

July 8, 2011

To: Equipment Manufacturers

Last November, the USGA and the R&A conducted a forum in Vancouver to discuss equipment rulemaking procedures with equipment manufacturers. The manufacturers in attendance offered their opinions and recommendations regarding nine specific topics. The USGA and the R&A have carefully considered the attendees' comments and, as a result, are now proposing procedural changes to the equipment rulemaking process. The attached document details the proposed procedures for each of the nine topics.

We invite your comments and opinions about these proposals. These should be provided to the USGA by September 1, 2011. Your comments are welcome whether or not you attended the Vancouver Forum.

These procedural changes will remain as proposals until manufacturers' comments are received and a final decision is made by the USGA and the R&A.

Please send your comments to Dick Rugge by e-mail: drugge@usga.org ; or by mail: USGA, P.O. Box 708, Far Hills, NJ 07931.

Dick Rugge
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TOPIC 1. SHOULD THE USGA AND THE R&A PUBLICIZE THE EQUIPMENT RESEARCH PROJECTS THAT ARE BEING WORKED ON?

Current Practice

Research topics are published when there is a reasonable chance that a related equipment Rule change will be proposed. The published information is a brief description of the research.

Opinions Expressed at the Forum

The USGA and the R&A should publish all research projects, providing detailed explanations of the reasons for each project and the research plan.

Proposed Procedure

The USGA and the R&A propose to publish information on research topics that meets certain conditions. The following framework is proposed:

1. The USGA and the R&A will publish information on research projects which they believe to have a reasonable chance of resulting in an equipment Rule change proposal, or a change in test equipment or test method.
2. Other types of research, such as academic research sponsored by either the USGA or the R&A (or both) or analysis of performance statistics could also be published.
3. The timing of any publication would take potential marketplace disruption into consideration.
4. Where applicable, the information provided would include a description of the research and the reason why the research was being conducted.
5. Additional project details would be disclosed by the USGA and the R&A as they determine to be appropriate.
6. Manufacturers could be invited to participate in the research, offer comments and opinions on the research and recommendations about how it was conducted, and share research that they conducted themselves.

**TOPIC 2. ONCE A NOTICE AND COMMENT FOR A NEW RULE HAS BEEN PUBLISHED,
SHOULD THE USGA AND THE R&A PUBLICIZE ALL COMMENTS RECEIVED?**

Current Practice

All comments received are considered to be confidential; none are published.

Opinions Expressed at the Forum

The majority of attendees were of the opinion that the USGA and the R&A should publish all comments received. A minority opinion opposed such publication of comments.

Proposed Procedure

The USGA and the R&A propose the following procedures for the publication of comments:

1. Comments could be published on the respective websites of the USGA and the R&A, with controls in place to prevent comments being published without the submitter's permission.
2. Submitters would be asked to complete a 'permission form' with their comments either:
 - a. withholding permission for the comments to be published; or
 - b. giving permission for the comments to be published verbatim; or
 - c. giving permission for a modified version of their comments to be published, which redacts any sensitive and/or proprietary information. The submitter would be required to provide the modified document for publication. The contents of the modified document, however, must be substantially similar to the non-published version
3. The USGA and the R&A would consider comments equally, whether or not the submitter gives permission for the comments to be published.
4. Inappropriate comments, or comments received from anonymous sources, would not be published.
5. Published comments would be available for a limited period.

TOPIC 3. SHOULD THE USGA AND THE R&A PUBLICIZE THE DETAILS OF INDIVIDUAL SUBMISSION RULINGS?

Current Practice

Other than conformance status, no information about an individual submission ruling is made publicly available.

Opinions Expressed at the Forum

Opinions were varied on this topic; some in favor and some strongly opposed. Some believe that The USGA and the R&A should publish individual conformance details particularly for subjective criteria. Updates to subjective guidelines should be made at least annually.

