

STIHL

STIHL INC.

**PRODUCT LIABILITY
GUIDELINES**



PRODUCT LIABILITY

This booklet provides guidelines concerning your duties as a STIHL distributor (“Distributor”) or dealer/retailer (“Retailer”) with respect to STIHL customers. Always follow these guidelines in dealing with every STIHL customer and if you have any questions concerning them, contact your Distributor or STIHL Incorporated (“STIHL”).

This booklet also provides guidelines for reporting accidents that come to your attention involving STIHL products.

Product liability describes the area of law involving the liability of manufacturers and sellers of products to persons who are injured or whose property is damaged by a “defective” product. “Sellers” within the chain of distribution include the manufacturer, importer, distributor and retailer. A “defective” product claim may arise from the manner in which the product is designed, how it is manufactured, the warnings and instructions that accompany the product or the manner in which it is marketed.

STIHL stands behind its products and its Retailers/Distributors who comply with these guidelines. If a product liability claim of bodily injury or accidental damage to tangible property is made against you, based upon allegations of a defect in a STIHL product that existed at the time the product left STIHL, or an inadequacy in the literature and warnings prepared by STIHL for distribution with the product, STIHL will generally take over the defense of any resulting lawsuit and pay any judgment that may be rendered against you.

However, neither STIHL nor any other manufacturer can assume the defense or take on an obligation to indemnify under all circumstances. In the following circumstances, STIHL cannot take over your defense or pay any judgment that may be rendered against you:

1. if the Distributor/Retailer has made any express warranty not authorized by STIHL;
2. if the Distributor/Retailer has sold a STIHL product for a purpose not authorized by STIHL;
3. if the Distributor/Retailer has sold a STIHL product in a manner not authorized by STIHL; this includes, for example, displaying STIHL products in-store, online, or in advertising materials in a manner inconsistent with the warnings and instructions for those products.
4. if the STIHL Distributor/Retailer has sold an attachment or accessory to a STIHL product not authorized by STIHL;
5. if the Distributor/Retailer has altered or modified the STIHL product from its original design;
6. if the Distributor/Retailer has failed to maintain the STIHL product in merchantable condition;
7. if the Distributor/Retailer has failed to properly assemble and set up the STIHL product or failed to make such inspections, adjustments, tests or servicing as instructed by STIHL in connection with the sale of the product;
8. if the Distributor/Retailer has improperly performed any inspection, adjustments, tests, service or repair on the STIHL product;
9. if the STIHL product, after distribution or sale by STIHL, has been labeled, re-labeled or used with the Distributor’s/Retailer’s knowledge for any purpose other than its intended purpose;
10. if the Distributor/Retailer has failed to follow STIHL’s instructions regarding product registration, labeling, safety instructions, delivery of product literature and information to customers, or compliance with industry standards or governmental regulations, and the claimant’s allegations involve such a failure;
11. if the injury or damage has arisen from any other negligent or wrongful act of the Distributor/Retailer or its employees;
12. if the Distributor/Retailer takes a position in the case adverse to the interests of STIHL;
13. if the Distributor/Retailer fails to notify STIHL promptly of any such claim; or
14. if the Distributor/Retailer sells STIHL products that were not designed, manufactured and labeled for sale in the United States.

