

April 30, 2009

Mr. Mike Karen
Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Ref: Comments to Self Rescue Report

Dear Mike:

Upon receipt of your comments of March 6, 2009 the Treestand Manufacturer's Association has earnestly studied and collaborated over the key points offered by the CPSC and offer the following response for your consideration. We're assured that the TMA members continue to remain focused on treestand hunter safety and we appreciate the data and comments provided by the CPSC.

We took liberty in identifying key concerns in your letter and quoted them for reference to this response. For clarity and reference the bold font represents our thoughts:

1. "...supports addition of suspension relief... should be adopted as an ASTM requirement as well'
The support of suspension relief by the CPSC is appreciated. Please be aware that it truly has been adopted by the ASTM as a standard. Suspension relief devices are presently incorporated into the applicable ASTM treestand standards.
2. "... suspension relief represents only one component of what needs to be a much broader, "full spectrum" self rescue system/standard..."
While it is recognized that suspension relief is a component of overall treestand safety, it was deemed most important because when used it allows a user who falls to remain safely in a harness without fear of unconsciousness or death from blood pooling. After several forums, meetings, scenario investigations, etc., universal self rescue i.e., one that would reliably address all persons, treestand types, fall conditions, scenarios, etc., remains to be solved from a commercial standpoint.
3. "... the only standards-related progress made has been limited to suspension relief."
The TMA and the ASTM have made additional standards-related progress related to user safety besides incorporating suspension relief. The instruction standards have been dramatically improved. There have been numerous specific requirements for user safety added to the instructions standard by many experts who considered every possible un-safe treestand use or condition, and it has been thoroughly edited, modified and scrutinized during the process. The instruction standard also demands the use of DVD/video in addition to written instructions for treestands. There are two different video producers now that use this standard for their treestand safety presentation and both national and international organizations (the NBEF and the IHEA) recognize this instruction standard as a core document.
4. "CPSC staff would like to see standards modified to include performance requirements that would ensure a hunter's ability to safely return to the ground in an emergency situation."
The TMA is likewise anxious for a system that would ensure that a fallen hunter would be able to safely return to the ground. Considerable research, time and effort have already been expended seeking a solution and reports have been sent to the CPSC informing them of these efforts. As our September, '08 comments reflected, it was concluded that performance requirements should be directed toward user training because universal self rescue is A) complicated, and B) only two or three devices just recently appeared. As has previously been expressed, it is a difficult situation to address

and is complicated due to many different scenarios of treestand types, fall conditions, physical abilities, etc. Due to the conclusion of a focus on user training, the TMA has initiated several steps toward improvements. Contact was initiated with the IHEA and their instructors have endorsed treestand safety instructions that address in detail the need for a personal recovery/escape plan. This is likewise implemented within the NBEF instructor curriculum. We have had, and continue to have, TMA conducting treestand safety courses via “train the trainer” for hunter education instructors as well as specific hunter educator training in many states through the invitation of individual state DNR’s. This instruction relies on our own treestand specific safety instruction used by member manufacturers and it includes the topics of suspension relief and personal recovery/escape plans. There have already been close to one thousand instructors trained since we initiated this program and it continues to grow. TMA also initiated a “WEAR YOUR HARNESS” advertising campaign in magazines and on various outdoor television programs.

5. “It is our understanding that a number of safety devices that would likely meet such requirements are already available.”

