

*88th Meeting
of the
National Boating Safety Advisory Council*

**U.S. Access Board Conference Room
1331 F St., NW Suite 800
Washington, DC 20004**

October 14, 2011

MEMBERS PRESENT:

JAMES P. MULDOON	Chairman, National Boating Organization Member
HERB ANGELL	State Member
DEAN CLARKE	Public Member
TOM DOGAN	Public Member
CECILIA DUER	National Boating Organization Member
JOHN FETTERMAN	State Member
MIKE FIELDS	State Member
CHUCK HAWLEY	Manufacturer Member
LES JOHNSON	National Boating Organization Member
BRIAN KEMPF	State Member
MARCIA KULL	Manufacturer Member
DAVE MARLOW	Manufacturer Member
DAN MAXIM	Public Member
LARRY MEDDOCK	Manufacturer Member
FRED MESSMANN	State Member
RICHARD MOORE	State Member
ROB RIPPY	Manufacturer Member
CHRIS STEC	Public Member
DOROTHY TAKASHINA	Manufacturer Member

MEMBERS ABSENT:

JEFF JOHNSON	State Member
DICK ROWE	Manufacturer Member

USCG STAFF:

CAPT PAUL THOMAS	Deputy Director of Prevention Policy
CAPT MARK RIZZO	NBSAC Designated Federal Officer; Chief, Office of Auxiliary and Boating Safety
JEFF HOEDT	Chief, Boating Safety Division, Office of Auxiliary and Boating Safety
JEFF LUDWIG	NBSAC Assistant Designated Federal Officer

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BRANDI BALDWIN	Lifesaving and Fire Safety Division, Office of Design and Engineering Standards
PHIL CAPPEL	Chief, Product Assurance Branch, Boating Safety Division
PHILIPPE GWET	Program Management Branch, Boating Safety Division
SUZANNE HEILER-BROWN	Program Management Branch, Boating Safety Division
KURT HEINZ	Chief, Lifesaving and Fire Safety Division, Office of Design and Engineering Standards
HARRY HOGAN	Program Management Branch, Boating Safety Division
MARTY JACKSON	Lifesaving and Fire Safety Division, Office of Design and Engineering Standards
DONALD KERLIN	Chief, Program Management Branch, Boating Safety Division
JOHN MALATAK	Chief, Program Operations Branch, Boating Safety Division
CAPT DAVE MCBRIDE	Chief, Office of Search and Recue
CDR MAX MOSER	Chief, Policy Division, Office of Search and Rescue
BARRY NOBLES	Program Management Branch, Boating Safety Division
PAVLO OBORSKI	Chief, Grants Management Branch, Boating Safety Division
SUSAN TOMCZUK	Program Management Branch, Boating Safety Division
RACHEL WARNER	Program Management Branch, Boating Safety Division
BRUCE WRIGHT	Recreational Boating Safety Specialist, 7th Coast Guard District

MEETING ATTENDEES:

JOHN ADEY	American Boat and Yacht Council (ABYC)
CAROLYN V. BELMORE	Coast Guard Auxiliary and New England Safe Boating Council
SUSAN BALISTRERI	Balistreri Consulting
PETER CHISHOLM	Mercury Marine
SAM CRISPIN	U.S. Army Corps of Engineers
JOANNE DORVAL	Metcor
BILL GOSSARD	National Transportation Safety Board (NTSB)
LARRY INNIS	Marine Retailers Association of America
RACHEL JOHNSON	National Safe Boating Council
GAIL KULP	Sea Tow USA
DAVE LUMIAN	American Sailing Association
BOB MARKLE	Radio Technical Commission for Maritime Services
MARGARET PODLICH	BoatU.S.
BRUCE ROWE	Forever Resorts
RON SARVER	National Association of State Boating Law Administrators (NASBLA)
DICK SNYDER	Retired Engineer, Mercury Marine

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CINDY SQUIRES	National Marine Manufacturers Association (NMMA)
ROXANNE STANDEFER	Cook-Rees Memorial Fund
KAREN STEELY	Aaron Foundation
SAM WEHR	Mustang Survival Corporation

Friday, October 14, 2011

**Call to Order and Introductory Remarks
Mr. James Muldoon, Chairman**

Chairman James Muldoon called the 88th meeting of the National Boating Safety Advisory Council to order. He welcomed CAPT Paul Thomas, Deputy Director of Prevention Policy; CAPT Rizzo; the NBSAC Council; and the audience.

He asked for a moment of silence to remember a true friend of the boating safety community who passed away recently. He read from a statement:

Boat Owners Association of the United States is deeply saddened to announce the passing of President and publisher Nancy Michaelman, who died on Friday after a year-long battle with cancer. A selfless leader with an infectious laugh and the gift of inspiring others to get together and do their best, Nancy's courageous fight was marked by her optimism and energy.