SAFETY EDUCATION - QUICK REFERENCE LIST

1. Product Liability Guidelines # 0457 979 0100
2. Chain Saw Warning Label ANSI Kickback Warning # 0000 967 3613
3. Power Tool Warning Label # 0000 967 3909
4. Chain Saw Safety Manual # 0457 184 3021 (Spanish version # 0457 184 3121)
5. Trimmer/Brushcutter Safety Manual # 0457 187 3021 (Spanish version # 0457 187 3121)
6. Hedge Trimmer Safety Manual # 0457 189 3021 (Spanish version # 0457 189 3121)
7. Cut-off Machine Safety Manual # 0457 186 3021 (Spanish version # 0457 186 3121)
8. STIHL Bar and Chain Catalog with ANSI Information # 0461 005 0000
9. Disclaimer Forms for Chains # 0457 532 3023 (comes with chain reels)
10. DVD Chain Saw Safety, Maintenance and Operation # 0463 901 0224
11. DVD Cut-off Machine Safety, Maintenance and Operation # 0463 901 0247
12. Safety information in STIHL zero turn radius mower manuals. Contact your distributor or see stihlusa.com for more information.
13. If the product label you’re looking for is not listed above, please refer to the illustrated part list for the product.
14. Instruction manuals for all current STIHL products are available for download at [www.stihlusa.com/manuals].



Attention: STIHL Retailers

Because the laws dealing with personal injuries from products are subject to various interpretations, STIHL strongly urges all Retailers to adopt a disclaimer to help protect themselves against possible lawsuits. We suggest Retailers use a form similar to that shown below when a customer brings in a unit that has a safety device removed or de-activated, or otherwise in an unsafe condition (e.g., unauthorized cutting attachment) and the customer declines corrective action.

Notice

I have been advised by (Retailer name and address) that certain hazardous and unsafe conditions exist concerning _____ on this _____ unit or machine. I understand that these conditions are dangerous and can result in personal injury or property damage to the operator or any individuals in the area where this unit is operated. I do not desire to repair or correct this hazard at this time, and I hereby absolve and release (Name of Retailer)_____ and their employees of any responsibility or liability concerning this matter and accept all liability myself, and shall hold (Name of Retailer)_____ and their employees harmless, and shall indemnify (Name of Retailer)_____ or their employees in the event of any injury and any cost incurred by them in the event of a claim or demand made concerning any such injury or property damage.

Date

Retailer Name

Customer

Customer Signature

Safety is Everyone’s Business

Before it can assume your defense, STIHL will need to conduct an investigation and determine whether one or more of these exclusions applies. Because relevant facts may not be immediately apparent, and because it may not be possible to resolve questions about such facts immediately, STIHL retains the right – even after the assumption of your defense – to tender that defense back to you. STIHL’s assumption of your defense does not constitute a waiver of STIHL’s right to contest its obligation to pay a judgment rendered against you on grounds that one or more of the exceptions set out above applies. In appropriate circumstances, STIHL may seek contribution or indemnity from you.

Because neither STIHL nor any manufacturer can defend you in all circumstances, STIHL encourages you to carry your own insurance for these and other cases that may not be covered by STIHL’s Product Liability Guidelines. In the event you are served with a product liability claim or lawsuit related to a STIHL product, notify your insurance carrier immediately. Compliance with these Guidelines may make insurance more affordable.

STIHL can only stand behind its own products. While STIHL bears certain responsibilities for products it manufactures and sells, it bears no similar responsibilities, and has no intention of assuming such responsibilities, for products manufactured and sold by others.

We, therefore, encourage you to use only genuine STIHL products or other OEM products expressly approved by STIHL, including but not limited to batteries, chargers, replacement parts (e.g., sprockets, internal engine components, etc.) and approved attachments, such as guide bars, saw chain, cut-off wheels, mowing blades and other cutting attachments.

We believe that STIHL’s continued protection of its authorized Distributors/Retailers is a significant step in helping reduce your cost of doing business.

YOU AND THE STIHL CUSTOMER

As a STIHL Retailer, you are a primary part of the STIHL distribution system that has direct contact with the STIHL customer. It is important that a customer knows and respects the equipment. Power equipment, if improperly assembled, used or maintained, can be dangerous. It is your responsibility to advise customers concerning product safety, including proper accessories and replacement parts. With respect to chain saws, for instance, you should advise the customer about our reduced kickback bar, low kickback chain and STIHL Quickstop® chain brake. And for cut-off machines, for example, advise the customer about the risk of kickback and to avoid the use of unauthorized wheels. Advise customers about the risk of fire: for gasoline- powered products, address safe fuel handling and properly securing fuel caps; for battery-powered products, address proper use, transportation and storage of STIHL batteries and charging systems.

