

07/14/2023

Hazardous Waste and Toxics Reduction Program
Washington State Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

RE: Department of Ecology, Chapter 173-337 WAC -- Safer Products Restrictions and Reporting Draft Identification of Priority Chemicals Report to the Legislature: Safer Products for Washington Cycle 2, Implementation Phase 1

The National Marine Manufacturers Association (NMMA) appreciates the opportunity to provide comments to the Washington State Department of Ecology (Ecology) regarding the Proposed Rule: “Safer Products Restrictions and Reporting” (“Safer Products Rule” or “Proposed Rule”).

NMMA is the trade association for the U.S. recreational boating industry, representing nearly 1,500 marine businesses, including recreational boat, marine engine, and accessory manufacturers. Our members are often U.S.-based small businesses, many of which are family owned. NMMA members collectively manufacture more than 85 percent of the marine products sold in the U.S. Furthermore, the recreational boating industry has a \$230 billion impact on the nation’s economy and in communities across the country, with nearly 700,000 American jobs across 35,000 U.S.-based marine businesses.¹ In the State of Washington, recreational boating drives \$8.1 billion dollars toward the economy, supports over 23,000 jobs, and 1,300 marine related businesses.

NMMA previously submitted written comments on February 3, 2023, and we would like to reiterate that marine manufacturers are generally assemblers of articles that are installed in recreational boats. **Recreational boats should be explicitly mentioned in the exemptions** provided within RCW 70A.350.030 5 (a) (vi). These exemptions already include: *motorized vehicles, including on and off-highway vehicles, such as all-terrain vehicles, motorcycles, side-by-side vehicles, farm equipment, and personal assistive mobility devices*. The US Environmental Protection Agency (USEPA) has already set a precedent in including marine vessels in its broad definition of “vehicles” in its recent ruling of phenol propylated phosphate 3:1 (PIP 3:1)²; we urge Ecology use the same logic here.

Clearly stating recreational boats within the definition of exemptions will provide clarity for our members across the US who sell recreational boats and products into the State of Washington. It will also ensure certainty for the 1,300 marine related businesses in Washington State, 93% of which are small businesses.

¹ <https://www.bea.gov/news/2022/outdoor-recreation-satellite-account-us-and-states-2021>.

² <https://www.federalregister.gov/documents/2022/03/08/2022-04945/regulation-of-persistent-bioaccumulative-and-toxic-chemicals-under-tsca-section-6h-phenol>.

As discussed in our February 3, 2023, written comments, the recreational marine industry is vastly fragmented compared to other industries and is often comprised of many small businesses that assemble boats from a variety of purchased components. The same person that orders supplies may also oversee payroll, for example. An extensive tracking system to fully account for all chemicals used throughout today's complex, international and multi-tiered supply chains is simply beyond the capabilities of these businesses.

Furthermore, marine vehicles serve and support many critical functions including those for government agencies, including the military; law enforcement, first responders, and public safety; food and agriculture, including commercial fishing and sea farming; energy; transportation and logistics, including for commuting and for island residents; public works and infrastructure support services; critical manufacturing; defense industrial base; and conservation.³ Often, the health, safety, and the functioning of society depends on NMMA member products for which alternatives are not reasonably available.

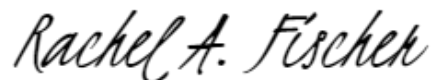
The diverse community of boat builders have unique challenges. Generally, the marine vessel supply chain is simultaneously global and many tiers deep, but predominantly comprised of small businesses with limited resources and capabilities for the emerging and numerous burdens of chemical regulations. These companies have unique challenges in obtaining chemical information across the numerous components used in recreational boats. We urge Ecology to ensure marine vehicles are explicitly mentioned in the definition of other motorized vehicles already afforded exemptions under the Rule. Lastly, marine vehicles serve important critical functions that should not be impaired by overly restrictive mandates.

Please do not hesitate to reach out to NMMA for further information.

Sincerely,



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³ Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVI-19 Response Version 2.0 (March 28, 2020).