Guidance for Submitting Written Comments Regarding EPA's Advanced Notice of Proposed Rulemaking to Regulate Diesel Engine Emissions on Recreational Boats

EPA Rule: Advanced Notice of Proposed Rulemaking, "Control of Emissions of Air Pollution from New Locomotive and New Marine Compression-Ignition Engines Less than 30 Liters per Cylinder"

Mail Comments to: Environmental Protection Agency, Air Docket #OAR-2003-0190, Mailcode 6102T, 1200 Pennsylvania Ave., NW, Washington DC, 20460 (send two copies)

E-mail Comments: locomarine@epa.gov

Comments due date: August 30, 2004

Opening paragraph:

Open your comments with a description of your company, where you are located, how many employees you have, your customers, and whether you manufacture, marinize or use diesel engines. If you are a small business, less than 500 employees, be sure to stress that in your opening comments.

Main issues

Basically this rule would require marine diesel engines be equipped with catalyst for control of exhaust emissions.

The main point that boat builders need to convey is the space limitation and the potential safety and durability issues associated with after treatment controls on recreational marine diesel engines. Your comments should stress that it is critical that the final rule is transparent to boatbuilders. Mention that the associated costs to boat builders could make this rule economically infeasible. For example, a small diesel powered sailboat might have an engine compartment that does not accommodate the catalyst equipped engine package and would require a total redesign and retooling. Also anything that would compromise the reliability or durability of marine diesel engines could cause a major market share shift in a very small industry.

Raise the issue of salt-water contamination in marine catalyst. Ask EPA if they have any test data that shows long term catalyst durability on recreational boats in salt water applications. Ask EPA what happens to a catalyst when it is exposed to salt water. Stress that diesel powered boats are primarily sold for use in salt water. Explain that at one time or another, salt water finds its way into every component of a boat.

Comment that there are durability and safety issues associated with introducing this new technology. Raise concerns with high heat from the catalyst. Raise the issue of engine failure due to component damage from fire or water ingestion. Mention that these boats are often operated well offshore in high winds and rough seas where losing an engine could be the difference between life and death.

EPA has stated in the ANPRM, that the feasibility of after treatment technology is dependent on the availability of low sulfur fuel. Mention how it is very common for diesel powered sail and powerboats to travel outside US waters and often have to fuel up at foreign ports such as Canada, the Bahamas and Mexico where low sulfur fuel might not be available. Raise the question as to whether or not high sulfur fuel will damage the catalyst and the engine?

Close this section by recommending that the EPA conduct an in boat / in water safety and durability study of catalyst equipped diesel powered recreational boats. State that due to the unique potential safety and durability concerns that EPA has identified in the ANPRM, it is critical that this type of test program be completed prior to any further rulemaking. Recommend that the diesel salt water test be modeled after the stern drive inboard SI catalyst test program currently being run at Southwest Research Institute in San Antonio, TX. Mention that the SwRI test program is being funded by the California Air Resources and US Coast Guard and is designed to determine feasibility, durability and safety of catalyst technology on small

gasoline powered boats used primarily in fresh water. State that EPA needs to run similar tests and close by saying that not performing this due diligence could compromise the safety of boating public.

International Harmonization Issues

State that the marine industry has had serious concerns that EPA does not recognize the importance of harmonization with EU and international standards. Mention that US manufacturers of diesel powered yachts sell their product internationally and are being burdened by multiple government regulations. Strongly urge that the Administration, prior to allowing this rule to proceed, to conduct an independent analysis of the cost and benefit of imposing the EPA proposed standards vs. the internationally recognized IMO and EU standards. Strongly urge that the Administration conduct an independent analysis, which examines the cost to US boatbuilders both from loss of domestic and international sales and the actual benefit of the additional emission reduction of this rule.

Timing and conclusion

EPA is proposing to publish a Notice of Proposed Rulemaking in spring 2005, a final rule in 2006, with a proposed implementation date of 2011. State that with all the issues concerning safety and durability, the EPA has yet to even have a discussion with the major stakeholders in this rulemaking, the boat builders and the boaters. For boat builders, recommend that EPA work with NMMA and for boaters, Boat US.

End your comments with a sentence thanking EPA for considering your concerns and provide a telephone and e-mail address where they can reach you if they have any additional comments or questions.