Proposed Procedure

The confidentiality of rulings on individual submissions must be preserved. However, there could be instances when such a decision represents a new precedent or a modification to an interpretation of the Rules. The details of individual submission rulings would not generally be published. They would remain confidential information between the submitter and the USGA and/or the R&A. However, information regarding the application of a new interpretation could be published if both of the following conditions were met:

1. The USGA and the R&A consider the Rule interpretation to be precedent-setting or a change to a previous interpretation of the Rules.
2. The USGA and the R&A believe that the interpretation is likely to be beneficial to others in terms of understanding what is and what is not permitted under the Rules.

Where appropriate, the USGA and the R&A would discuss the timing of a notice regarding the new or revised interpretation with the submitter(s) prior to its publication.

Depending on the specific situation, the information could be published on the respective websites of the USGA and the R&A and via a Notice to Manufacturers. In addition, it would also be included in the next updated version of the Guidebook. The Guidebook could be in the form of an on-line tool, which is expected to be updated more frequently, be more interactive and ultimately replace the current printed version.

TOPIC 4. SHOULD THERE BE PROVISIONS IMPLEMENTED BY THE R&A AND THE USGA TO FACILITATE THE CHANGEOVER TO CLUBS WITH NEW RULES? (FOR EXAMPLE, "SELL-BY" PROVISIONS)

Current Practice

The USGA and the R&A generally do not become involved with commercial activities regarding golf equipment, other than providing conformance status of a product. If an extraordinary situation arises where such action is believed to be necessary, the ruling bodies have added stipulations to the implementation of Rule changes that have affected commercial activities.

Opinions Expressed at the Forum

As a matter of principle, the USGA and the R&A should not extend beyond the golf course and regulate business matters by imposing, in the Rules of Golf, limitations on manufacturing, selling and shipping. However, if an exceptional case should arise where such limitations may be necessary to achieve an important purpose, any consideration of such actions must give due consideration to the views of manufacturers and others that may be affected.

Proposed Procedure

The USGA and the R&A would endeavor to avoid implementing any stipulations on selling practices when adopting equipment Rules or Rules interpretations. However, there may be Rule-change situations when the USGA and the R&A believe it would be in the best interests of the game to invoke stipulations involving some aspects of equipment sales and/or manufacturing.

If the USGA and the R&A believed that such stipulations were necessary, a Notice stating the reasons for the proposed stipulations would be provided to the industry. Comments from manufacturers would be requested and reasonable time allowed for discussion and consideration of the feedback provided by submitters. Any significant subsequent changes to the stipulations arising out of comments received would result in an additional Notice and Comment cycle before a decision was finalized.

TOPIC 5. WHAT IMPROVEMENTS COULD BE MADE TO THE RULE CHANGE IMPLEMENTATION PROCESS? TIMING, COMMUNICATION, OTHER ASPECTS.

Current Practice

When contemplating an equipment Rule change, the USGA and the R&A generally first publish an Area of Interest Notice. If applicable, research on the topic may be subsequently published. If it is decided to propose a Rule change, a proposal will be published and comments invited. Once all comments are received and considered, a final decision regarding the proposed Rule change is made by the USGA and the R&A. The decision is then published.

Opinions Expressed at the Forum

Manufacturers maintain that all changes in the equipment Rules have a significant impact on their business and therefore they should all be handled in the same manner. They believe that there should to be a formal procedure which includes a very specific plan, including a statement of the problem/goal, how the Rule will achieve the goal, its effect on the game and how it will be implemented.

Proposed Procedure

Equipment Rule changes can vary quite significantly in terms of degree and impact, so the implementation process should be tailored to the nature of each proposal. Examples of different types of Rule changes include:

- I. Rule changes that do not change the conformance status of previous submissions.
- II. Rule changes that could result in previously conforming equipment becoming non-conforming.
- III. Rule changes that represent a relaxation of the existing rule.

The USGA and the R&A propose the following general framework:

1. Issue an Area of Interest Notice.
2. Where applicable, publish any research which has been conducted and invite manufacturers to comment/participate in the research (*as discussed to Topic 1*).
3. Based on the research conducted and the comments received, if it is decided to propose an equipment Rule change, a proposal would be published via a Notice and Comment that included the following, as appropriate:
 - a. An explanation of the perceived problem.
 - b. A description of the goals of implementing the new Rule.
 - c. Consideration of the effects of the Rule change.
 - d. Any additional research conducted subsequent to the Area of Interest Notice supporting the new Rule.
 - e. A description of the new Rule.



