Dear Mr. Moloney and Mr. Shelanski:

Thank you for the opportunity to provide comment on the Canada – U.S. Regulatory Cooperation Council (RCC) consultation.

NMMA is the leading association representing the recreational boating industry in North America. Our member companies produce 80 percent of the boats, engines, trailers, accessories and gear used by North American boaters and anglers. The recreational boating industry is a significant economic driver for Canada; generating $8.9 billion in revenues, contributing $5 billion to GDP, and employing nearly 70,000 people. The economic impact of recreational boating in the US was $121.5 billion in 2012. The sector employs nearly 340,000 people and is supported by 35,000 boating businesses in the US.

NMMA strongly supports the RCC efforts of regulatory cooperation and intergovernmental dialogue. We want to reiterate the importance of aligning pleasure craft construction/recreational boat safety standards and developing a proposal for aligning the compliance monitoring and safety recall regimes in both countries. We believe the RCC has a key opportunity to addressing these issues and achieving compatibility between the US and Canadian regimes.

One of the main objectives for NMMA and the recreational boating industry in the RCC action plan is to ensure regulator to regulator discussion while supporting robust stakeholder and non-governmental input. For the recreational marine industry, particularly on the US side, regulations pertaining to craft construction and boat safety standards are a baseline. We encourage regulators to achieve harmonization through standards setting bodies rather than completely through regulatory means.

The NMMA is committed to boating safety and quality through its extensive certification program. The NMMA certification program incorporates safety standards established by the American Boat & Yacht Council. The American Boat & Yacht Council (ABYC) was created with the purpose of developing safety standards for the design, construction, equipage, repair and maintenance of boats. ABYC develops standards based on extensive consultation with a standards development technical board, comprised of industry stakeholders and technical experts. Particularly with many safety construction standards outdated in the CFR, we urge US and Canadian regulators to consider ABYC standards as a basis for regulatory cooperation. For
the marine industry, standards, rather than regulations should be the model for harmonization. This allows the technical experts to set the parameters. We encourage the continued efforts by both governments to harmonize standards and ensure regulatory processes do not impede progress.

Understanding ABYC is not a governmental body, we encourage US and Canadian regulators to engage with ABYC and NMMA as a conduit to standards harmonization. Currently, the US Coast Guard maintains a significant presence on the standards setting technical committees of ABYC. We encourage Canada to do the same. NMMA and ABYC have both worked extensively with the Office of Boating Safety, Transport Canada; we encourage more robust Canadian participation on the ABYC committee level. ABYC is a natural conduit to achieve the RCC harmonization efforts for the recreational boating industry.

In developing a process of dialogue to achieve standards harmonization, NMMA encourages both regulators to make prospective agreements on future regulations and establish a framework for future regulatory actions by both countries. USCG currently references ABYC standards in the CFR but does not allow for incorporation by reference for “as amended” standards. This fails to ensure flexibility in the CFR when standards are amended in the future. Canada does allow for reference “as amended” and we urge US regulators to develop the same process for this industry.

Lastly, NMMA is actively monitoring the Transatlantic Trade and Investment Partnership (TTIP) efforts between the EU and US. We encourage the RCC discussions to run parallel to TTIP negotiations to prevent any duplication and allow for international synergy among industry sectors.

We appreciate the opportunity to offer these comments. If you should have any additional questions please do not hesitate to contact Sara Anghel at sanghel@nmma.org or Nicole Vasilaros at nvasilaros@nmma.org.

Sincerely,

[Signatures]

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