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MER/PRV/LBR NOTIFIED 12/3/09
COMMENTS: YES NO
 OVERRULED; ATTACHED
 EXCISIONS FOLA Hxs.
 DO NOT RE-NOTIFY RE-NOTIFY

Submission Date: July 16, 2009

Renee K. Haslett
Trial Attorney
Division of Compliance
Office of the General Counsel
U.S. Consumer Product Safety Commission
4330 East-West Highway
Bethesda, MD 20814

RE: ATV Action Plan of ETON America, LLC.

Dear Ms. Haslett:

ETON America, LLC ("E-TON") imports and distributes All Terrain Vehicles (ATVs) in North America. The ATVs are manufactured by JI-EE Industry Group of Tainan, Taiwan ROC under the E-TON brand name. All E-TON vehicles are distributed exclusively through an independent dealer network. 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.

E-TON ATV Dealer Policy:

E-TON dealer policies have been implemented to ensure the following responsibilities:

They include E-TON's commitment to all provisions relating to operator age, safety related communications to consumers, all notices and warnings, marketing, and training. E-TON will utilize its best efforts, including dealer monitoring, to reasonably ensure that E-TON retail dealers do not recommend or sell ATVs for use by individuals who are under the minimum age.

E-TON will continue to stress the importance of ATV safety and responsible use of ATVs in all communications between dealership staff and consumers and/or prospective customers. This includes, but is not limited to, hang tags, owner's manuals, vehicle operation guides, and other related matters in which ATV safety can be emphasized:

- Through the E-TON point of purchase safety alerts.
- Through ATV safety hang tags on new vehicles.
- Through warranty registration procedures.
- Through rider training certification.

- Through the E-TON Interactive Training Program.
- Through our ATV safety advertisements and internet safety alerts.
- Through reference to our toll-free safety hotline.

The E-TON Action Plan also includes the E-TON commitment to continue its compliance with ANSI/SVIA1-2007 standard for ATVs “the ATV Standard” in its current and future manufacturing of ATVs.

Age recommendations:

E-TON will not recommend, market, advertise, or sell new adult-sized ATVs for the use of persons less than 16 years old. In addition, E-TON will use only the maximum speeds and speed limitations specified at Section 6 of the ATV Standard.

Safety Alerts:

E-TON will provide to dealers for dissemination to each purchaser a “Safety Alert” that contains the same substantive safety information as Section H.3.b(4)(c) and Appendix J of the 1988 ATV Consent Decree. The safety alert will also contain information about the ATV safety training course. In addition, E-TON will publish a special “Safety Alert” page on its consumer web site for the express purpose of communicating the contents of the current “ATV Safety Alert” to potential ATV customers. The Safety Alert will contain information on age appropriate ATVs, safety rules, and death and injury statistics for ATVs. Estimated numbers of fatalities and injuries related to ATV use, when presented, will contain no implication of causality.

ATV Labels and Safety Hang Tags:

E-TON’s labels will comply with the requirements of Section 4.23 of the ATV Standard.

E-TON’s hang tags will comply with the requirements of Section 4.24 of the ATV standard and will include information about free, hands-on ATV training availability.

Owner’s Manuals:

E-TON’s Owner’s Manuals will comply with the requirements of Section 4.21 of the ATV Standard.

Training and Incentives:

E-TON will offer, through its dealers, an ATV Safety Institute (ASI) hands on training course and vehicle use seminar. This ASI training course will be offered for free to all E-TON ATV purchasers and members of their immediate families. E-TON dealers will inform purchasers of E-TON ATVs that the E-TON warranty

registration program will automatically register purchasers of E-TON ATVs for ASI training. Information concerning ASI Training course registration and a reimbursement schedule for all registration expenses incurred will be sent to each registered purchaser by certified letter, return receipt requested. Purchaser registration will be ensured by one of three methods: online registration, telephone registration, or dealer premises registration. E-TON will follow up with purchasers via e-mail with information about registering for the ASI training course.

E-TON dealers must have access to certified ATV Safety Institute Instructors. Their mission is to offer hands-on ATV skills training and safe use information to all ATV operators. This training is supplemented by E-TON point of purchase materials, vehicle warnings, and consumer advertising.

E-TON Interactive Training System: In an effort to ensure complete understanding of safety information and proper ATV use, E-TON has developed an interactive training system whereby the potential buyer is engaged in a virtual ATV educational experience.

After completion of the ASI 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 customer's choice) as a rebate for already purchased safety equipment or a credit towards the purchase of new safety equipment.

