



September 12, 2023

The Honorable Tyrone Carter
Chair
Committee on Regulatory Reform
S-685 Anderson House Office Building
Lansing, MI 48909

The Honorable Tulio Liberati
Majority Vice Chair
Committee on Regulatory Reform
N-692 Anderson House Office Building
Lansing, MI 48909

The Honorable Mike Mueller
Minority Vice Chair
Committee on Regulatory Reform
N-1091 Anderson House Office Building
Lansing, MI 48909

Re: HB 4562 – Digital Electronic Equipment Repair Act – Oppose or Amend

The Marine Retailers Association of the Americas (MRAA), National Marine Manufacturers Association (NMMA) and Michigan Boating Industries Association (MBIA) would like to thank you for the opportunity to express our opposition to HB 4562 as written and ask that the Committee oppose the bill or add language to exclude marine electronics and all offroad vehicles.

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 conducts advocacy efforts on their behalf.

The National Marine Manufacturers Association (NMMA) is the trade association for the U.S. recreational boating industry, representing nearly 1,300 marine businesses, including recreational boat, marine engine, and accessory manufacturers. Our members are often U.S.-based small businesses, many of which are family owned. NMMA members collectively manufacture more than 85 percent of the marine products sold in the U.S. Furthermore, the recreational boating industry has a \$170 billion impact on the nation's economy and in communities across the country, with nearly 700,000 American jobs across 35,000 U.S.-based marine businesses.

Michigan Boating Industries Association (MBIA) is a statewide, non-profit marine trade association working to advance, promote, and protect boating in Michigan for more than 1500 marine businesses and nearly 4 million recreational boaters. Recreational boating has an \$11.7 billion annual impact on Michigan's economy, and MBIA serves as the voice for this industry. MBIA

produces educational opportunities for boaters and marine businesses, produces three association-owned boat shows, and advocates for the industry in Lansing and Washington D.C.

It is no secret that boating is a major part of Michigan's history and heritage and continues to be one of the most favorite pastimes in the state today among both residents and visitors alike. Currently, there are more than 800,000 registered boats in great lakes state which support a vibrant and growing outdoor recreation economy. In Michigan, recreational boating alone supports over 45,000 jobs at more than 1000 businesses and ultimately contributes \$11.7 billion to the state economy annually. In Michigan, boating means business.

While we do not question the good intent of this legislation, we have concerns about how the broad language of this bill could affect the marine industry. If passed as written, "Right to Repair" would pose serious threats to the marine industry, and the consumers that enjoy and depend on our products. Proponents of the so-called "Right to Repair" legislation want access to software, specialized tools, and mechanical, electrical, safety, and emissions features that are incorporated into marine engine and marine electronic products. Granting consumers access to such information could result in modifications to the engine that could run afoul with federal emissions and safety requirements or compromise important technology crucial for navigation and the safe operation of a vessel, like radar and GPS.

We do not oppose a consumer's right to make repairs on their equipment, and in fact many of our members will work with their customers to sell the required parts and train them to do simple repairs themselves. We do, however, oppose providing access to the proprietary code to the products our members sell due to concerns of safety, emissions, compliance, and product reliability. Providing this level of access to untrained individuals would negatively affect the products' compliance with federal safety, security, and emission standards. Not only is there a risk to put consumers and the boating public in danger, but marine manufacturers are also required by U.S. EPA, under 40 CFR 1068.50 to ensure "adjustable parameters" are unable to be tampered with by unauthorized technicians, ensuring engines maintain their safety and emissions protocols. Right to repair legislation must account for federal anti-tampering requirements as well as account for emissions and safety standards..

Furthermore, equipment manufacturers and dealerships have invested millions of dollars in educating and training their technicians, and obtaining certifications that qualify them to properly service their products. Marine manufacturers put their confidence in certified dealers and technicians to maintain a given engine through its lifetime. This legislation stands to possibly undercut this important aspect of marine dealer's businesses while potentially putting consumers and customers at risk.

For these reasons, MRAA, and the undersigned boating businesses, oppose HB 4562 and respectfully asks you to protect the boating industry in Massachusetts by either opposing these bills or adding the below language to exempt marine engines and components.

Requested Amendment Language

Manufacturers, distributors, importers or dealers of all off-road (non-road) equipment, including without limitation, farm and utility tractors, farm implements, farm machinery, forestry equipment, industrial equipment, utility equipment, construction equipment, compact construction equipment, road-building equipment, mining equipment, turf, yard and garden equipment, outdoor power

equipment (including portable generators), marine, all-terrain sports and recreational vehicles (including racing vehicles), stand-alone or integrated stationary or mobile internal combustion engines, other power sources, (including without limitation, generator sets, electric/battery and fuel cell power), power tools, and any tools, technology, attachments, accessories, components and repair parts for any of the foregoing

Thank you for your time and the consideration of our request. Please contact me, at Chad@mraa.com if you should have any questions.

Sincerely,

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Association

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