



October 04, 2021

The Honorable Susan L. Moran
Chair
Joint Committee on Consumer Protection
and Professional Licensure
24 Beacon St. Room 506
Boston, MA 02133

The Honorable Tacky Chan
Chair
Joint Committee on Consumer Protection
and Professional Licensure
24 Beacon St. Room 42
Boston, MA 02133

The Honorable Paul R. Feeney
Vice Chair
Joint Committee on Consumer Protection
and Professional Licensure
24 Beacon St. Room 215
Boston, MA 02133

The Honorable Mary S. Keefe
Vice Chair
Joint Committee on Consumer Protection
and Professional Licensure
24 Beacon St. Room 466
Boston, MA 02133

Re: H.341/S.166 - An Act Relative to the Digital Right to Repair Act

The Marine Retailers Association of the Americas (MRAA) and the National Marine Manufacturers Association (NMMA) would like to thank you for the opportunity to express our concern with to H. 341 and S. 166 as currently drafted.

The Marine Retailers Association of the Americas 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 leading trade association representing the recreational boating industry in North America, is dedicated to industry growth through programs in public policy advocacy, product quality assurance and promotion of the boating lifestyle. NMMA member companies produce more than 80 percent of the boats, engines, trailers, accessories, and gear used by boaters and anglers throughout the United States and Canada

With 132,106 registered boats in Massachusetts recreational boating is not only a major pastime and part of the state's heritage, but it is also a significant economic driver. Recreational boating provides over 20,000 jobs across 1000 businesses, and contributes **\$4.4 billion** to the state economy annually.

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.

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. Marine manufacturers are 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.

For this reason, MRAA and NMMA respectfully requests that language be added to S. 166 and H. 341 which explicitly exempts marine engines from the bills' requirements. Specifically, we would appreciate if the exclusion of motor vehicles reference in Section 11 would also explicitly include "vessels' and "engines used to power vessels."

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.

Please let us know if you can agree to add the requested exemption language for marine engines to H.341 and S. 166. Please contact Chad Tokowicz at Chad@mraa.com or Jill C. Sims at jsims@nmma.org if you should have any questions.

Sincerely,

Chad Tokowicz
Government Relations Manager

Jill C. Sims
Manager, Great Lakes Policy and Engagement