Dealer Monitoring Program:

E-TON endeavors to maintain a network of professional, independent, full-service power sports dealers. E-TON will use its best efforts to monitor dealer compliance with the age recommendations. Dealer monitoring will be conducted in two ways: E-TON personnel will conduct periodic telephone monitoring of dealer compliance with age recommendations, safety hang tags and other pertinent E-TON policies. E-TON will also conduct at least 50 undercover, on-site investigations of dealer compliance with age recommendations. Dealers will be specifically targeted for inspection by independent investigators. The criteria for targeting will include previous violations, recent sales activity and/or dealer personnel change. Non-compliant dealers or dealers who fail to recommend age appropriate ATVs in their sales presentations will be subject to re-training. Repeat violators will be subject to possible franchise termination to the extent permitted by applicable state laws.

ATV Hotline:

E-TON shall provide a toll-free 24 hour telephone hotline which meets all the requirements of Section H.4 of the 1988 ATV Consent Decree. This hotline will provide training and safety information including age recommendations for ATV

use. In addition, it will respond to consumer inquiries regarding ATV Safety. The ATV Hotline number shall be printed in E-TON promotional materials and print advertisements. On request, the hotline operator shall send, free of charge, copies of appropriate materials developed in conjunction with this Action Plan. This includes copies of the Interactive Training System, safety video, and any printed safety alerts.

Advertising:

All advertising shall include the basic safety information contained in Section J.1 and Appendix K of the 1988 ATV Consent Decree. Any riders shown in E-TON promotional and advertising materials shall wear protective helmets and full protective gear. ATV use depicted in E-TON promotional materials shall be consistent with safe and responsible ATV use. Furthermore, E-TON shall use its best efforts to promote dealer compliance with these standards.

Information/ Education Efforts:

E-TON has produced an interactive ATV safety and operation skills DVD (Interactive Safety Program). Our research has demonstrated that use of interactive education techniques is the best method to stimulate pre-teen safety education. The interactive training application serves as a test of the rider's knowledge and understanding of safe preparation, operation, and inspection of his or her vehicle in a simple-to-grasp interactive manner.

1. The Interactive Safety Program will be distributed to all prospective E-TON customers by its franchised dealers.
2. The Interactive Safety Program will be mailed to the purchaser of each new E-TON ATV as part of the vehicle registration process.
3. The Interactive Safety Program will be available to all visitors to the ETON America, LLC. web site.
4. Advertising Campaign: E-TON will integrate its commitment to ATV safety with its consumer advertising campaigns. ETON is a sponsor of the John Boy and Billy Big Show, a drive time radio entertainment network which reaches an estimated 27,000,000 consumers. ATV safety and notices deterring the use of adult ATVs by children will be featured in all of the ETON advertising campaigns. Advertising campaigns will be conducted during the third and fourth quarters of each year.
5. E-TON will create and disseminate a safety poster for posting by E-TON dealers.

The estimated costs of these educational efforts are estimated to exceed \$100,000 in the year 2009. The E-TON information and education programs will always be an integral part of the E-TON commitment to the United States market.

ATV Safety Video:

E-TON shall provide to its dealers, agents or representatives, access to a safety video that conforms to the requirements specified at Section H.3.b.(4)(b) and paragraphs IIA and IIC of Appendix I of the 1988 Consent Decree. E-TON will use its best efforts to ensure that all actual and potential buyers receive this safety video. As an integral part of its Interactive Training System, E-TON will include safety information in its consumer training presentations in an ongoing effort to ensure proper vehicle use and safe operation.

Three Wheeled ATVs:

E-TON has never manufactured, nor does it intend to manufacture any version of a 3-wheeled ATV.

Notice of Termination of Action Plan:

If E-TON ceases sale of its ATV products in the United States or intends to terminate or materially change any of its commitments according to this Action Plan, it shall give the CPSC at least 60 days advance notice of its intention.

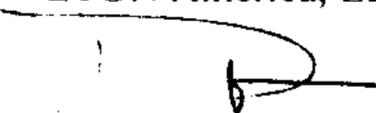
Conclusion:

E-TON is pleased to participate in this important safety initiative. We will endeavor to continue building a well-trained and competent dealer network. Our commitment to production of quality products which are both safe to operate and fully compliant with CPSC regulations will continue.

The U.S. Consumer Product Safety Commission has E-TON's permission to: (a) disclose E-TON's name to the public as having an approved ATV action plan; and (b) include E-TON's action plan on a CPSC website of approved ATV action plans such as: <http://www.cpsc.gov/library/foia/foia98/fedreg/fedreg.html>.

Please contact me directly if you have any questions or comments regarding the ETON America, LLC amended Action Plan.

Yours truly,
ETON America, LLC



Douglas Mahan
Vice President