



October 26, 2007

The Honorable Sam Farr
U.S. House of Representatives
1221 Longworth House Office Building
Washington, DC 20515

Dear Congressman Farr:

The National Marine Manufacturers Association (NMMA) is pleased to provide a second round of comments on your legislation, H.R. 21, the “Ocean Conservation, Education, and National Strategy for the 21st Century Act.” NMMA recognizes the significant revisions to the legislation reflected in the October 18 Discussion Draft and appreciates your openness to the views of key stakeholders, such as the recreational boating industry and the recreational boating public.

NMMA is the nation’s largest recreational marine industry association, representing nearly 1,700 boat builders, engine manufacturers, and marine accessory manufacturers. NMMA members collectively produce more than 80 percent of all recreational marine products made in the United States. Recreational boating is popular and important, with almost 73 million boaters nationwide and over 13 million registered boats. The recreational boating industry is a substantial contributor to the nation’s economy with total retail expenditures on recreational marine products and services of over \$39 billion in 2006 alone.

Although NMMA continues to support the intent of H.R. 21 and many of its provisions related to enhancing ocean governance, we retain concerns about new requirements outlined in the legislation related to federal agency actions. Primarily, NMMA is seriously concerned that Sec. 101(c), which would require the issuance by nearly every federal agency of new regulations implementing the National Ocean Policy would override existing statutory authorities related to fisheries management and other oceans resource management policies and programs. As noted in our July 27 comments, NMMA strongly believes that the bipartisan reauthorization of Magnuson-Stevens should continue to be the prevailing operative authority for the management of U.S. fisheries.

While the National Ocean Policy as outlined in the legislation is well-intentioned, its broad scope exposes federal agencies to a high risk of litigation over its interpretation and specific application.

In addition, NMMA objects to Sec 101(b)(3)(D), which requires that “the lack of scientific certainty should not be used as justification for postponing action to prevent environmental degradation.” NMMA finds this “principle” perplexing given that the National Oceanic and Atmospheric Administration (NOAA) is a scientific agency. While scientific certainty is not always attainable, robust and sound scientific evidence is and should remain the fundamental underpinning of federal programs such as NOAA. This is especially true for regulatory actions. Strong science enables rather than inhibits the proper management of our ocean marine resources, and NMMA strongly urges you to support sound science which is peer reviewed, methodologically transparent, and fully inclusive of relevant stakeholders through an equitable and meaningful process.

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Without a full scientific understanding of the issues contributing to environmental degradation, it is imprecise and difficult to implement effective and appropriate response strategies. The policies to ensure sound decision-making in Magnuson-Stevens, the National Environmental Policy Act (NEPA) and the Administrative Procedures Act (APA) currently provide appropriate, inclusive, process-oriented decision-making benchmarks and requirements.

I want to reiterate that NMMA supports many of the provisions in H.R. 21, such as Title II, an Organic Act for NOAA, and provisions related to improving the coordination of federal, state and local actions on oceans management. NMMA broadly supported the recommendations of the U.S. Commission on Ocean Policy and looks forward to continuing to work with you and your staff to forge consensus legislation that improves oceans governance while avoiding duplicative and inefficient bureaucratic processes that will make it more difficult to make timely decisions to protect marine resources, ecosystems and habitats.

NMMA appreciates the opportunity to submit its views on the Oct. 18 Discussion Draft of H.R. 21 and looks forward to working with you to improve the management of our oceans and coasts. Please do not hesitate to contact me or Mathew Dunn of my staff at 202-737-9760; mdunn@nmma.org if we can be of any additional assistance.

Sincerely,



Scott B. Gudes
Vice President, Government Relations

Cc: The Honorable Nick J. Rahall
 The Honorable Don Young
 The Honorable Madeleine Z. Bordallo
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