On a personal note, Mr. Muldoon remarked that Nancy was a good friend and that everyone would remember her fondly.

He said that RADM James Watson was back on the team, but unfortunately was unable to attend today's meeting; however, he planned to attend the Spring 2012 meeting.

Yesterday, newly appointed members attended a member orientation and although he could not be there, Mr. Muldoon said he understood it went well. He officially welcomed those new members. He said that while the Council had lost a great deal of talented members recently, they were getting very talented people to replace them. He added that he felt confident the new members' expertise would greatly contribute to the Council's work in advising the U.S. Coast Guard on boating safety matters.

Two Council members were unable to join the meeting today—Jeff Johnson and Dick Rowe. Mr. Muldoon sent best wishes to the latter, who is undergoing hip replacement surgery. He then mentioned a personal experience with Coast Guard rescuers he had during the summer, noting, “They’re the greatest.”

Mr. Muldoon then introduced CAPT Paul Thomas, whom he described as a specialist in Marine Safety, Security, and Environmental Protection. CAPT Thomas served at the

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Marine Safety Center in Washington DC, Marine Safety Office San Francisco Bay, CA, Marine Safety Office Jacksonville, FL, and as Commanding Officer of Marine Safety Unit Galveston, TX. He has also served as Operations Officer aboard USCGC BLACKHAWK and Commanding Officer of USCGC CAPE ROMAIN. A licensed Professional Engineer, Captain Thomas is a graduate of the US Coast Guard Academy and the Massachusetts Institute of Technology. In 2005 he completed a National Security Fellowship at Harvard University's John F. Kennedy School of Government. His military awards include the Meritorious Service Medal (4 awards), Coast Guard Commendation Medal, Transportation 9/11 Medal, Joint Service Commendation Medal and the Coast Guard Achievement Medal (2 awards).

Welcoming Remarks

CAPT Paul Thomas, Deputy Director of Prevention Policy

CAPT Thomas thanked the Chairman. He told the audience this was his first NBSAC meeting and that he was excited to be part of it.

He stated that he read the new Strategic Plan, and was impressed by the great results that were achieved in reducing the number of casualties and deaths in the world of recreational boating. He noted that the vast majority of boating outings are non-eventful. He said it is important to acknowledge that Council members' hard work was responsible for that fact.

Referring to the rare occasions when something bad does happen to boaters, CAPT Thomas said that in most cases the safety systems already in place function to save lives. But in cases when mishaps on the water result in search and rescue (SAR) missions, there are times when loved ones must be called with bad news. He said that he was once a mission coordinator for SAR missions, and that was the toughest part of his job. At this point he took a moment to acknowledge his colleague CAPT Dave McBride, a Coast Guard helicopter pilot and an expert in SAR. He then shared one of his experiences as a Sector Commander:

He once received a call from a recreational boater who had just encountered an overturned vessel about 20 miles offshore. There was one man clinging to the hull of the 20-foot open boat, who said there were originally six people on it when it capsized about 12 hours earlier. The other five boaters had decided to swim for it, apparently thinking they were only a few miles offshore. At this point a SAR mission was launched. He said the families of the five missing boaters showed up outside his office almost immediately. After searching through the night, the captain's team found all five boaters about 50 miles from where they had originated. All five were alive. They were wearing life jackets (albeit inexpensive models from Kmart). In light of this story, CAPT Thomas emphasized the importance of the two major issues to be discussed at today's meeting—emergency locator beacons and mandatory life jacket wear.

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In this context, he reminded members of the personal impact their work has on the public, and encouraged them to keep up the good work.

Mentioning the Strategic Plan, CAPT Thomas again said it was an impressive document, and that every year the Plan improved in terms of actionable items. He congratulated members on all their great work and encouraged them to continue their efforts.

Referring to the subject of life jacket wear, he noted that the Council made a recommendation to the Coast Guard to pursue mandatory wear in certain cases. He reassured members that the Coast Guard was looking at the issue in detail, and that Mr. Hoedt would address it later on. He expressed how much his team appreciated the Council's careful deliberations on this issue, given the diversity of the membership in the Council.

Mr. Muldoon then asked all Council members and audience members to identify themselves and state their affiliation. As always, the Chairman then reminded everyone that, though they all had different interests and needs, they should "leave your other hats at the door."

Presentation of Awards to Outgoing Members; Swearing-In of New Members

Mr. Hoedt called out the names of individuals from the Council to receive the Coast Guard Public Service Commendations, and CAPT Thomas presented the awards to them. These members were: Ms. Dorothy Takashina, Mr. Larry Meddock, Ms. Cecilia Duer, Mr. Dean Clarke, Mr. Herb Angell, and Mr. John Fetterman. Mr. James Muldoon and Mr. Fred Messmann received Coast Guard Meritorious Public Service Awards.