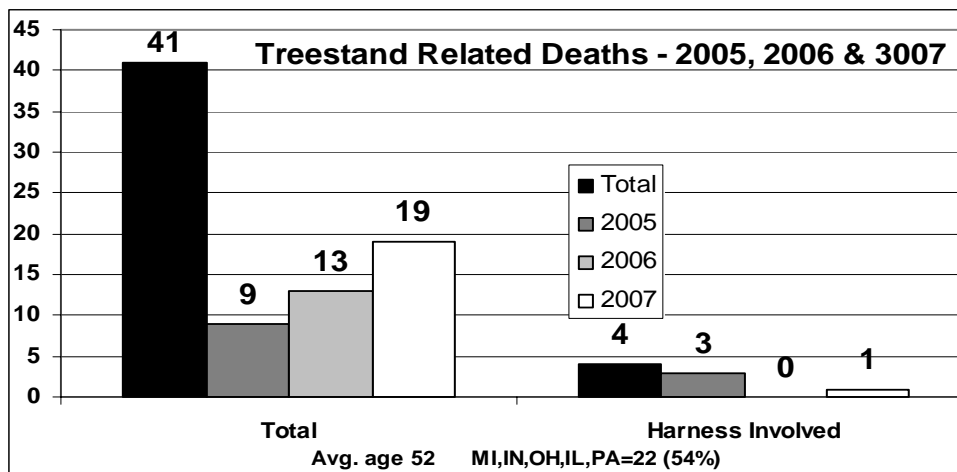
We have attempted to keep keenly aware of any developments and/or devices that could focus on self rescue. If you recall we informed you via e-mail in a status report in January, '08 of the systems that our self rescue had uncovered and/or evaluated. There were potential solutions from four different companies and some of these have made attempts to get marketed. Some have even been shown for sale at trade shows and we’ve reviewed them, had discussions with them, urged their entry into the market, but have not yet determined their viability or acceptability. There appears to be market hesitancy due several factors including 1) their higher cost, 2) low priority purchase, 3)not being a necessity, 4) somewhat cumbersome, 5) complicated, 6) perceived as another device to carry, 7) reliability concerns, 8) a majority not using harnesses, etc. Each optional device has its own acceptability hurdles to overcome.

6. “CPSC staff views self rescue as equally important to harness use, recognizing that the latter is a critical component in the overall scheme of safety and self rescue.”

Based on the data the CPSC has provided, it appears that harness use is a more critical component in the overall scheme of safety and self rescue rather than being equal to self rescue. We appreciate being given the data from the CPSC/NEISS and in the next paragraph we took time to analyze these data to verify that harness use is where we should focus.

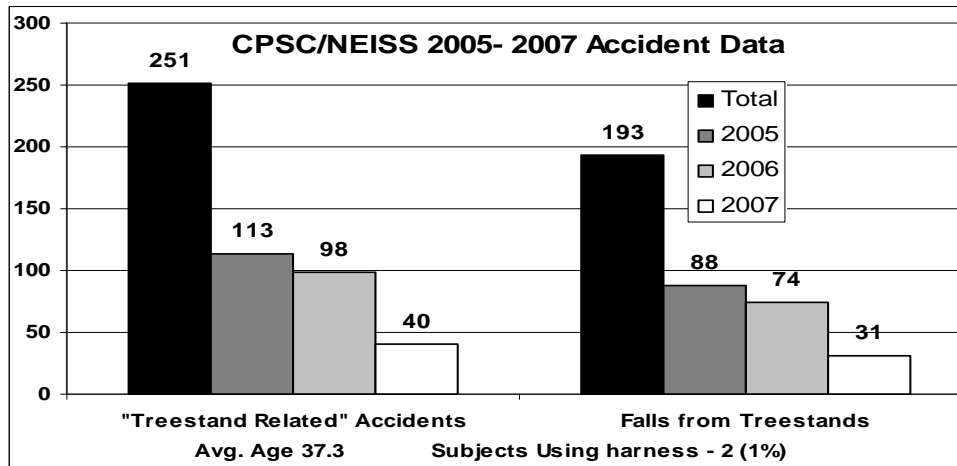
7. “Treestand incidents between 2005 and 2007 of which CPSC staff is aware are summarized in Tables 1 and 2 (enclosed).”

The first chart was from data derived from Table 1 showing treestand related deaths. We noticed that these data track closely with that supplied to the ASTM Self Rescue Task Group reported in 2006. The continued non-use of a harness remains a major concern.