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- f. Where applicable, a description of the equipment and procedures used to determine conformance to the rule.
 - g. A proposed implementation plan.
 - h. An appropriate time for comments.
 - i. Other items as relevant.
4. Evaluate comments and, where applicable, perform additional research and/or make changes to the proposal.
5. Publish those comments that submitters have given permission to be published (*as discussed in Topic 2*).
6. Once all comments were received and considered, a final decision regarding the proposed Rule change would be made by the USGA and the R&A. The decision would be published in a timely manner.
7. If substantive changes were made to the original proposal, a subsequent Notice would be issued by the USGA and the R&A for further comment, if they deemed it appropriate to do so.

TOPIC 6. WHAT IS THE PREFERRED R&A AND USGA TEST EQUIPMENT CHANGE PROCESS?

Current Practice

For major changes to test equipment, the USGA and the R&A study the proposed changes and then propose the new test equipment via a Notice to Manufacturers. The Notice typically includes a detailed description of the proposed changes, as well as a comparison of the new test to the predecessor and comments on the proposed change are invited. After consideration of the feedback from manufacturers (and possibly others), a decision on whether or not the proposal would be adopted (often with modifications) is made.

Opinions Expressed at the Forum

The USGA and the R&A should announce, with any new Rules, a detailed description of the proposed test method. The proposed test method should provide objective, measurable criteria that, to the extent possible, avoid reliance on proprietary protocols and are not overly burdensome. Methods that are non-proprietary and that can be conducted in the field should be given preference.

Proposed Procedure

The USGA and the R&A would continue to investigate improvements to test equipment and methodologies. The following procedure for notifying and involving manufacturers in this process is proposed:

1. Notify manufacturers and others as appropriate that a change in the current test equipment or method used for measuring a specific parameter is an Area of Interest, including reasons for this interest. Invite manufacturers to provide any comments or research regarding the existing test method or alternative test methods.
2. If applicable, publish test equipment research updates and invite comments in a timely manner as they are developed.
3. The USGA and the R&A would make a decision about proposing any improved or different test equipment or method. Any decision not to proceed with this proposal, or to delay a decision, also would be communicated. If it is decided to propose any improved or different test equipment or method, a proposal would be published and comments requested.
4. If a test equipment change is contemplated, a proposal would be issued that includes, as appropriate:
 - a. A description of the test equipment/method change.
 - b. An explanation of why the equipment/method change is appropriate.
 - c. A description of the goal of implementing the equipment/method change.
 - d. Research supporting the need/benefit of the equipment/method change.
 - e. A proposed implementation plan.
 - f. An appropriate time for comments to be provided.



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5. All comments received would be considered, and where permission had been given (*as discussed in Topic 2*), the comments would be published. These comments could include research by manufacturers, opinions about the need for the equipment/method change, potential effects on the game, the industry, and the individual company, potential alternative means, and other information as deemed appropriate by the submitter.
6. It is possible that some comments could result in additional research being done by the USGA and the R&A. If so, this research would be published.
7. It is possible that the comments and further research could result in changes to the equipment/methods initially proposed and/or to the implementation plan. If such changes were considered by the USGA and the R&A to be significant, a revised proposal would be published with an appropriate amount of time for further comments to be received.
8. Once all comments were received and considered, a final decision regarding the proposed test equipment/method would be made by the USGA and the R&A and published in a timely manner.

TOPIC 7. HOW CAN SOURCES OUTSIDE THE USGA AND THE R&A RECOMMEND RULE CHANGES FOR CONSIDERATION? THIS COULD INCLUDE NEW RULES, TIGHTENED RULES, RELAXED RULES, AND RULE REMOVAL.

Current Practice

A formal process for submitting ideas or proposals for changes in the equipment Rules does not currently exist.

Opinions Expressed at the Forum

There was little feedback on this topic. Some concern was expressed that creating a formal process for ideas could result in a flood of proposals.

Proposed Procedure

The USGA and the R&A will consider this topic further and remain interested in additional feedback from manufacturers and/or other interested parties.

