



# Sirius Recreational Products

March 22, 2010  
Howard N. Tarnoff  
Lead Trial Attorney  
Office of the General Counsel  
U.S. Consumer Product Safety Commission  
4330 East-West Highway  
Bethesda, MD 20814

MER/PRV/LBR NOTIFIED *Permission to GC 4/7/10*  
COMMENTS:  YES  NO  
 OVERRULED;  ATTACHED  
 EXCISIONS/FOIA Hks.   
 DO NOT RE-NOTIFY  RE-NOTIFY

Re: ATV Action Plan of Sirius Recreational Products LLC

Dear Mr. Howard N. Tarnoff:

I am pleased to inform you of Sirius Recreational Products LLC's ("Sirius") plans concerning ATV safety in response to Section 232 of the Consumer Product Safety Improvement Act of 2008. Sirius commits to promoting the safe and responsible usage of ATVs, through these and other measures that may be developed in the future. Sirius has authorized me to submit this letter to you.

### AGE RECOMMENDATIONS

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

### DEALER MONITORING

- a. Sirius requires that its dealers verify the intended ATV rider's age prior to selling that rider or his/her guardian an ATV. Sirius warranty registration cards require the identification of the intended rider's name and date of birth to ensure that dealers do not sell Sirius ATVs to under-aged riders.
- b. Sirius will use its best efforts to obtain dealer compliance with the age recommendation requirements of the ATV Standard. Sirius 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 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. Sirius 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.
- c. When Sirius learns of dealers who do not abide by the age requirements of the ATV Standard, it will arrange follow-up inspections. If Sirius finds evidence of continued violations, Sirius 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 Sirius.

### HANDS-ON TRAINING

Sirius will offer free, hands-on, interactive training to all Sirius ATV purchasers. This free training will be extended to the buyers' immediate relatives who are age appropriate for the ATV



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purchased. This free training will be provided by the ATV Safety Institute ("ASI").

Sirius 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 Sirius after consumers mail to Sirius a certificate of completion for the course and a copy of their bill of sale for the Sirius 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.

## **SAFETY VIDEO**

Sirius will supply its dealers a "Safety Video" to be provided at the point of purchase to all retail purchasers of Sirius ATVs. The video shall comply with all requirements described at Section H.3.b.(4)(b) and paragraphs II.A and II.C of Appendix I of the 1988 ATV Consent Decree.

## **SAFETY ALERT**

Sirius will supply its dealers "Safety Alert" documentation to be provided at the point of purchase to all retail purchases of Sirius 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 Decree. This information includes: death and injury statistics for ATVs, safety rules, age recommendations and the availability of safety training

## **TOLL-FREE ATV HOTLINE**

Sirius will provide a toll-free, 24-hour hotline to respond to consumer inquiries as described at Section H.4 of the 1988 ATV Consent Decree. Agents will be trained to provide safety and training information, including age recommendations. Sirius's toll-free number will be printed in all owners' manuals, ATV web-sites, and other promotional materials.

## **ADVERTISING**

When preparing and presenting advertising and promotional materials, Sirius 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. Sirius will use its best efforts to promote dealer compliance with the advertising requirements, including conditioning cooperative advertising funding on such compliance.

## **INFORMATION/EDUCATION PROGRAM**

Sirius will administer a safety information and education program. The program will focus on educating consumer about age recommendations, passenger, and other safety-related information and the risk of injury to children, and will complement Sirius's existing efforts in this area.

Sirius will create and disseminate a safety poster for posting by all of its dealers. This poster will feature safety and educational information containing ATV safe riding messages and encouraging



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correct ATV sizing and the need to take hands-on training. This program will be implemented immediately for a 10 (ten) year duration with monthly reviews conducted by Sirius' management.

Details of Sirius' Information and Education Program are attached to this document at Attachment A.

## **NOTIFICATION**

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

Please let us know if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to be "Sun Wei". The signature is written in a cursive, somewhat stylized font.

Sun Wei, President

Sirius Recreational Products LLC

Principal Place of Business: 1472 Monterey Pass Road, Monterey Park, CA91754

## **Sirius' Information and Education Program**

### **I. Objective**

#### **A. Overall Objective**

Generate awareness of ATV safety messages among the target group.

#### **B. Target**

The Program target is defined demographically as adults for media buying purposes. Within this group, emphasis will focus on the following

ATV sub-cells:

Primary:

ATV owners and users

Secondary:

Potential ATV purchasers

#### **C Geography**

Support the full national scope of the ATV marketplace.

#### **D Timing: Duration**

Support Sirius full ATV sales period, and the program will be updated every two years.

#### **E Communication Goal**

Provide ATV owners, users and prospective purchasers with safety information and education, and make efforts to deter children under age sixteen from operating adult-sized ATV.

## **F. Costs**

Print and gift: 0.2% of estimated annual sales, \$40,000.00 based on Sirius' annual sales in 2008. The costs do not include company website expansion and maintenance, the value of the safety messages integrated into general ATV advertising, or other internal company expenses.

## **II. Strategies**

### **CD-ROM**

Sirius 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**

Sirius 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, Sirius will provide dealers information about the danger of unsafe riding. Sirius 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. Sirius will provide on its website a link to download the

materials found on the CD-ROM.

### **Safety Reminders**

Sirius 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. This letter will also emphasize the importance of taking free-hands on safety training.

### **Targeted Distribution of Safety Materials**

Sirius will create and disseminate a safety poster for posting by all Sirius dealers. Sirius 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, Sirius intends to distribute safety brochures to dealers in order to target individual consumers. Additionally, Sirius 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**

Sirius 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. Sirius' print advertisements will feature safety messages communicating the importance and availability of safety training. Sirius' print advertisements will be published in "CYCLE WORLD (<http://www.cycleworld.com>)". The budget for the print ad campaign will be a minimum of \$10,000 for 10 (ten) years.