**Recreational Boating Safety (RBS) Program Report
CAPT Mark Rizzo, Chief, Office of Auxiliary and Boating Safety**

CAPT Rizzo began by congratulating Chairman Muldoon, who was recently appointed to another term as NBSAC Chairman by RADM Watson. He then welcomed all the new Council members.

He said they had great success with finally implementing the National Recreational Boating Survey. He felt this would be a great tool to determine the public's impressions about the issue of boating safety.

CAPT Rizzo said that today's meeting was being held at a government facility in an effort to save funds on advisory councils. This would probably apply to future meetings as well. He said there had been deep budget cuts this year, including a 40% cut in travel funding. This would impact Coast Guard attendance at events throughout the year, meaning they would not be able to send as many staff to various meetings from now on. Though they would still try to make sure there would be at least one Coast Guard representative at

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each meeting. He assured members that the Coast Guard is still partners with the Council and that it would do everything in its power to continue to provide its best possible support.

He thanked CAPT McBride and his staff for their attendance today, and said he looked forward to the EPIRB discussion.

CAPT Rizzo then read from a conflict of interest statement on Federal Advisory Committee Act (FACA) meetings:

At the beginning of each advisory meeting, the DFO (Designated Federal Officer) shall make the following announcement. As stated in the agenda, at this meeting, we will be reviewing issues related to the wear and regulation of life jackets and emergency locator beacons. None of these issues is a particular matter for the purposes of criminal conflict of interest statutes.

CAPT Rizzo concluded by telling the Council members that he submitted his retirement letter in June, and that next April would be his last NBSAC meeting. He told the group that he thoroughly enjoyed his time with the Council.

Mr. Muldoon said that CAPT Rizzo's guidance has been invaluable to NBSAC members, adding that they would miss him.

Recreational Boating Safety (RBS) Program Report
Jeff Hoedt, Chief, Boating Safety Division, Office of Auxiliary and Boating Safety

Mr. Hoedt welcomed the group, and said he has a great deal of exciting news to share about various regulatory efforts.

He began with program updates. He announced that the new Strategic Plan (2012-2016) was now finished. He thanked everyone who joined in the effort to make it happen. He directed members to the new printed report, and commended the team responsible for putting it together.

He then discussed the new Automated Standard Application for Payments (ASAP), and praised Mr. Oborski and his staff for getting the Coast Guard online with the new payment system. Thanks to this new electronic system, payment processing for grants has been greatly expedited; payments to grant recipients now take only one to three working days to process, as opposed to 28-35 days. He said the majority of states are now registered in the system.

Moving on to state grants, Mr. Hoedt said there was a current temporary extension of the Sport Fish Restoration and Boating Trust Fund, good through 1 April 2012—half of the

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fiscal year. He said that once the appropriation amount was known, the Coast Guard would be able to make half of the states' annual grant amount available to them.

Regarding resolution number 2011-87-01 (Appropriate Regulations For Life Jacket Wear By Recreational Boaters), Mr. Hoedt assured the group that the Coast Guard leadership and staff are going through an extensive process of reviewing the data that members presented, as well as additional information. As soon as the Coast Guard leadership makes a decision about whether to initiate a formal rulemaking project, NBSAC would be informed and other actions would be initiated. He thanked all the members for their efforts toward this goal.

On the subject of Resolution Number 2011-87-02 (Support for Voluntary Safety Standards), the Coast Guard supports the use of the available grant funds to address known boating safety problems, particularly those that result in a significant number of casualties. He said the Coast Guard had just announced that they are accepting applications for grants, including an area of interest on the development of select voluntary standards.

Mr. Hoedt then moved on to the subject of non-profit organization grants. He told members the announcement to apply for grant funds was published on October 13, three weeks earlier than normal. As always, the due date remains at the end of January, and is January 27, 2012. This will allow applicants more time to prepare applications. Nine areas of interest were published in the announcement:

1. Develop and conduct a national year-round safe boating campaign.
2. Develop and conduct a national recreational boating safety outreach and awareness conference.
3. Develop federal and state cooperative efforts to enhance uniformity and effectiveness.
4. Develop and conduct boating accident investigation seminars.
5. Develop a national estimate of life jacket wear rate.
6. Conduct on-water boat handling instruction for recreational boat operators.
7. Develop and conduct research of adverse reactions to medications among adults 55 and older while boating.
8. Develop, produce, and distribute vessel point of sale training program designed for employees of marine distributors, marinas, and marina stores.
9. Select voluntary standards development support. Such standards would be those that address capsizing and fall overboard prevention (hand holds, seat arrangements, gunwale heights), collision avoidance (dealing with visibility and operator distraction), and propeller strike avoidance.