TOPIC 8. SHOULD THE IMPACT OF ONE RULE CHANGE BE DOCUMENTED AND UNDERSTOOD BEFORE ANOTHER RULE IS INTRODUCED?

Current Practice

Once an equipment Rule change has been implemented, its effect is monitored/evaluated by the USGA and the R&A. No information about the effect of the Rule change is made publicly available.

Opinions Expressed at the Forum

New changes to the equipment Rules should not be offered until the impact of prior changes has been fully evaluated because, among other things, rapid changes cause confusion among golfers and disrupt the game. After an appropriate period of time, all changes to equipment Rules should be subjected to reasonable re-examination to determine whether the change achieved the stated objective at the expected cost.

Proposed Procedure

Under the process for rulemaking outlined in Topic 5, the USGA and the R&A would explain the perceived problem, and describe the goals of implementing the new Rule. If another recent equipment Rule or Rule change had the potential to simultaneously impact the goal of a new equipment Rule or Rule change, this impact would be identified and evaluated. Throughout the process, manufacturers would be invited to offer their comments and opinions on proposed equipment Rule changes, including information relevant to past changes.

TOPIC 9. UNDER WHAT CIRCUMSTANCES IS IT APPROPRIATE FOR THE RULING BODIES TO EXERCISE THE AUTHORITY GRANTED UNDER BY THE FOLLOWING PROVISIONS OF THE RULES OF GOLF:

“THE USGA AND THE R&A RESERVE THE RIGHT, AT ANY TIME, TO CHANGE THE RULES RELATING TO CLUBS AND BALLS AND MAKE OR CHANGE THE INTERPRETATIONS OF THE THESE RULES.”

AND

“ANY DESIGN IN A CLUB OR BALL WHICH IS NOT COVERED BY THE RULES, WHICH IS CONTRARY TO THE PURPOSE AND INTENT OF THE RULES, OR WHICH MIGHT SIGNIFICANTLY CHANGE THE NATURE OF THE GAME, WILL BE RULED ON BY THE USGA AND THE R&A”

Current Practice

The USGA and the R&A have maintained the above language in the Rules of Golf for many years. The first clause recognizes that the USGA and the R&A are the authors of the Rules of Golf and, as such, make changes to the Rules and their interpretations when necessary. The second clause is used to address unique design features that may not be specifically covered by the Rules, but that the USGA and the R&A believe are necessary to control.

Opinions Expressed at the Forum

Golfers and others are entitled to rely upon the published Rules of Golf, and the objective requirements set forth in them, and should not be judged by standards that have not been announced and properly adopted. Any inherent or retained authority to adopt or change a Rule must be exercised through the rulemaking process, and not exercised on an ad hoc basis.

Proposed Procedure

The USGA and the R&A are responsible for identifying the purpose and intent of the Rules and any Rule changes. If current Rule language is considered to allow circumvention of the intent or purpose of a Rule or Rule change, the USGA and the R&A will continue to apply the above clauses when necessary. The USGA and the R&A use the authority granted by these clauses to make, interpret, and enforce the equipment Rules in an equitable and pragmatic manner. In the absence of such clauses, the equipment Rules would, by necessity to protect the game, become significantly more detailed and more prescriptive in nature.

To minimize the effect of the application of these clauses on a manufacturer's development process of any new product concepts and/or prototypes, manufacturers are encouraged to consult with the USGA and the R&A early in their development process.

If it were determined that a particular feature or concept does not meet the intent or purpose of the Rules of Golf, or a specific provision within the Rules of Golf, the USGA and the R&A would use the following guidelines:

1. Contact the manufacturer and discuss the decision, including an explanation of why the feature or concept does not meet the intent or purpose of the Rules of Golf.



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2. If requested, provide supporting documentation.
3. Provide the manufacturer with a reasonable time period within which to provide comments.
4. Consider the comments and discuss the matter with the manufacturer.
5. Notify the manufacturer of any change in position regarding the product or feature.
6. Consider making a change to the equipment Rules or publish material interpretations to make sure that the purpose and intent of the Rules is maintained.
7. Any change to the Rules or interpretations would be published in accordance with the established procedures (*see Topic 3*).