



MET/PRV/LBR NOTIFIED 5/18/10
 COMMENTS: YES NO
 OVERRULED; ATTACHED
 EXCISIONS FOIA BY (a)(3)
 DO NOT RE-NOTIFY RE-NOTIFY

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February 5, 2010

VIA FEDERAL EXPRESS

Anthony M. Cooke, Esq.
 Office of the General Counsel
 U.S. Consumer Product Safety Commission
 4330 East West Highway
 Suite 710-E
 Bethesda, MD 20814-4408

Re: ATV Action Plan of Metal Motorsports

Dear Mr. Cooke:

Metal Motorsports ("Metal") 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

Metal 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"). Metal will not recommend, market, advertise, or sell adult-sized ATVs for the use of persons less than 16 years of age and Metal will use its best efforts to ensure that its dealers comply with these requirements.

Dealer Education and Dealer Monitoring

Metal will use its best efforts to obtain dealer compliance with the age recommendation requirements of the ATV Standard. Metal will conduct on-site inspections of each of its authorized ATV dealers at least twice a year, with a minimum of 50 on-site inspections per year. These inspections will be conducted 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 functions. Metal will also modify the visitation criteria of its field support staff so that inspecting for dealer compliance becomes a normal function of the dealer visit.

(b)(3):CPSA Section 6(a),(b)(4)

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score and encouraged to take the test again. Only Associates who have passed the on-line test will be able to sell ATVs.

Metal will take appropriate corrective actions against retail locations which do not comply with age restrictions and integration of information on Metal's free consumer training offer. When Metal learns of dealers who do not abide by the age requirements of the ATV Standard, it will arrange follow-up inspections. If Metal finds evidence of continued violations, Metal will take remedial actions, up to and including possible termination or non-renewal of the dealer's contract with Metal.

Metal will require all retailers to register the purchaser of a Metal ATV on-line at the time of purchase. This registration will contain a component to confirm the age of the primary user of the ATV being sold.

Metal's Owner's Manuals Will Conform to Section 4.21 of the ATV Standard

Metal's Owner's Manuals will conform to Section 4.21 of the ATV Standard.

ATV Warning Labels

Metal will use Warning Labels as required by Section 4.23 of the ATV Standard– which includes general, age recommendation, passenger, tire pressure, and overloading labels.

Hang Tags

Metal will use ATV Hang Tags, as required by Section 4.24 of the ATV Standard– which includes age recommendations, vehicle category, training availability, and safety messages. Metal will use its best efforts to require retailers to display the hang tags on new ATVs, and this will be part of Metal's unannounced audits of retailers.

(b)(3):CPSA Section 6(a),(b)(4)



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Metal will also require warranty information to be completed on-line by Metal's retailers at time of purchase. Metal will send by electronic (if available) and regular mail a reminder card of the training refund offer and incentives to the purchaser. This reminder card will contain information on how to sign up for ASI Training program. This purchase information will be retained by Metal should it ever prove necessary at a later date to reach purchasers.

The hands-on training offer will be in addition to training information provided to the consumer in the form of owner manuals, hang tags, warning labels, safety alerts, DVD safety video, warning labels and other media.

ATV Safety Video

Metal will provide to each purchaser of a Metal ATV a DVD safety video as described in Section H.3.b.(4)(b) and paragraphs II.A and II.C of Appendix I of the 1988 ATV Consent Decrees. The video will be included in the shipping carton when the unit is packaged during production. The video will contain safety messages in accordance with the safety message found on the general ATV warning label. The video will be given to the consumer by the retailer during the sales process. Metal will also place a link on the Metal Motorsports Web-site to this safety video. This will allow users, and subsequent owners, who may not have the DVD to watch the video presentation.

Safety Alerts

Metal's Safety Alert will be packaged with each ATV during production and given to each consumer at the time of purchase. Each "Safety Alert" 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, including:

- Death and injury statistics for ATVs
- Safety rules
- Age recommendations
- Availability of safety training

Metal will provide additional copies of the Safety Alert to each retail location.

Toll-Free Hotline

Metal will provide a toll-free, 24-hour hotline to respond to consumer inquires as described at Section H.4 of the 1988 ATV Consent Decrees. Agents will be trained to provide safety and training information, including age recommendations. Metal further agrees the hotline service will offer to send, free of charge, to every person who calls and requests copies of the ATV Safety Guide produced for in-store distribution. Metal's toll-free number will be printed in all owners' manuals, ATV web-sites, and other promotional materials.

