

Testimony regarding LD 1214, PFAS and related legislation

Before the
Joint Standing Committee on the Environment and Natural Resources

by
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National Marine Manufacturers Association
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Dear Senator Brenner, Representative Gramlich and members on the Joint Standing Committee of Environment and Natural Resources

Thank you for the opportunity to present the concerns of the National Marine Manufacturers Association regarding LD 1214, An Act to Clarify the Laws to Combat Perfluoroalkyl and Polyfluoroalkyl Substances Contamination, and related legislation. NMMA has many concerns and a few requests regarding the legislation before the committee today.

NMMA is the leading trade association representing the recreational boating industry in North America. NMMA member companies produce more than 80 percent of the boats, engines, trailers, and accessories used by boaters and anglers throughout the United States and Canada. Importantly, an estimated 95 percent of traditional power boats (outboard, sterndrive, inboard and jet boats) sold in the U.S. are made in the U.S.

Boating is big business in Maine, with an estimated annual economic impact of \$3.0 billion and 118,000 registered boats. The Maine boating industry supports about 14,000 jobs and 619 businesses.

As an industry, recreational boat manufacturers recognize the need to determine the presence of PFAS chemicals in various products, as well as the need to reduce wherever possible the use of these chemicals. However, we also believe that the bills before you present significant roadblocks to that goal.

Nearly 90 percent of manufacturers in the recreational boating industry are small businesses. The production numbers of this industry make that clear. Fewer than 200,000 new boats are built in a year – and that total includes every aluminum jon boat, family runabout, offshore cruiser and personal watercraft sold in the United States and exported abroad.

Boats, for today's purpose, are not manufactured as much as they are assembled. Once the hull is fabricated, most of the parts are bought from distributors or catalogues. The steering units, electric components, marine engines, fabric, and accessories are bought from hundreds of vendors across the globe and assembled to make a boat. We have very limited information regarding the chemical content of these parts.

The herculean task the State of Maine has put before us – to identify every wire, washer, component, and system that contains PFAS chemicals, and how much down to the microgram – is shockingly broad, expensive, and expansive. We know from direct information that a laboratory charges \$5,000 to test one item for one PFAS chemical. Testing thousands of SKUs to determine if they contain any of 14,000 listed PFAS chemicals is an impractical expense for any business.

To provide the data on PFAS, we need Maine law to designate us as compilers of PFAS data from other sources, not as manufacturers required to originate testing. We ask that you amend LD 1214 to require that PFAS content data be provided by the actual manufacturers and importers of parts and components.

We request that the committee make several other amendments as you consider LD 1214 and related legislation.

1. **Focus reporting mandates on importers and actual manufacturers. If boat builders can access these data, we can compile a list of the parts we have used to build a marine product and forward that to MDEP.** But our members are concerned that it is beyond their capability to be the originator of PFAS testing. **If the experience of European manufacturers is an indication, the data may never be complete.** European manufacturers typically receive data from no more than 40 percent of the manufacturers they survey for PFAS data, despite mandates in place by the EU. Please amend LD 1214 to require the actual manufacturers of components and parts that supply companies selling into the State of Maine the need to report to Maine DEP about any intentionally added PFAS.
2. **Set a priority on the most relevant data:** We ask that you implement a risk-based model that assesses hazard plus exposure to determine priority. This methodology follows the US EPA's protocols for evaluating risk. The more Maine can harmonize with federal standards the better. A primary concern is the breadth of the information sought by the state of Maine. For this first step in assessing the prevalence of PFAS, we ask that you focus on the data you need to determine threats to water and soil. I must ask, is it essential that you know the milligrams of a PFAS chemical that may be present in the gears of a steering assembly that is enclosed in a waterproof housing under a helm? Please focus on enacting a law that focuses on the greatest threats to soil, water and people.
3. **Decide which PFAS chemicals matter most.** Please require that MDEP provide the CAS numbers of the chemicals they determine are the greatest threat to water and soil. The US EPA manages chemicals of concern in a three-step process, which starts with the prioritization of chemicals for evaluation. They post their priority list (with CAS numbers) years in advance of proposed regulations. If you tell assemblers like boat builders and other businesses which chemicals cause the greatest concern, we at least have a starting point. But if the list includes every one of the 9,000 chemicals in the definition used by LD 1214, it will be exceedingly difficult to provide the data required by law, even with a year's lead time.
4. **Extend the deadline as much as possible.** Given the mandates included in LD 1214, we need the reporting deadline to be more than one year after MDEP adopts the regulations that implement these laws. We will have to depend on manufacturers and importers to supply us with the information required by Maine law. These companies are located all over the world. It will take a tremendous amount of time for us to receive these data, if we can get them at all, and even then, there is no way to verify their accuracy. The information you require must come from those who manufacture or import the components and parts we buy.
5. **How are we supposed to accomplish this mammoth task?** Most recreational marine businesses are small. Whether they are small companies making a few boats or companies selling well-known boat brands, many of them have fewer than a few hundred employees. Many have fewer than 50 employees. Please require the Maine DEP to provide training and clear guidelines on how

we are to gather these data, the format, and other information. We need your help to minimize the expense and manpower needed to do our part.

Thank you very much for your consideration of our request for amendments to LD 1214 that address these serious concerns of the recreational boating community. The recreational marine industry would welcome an opportunity to work with the legislature and MDEP on this issue. Please contact me at ddickerson@nmma.org or (301) 793-2001 with any questions or concerns.