



February 7th, 2025

The Honorable Joseph Solomon
Chair
House Corporations Committee
82 Smith St.
Providence, RI 02903

Re: H. 5246: Digital Electronics Right to Repair Act– Oppose or Amend

Dear Chair Solomon, Vice—chair O’Brien, and Members of the House Corporations Committee:

The Marine Retailers Association of the Americas (MRAA), National Marine Manufacturers Association (NMMA), and Rhode Island Marine Trade Association (RIMTA) would like to thank you for the opportunity to express our opposition to H.B. 5246 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, including 8 members located in Rhode Island.

The National Marine Manufacturers Association (NMMA) is the premier 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 \$230 Billion impact on the nation’s economy and in communities across the country, with 812,000 American jobs across 36,000 U.S.-based marine businesses.

The Rhode Island Marine Trade Association (RIMTA) is a non-profit trade organization serving approximately 300-member businesses within the Rhode Island recreational boating industry, including but not limited to, marine manufacturers, marine construction, marinas and boatyards, diving and salvage, vessel operators and professional services. RIMTA works to support industry and businesses by partnering with associations such as NMMA and MRAA to ensure the stability and growth of the marine industry in RI and upholding its importance within the emerging Blue Economy.

Boating is deeply woven into Rhode Island's history and remains one of the state’s most popular pastimes. In fact, recreational boating supports over 7,000 jobs across more than 380 businesses, contributing \$1.7 billion annually to the state’s economy. Simply put, boating is a vital industry in Rhode Island.

While we recognize the well-intentioned nature of this legislation, we are concerned about the potential impact of its broad language on the marine industry and its essential digital technologies. If H. 5246 is passed as currently written, it could present significant challenges for both the marine industry and the consumers who

rely on our products. The bill would grant access to software, specialized tools, and the mechanical, electrical, safety, and emissions systems embedded in marine engines and electronic devices. Allowing consumers to modify this technology could lead to alterations that conflict with federal emissions and safety standards or compromise crucial navigation tools like radar and GPS, putting both vessels and their operators at risk.

We do not oppose a consumer's right to repair their equipment. In fact, many of our members actively work with customers, offering necessary parts and training to help them perform basic repairs independently. However, we do oppose granting access to the proprietary code of the products our members manufacture, due to concerns around safety, emissions, compliance, and product reliability. Allowing untrained individuals access to this information could undermine the products' compliance with federal safety, security, and emissions standards. This not only poses risks to consumer and public safety but also violates regulations set by the U.S. Environmental Protection Agency (EPA). According to 40 CFR 1068.50, manufacturers must ensure that "adjustable parameters" are not tampered with by unauthorized technicians to maintain engine safety and emissions compliance.¹

The level of access to this information is tightly regulated by the EPA and the Clean Air Act. To comply with these laws, recreational marine engine manufacturers cannot grant access to pollution control devices. As outlined in guidance from Susan Parker Bodine, EPA Assistant Administrator for Enforcement and Compliance Assurance, tampering with emission controls is a federal offense. Manufacturers are responsible for safeguarding access to the software that controls engine emissions, ensuring it's only available to qualified individuals who can comply with Clean Air Act requirements and keep emissions within federally mandated limits. This access is strictly limited to factory-trained and certified technicians, and in some cases, only authorized manufacturer representatives can access certain components. As Ms. Bodine emphasized in her official guidance:"

*"Section 203(a)(3) of the [Clean Air] Act prohibits tampering with emissions controls and prohibits making and selling products with a principal effect of bypassing, defeating, or rendering inoperative emissions controls. The prohibitions in section 203(a)(3) apply to all vehicles, engines, and equipment subject to the certification requirements under section 206 of the Act, or other design requirements in the Act or regulations. This includes... nonroad vehicles (e.g., all-terrain vehicles, off-road motorcycles) and nonroad engines (e.g., marine engines, engines used in generators, lawn and garden equipment, agricultural equipment, construction equipment). Certification requirements include those for exhaust or "tailpipe" emissions, evaporative emissions, and onboard diagnostic systems."*²

H. 5246 must consider federal anti-tampering regulations, as well as emissions and safety standards, to ensure compliance with these critical requirements. Additionally, equipment manufacturers and dealerships have made significant investments—amounting to millions of dollars—in training their technicians and obtaining certifications that enable them to service products correctly. Marine manufacturers rely on certified dealers and technicians to ensure that engines are properly maintained throughout their lifespan. This legislation could undermine these essential aspects of marine dealerships' operations and potentially put consumers and customers at risk.

¹ [eCFR: 40 CFR 1068.50 – Adjustable parameters](#)

² Bodine, S. (2020, November 23). Memorandum: EPA Tampering Policy: The EPA Enforcement Policy on Vehicle and Engine Tampering and Aftermarket Defeat Devices under the Clean Air Act. United States Environmental Protection Agency. Washington D.C.

For these reasons, MRAA, NMMA, and RIMTA oppose H. 5246 and respectfully urge you to protect the boating industry in Rhode Island by either opposing these bills or including the proposed 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, 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 Chad@mraa.com, sromano@nmma.org, or brian@rimta.org if you should have any questions.

Sincerely,

Brian Dursi, *Rhode Island Marine Trade Association*

Chad Tokowicz, *Marine Retailers Association of the Americas*

Sam Romano, *National Marine Manufacturers Association*