Advertising

All Metal ATV advertising and promotional materials will include the substance of the safety messages that are described at Section J.1 and Appendix K to the 1988 ATV Consent Decrees and will depict ATVs in a manner consistent with safe and responsible use of the product. All riders will be shown in such advertisements shall wear helmets and full protective gear. The company shall use best efforts to promote dealer compliance with the advertising requirements.

Information / Education Program

The focus of the Metal ATV safety and education program is to stress the importance of children under the age of 16 not operating Adult ATVs and the importance of wearing the appropriate safety gear while riding ATVs. The program's message will be delivered through in-store advertising, in-store pamphlets, and the Internet.

The content of the Metal ATV safety and education program will be consistent with information found on the ATV Safety Alert, General Warning label, and age restriction warning label. The elements of the Metal ATV safety and education program include the following:

Website: Metal's company website will provide on-line access and download safety and education information. The website provides appropriate warnings against the improper use of ATVs and teaches about the risks associated with ATV use. Users will be able to print the valuable safety and education information for personal use or to share with others.

Print Ad Campaign: The delivery of the message will also be promoted through the inclusion of the web-site address in all owners' manuals and printed safety messages. The web-site address and safety message will be included in Retail Print Circulars published by Metal ATV retailers, including Pep Boys. We estimate more than one billion circulars will be distributed to consumers containing advertisements for Metal ATVs during an annual period.

Store Displays and Pamphlets: Metal will also supply a Metal ATV Safety in-store advertisement for participating Metal retailers, including approximately 560 Pep Boys' stores. The 11" x 14" standalone in-store advertising will deliver a message consistent with the general warning label and age restriction warning label. The in-store advertisement will contain a small pamphlet containing safety information and directions to the Metal ATV Safety web-site. The displays and pamphlets stress personal and family responsibility in the proper use of ATVs.

Program Budget Estimate: In addition to the large value of the safety information which will be disseminated via retailers; advertisements (contained in one billion circulars annually), Metal anticipates that its direct costs for its safety and education program will range from approximately \$100,000 to \$120,000 annually. These estimates do not include numerous additional costs of the program, including the costs of company website maintenance, the value of the safety messages integrated into general ATV advertising, and other internal company expenses. Metal will conduct its Information and Education Program for at least 10 years.

3-Wheel ATV's

Metal will not manufacture, market or sell 3-Wheel ATVs.

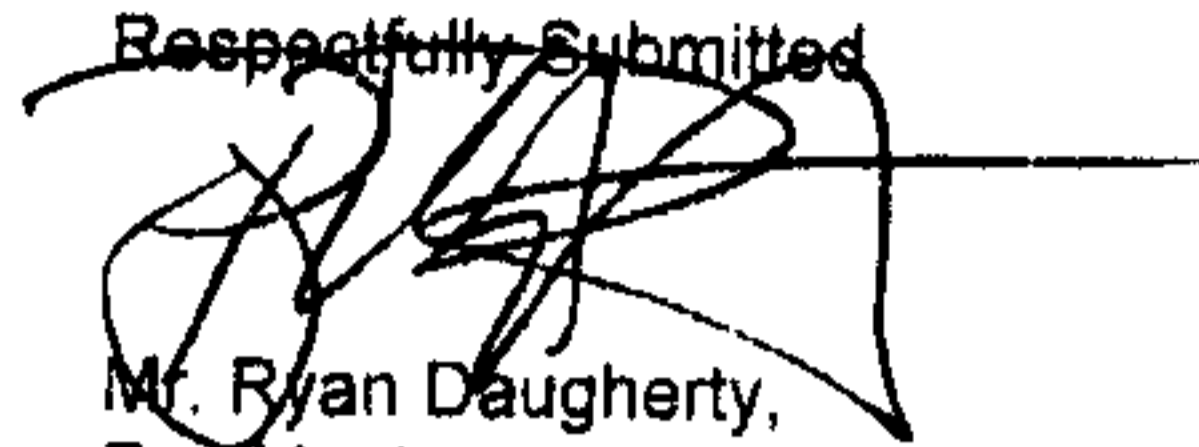
Notification of Modification or Termination of Action Plan

Metal shall give the CPSC at least 60 days advance notice of its intention to terminate or materially change any commitment under this Action Plan. Metal will provide information about these activities upon reasonable requests from the CPSC.

Metal Motorsports looks forward to joining the CPSC and other responsible ATV sellers to jointly promote the safe and responsible use of ATVs.

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~~Respectfully Submitted~~

A handwritten signature in black ink, appearing to be "R. Daugherty", written over a horizontal line.

Mr. Ryan Daugherty,
President
Metal Motorsports, Inc.
14525 N 79th Street Suite C
Scottsdale, Arizona 85260

cc: Mr. Howard Tarnoff, Esq.
Mr. Thomas M. Sheehan, Esq.