

To UPA,

Recent events have brought to the forefront long-held concerns by Selkirk regarding PPL and now concerns regarding the formation of UPA-A. The detailed report provided by Tom demonstrates that these concerns have gone unaddressed for far too long and it is no longer tenable to move forward with PPL and UPA-A in its current form.

We are now aware that these concerns have been held by numerous other manufacturers and so we hope there is agreement among other manufacturers on and not on this committee.

This letter may seem harsh, but please keep in mind the gravity of these issues and the critical juncture Pickleball is at. Also, please keep in mind the promises of prioritizing what's best for the sport which we all strongly value. Wrong decisions here regarding equipment have the potential to change the very nature of the sport we all love. And 1,000s of families supported by Pickleball will be affected by decisions and actions taken by UPA-A and PPL.

This issue has come to a head for us, and we feel we must stand up due to three primary concerns below:

- 1. The continued and unaddressed incompetence and unprofessionalism of the PPL, and the unwillingness to bring in engineers instead of suit salesman friends to oversee testing.**
- 2. The uncouth and biased way of collaborating with a single manufacturer behind closed doors to push through an interim certification because "they were in a tight spot with USAP and needed help getting their paddles approved." And the overall structure and direction of UPA-A that has the potential to create anti-competitive and anti-consumer behaviors and outcomes.**
- 3. The unthoughtful interim certification which was not sent out for feedback from manufacturers before being implemented and has the potential to allow harmful paddles that are Gen 3 paddles on steroids.**

For further background context, our introduction to PPL was early last year when we heard rumors of a certification organization attempting a money grab within Pickleball. The rumors indicated this organization was attempting to work with MLP and PPA to offer a paddle certification, require a 5% royalty on all certified paddle sales, intentionally push out smaller brands and distribute the massive profits to the organizations that enforced this certification cartel. Rather than focusing on improved, accurate, and transparent testing, the pitch focused on the revenue-generating capabilities of such a cartel. We raised immediate concerns with PPA regarding the negative effects on consumers this would have by causing an increase in paddle pricing and unreasonable barriers to new competition. It seemed this scheme fell through, but PPL reemerged at MLP events.

Our first introduction to PPL on a technical level at MLP soon after left us shocked. We have never experienced a more incompetent "engineering" organization. Despite presenting themselves as being technically competent, it appeared the only actual prior qualifications for PPL leadership was selling dress suits and being friends with Steve Kuhn.

They were utilizing new equipment and new standards. But they would not communicate what the standards were. They confirmed that they were not the same standards as USAP which all paddles sought to comply with

up to this point. They stated that the testing & standards were "better than USAP" without explaining what the standards were or allowing us to observe the testing procedures. It was a black box. At the next event, some of our paddles began failing their test. But they refused to communicate what standards were being utilized and how our paddles were failing. They invented a new standard, held us accountable to that standard, but refused to even communicate what the standard was.

There were constant concerns brought to PPA when they began using PPL as their onsite testing provider which we strongly recommended against, and especially around the formation of UPA. Initially, we were told that UPA-A and the certification body would be a non-profit. We were also told that prior PPL leadership would not be involved in testing, actual engineers would develop & manage the testing, and they would consult with recommended experts in the sports testing industry we connected them with. Although PPL's involvement concerned us still, we felt that the non-profit status of UPA-A and changes in PPL leadership was a step forward to ensure paddle testing was transparent, enforced and pro-consumer.

However, by the time the first committee meeting came, UPA-A was founded not as a non-profit as promised but a for-profit to be overseen by PPA leadership. And we also learned that PPL leadership had not changed. We again expressed concerns regarding PPL's competency, which other manufacturers then shared they had similar concerns. But we were assured that "Gary is a cool guy" and they would look into these concerns.

The initial committee meeting was encouraging however due to UPA's commitment to improving testing, taking feedback, involving experts in sports testing, and overall building a transparent certification process. We were assured fairness and clear communication would be hallmarks of UPA certification and that they would get manufacturer feedback on new standards and testing before implementing.

So we were somewhat taken aback when it was announced by Jason that there would be an interim certification in June. This was not a concern of other manufacturers in the committee. We brought up concerns that this was being used to allow for previously banned paddles to be played in the PPA and how that would immediately cause UPA-A to lose credibility; we were assured this was not the case. And we knew UPA-A's commitment to a fair and transparent process by providing any new standards and testing to all manufacturers ahead of time for feedback before implementing. We eagerly waited for the proposed interim certification standards and process to be shared so we, along with all the other manufacturers, could review and provide feedback.

But we were then shocked, along with other manufacturers, when on August 5th Jason announced new standards were implemented. And not only were new standards implemented but that interim certified paddles would be showing up at the next PPA event that week. Yet, the rest of the manufacturers still did not even receive documentation on what the testing and standards were going to be. When asked why certain manufacturers received the interim standards early, Jason attempted to gaslight us that everyone was clearly communicated to because of emails and social posts announcing that there would be interim certification. And he deceptively told Selkirk pro players that we were not responding to his emails. An announcement that there would be an interim certification (which we responded to) is not equal to sharing those standards early and collaborating with another manufacturer to create those standards. After pressure from us and other manufacturers, Jason finally sent the interim certification standards (or at least their attempt to communicate a testing standard). This unprofessional and uncouth behavior was extremely disappointing, especially from the head of a supposed governing body, but perhaps not as disappointing as the interim standards and PPL's continued incompetence.

We immediately sent out a team to PPA Kansas City to review the testing procedures being utilized for the interim certification. And you don't have to be an engineer to understand the level of incompetence from the PPL.

