



MFR/PRVLR NOTIFIED  
COMMENTS: YES  NO  8/3/09 J  
— OVERRULED; — ATTACHED  
— EXCISIONS/FOIA Hxs. —;  
 DO NOT RE-NOTIFY — RE-NOTIFY

Via Email and UPS Second Day AIR

August 5, 2009

Howard N. Tarnoff  
Lead Trial Attorney  
Division of Compliance  
Office of the General Counsel  
U.S. Consumer Product Safety Commission  
4330 East-West Highway  
Bethesda, MD 20814

Re: NST Inc.'s ATV Action Plan

Dear Mr. Howard Tarnoff,

NST Inc. ("NST"), a distributor of All Terrain Vehicle ("ATVs") located in Montclair, California, is fully committed to the goal of reducing ATV-related accidents. We have implemented new policies in accordance with the rules set forth by Section 232 of the Consumer Product Safety Improvement Act of 2008. The actions outlined below are part of our continuing effort to promote safe and responsible use of our ATVs.

#### AGE RECOMMENDATIONS

NST will only recommend, market, and sell ATVs for use under the age category/speed guidelines specified at Section 6 of the ANSI/SVIA 1-2007 standard for ATVs (the ATV Standard). NST will not recommend, market, advertise, or sell adult-sized ATVs for the use of persons less than 16 years of age. NST will use its best efforts to ensure that its dealers comply with these requirements.

*This is a scooter world where you'll have fun ...*

10830 Ada Ave. Montclair, CA 91763 TEL: 909-628-2899 FAX: 909-628-2855  
www.NSTmotor.com Email:Sales@NSTmotor.com

## **HANDS-ON TRAINING**

NST will offer free, hands-on, interactive training to all NST ATV purchasers. This free training will be extended to the buyers' immediate relatives who are age appropriate for the ATV purchased. This free training will be provided by the ATV Safety Institute ("ASI").

NST will instruct its dealers to communicate to ATV purchasers the availability and importance of the ASI training course. Purchasers will also find a toll-free phone number to contact ASI about registering for the training course in the owner's manual and point-of-sale materials. Purchasers will have to pay ASI an up-front fee for the training. This fee will be reimbursed by NST after consumers mail to NST a certificate of completion for the course and a copy of their bill of sale for the NST ATV.

After completion of the training course, the rider will qualify for an incentive worth \$100. The \$100 incentive for training will include at least \$50 in cash, with the balance offered (at the consumer's choice) as a rebate for already purchased safety equipment or a credit towards the purchase of new safety equipment.

## **DEALER MONITORING**

NST requires that its dealers verify the intended ATV rider's age prior to selling that rider or his/her guardian an ATV. NST warranty registration cards require the identification of the intended rider's name and date of birth to ensure that dealers do not sell NST ATVs to under-aged riders.

NST will use its best efforts to obtain dealer compliance with the age recommendation requirements of the ATV Standard. NST will conduct a minimum of 50 on-site, undercover inspections per year of our authorized ATV dealers by means of independent, undercover investigators (also known as "secret shoppers") to ensure that these dealers follow age requirements and other safety related practices during sales or promotional activities. NST will conduct these inspections of each of its dealers at least twice a year. NST will also modify the visitation criteria of its field support

staff so that inspecting for dealer compliance becomes normal function of the dealer visit.

When NST learns of dealers who do not abide by the age requirements of the ATV Standard, it will arrange follow-up inspections. If NST finds evidence of continued violations, NST will take remedial action, to the extent permitted by applicable state and local laws, up to and including possible termination or non-renewal of the dealer's contract with NST.

### **ATV SAFETY VIDEO**

NST will provide a Safety Video to its dealers for dissemination to all retail purchasers of NST ATVs. The video shall comply with all requirements described at Section H.3.b.(4)(b) and Appendix I of the 1988 Consent Decrees.

NST will require its retail dealers to make the safety video readily available for viewing by all actual and prospective purchasers. And the safety video will be packaged with all new ATVs.

### **SAFETY ALERT**

NST will supply its dealers "Safety Alert" documentation to be provided at the point of purchase to all retail purchases of NST ATVs. The document will contain the same substantive safety information as the Safety Alert described at Section H.3.b.(4)(c) and Appendix J of the 1988 ATV Consent Decrees. This information includes: death and injury statistics for ATVs, safety rules, age recommendations and the availability of safety training.