- Make sure that the customer receives the instruction manual, as well as any other literature and warnings for the customer which accompanied the product.
- Make sure that any used STIHL products offered for sale are in good working order, properly assembled, and have all appropriate safety devices.
- Make sure that the purchasers of used STIHL products and customers who bring in STIHL equipment for repair have applicable warning labels and safety manuals.
- Always properly assemble and service STIHL products for the customer. Certain products may be sold to the customer in the box, but must be assembled if requested by the customer. Please contact your Distributor or STIHL Incorporated for the most up to date list of products which may be sold in the box.
- For products sold online and shipped to home through independent dealer sites, the dealer must provide STIHL resources covering product setup, proper use, and product registration. See Dealer Support Manual for additional information.

- Upon request by customers who received their products via shipment from a Retailer, that Retailer must offer assembly, review the safety features, and provide the same product overview they would give to in-store purchasers.
- If the customer wishes to purchase an eligible product in the box in person at the Retailer, the Retailer must still follow all other requirements stated in these guidelines (e.g., demonstrate proper setup, explain correct use, offer product registration, and provide safety information).
- Retailer must maintain an in-store display unit for demonstration purposes for all STIHL products sold in the box.
- Demonstrate the correct way of turning the product on and off and explain any safety features to the customer.
- Wear personal protective apparel and protective equipment when doing product demonstrations.
- Remind customers of safe fuel-handling practices and the importance of always securing the fuel cap after fueling.
- Have the customer acknowledge that all safety information was provided and understood. Explain the limited warranty coverage and submit the product registration through STIHL eService or a STIHL EDGE kiosk.
- Inform the customer that STIHL safety videos containing safety precautions for the power equipment being sold are available.
- Familiarize yourself, your staff and your customers with the instruction manuals and the safety precautions they contain. Discuss the proper cutting attachments and safety-related features for all products.
- Do not use obsolete instruction manuals or sales literature. If you have any questions concerning whether sales literature or product safety information may be outdated, contact your Distributor or STIHL.
- Remind customers to read the instruction manuals thoroughly before use and to follow all safety precautions – improper use can cause serious or fatal injury. All STIHL instruction and safety manuals are available for download at www.stihlusa.com/manuals/. These instructions and safety precautions can reduce the risk of injury to your customers. Advise the customer that anyone using the product must first read

- and understand the instruction manual.
- Independent dealer websites may show only those product configurations authorized by STIHL. For example, products must be depicted with authorized cutting attachments, approved batteries, and handle configurations.
 - Do not place unauthorized attachments or unauthorized replacement parts on STIHL products.
 - Never disconnect, remove or de-activate any safety device or control on the equipment. It is good practice to note on a repair work order any modifications, removal or de-activation of safety devices on any product brought into your shop. Call these to the attention of the customer. Recommend that they be corrected, and the equipment put in proper operating condition. If the customer refuses, note that on the repair work order.
 - Keep accurate records of inventory, sales dates, serial numbers and repairs to STIHL products.
 - The Retailer invoice should give the name of the purchaser, model and serial number of the equipment and the date purchased.
 - STIHL offers manuals and replacement warning labels free of charge. Spanish versions of the instruction manuals are also available. When a STIHL product is brought in for repair, replace any damaged or missing labels on the equipment. Offer the customer the appropriate manual.

CHAIN SAWS

Make sure that you read and understand the kickback requirements contained in the applicable chain saw standards (e.g., ANSI/OPEI B175.1 and UL 60745-2-13).

STIHL utilizes a color code system to make it easier to identify bar and chain combinations that comply with the applicable kickback provisions. That system and your duties under the standards are explained in the STIHL Bar and Chain Catalog. If you do not have a copy of this booklet, call your Distributor or STIHL Incorporated.

