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To: OIRA_BC_RPT@omb.eop.gov
cc: "Larry Fineran (E-mail)" <lfineran@nam.org>
Subject: OMB Request for Nominations of Manufacturing Regulatory Reforms

Ms. Hunt & Mr. Fineran,

Attached are NMMA's nominations for regulatory reform. Please let me know if you have any problems downloading this file or have any questions.

Best regards,

Cindy L. Squires, Esq.
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National Marine Manufacturers Association
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- NMMA Comments to OMB on Reg Reform Nominations Final 4-6-2004.doc



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May 6, 2004

Ms. Lorraine Hunt
Office of Information and Regulatory Affairs
Office of Management and Budget
NEOB, Room 10202
725 17th Street, NW
Washington, D.C. 20503

VIA E-Mail [OIRA_BC_RPT@omb.eop.gov] & FACSIMILE [202-395-7245]

RE: OMB Request for Nominations of Manufacturing Regulatory Reforms

Dear Ms. Hunt:

The National Marine Manufacturers Association (NMMA) submits for your consideration the following regulations that are ripe for regulatory reform in response to the Office of Management and Budget's (OMB) request for nominations of promising regulatory reforms for the manufacturing sector.¹

NMMA is the nation's largest recreational marine industry association, representing more than 1,500 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. With 13 million registered boats and almost 72 million boaters nationwide, the recreational boating industry contributes \$30 billion annually to our nation's economy.

NMMA commends OMB for recognizing the large impact of regulation on manufacturing in the United States and for seeking to reduce unnecessary costs, increase effectiveness, and enhance competitiveness of the manufacturing sector through this regulatory reform effort.

The following are NMMA nominations for regulatory review:

¹ See Draft 2004 Report to Congress on the Costs and Benefits of Federal Regulations, 69 Fed. Reg. 7,987 (Feb. 20, 2004) and full draft report at http://www.whitehouse.gov/omb/inforeg/regpol-reports_congress.html.

Rule	Agency	C.F.R. Reference	Purpose	Description and Reason for Nomination
<p>Flammable and combustible liquids standards</p> <p>Spray finishing using flammable and combustible materials standards</p>	<p>Department of Labor</p> <p>Occupational Safety and Health Administration (OSHA)</p>	<p>29 C.F.R. § 1910.106</p> <p>29 C.F.R. § 1910.107</p>	<p>Provides fire safety standards for the technology required for working with flammable and combustible materials.</p>	<p>Cites and incorporates by reference National Fire Protection Association (NFPA) standards set in 1969 for spray application of flammable and combustible liquids. These OSHA regulations are long overdue for an update and need to reflect current technology available to boat manufacturers. For example, OSHA should update these regulations to use NFPA 33, Chapter 17, 2003 Edition standards.</p>
<p>Parts and Accessories Necessary for Safe Operation - Brakes</p>	<p>Department of Transportation</p> <p>Federal Motor Carrier Safety Administration (FMCSA)</p>	<p>49 C.F.R. § 393.48</p> <p>49 C.F.R. § 393.49</p>	<p>Provides minimum requirements for all motor vehicle brakes.</p>	<p>Out-dated “brake” rules need to be amended to permit the limited lawful use of “surge brakes” on small-to-medium sized trailer and tow-vehicle combinations since they meet the federal regulatory requirements for stopping distance and holding on a 20 percent grade and have a record of safety. Trailers with surge brakes can be used by consumers but not for commercial uses (such as where a marina owner would transport a boat for a boat owner for repair). The mandated electric brakes are not workable in conditions where the trailer would be submerged in water such as in a boat trailer. FMCSA has ignored requests to initiate a rulemaking.</p>

Rule	Agency	C.F.R. Reference	Purpose	Description and Reason for Nomination
Reporting of Information and Documents About Potential Defects in Trailers – Early Warning Reporting (EWR) requirements	Department of Transportation National Highway Traffic Safety Administration (NHTSA)	49 C.F.R. Part 579	Requires manufacturers of vehicles (including small to medium size trailers under 26,000 lbs. gross vehicle weight rating (GVWR)) whose yearly production of vehicles for sale in the United States is 500 or more in a particular vehicle category to report comprehensive information to NHTSA.	Reporting threshold for small- to medium-sized trailer manufacturers is set at an inappropriately low level (500 units). This level provides no meaningful exemption for small businesses. NHTSA should reevaluate the EWR reporting burdens for manufacturers of small- to medium-sized trailers (such as boat trailers) under 26,000 lbs. GVWR because of the high reporting burden and limited increase in safety provided by this rule.

NMMA appreciates the opportunity to nominate regulations in need of reform. Please contact NMMA’s Regulatory Counsel, Cindy Squires at 202-737-9766 or csquires@nmma.org or myself at 202-737-9750 or mfontaine@nmma.org if you require any additional information or have any questions.

Respectfully submitted,



Monita W. Fontaine, Esq.
Vice President, Government Relations

CC: Mr. Larry Fineran
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