As shown above, deaths without the use of a harness was 90.2% overall with 67% in 2005, 100% in 2006 and 96% in 2007.

This second chart is data derived from Table 2 showing treestand related injuries.



Of the total 251 injuries reported only 2 (1%) were shown to use a harness. As you're aware, TMA members have been furnishing harnesses as a requirement for certification since 2004 (some even as early as 2000), yet the data shows a complete disregard by hunters to use their provided harness, This data uncovered that there were numerous injuries (58 to be exact) that were not associated with a fall from a treestand. Reports were included such as "ABDOMINAL PAIN WHILE SITTING IN DEER STAND; CUTTING "SOMETHING" WITH KNIFE; EXPOSED TO POISON IVY; DISASSEMBLING A DUCK BLIND; CRUSHED FINGER IN DOOR; HIT HEAD ON DEER STAND" etc. The "Falls from Treestands" side of the chart is at least encouraging in that it is assuredly decreasing each year.

8. "... encourages TMA and the industry as a whole to try to gain an understanding as to why hunters do not utilize safety-related equipment or devices which are readily available."

The TMA appreciates any and all encouragement toward understanding the lack of harness usage. Manufacturers continually instruct, warn and promote the use of a harness. Labels and instructions on treestands and harnesses are very clear and advertisements show their use. As described above, the TMA has underwritten a television and magazine advertising campaign to promote harness use. Famous hunters and race car drivers have also been used in this campaign for encouragement.

9. "... might a more user-friendly harness design (one that is easier to wear, adjust, untangle, etc.) help encourage harness use?"

While it is certainly possible that specific harness redesigns could be done, it was elaborated in the September 19, 2008 comments to the CPSC's response to our report that the TMA manufacturers have developed harnesses that are user friendly. A four point body harness is design constrained by the variations if the human body form and shape and the statistical location of the human body's center of gravity. Portions of the ANSI harness standard were incorporated into the TMA performance standard. Hunters would not accept heavy, noisy, cumbersome harnesses used in commercial applications and rock/mountain climbing attributes were considered for treestand harness designs. There are distinct minor differences within the various harness manufacturers' products.

10. "Has the TMA conducted any studies or surveys to attempt to encourage harness use?"

Again, our previous comments to the CPSC reported that the TMA and all TMA members continually emphasize use of a harness and although a formal survey hasn't been done various reasons have been given by users for not using them. Industry intelligence reflects that the common reasons are 1) it's not macho, 2) in a hurry, 3) never needed one, 4) I'm very careful, 5) it's not required, etc. Harness use is not mandatory and therefore up the discretion of the user, who very often will not utilize the

safeguards which accompany a given manufactured product. We have initiated dialog with state DNR's and the U.S. Fish and Wildlife Service regarding mandatory harness use. There are some states which at least require the use of fall restraint while hunting state owned land and we are hopeful to perhaps persuade mandatory use of a harness while hunting on Federal land. We would appreciate the CPSC's assistance in this regard. Also, our magazine and television advertising have pointedly encouraged and emphasized harness use.

11. "Has the TMA conducted any studies or surveys to attempt to understand why hunters do not wear basic safety devices that could prevent severe injury, paralysis, or death?"

The paragraph above addresses some of these concerns and the TMA is in the planning stage for a formal survey. Our members have shared that hundreds of unsolicited letters from hunters have been sent to them relating their experiences with falls from treestands while using a harness. All were thankful for the product and how it kept them from injury, paralysis or even death. Interestingly, with these testimonies there were no explanations about self rescue or self recovery.

CONCLUSION:

Until wearing of a harness becomes law they will continue to voluntarily place themselves at risk even when warned through labels, instructions and the DVD's which come with the product, as well as having proven fall arrest equipment furnished to them. However, those that have fallen are now using them and as mentioned above, many letters have been received from those hunters who have had falls and been spared from injury or death by their use of a harness.

Sincerely,

John Woller Sr.

For the TMA Board

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