Accident Information Sheet

Power Tools & Related Accessories

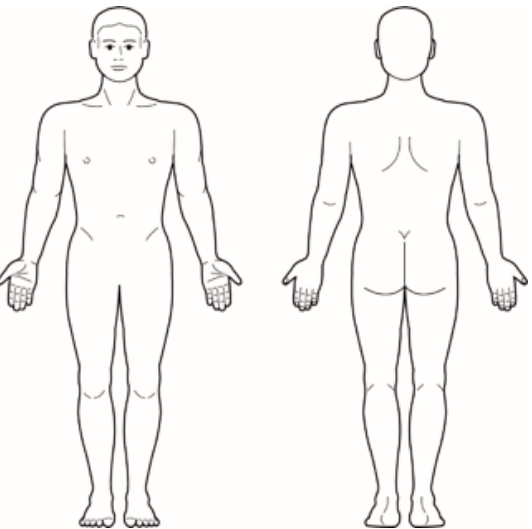
STIHL

Email to Product Information +17574869185@eskerondemand.com

Please Print

1. Date of this report _____
2. Date of Accident _____
3. Description of injury _____
4. Person injured _____
5. Owner of product _____
Who has the product now? _____
6. Brand/Model _____
Battery (if applicable) _____
7. Serial number _____
8. Date of purchase _____
9. Purchased from _____
10. Condition _____
11. Type of cutting attachment (grass blade, polycut, composite or diamond abrasive wheel, etc.) _____
12. Part number of attachment _____
Brand _____
13. Deflector/guards: (type) _____
(description/condition) _____
14. Place of accident _____
15. Witnesses at accident site _____
Name, phone number _____ Contact Information _____
16. What have you heard about accident; from whom? _____
17. Any service or repairs? (history) _____
18. Modifications, non-STIHL parts or attachments: _____
19. Functioning of controls? (e.g. on/off switch, trigger switch, chain brake) _____
20. What decals are on the unit: color _____ part number _____
Include photographs of power tool, site and decals _____

Please indicate which areas of the body were injured in the drawing below.



Person filling out this form (please print): _____
Telephone # (Day/evening): _____

(Customer's signature if applicable) (Signature of dealership staff)

(Printed name) (Dealership and dealer number)

(Address)

(City/State/Zip)

Do Not Alter or Repair Unit.



Accident Information Sheet

Power Tools & Related Accessories

STIHL

Email to Product Information +17574869185@eskerondemand.com

Please Print

1. Date of this report _____

2. Date of Accident _____

3. Description of injury _____

4. Person injured _____

5. Owner of product _____
Who has the product now? _____

6. Brand/Model _____
Battery (if applicable) _____

7. Serial number _____

8. Date of purchase _____

9. Purchased from _____

10. Condition _____

11. Type of cutting attachment (grass blade, polycut, composite or diamond abrasive wheel, etc.) _____

12. Part number of attachment _____
Brand _____

13. Deflector/guards: (type) _____
(description/condition) _____

14. Place of accident _____

15. Witnesses at accident site _____
Name, phone number _____ Contact Information _____

16. What have you heard about accident; from whom? _____

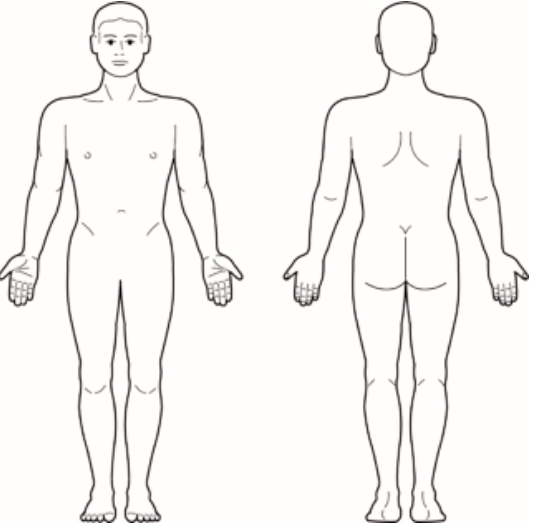
17. Any service or repairs? (history) _____

18. Modifications, non-STIHL parts or attachments: _____

19. Functioning of controls? (e.g. on/off switch, trigger switch, chain brake) _____

20. What decals are on the unit: color _____ part number _____
Include photographs of power tool, site and decals _____

Please indicate which areas of the body were injured in the drawing below.



