

Date: March 12, 2019



Subject: Noncompliance Policy

The TMA Board of Directors has unanimously approved a new policy that will become effective immediately. This letter is being provided to all members to inform them of the new Noncompliance Policy.

Since TMA's inception, the bylaws state in Article VII, Section 1: Any Manufacturing Class member shall be given a period of ninety (90) days after notification of acceptance of membership in which to submit their products for testing to conform to any and all applicable ASTM International standards recognized as industry standards by TMA. It is the responsibility of the TMA member to complete the most current Member Certification Report (MCR) and have it approved by the appropriate testing firm. A member shall be given a period of one year from the date of becoming a member to achieve compliance status for the member's products (which include private label brands). After the initial one year of membership, the member must have all products (including private label brands) certified which are subject to industry standards recognized by TMA prior to release into commerce. Further, said products shall maintain their compliance status until such a time that conditions should arise that would warrant re-submission. Such conditions would include, but not limited to, structural changes in regards to design, material components, manufacturer of products, or changes that would otherwise diminish or call into question the structural integrity, safety, and/or intended use of the product. Changes to current industry standards as recognized by TMA may also warrant resubmission and will be at the discretion of the TMA Board of Directors. Manufacturing Class members with product that are not in compliance would be subject to Article VII, Section 3 of these bylaws.

The TMA Board would like to express the importance of having full participation within the Manufacturing Class membership as it relates to product compliance which is the very basis for the formation of TMA from the beginning. The Board also appreciates having a membership based on a strictly voluntary basis and accepts the fact that members' have the right to conduct their business as they deem necessary. In the past, the Board has made a significant effort to be consistent when addressing an issue related to noncompliant products. The consequences of a member choosing to allow product to enter into the stream of commerce that is noncompliant could result in prejudice to TMA and also to its members. The TMA Board of Directors is responsible for maintaining and also enforcing compliance to TMA bylaws and policies. Voluntary compliance violations will be at the sole discretion of the TMA Board of Directors.

Therefore this policy has been enacted by your Board of Directors:

To achieve association solidarity, uniformity within our industry and viability; effective immediately any Manufacturing Class member who voluntarily chooses to allow product (including private label products) to enter into the stream of commerce that do not meet industry standards recognized by TMA, would be subject to the following:

- **First Offense: Member would be assessed a penalty in the amount of \$1,500 to be paid in 30 days. If not paid within 30 days membership of such member shall automatically terminate.**
- **Second Offense: Member would be assessed a penalty in the amount of \$5,000 to be paid in 30 days. If not paid within 30 days membership of such member shall automatically terminate.**
- **Third Offense: Membership would be suspended for a period of 12 months.**

Since TMA's inception, the basis for Manufacturing Class membership to remain in good standing by maintaining their product compliance to industry standards recognized by TMA. The value of TMA membership and authorized use of the TMA registered trademarks are bylaw requirements which give us unprecedented credibility. The board agrees that this policy to uphold and enforce the requirement of product compliance stated in the bylaws will do likewise.

For the TMA Board