

October 8, 2013

Document Control Office
Office of Pollution Prevention and Toxics (OPPT)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460-0001
Attn: Cindy Wheeler

Re: Formaldehyde Emission Standards for Composite Wood Products Docket ID EPA-HQ-OPPT-2012-0018

Dear Ms. Wheeler:

The National Marine Manufacturers Association is pleased to provide the US EPA the following comments with respect to the proposed rule, *Formaldehyde Emission Standards for Composite Wood Products*.

By way of background, NMMA is the leading recreational marine industry trade association in North America, representing 1,400 boat, engine, and accessory manufacturers. NMMA members collectively produce more than 80 percent of the recreational marine products sold in the United States. Recreational boating is a significant contributor to the US economy by employing nearly 340,000 people through more than 34,800 boating businesses. The total economic impact for recreational boating in the US was \$121.5 billion in 2012.

NMMA supports sound EPA regulations that ensure the safe use of chemicals by industry and the availability of safe products to consumers. We do have significant concerns, however, with the proposed rule and its deviations from the application of existing California Air Resource Board regulations (17 CCR § 93120). The TSCA statute provides the EPA with discretion to vary from the CARB model in some instances, however, NMMA urges the Agency to only do so under compelling circumstances and where the regulatory burden is minimal. NMMA believes the broaden scope and certification requirements of this proposed rule exceed the original intent of the statute.

Exemption for Marine Vessels

The existing CARB regulations specifically exempt composite wood products used for boats from the regulatory burdens of emission controls (17 CCR § 93120.1(8)). Under the current EPA proposed rule, “composite wood products used inside new vehicles, other than recreational

vehicles” are categorically excluded from the rulemaking requirements. While EPA has made it clear recreational vehicles are not exempt from this rulemaking but new vehicles are, ambiguity remains for recreational marine vessels. NMMA requests EPA to clarify the exemption to include recreational marine vessels from formaldehyde emission standards under this rulemaking. This would be consistent with CARB regulations and the framework with which our manufacturers have operated for the past five years.

Many NMMA member manufacturers outsource wood products as component parts for the design of a boat. These component products include: cabinetry, seating, hull construction, and flooring, to name a few. We ask EPA to clarify the regulatory requirements of this rulemaking for boats, as well as component parts to be used in new marine vessels. This enables boat manufacturers to maintain the exemption currently in place by CARB while realizing the nature of the marine manufacturing industry. Most NMMA members are small to medium sized manufacturing businesses, without the capabilities for large scale wood product component construction. Whether the component products are manufactured directly by the boat manufacturer or by a third party, the emissions standards application should apply to intended end use. I respectfully request boats and wood products intended for use in boats be categorically exempt from emission standards contained in this rulemaking.

Even more so than new vehicles, the open air nature of boats and sporadic usage makes the purpose of TSCA and these subsequent formaldehyde regulations not appropriate for boat manufacturers and those composite wood product component parts utilized in marine vessels. NMMA asks for clarity on how EPA intends to apply the proposed regulations to the import of composite wood products that are intended for use in boats. Should EPA not clarify the exemption to include marine vessels, the emissions certification burdens of this rulemaking would be particularly onerous to the marine manufacturing industry.

Laminated Products Definition and Certification

The proposed rule fundamentally changes the requirements for fabricators of laminated products. Boat manufacturers who utilize composite wood products in materials such as hull design, cabinetry, flooring, and vinyl seating would now be considered fabricators due to the additional resin application. This broadened definition of fabricator from the CARB rule, would likely encapsulate boat manufacturers who apply resin components such as adhesives, stains, topcoats, gel coats, laminates, and caulking that may come into contact with component composite wood products.

The dramatic expansion of the requirements for fabricators of laminated products is unfounded and burdensome. Boat manufacturers utilizing composite wood products are consumers of certified composite panels and simply finish these already certified panels in a value added process to manufacture finished goods. The finishing and sealing of these laminated certified composite panels significantly reduces the emission characteristics of the finished products. The

expanded definition of fabricator, as currently proposed, was not contemplated by Congress and implicates a far broader audience for testing and certification than originally intended.

Should EPA proceed with the expanded definition of fabricator, NMMA urges the Agency to consider at the very least a more narrow definition of “resin”. The applicable resins used in manufacturing processes are infinite and the term is entirely too vague to meet the demands of this regulatory framework. NMMA asks EPA to consider adopting a definition of resin which would exclude gel coats and fiberglass reinforced plastic resin. These are prevalent in the boat manufacturing composite process. Such resins and their de minimis contact with composite wood products should not be contemplated in the certification and testing requirements of this currently proposed rule. A narrow definition for resin application for use on composite wood products would allow manufacturers a greater degree of certainty in the application and subsequent certification process.

As stated previously, boat manufacturers are currently exempt from the certification CARB rule, though do maintain appropriate chain of custody documentation for certified composite wood products. Should marine products not be specifically exempted from EPA’s final rule, the certification model currently proposed adds an additional point of certification by fabricators. With a broadened definition of fabricator and additional points of certification and testing, the burdens of this proposed rule will be debilitating for small and medium sized manufacturers who simply utilize already certified wood products and add a resin coating. Component level certification, as currently proposed, forces fabricators into an unrealistic scheme that will require costly new equipment, testing and personnel. The impact of product-level certification will dramatically affect manufacturing businesses. NMMA urges EPA to require product level certification rather than component level, allowing a more complete formaldehyde emission factor and lowering the burden on manufacturer processes.

Applying formaldehyde emission requirements for wood products to marine manufacturers would serve no public purpose, due to the nature and use of boats. The burdensome regulations for fabricators and correlating certification requirements would incapacitate any boat manufacturers who are small and medium sized companies without the personnel to meet such regulatory demands. In an industry just levelling off from the economic recession, a regulatory burden of this nature would be detrimental to boat manufacturing. NMMA request EPA harmonize with the CARB regulations and specifically exempt wood products intended for use in marine vessels from this regulatory structure. It is critically important federal requirements are aligned with existing state regulations when possible, and we see no consumer or environmental reason for EPA to not do so in this instance.

I appreciate the opportunity to offer these comments and look forward to the clarity in exemptions for boat manufacturers and component products for the recreational marine industry. For additional questions, please feel free to contact me at nvasilaros@nmma.org or 202-737-9763.

Sincerely,

T. Nicole Vasilaros

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Director of Regulatory and Legal Affairs
National Marine Manufacturers Association