Person filling out this form (please print): _____
Telephone # (Day/evening): _____

(Customer's signature if applicable) _____
(Printed name) _____

(Signature of dealership staff) _____
(Dealership and dealer number) _____
(Address) _____
(City/State/Zip) _____

Do Not Alter or Repair Unit.

Please explain to your customers how to properly match the powerhead with the appropriate bar/chain combinations. If you sell non-complying combinations or fail to adequately warn customers who purchase non-complying combinations, you may increase the risk of kickback injury.

CUT-OFF MACHINES

STIHL cut-off machines are high-speed cutting tools for professional operators. Special safety precautions must be observed to reduce the risk of personal injury. Make sure your customers understand the safety information contained in the instruction manual for their machine. Please explain to your customers the risk of reactive forces including kickback and the risks of unauthorized cutting attachments (e.g., wood cutting saw blades, diamond wheels that wobble or have abrasive material on their sides).

ACCIDENT REPORTING GUIDELINES FOR RETAILERS

Customers may approach you with claims of personal injury or property damage resulting from what they feel is a “defect” or mechanical malfunction in a STIHL product. In order to properly evaluate these claims, it is necessary to quickly obtain as many facts as possible. We recommend that you use the following approach in order to obtain information.

1. Let the customer know STIHL is concerned that one of its products is involved. Express a willingness to listen to the situation and tell your customer that you will need to get some information about the problem in order to understand what happened. Beware of making generalized statements, e.g., “Yep, they all do that sometimes.” Any discussions you may have about the accident or the product may later be evidence in court, if a lawsuit is filed. Therefore,

you should not express any personal judgments about the accident or speculate about its potential causes. You should not comment on whether you believe the product was “defective” or whether it malfunctioned.

2. Ask the customer to explain what happened. Obtain as much information about the event as possible, such as who was at the accident site, specifically when and where the accident occurred, what the claimant was doing at the time the accident occurred, what happened, and how the customer thinks the accident happened.
3. Complete an Accident Information Sheet with as much detail as possible. Have the customer sign the completed information sheet and offer the customer a copy. It is important to know the details of the products involved, such as model(s), serial number(s), part number(s), cutting attachment(s) and any accessories.
4. Ask what treatments the customer received and from which physicians or hospitals.
5. Determine the history of the product, including its general uses, when and where it was purchased, service and maintenance history, and any additional information about adjustments or modifications. Do a record check and make copies of any product registrations, invoices, work orders, etc., and forward them along with the Accident Information Sheet to STIHL Incorporated as soon as possible.
6. Sign the Accident Information Sheet and forward it immediately to STIHL Incorporated. Email +17574869185@eskerondemand.com
7. Request that the product involved be brought in for a complete inspection. Because a product involved in an accident is potential evidence, do not disassemble, repair, alter or adjust any product involved in an accident until authorized to do so. Offer to replace the product so that the original unit can be examined by a STIHL representative. If the customer rejects your offer, examine the product carefully yourself; make notes on your findings and thoroughly photograph the product.