We asked them, "How often are you calibrating your roughness tester?" and their response was "Oh, you can calibrate it?" On the deflection tester, we asked if they tare the weight of the preload and their response was, "Sometimes we do, sometimes we don't," and different technicians had different answers. Deciding if you tare the weight of the deflection tester is a major technical decision because it produces significantly different deflection results. They didn't understand how to use their own equipment and they didn't know how to apply their tests consistently, much less make good technical decisions and establish quality procedures. This is the lab claiming to "establish even more rigorous testing and standards."

When bringing up these concerns, they were not taken seriously. When asked why UPA-A rushed the interim certification for one manufacturer, we were told, "They were in a tight spot with USAP and needed help getting their paddles approved." This unabashed favoritism has no place in a legitimate governing body and potentially opens up serious anti-trust concerns.

Upon our team reviewing the interim standards, it's clear that engineers or individuals experienced in sports testing did not put this together. The testing standard utilizes a dynamic(ish) test to measure RPMs. And the standard for RPMs it establishes is 2,200 RPMs. If you are familiar with YouTubers who do spin testing, this may seem like a reasonable if perhaps slightly high standard. However, the way the test is conducted with the paddle being static, the RPM numbers will likely be lower than an actual player swinging and making contact with the ball. The standard is poorly written and clearly not written by an engineer so it's difficult to know details of how they are implementing the testing and standards. But the most apparent way they are implementing the test could allow for hyper spinning paddles not seen before in Pickleball up to this point. It would be easy for manufacturers to immediately increase the roughness of their paddles and dramatically increase spin to these apparently less stringent standards. USAP standards & approval has held hyper spinning paddles at bay (with improvements still needed), but the UPA-A interim certification is about to open the floodgates.

At this time, we believe the UPA-A in its current form and direction is potentially the most dangerous organization to the future of Pickleball. Much lip service has been given about UPA-A's desire to do what's best for Pickleball. But your continued actions have spoken louder than your words. We have spent a decade in this sport and have seen the tremendous joy it brings to so many and the growth that has resulted. It strikes a nerve for us when an organization puts in jeopardy the joy of Pickleball and its future. Change must happen. Below is what we must see changed for Selkirk to consider UPA-A a legitimate governing body and certification organization.

- **Option 1: Restructure UPA-A**

- **Restructure PPL:** PPL is not an engineering-based organization. They are unable to competently provide certification for paddles. PPL must (1) be replaced with a new engineering-based organization; or at a minimum Gary Brody must immediately step down and new engineering-skilled leadership be put in place. And (2) PPL must become a non-profit organization; or at a minimum, we must receive guarantees and affidavits that the PPL lab is independent and does not share ownership or profit-sharing arrangements with the PPA/MLP and/or PPA/MLP owners. There must not be conflicts of interest.
- **UPA-A and/or the certification body of UPA-A must be converted to a non-profit with independent board members:** the transparency and accountability a nonprofit provides is necessary for UPA-A and certification to be seen as legitimate. Board members of this non-profit must be independent of the PPA/MLP to ensure PPA/MLP sponsorships and promotion are not leveraged with the UPA certification and there are no conflicts of interest.
- **Reduce the price of certification to enable fair competition and pro-consumer behavior:** the price of interim certification is in our opinion astronomical and unnecessary. And we assume

non-interim certification pricing will be even higher. This will have two effects (1) push out new and smaller competition, and (2) increase the price of paddles, especially from smaller competitors. Although Selkirk could absorb these costs without increasing price and it would benefit us to push out the competition, this does not align with our values. We believe competition makes us better and is good for the consumer. A non-profit will be able to execute certification at a significantly lower cost and without the concern of certification being leveraged to create a cash cow.

- **Jason Aspes must remove all conflicts of interest if they exist:** Jason Aspes must remove all financial interest in the Kitchen Pickleball which receives payments from paddle manufacturers including Joola. Furthermore, Jason must sign an affidavit that he has no financial interest or personal gain from direct or indirect means with paddle manufacturers. Note, Selkirk is in a contractual relationship with the Kitchen Pickleball as well. This contract started before the formation of UPA-A and appointment of Jason. If Jason still has financial interest in the Kitchen Pickleball, we will not renew our contract to avoid any appearance of a conflict of interest.
- **Interim certification is revoked immediately to allow for a technical audit and review:** Tom's report makes clear the need for this technical audit immediately. Also, more than one manufacturer should be able to provide feedback on interim testing and non-interim testing before it's implemented. And the current test appears to allow for hyper powerful and hyper spinning paddles (depending on how they actually implement the standards which is unclear) which Pickleball has not seen before.
- **Option 2: Return Paddle Certification to USA Pickleball**
  - **USAP's improvement in testing & enforcement:** USAP has actively been improving their testing protocols and are beginning to build more trust in providing objective standards that reflect real-world results and enforcing standards. Our biggest concerns with USAP prior were (1) their testing protocols not matching real-world results for power and spin, (2) their inaction to enforce standards on bad faith actors who were submitting for approval paddles that met specs and then producing different paddles out of spec to sell on the open market, and (3) their lack of transparent and consistent communication to manufacturers and lack of taking feedback. However, we have seen improvements in all of these areas, though work still needs to be done.
  - **Non-profit status:** at this juncture, we believe it is a non-negotiable that any certification organization must be a non-profit. We believe there is too much room & temptation for conflicts of interest, anti-consumer behavior and anti-competitive behavior with a for-profit certification organization.

Sincerely,  
Jim, Rob, Mike, and Tom Barnes  
Selkirk Sport