

June 24, 2008

Mr. Michael Carter
California Air Resources Board
9528 Telstar
El Monte, California 91731

Dear Mike:

The National Marine Manufacturers Association (NMMA) has completed its review of the draft California amendments to the current spark-ignition marine engine and boat regulations. NMMA appreciates the efforts of the ARB staff to work with us on these amendments and we believe that the recreational marine manufacturers will support most of these amendments at the July 24, 2008 board hearing. With that said, there are several issues with specific amendments that will need to be resolved or clarified prior to the hearing.

Carbon Monoxide Standards

NMMA fully supports the ARB CO standard for SI SD/I marine engines. However, NMMA can not support CARB's proposed CO standard of 300 g/kWhr for outboards and PWC unless averaging is allowed and the implementation date is moved to 2010. Manufacturers have certified and are already building 2009 engines so the model year 2009 implementation date simply is not feasible. At the March 18, 2008 ARB workshop in EL Monte, ARB staff proposed the following carbon monoxide standards for OB/PWC.

Engine Category	Model Year	Maximum Power kW	CO Standard g/kW-hr	Type
OB/PWC	2009	kW \leq 40	500-5xP	Average
OB/PWC	2009	kW $>$ 40	300	Average

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Since that workshop there has been no discussion with industry regarding the feasibility or the need for California-specific CO regulations for OB/PWC. The USEPA has proposed and will finalize a CO standard for OB/PWC that allows averaging. Prior to proposing a CO standard, the USEPA worked closely with the USCG and NIOSH reviewing the accident and fatality data from CO poisoning on recreational boats and the various NIOSH studies. The vessel design and the operation of OB and PWC and the USCG accident and fatality statistics do not support the need for a fixed CO standard. A CO standard that does not include averaging would result in an additional economic cost to the citizens of California with no health and safety benefit

High Performance Engines

NMMA supports the CARB staff proposal put forward at the March 2008 Workshop for high performance SD/I engines that allows for manufacturers to install evaporative emission controls to offset emissions above the 5 g/kW-hr emission standard. However, under the current proposed amendments CARB would require Mercury Racing to average its high performance engine emissions with its production engine emissions in an effort to make up any shortfalls. This would create an unfair market not only in the high performance sector of the industry, but the loss of emission credits could carry over to the production engine sector. The current proposal is not only bad for Mercury, but it is bad for the high performance boat builders of Southern California who offer well paying jobs for many people in Southern California.

NMMA supports the Mercury Racing comments and would expect that this issue will be resolved in a satisfactory manner by the time of the board hearing in July.

High Performance Small Volume Manufacturer

In Attachment A, the definition of a "Large Volume Dual Category Manufacturer" states that an engine manufacturer is considered in this category if it produces both high performance and standard performance sterndrive/inboard engines for sale in **California** in combined quantities greater than 75 units annually."

In Attachment B, under the test procedure, general requirements, item (c), (this is the language which pertains to determining companies that are small enough to qualify for using PEMS (portable) analyzers) the line of demarcation is 75 engines - national engine sales.

"(c) in lieu of the test procedures in Part IV, manufacturers of sterndrive/inboard marine engines that produce no more than 75 engines per year **nationally** may use a portable emissions measurement systems (PEMS) to demonstrate compliance of their engines greater than 373 kW..."

NMMA supports the definition for small volume manufacturers that is consistent for companies within the high performance market. (373 kW and above) However, the volume basis needs to be California engine sales, not national engine sales.

Definition of a Non-Trailerable Boat

The proposed definition for a “non-trailerable boat” means a vessel equal to or greater than eight meters in length and 2.6 meters or more wide. This needs to be changed to a vessel equal to or greater than eight meters in length **or** 2.6 meters or more wide. The eight meter length is taken from U.S. Fish and Wildlife definition of a trailerable boat. The 2.6 meter width is the maximum width for boats under any state law, without the need to obtain a special permit.

Evaporative Requirements for All High Performance Engine and Boat Manufacturers

In the section above Table 2.2 the proposed ARB rule states that “The engine manufacturer shall also provide evidence that the supplier(s) of the enhanced evaporative control system has designed the system components to meet or exceed the diurnal and permeation design specifications listed in Table 2.2 throughout the useful life of the engine.”

The engine manufacturer has no control over the boat builder’s decision regarding the purchasing or installation of components in the vessel. The engine manufacturer can inform the boat builder of their requirements under applicable laws and regulations. The engine manufacturer can recommend installation instructions for the boat builder. However, the engine manufacturer cannot require the boat builder to do anything. Engine manufacturers and boat builders are separate companies. The burden to install evaporative controls on a vessel with a high performance engine sold in California needs to be clearly placed on the boat builder. The burden to sell only high performance boats with evaporative emission controls in California needs to be placed on the boat dealer. The engine manufacturer should be required to provide the boat builder with the information regarding the regulation and installation requirements, but that is where its responsibility must end.

Hang Tag Durability Requirements

NMMA has concerns with the provision that a CARB certification engineer could reject an engine manufacturers hang tags based on an assumption that label is not durable. ARB staff states that “After examining samples from several engine manufacturers, staff has concluded that the reviewed hang tags appear robust enough to survive under most conditions that should be encountered in a boat show room.”

The engine manufacturer has a very strong incentive to design a durable hang tag. If the tag is lost or destroyed, it is the engine manufacturer who must replace the tag. With the passing of AB 695, which NMMA helped draft and fully supported, the label becomes a critical component to being able to register the boat in California. The market forces exist to provide an overwhelming incentive for the engine manufacturers to insure that the hag tag remains intact.

Thus NMMA does not support a regulation that would permit ARB certification engineers to make arbitrary decisions regarding the durability of a marine engine hang tag. NMMA is not opposed to regulation in general, but like a fixed limit for CO emissions on OB/PWC, this is a solution for something that clearly is not a problem.

Thank you for the opportunity to provide comment regarding these amendments. After you have had a chance to review the NMMA comments please contact me at 202-737-9757 or jmcknight@nmma.org so we can discuss further

Sincerely,

A handwritten signature in blue ink that reads "John McKnight". The signature is written in a cursive, flowing style.

John McKnight, Director
Environmental & Safety Compliance

Cc: Bob Cross, ARB
Scott Rowland, ARB
Jeff Lowry, ARB