### **ADVERTISING**

When preparing and presenting advertising and promotional materials, NST will depict the safe and responsible operation of ATVs. The use shown will be appropriate to the ATV, the age of the operator, and the depicted situation. ATV riders depicted in advertising and promotional materials will wear helmets and full protective gear. These marketing materials and presentations will contain the safety messages described in Section J.1. and

Appendix K of the 1988 ATV Consent Decree and will contain information about the availability of operator training. NST will use its best efforts to promote dealer compliance with the advertising requirements, including the requirement that advertising submitted for cooperative advertising reimbursement comply with NST's policies.

### **TOLL-FREE SAFETY HOTLINE**

NST will maintain a 24-hour toll-free hotline to respond to consumer inquiries. NST Hotline will strictly conform to Section H.4 of the 1988 ATV Consent Decree. Agents will be trained to provide safety and training information, including age recommendations. The hotline number will be included in advertising and promotion brochures, and other print materials.

### **INFORMATION/EDUCATION PROGRAM**

This section outlines the information and education program developed by NST. The company intends to implement the program as part of its continuing efforts to promote safe and responsible use of ATVs. This program will be implemented immediately for a 10 (ten) year duration with monthly reviews conducted by NST's management.

### **CD-ROM**

NST intends to create a CD-ROM program that will convey ATV safety information in a competitive, visually exciting manner that resembles the types of interactive video simulations that pre- and young teens find entertaining. The CD-ROM will be designed to provide a new and exciting way to warn children against the use of adult-sized ATVs and to teach them about other risks associated with ATV use.

### **Website**

NST will encourage dealers to promote the importance of ATV safety by recommending that each purchaser visit the ASI's website to learn more

about the safe operation of an ATV. In addition, NST will provide dealers information about the danger of unsafe riding. NST also intends to expand its individual company website to the extent feasible to provide online access to a rendition of the CD-ROM program and other safety information. NST will provide on its website a link to download the materials found on the CD-ROM.

### Safety Reminders

NST will launch a correspondence program directed to parents purchasing new ATVs. A letter to the parents incorporating safety messages and safety alerts for children will be provided to the customer via the dealer. This letter will reference the ASI's website.

### Targeted Distribution of Safety Materials

NST will create and disseminate a safety poster for posting by all NST dealers. NST will also distribute this safety poster to pediatric offices, schools, and public libraries on a national level so that these materials may target children in the hopes of keeping children informed of safety precautions. This poster will feature safety and educational information containing ATV safe riding messages and encouraging correct ATV sizing and the need to take hands-on training.

Additionally, NST intends to distribute six page safety brochures to dealers in order to target individual consumers. Additionally, NST will mail safety brochures directly to individual consumers subsequent to their ATV purchase in order to act as a post-purchase reminder of safety measures that a consumer should abide to. Further, these brochures will incorporate valuable safety messages to parents in regards to child safety warnings and precautions.

### Print Ad Campaign

NST will integrate information about the availability of the new CD-ROM program in its general ATV advertising during the first year of the

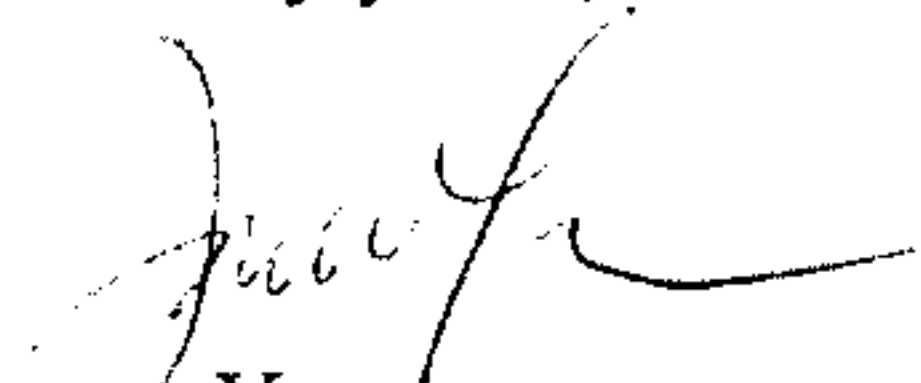
program's creation. NST's print advertisements will feature safety messages communicating the importance and availability of safety training. NST's print advertisements will be published on DEALERNEWS magazine and ATV industry trade websites. The budget for this campaign will be a minimum of \$10,000 for 10 (ten) years.

### **NOTICE OF TERMINATION**

Unless otherwise indicated, NST intends to maintain the above-specified actions indefinitely. NST will give the CPSC at least 60 days advance written notice of its intention to terminate or materially change any commitment under this Action Plan.

As always, NST will continue to set consumers' safety as its top priority in marketing and selling ATVs. The plans described in this letter represent a major voluntary undertaking by NST. And NST stands ready to cooperate with CPSC by providing information about these activities upon request by CPSC.

Sincerely yours,



Jenny Yu  
President  
NST Inc.