



Date: July 15, 2022

Commissioner Melanie Loyzim  
Maine Department of Environmental Protection  
17 State House Station  
August, Maine 04333

**Re: Additional MMTA Comments Regarding PFAS Concept Draft**

Dear Commissioner Loyzim,

The Maine Marine Trades Association (MMTA) and the Marine Retailers Association of the Americas (MRAA) would like to add additional comments beyond those submitted along with the National Marine Manufacturers Association (NMMA) regarding Public Law c. 477, [An Act To Stop Perfluoroalkyl and Polyfluoroalkyl Substances Pollution](#) (LD 1503, 130th Legislature) enacted by the Maine Legislature in July 2021.

The Maine Marine Trades Association represents over 120 small businesses in Maine including boatyards, boat builders, marinas, marine repair shops, marine retailers, boat brokers, and related fields. Collectively our industry contributes an annual impact of approximately \$2.9 billion to the state. Our businesses provide essential services to the Maine fishing fleet and commercial transportation vessels, as well as many recreational boats—both coastal and inland. MMTA works with the Department on many issues related to boats, boating, and business operations.

The Marine Retailers Association of the Americas (MRAA) is the leading trade association of North American small businesses that sell and service new and pre-owned recreational boats and operate marinas, boatyards, and accessory stores. MRAA represents more than 1,300 individual member retail locations and is proud to have 13 members located throughout Maine.

## **Requiring Reporting Will Adversely Impact Sales and Consumer Confidence**

MMTA and MRAA understand the good intentions of the rule, but we wish to express additional concerns about the concept draft and the potential negative impacts for sales and consumer confidence in our industry sector.

In addition to creating challenges for our boat manufacturers in Maine we believe there is current confusion in the language regarding retail obligations. The language in section 7 is confusing referring to a Person in 7A and referring to a Retailer in 7A(1). It is unclear if a retail store is exempt from any lack of compliance from the manufacturers that they represent.

Using one of our members as an example:

It is unclear if a Maine-based retail business (with six store locations in Maine and online ordering) would need to verify if their 32,000 SKU items have been reported (or not) from the many hundreds of vendors that they represent. It would be a significant burden requiring a full-time staff position for a retailer to have to check on compliance for thousands of products. We often think positively about job creation, but this type of job adds to overhead and does not increase sales, efficiency, or profits. Plus, most businesses are already operating with insufficient staffing and hiring is a continuing challenge for most of our members. To contextualize the workforce issues in the marine industry, a 2019 survey conducted by MRAA found that 31,000 open positions existed at MRAA member locations alone. With the recent increase in boating activity and workforce challenges there is now even more stress on under-staffed dealerships. Furthermore, due to the supply chain and increased demand, relationships between dealers, manufactures, and vendors are already tense, and any additional delay could cause vendors to get frustrated and stop selling their products in Maine altogether if they find the reporting requirement burdensome.

Another example could be a small boat service yard that is not considered a retail store, but they sell the parts that they install. If the mechanic replaces a fuel pump on an engine, are they considered a Person or a Retailer when they sell the product to the customer? If that mechanic has to spend a half hour looking up whether the aftermarket fuel pump is in the Maine PFAS database, the customer is not going to want to pay for that extra time. This could put Maine businesses at a disadvantage with respect to our boat sales and services compared to other New England states. Maine's marine service businesses have been struggling with workforce shortages and supply chain issues. This level of verification could put a significant burden on the small business to have to attempt to hire additional staff and raise rates.

From the consumer perspective, if someone cannot find a product within an enormous database, it could be misleading and create a sense of false security that the product does not contain any PFAS. Lack of data will not guarantee an absence of any chemicals within the group of PFAS. Conversely the database could end up with duplicative reporting that could add confusion to the consumer. We also question if it will be easy enough for the consumer to understand the quantities reported compared to

the scope of the product. For instance, if an electronic device or piece of equipment is being considered for purchase, would it be clear enough if there are just two gaskets and a few wires with a PFAS-containing coating versus a can of paint that perhaps contains 1% PFAS chemicals? We question if consumers will be able to understand the risks related to the quantities reported. Any confusion or uncertainty for consumers could increase purchasing in other states.

## **Conclusion**

As currently written, the concept draft is unclear if a retail businesses and installers of marine products/components have a level of responsibility for verification of a manufacturer's compliance within the rule. Having to hire additional staff or take additional time to verify compliance for products sold will put Maine businesses at a competitive disadvantage compared to similar New England marine businesses.

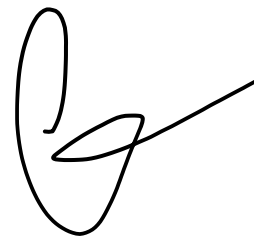
Though it is important to help provide transparency and education for consumers, the data provided will not be a guarantee they will understand the chemical levels and risks association with the use of the products. There will also be no guarantee that lack of reporting equates to lack of PFAS for the thousands (millions?) of products sold in Maine.

Thank you for the opportunity to provide additional comments on this important rulemaking. If you have any addition questions or would like to discuss supporting information, feel free to contact us at [stacey@mainemarinetrades.com](mailto:stacey@mainemarinetrades.com) or 207-773-8725 or [chad@mraa.com](mailto:chad@mraa.com) or 978-569-5127.

Sincerely,



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