

October 15, 2013

Jeffrey G. Lantz
Director, Commercial Regulations and Standards
U.S. Coast Guard

Re: NPRM on Personal Flotation Devices Labeling and Standards USCG-2013-0263

Dear Mr. Lantz:

The National Marine Manufacturers Association (NMMA) appreciates this opportunity to comment on the U.S. Coast Guard's (USCG) notice of proposed rulemaking (NPRM) entitled: *Personal Flotation Devices Labeling and Standards*. We support efforts to change the personal flotation type labeling and move towards a more internationally accepted label requirement.

By way of background, NMMA is the nation's leading recreational marine trade association in North America. NMMA members collectively produce more than 80 percent of the boats, engines, and accessory parts sold in the US. The Personal Flotation Device Manufacturers Association (PFDMA) is an associate member of NMMA, representing the interests of personal flotation device manufacturers in the US. PFDMA has been working closely with the USCG for years to achieve more internationally acceptable labeling and standard requirements. NMMA applauds these efforts and the current NPRM.

Lifejacket manufacturers offer innovative life jackets that provide boaters with increased comfort and safety however, much work remains to be done to make them more affordable and wearable. NMMA continues to push for life jacket regulation reform so U.S. lifejackets designed for continuous wear can be approved. We are pleased with the NPRM as a critical step to allowing U.S. labeling and standards to align with international models and moving the industry in a positive direction.

The current labeling requirements, specifying Types I through IV is complicated. Consumers find it difficult to understand and thereby create a further impediment to wear. Regulations should not be so complicated as to discourage the valuable use of a safety device. We must balance the need to regulate safety standards with the practicality of use. The current proposal opens a path to consider how the life jacket will be used and for which activity, rather than an arbitrary categorical system that produced a rather unworkable framework.

U.S. PFD manufacturers face a continually demanding global economy. The labeling and standards requirements for PFDs in the U.S. are significantly divergent from international standards. This makes it cost prohibitive for U.S. manufacturers to design and sell in the US

while finding other markets for their products. By achieving more harmonized global labeling and device standards, U.S. manufacturers will face lower costs in marketing their products outside the US. While we understand this NPRM will not completely harmonize U.S. PFD standards to international requirements, it takes a critical step nonetheless.

For the past several years, U.S. manufacturers, U.S. Coast Guard (USCG), and Underwriters Laboratories (UL) have been working to harmonize the U.S. PFD standards with international ISO requirements set by the ISO 12402 standard. UL is continuing efforts to approve UL 12402, with significant similarities to ISO 12402. Though complete harmonization cannot be achieved, due to different perspectives on buoyancy and wear, the final adoption of this rulemaking and UL 12402 will significantly aid manufacturers and enable a more global standard.

NMMA supports the efforts of this NPRM as a means to allow final adoption of UL 12402 and a needed overhaul of PFD labeling requirements. We urge USCG to work with states, once this rulemaking is finalized to ensure state laws are appropriately amended to reflect the change in labeling. Many state laws currently directly reference the PFD types, and will need to be changed as USCG moves away from this labeling structure.

NMMA applauds this NPRM and asks USCG to continue to work with stakeholders to remove regulatory barriers to trade in the PFD market. This NPRM is a critical step, but other barriers remain. NMMA and the European Boating Industry have engaged in discussions for the Transatlantic Trade and Investment Partnership to help expand the export potential of the recreational boating industry. PFD testing remains a barrier to market entry. USCG recognition of non-UL labs (IMANNA and FORCE Certification A/S laboratories) is a welcome step to encouraging a more robust marketplace and NMMA urges continued USCG approval and support for non-UL labs around the world. Though there is some expansion in the market, UL still holds a monopoly on PFD testing because of the Follow Up Services (FUS) process. FUS is required as part of USCG approval. UL does not accept other labs tests for FUS, even though they are standardized. This prevents many PFD manufacturers from having access to non-UL controlled labs and serves as a barrier to exportation. NMMA urges USCG to consider this barrier as it addresses PFD reform.

We again applaud USCG efforts to remove the type label standards for PFDs and urge you to move expeditiously to finalize this regulation and continue to work for an adoption of UL 12402. To further discuss these comments, please contact Nicole Vasilaros at nvasilaros@nmma.org or at 202-737-9763.



Sincerely,

T. Nicole Vasilaros

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National Marine Manufacturers Association