are worn, but sadly, this is usually not the case in Hawaii.
- According to a 2010 study published in the Journal of Pediatric Surgery, **most children (94%) who ride ATVs do so for recreational—and not agricultural work purposes.**<sup>3</sup> In my professional opinion, the risks to children (death, lifelong injuries) far outweigh any recreational benefits (fun, excitement).
- ATVs have extremely powerful engines, so **children and teens who drive ATVs or ride as passengers are at a higher risk of injury or death** due to their small stature and inexperience driving.<sup>2</sup>

- Current ATV safety recommendations are to take an ATV training course prior to operating an ATV. However, the [www.ATVsafety.gov](http://www.ATVsafety.gov) website reports **that no ATV safety courses are offered in the state of Hawaii.**<sup>4</sup>
- A seminal article in the Journal of Trauma states: "Children continue to sustain a large proportion of preventable and unnecessary injuries caused by ATVs. Although use of protective devices (i.e., helmets) diminishes the extent of injuries, children's smaller size relative to these large machines may contribute to flipping, rolling, and loss of control....**Efforts are needed to lobby for policies to limit the promotion and restrict the use of ATVs by children.**"<sup>5</sup>
- A similar article from the Journal of Pediatric Emergency Care makes the following recommendation: "Encouraging helmet use and discouraging passengers from riding through safety education or a new state law may help to reduce ATV related mortality and morbidity. **Prohibiting children younger than 16 years from operating or riding on an ATV seems justified.**"<sup>6</sup>
- Finally, an article from the Journal of Pediatric Surgery concludes: "There is a lack of regulation, enforcement and public awareness of the danger of ATV use in children. **Efforts to ensure helmet use and limit operator age are urgently needed to reduce childhood ATV-related injuries.**"<sup>7</sup>

Thank you for considering my testimony.

**References Cited:**

1. Beidler SK, Kromhout-Schiro S, Douillet CD, Riesenman PJ, Rich PB. North Carolina all-terrain vehicle (ATV) safety legislation: an assessment of the short-term impact on ATV-related morbidity and mortality. *N C Med J*. Nov-Dec 2009;70(6):503-506.
2. Finn MA, MacDonald JD. A population-based study of all-terrain vehicle-related head and spinal injuries. *Neurosurgery*. Oct 2010;67(4):993-997; discussion 997.
3. Campbell BT, Kelliher KM, Borrup K, et al. All-terrain vehicle riding among youth: how do they fair? *J Pediatr Surg*. May 2010;45(5):925-929.
4. <http://atvsafety.gov/state/hawaii.html>. Hawaii State ATV Information. *United States Consumer Products Safety Commission* [Accessed February 23, 2011].
5. Murphy N, Yanchar NL. Yet more pediatric injuries associated with all-terrain vehicles: should kids be using them? *J Trauma*. Jun 2004;56(6):1185-1190.
6. Humphries RL, Stone CK, Stapeczynski JS, Florea S. An assessment of pediatric all-terrain vehicle injuries. *Pediatr Emerg Care*. Jul 2006;22(7):491-494.
7. Su W, Hui T, Shaw K. All-terrain vehicle injury patterns: are current regulations effective? *J Pediatr Surg*. May 2006;41(5):931-934.

## ichiyama3 - Cu Ri

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 21, 2011 2:03 PM  
**To:** TRNtestimony  
**Cc:** speedy\_bailey@amr-ems.com  
**Subject:** Testimony for HR22 on 3/23/2011 9:00:00 AM

Testimony for TRN 3/23/2011 9:00:00 AM HR22

Conference room: 309  
Testifier position: support  
Testifier will be present: No  
Submitted by: Speedy Bailey  
Organization: American Medical Response  
Address:  
Phone:  
E-mail: [speedy\\_bailey@amr-ems.com](mailto:speedy_bailey@amr-ems.com)  
Submitted on: 3/21/2011

Comments:

## ichiyama3 - Cu Ri

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 22, 2011 9:31 AM  
**To:** TRNtestimony  
**Cc:** bmih@kapiolani.org  
**Subject:** Testimony for HR22 on 3/23/2011 9:00:00 AM

Testimony for TRN 3/23/2011 9:00:00 AM HR22

Conference room: 309  
Testifier position: support  
Testifier will be present: No  
Submitted by: Bryan Mih  
Organization: American Academy of Pediatrics  
Address:  
Phone:  
E-mail: [bmih@kapiolani.org](mailto:bmih@kapiolani.org)  
Submitted on: 3/22/2011

**Comments:**

Please support safety measures to prevent injuries to young people. ATV's are deceptively nimble, yet when riders are involved in accidents, the weight of the ATV's is a significant factor in causing injuries and possibly death.

## ichiyama3 - Cu Ri

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 22, 2011 1:18 PM  
**To:** TRNtestimony  
**Cc:** ely\_mark31@hotmail.com  
**Subject:** Testimony for HR22 on 3/23/2011 9:00:00 AM  
**Attachments:** HB18.doc

Testimony for TRN 3/23/2011 9:00:00 AM HR22

Conference room: 309  
Testifier position: comments only  
Testifier will be present: No  
Submitted by: Mark Ely  
Organization: South Seas Cycle Exchange  
Address:  
Phone:  
E-mail: [ely\\_mark31@hotmail.com](mailto:ely_mark31@hotmail.com)  
Submitted on: 3/22/2011

Comments:

I believe that having the Department of Health request statistics on ATV related injuries and deaths is a good idea. It is good to have the statistics in order to make decisions and changes to current legislature. However I would like it to be pointed out though that simply having a list of ATV related injuries and deaths may not be pertinent to bill HB18. Most of the injuries and deaths are from people's disregard for the current recommendations. They are not from the ATVs themselves but the negligence of the operators and or parents of operators. I support HB18 as I think that if it was enforced it would push people to obey the current recommendations.

Mark Ely  
Vice President  
South Seas Cycle Exchange Inc.

## ichiyama3 - Cu Ri

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 21, 2011 8:31 PM  
**To:** TRNtestimony  
**Cc:** Bossfrogjr@gmail.com  
**Subject:** Testimony for HR22 on 3/23/2011 9:00:00 AM

Testimony for TRN 3/23/2011 9:00:00 AM HR22

Conference room: 309  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Chris kasper  
Organization: Individual  
Address:  
Phone:  
E-mail: [Bossfrogjr@gmail.com](mailto:Bossfrogjr@gmail.com)  
Submitted on: 3/21/2011

**Comments:**

As an avid Ohv participant I believe this law is unwarranted. My kids participate in motorcycle riding at our local track here in Maui. It's a great family activity. I am not sure this bill would affect our track however if it does please consider my testimony opposing this bill.



**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 22, 2011 4:23 PM  
**To:** TRNtestimony  
**Cc:** Amchi@alliedmachinerycorp.com  
**Subject:** Testimony for HR22 on 3/23/2011 9:00:00 AM

## LATE TESTIMONY

Testimony for TRN 3/23/2011 9:00:00 AM HR22

Conference room: 309  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Gary Feyerisen Treasurer  
Organization: Hawaii Motorsports Assoc. Inc.  
Address:  
Phone:  
E-mail: [Amchi@alliedmachinerycorp.com](mailto:Amchi@alliedmachinerycorp.com)  
Submitted on: 3/22/2011

**Comments:**

We practice safe riding and racing, wearing the proper gear, at the many race courses on Oahu, Maui Kauai & the big island for 50 years.

Please get the government out of our personal lives. Driving in cars kills more children than this activity, but you don't outlaw driving in cars?