



October 20, 2014

Docket ID No. EPA-HQ-OAR-2014-0198
Air and Radiation Docket
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW
Mail Code 6102T
Washington DC 20460

RE: Protection of Stratospheric Ozone: Change of Listing Status for Certain Substitutes under the Significant New Alternatives Policy Program (79 Fed. Reg. 46,126 April 3, 2014)

Dear Sir/Madam:

The National Marine Manufacturers Association (NMMA) appreciates the opportunity to provide comment on the Environmental Protection Agency's (EPA) proposed rule titled "Protection of Stratospheric Ozone: Change of Listing Status for Certain Substitutes Under the Significant New Alternatives Program" published in the *Federal Register* on August 6, 2014.

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. NMMA is very proud of the successful relationship we have had with EPA working on many marine engine and boat regulations that have resulted in significant product improvements in safety, performance and the environment.

On behalf of recreational boating industry, NMMA formally requests that boat manufacturers receive exemption from President Obama's Climate Action Plan's proposal to ban foam blowing agents, including HFC-134a—an integral component used by 80 percent of the industry in the manufacturing process that keeps boats in compliance with United States Coast Guard buoyancy regulatory standards. Some NMMA's boat builder members also utilize HFC-134a in composite stringers—a different application of the agent that may have an even greater challenge if required to change formulations. NMMA has worked closely with Structural Composites to better understand this concern and NMMA supports their comments.

As a small industry, boat manufacturers do not influence the supply chain; they are subject to what is on the market. Viable alternatives to HFC-134a do not presently exist in large enough quantities to keep the industry in compliance, and thus the industry should not be subject to the Administration's proposed ban.

If an exemption is not feasible, then NMMA strongly urges that the EPA provide an extension of the proposed timeline; delaying the ban of HFC-134a from January 1, 2017 until January 1, 2022 or further if a similar extension is provided to the much larger users such as building insulation and refrigerant

producers. NMMA is confident that by 2022 alternatives will be more readily available, as the larger industries, specifically the automobile industry, will have adopted a new alternative by this date.

Such an extension is not unprecedented. In the early 1990s, the recreational marine industry secured an extension to complete the phase out of hydrochlorofluorocarbons (HCFCs) used as a propellant in the application of flotation foam—as prescribed under the Montreal Protocol. In May 2006, EPA published a notice in the *Federal Register* stating it planned to accelerate the process and push the deadline up to January 1, 2008. NMMA worked closely with EPA in 2006 to preserve a one-year extension to phase out the use of CFCs in flotation foam. The extension gave boat builders until September 2009 to discontinue the use of the ozone depleting substance, allowing sufficient time for both the marine manufacturers and the suppliers that furnish flotation foam systems to become compliant with the EPA ruling.

NMMA has similar concerns with EPA's proposal to ban HFC 134a by January 1, 2017. Replacing this substance in two years is not feasible; the proposal presents both a financial and logistical hardship for many small business boat builders. It is very likely that if the EPA proposal is enacted as presently written than many small business manufacturers will be forced out of business, forced to break the law or be unable to produce a product that meets USCG standards.

Such a change is not a quick fix. To add context, when injecting flotation foam inside the boat stringer system it is critical that the installer has the confidence to know that it is done correctly. Buoyancy foam is injected through a small hole in the space between the hull and the stringers so the installer cannot see the foam expand. The foam must be able to travel in long and narrow compartments and as it expands it cannot distort the stringer. The installer has a preset time where he injects the foam and if done correctly he should see the foam weep through the vent hole. He can then assume that there are no voids in the foam. Voids will cause the boat to fail USCG flotation regulations. Thus the installer has to have the confidence that the propellant used to expand the foam has a consistent viscosity and expansion rate.

Unfortunately, none of the available substitutes are “drop-in” solutions that can be seamlessly integrated into the manufacturing process. Rather, the substitutes require a significantly higher pack factor to properly flow through the hull and stringers and remain stable. These substitutes also have higher exothermic temperatures that may or may not be problematic, presenting both a workplace safety concern and a product safety concern.

Fortunately, according to suppliers, developments are underway to produce a foam system that is a closer match to HFC 134a chemistry. The new systems will use HFO blowing agents to provide good flow and good dimensional stability properties, and would meet EPA's commitment to a better environment. However, such a substitute is not presently available, and there is no confidence that the new systems will be fully viable by January 2017.

NMMA cannot support EPA's proposal to ban HFC-134a unless the EPA recognizes the necessary time it will take to develop “drop-in” solutions and then phase in these new replacement products and train the potentially thousands of US boatbuilders to properly use these new products. In addition to either an exemption or delay, NMMA also strongly urges EPA to include a hardship provision in the final rule in a

case where a small business boat builder would need more time to properly train staff and comply with the ban.

NMMA is committed to continuing a dialogue with the EPA that results in a positive outcome for all. Just as in 2006, boat builders are the end users of this product and are not opposed to change. They simply do not have the volume to drive the chemical industry to speed up investment in new products and they need a “drop in” replacement.

Thank you for the opportunity to provide comment on this important issue. If you have any questions, please feel free to contact me at jmcknight@nmma.org.

Sincerely,

A handwritten signature in cursive script that reads "John McKnight".

John McKnight, Vice President
Government Relations