Accident Information Sheet
Chain Saws & Related Accessories

Email to Product Information +17574869185@eskerondemand.com

Please Print

1. Person injured _____ Date of Accident _____

2. Description of injury _____

3. Address _____ Phone number _____

4. Date of Report _____

5. Owner of product _____
Who has the product now? _____

6. Brand/Model _____
Battery (if applicable) _____

7. Serial numbers _____

8. Date of purchase _____

9. Purchased from _____

10. Condition of Saw _____

11. Bar part number _____
Brand _____
Date code _____
Condition/Description _____

12. Chain part number _____
Brand _____
Date code _____
Pitch/Gauge _____ Description/Condition _____

13. Place of accident _____

14. Witnesses at accident site _____
Name _____ Contact Information _____

15. What have you heard about accident; from whom? _____

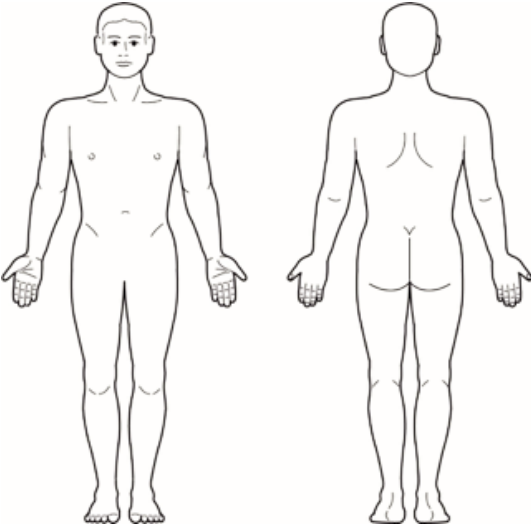
16. Any service or repairs? (history) _____

17. Functioning of controls? (e.g. on/off switch, trigger switch, chain brake) _____

18. Modifications, non-STIHL parts or attachments: _____

19. What decals are on the unit: color _____ part number _____
Include photographs of chain saw, site and decals _____
Person filling out this form (please print): _____
Telephone # (Day/evening): _____

Please indicate which areas of the body were injured in the drawing below.



Do Not Alter or Repair Unit.

STIHL

Accident Information Sheet
Mowers & Related Accessories

Email to Product Information +17574869185@eskerondemand.com

Please Print

1. Person injured _____ Date of Accident _____

2. Description of accident or injury _____

3. Address _____
Phone number _____

4. Date of Report _____

5. Owner of product _____
Who has the product now? _____

6. Brand/Model _____
Battery (if applicable) _____

7. Serial numbers _____

8. Date of purchase _____

9. Purchased from _____

10. Condition of Mower _____

11. Place of accident _____

12. Witnesses at accident site _____
Name _____
Contact Information _____

13. What have you heard about accident; from whom? _____

Incident site description (topography, foliage, ditches, hills, etc.) _____

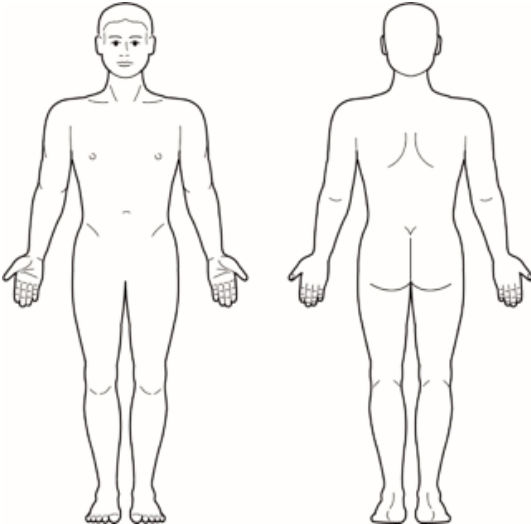
14. Any service or repairs? (history) _____

15. Functioning of controls? (e.g. on/off switch, PTO, parking brake, control levers, seat switch, etc.) _____

16. Modifications, non-STIHL parts or attachments _____
ROPS installed (if equipped) _____

17. What decals are on the unit: color _____ part number _____
Include photographs of mower, site and decals _____

Please indicate which areas of the body were injured in the drawing below.



Person filling out this form (please print): _____
Telephone # (Day/evening): _____

(Customer's signature if applicable) (Signature of dealership staff)

(Printed name) (Dealership and dealer number)

(Address)

(City/State/Zip)

Do Not Alter or Repair Unit.

STIHL