He mentioned that non-profit organization grant funding is expected to be slightly lower this fiscal year due to decreased interest rates, decreased motorboat registrations (which has impacted fuel tax receipts that are deposited into the Trust Fund), and the fact that the

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boat safety account has expired. He estimated that funding would drop \$150,000, plus or minus \$50,000.

Mr. Hoedt then discussed the federal proposal for mandatory boat operator education. Since 2004, NBSAC has twice recommended the Coast Guard seek legislative authorization to establish a uniform federal requirement for mandatory education of select boat operators. The Coast Guard submitted this to Congress for consideration multiple times, but no action has been taken by them. He assured members that the Coast Guard was continuing to seek this authorization.

Regarding inflatable life jacket wear by children 16 and under, Mr. Hoedt said that a Direct Final Rule was published on March 30, 2011, but it was subsequently withdrawn due to the receipt of an adverse comment. It was re-published on September 29, 2011 as a Notice of Proposed Rulemaking (NPRM). The comment period will be open until November 28, 2011.

He then talked about the numbering regulatory project. The Coast Guard is still working on combining and making uniform the language that addresses numbering regulations, VIS regulations, and accident reporting regulations, because at present different terms, categories, and definitions are used. He said that a NPRM was published to create consistency and resolve these problems. Comments were received, and an amended final rule is being cleared for publication.

On the topic of propeller strike avoidance measures, Mr. Hoedt said they had received a couple of different regulatory proposals:

1. To require a cut-off switch to be installed and used on select vessels. An Advance Notice of Proposed Rulemaking (ANPRM) was published on June 8, 2011; the comment period is now over. Those comments are now being addressed as the Coast Guard prepares for the next step in the regulatory process.
2. To require an operator to turn off the engine when someone is immediately astern of the vessel. An ANPRM was published August 26, 2011. The comment period will end November 25, 2011.

Mr. Hoedt then discussed the accident reporting system recommendations from NBSAC. The Coast Guard is considering those recommendations, which were submitted in 2009. A request for comments was published on September 6, 2011, and the comment period will end December 5, 2011. He noted that there were a great many questions in the request for comments, and that the Coast Guard is seeking input on them.

He then talked about a potential titling regulatory project. In July, the National Conference of Commissioners on Uniform State Laws (NCCUSL) adopted the Uniform Certificate of Title Act (UCOTA) for Vessels. Not every state currently titles vessels, but it is expected that most if not all the states will move to titling within a few years. Mr. Hoedt said that current Coast Guard vessel titling regulations are not identical to the new

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model act, so the Coast Guard will initiate a regulatory project to enhance uniformity. He said they would need NBSAC input to help with that project. He stressed that "the states need to be in sync with the regulations; the regulations need to be in sync with the model act." He noted that, if a state has a Coast Guard approved titling system; boats will qualify for preferred mortgage status, just like documented vessels. Preferred mortgage status is good for buyers because typically it means they will have a lower interest rate on their loan. It is also good for lenders because they have more control over the vessel if there is a fraud or loan default situation.

Regarding non-regulatory efforts, Mr. Hoedt mentioned the "Boat Responsibly—Don't Wreck Your Summer" campaign. The Coast Guard is looking for ways to spread the message in a way that is acceptable to the public, and is looking to emulate the historical success of the Minnesota approach. That state's awareness campaign has decreased boating casualties, resulting in the lowest boating fatality rate in the nation every year. The Coast Guard is researching how to use an attention getting approach that will not draw concerns, and is working to resolve issues and take a scientific approach. A work group was created under NBSAC oversight, with Larry Meddock as the chairman, to advise the Coast Guard on how to move forward with awareness campaigns. The Coast Guard also conducted focus groups nationwide, and a final report is ready.

Mr. Hoedt said he had excellent news regarding the National Recreational Boating Survey. He noted that the Coast Guard needed this instrument as a key measure in the Strategic Plan, and that this was the culmination of a six-year effort. The National Marine Manufacturers Association's (NMMA) nonprofit foundation was awarded a grant and developed the survey instrument and method. The survey received approval from OMB this summer and data collection began on August 25, 2011. Because the approval came so late in the year, the first survey will be a "condensed version" and will cover the entire 2011 boating season. The second survey will begin in 2012, and will provide a model for the future. Every month, people will be contacted and asked for information about their boating activity. The hope is to conduct the survey every other year in order for the Coast Guard to conduct trend analysis, but this will depend on the availability of funding.

Turning to the subject of the Coast Guard Authorization Act of 2010, Mr. Hoedt talked about Section 618, which amended the definition of associated equipment to add emergency locator beacons (ELBs) to the definition. This would give the Coast Guard the legal authority to regulate ELBs, and require their carriage on recreational vessels operating more than three nautical miles (nm) offshore. This would include the Great Lakes and the ocean and Gulf coasts. He said that multiple Coast Guard offices are analyzing the potential benefits and costs of this amendment, which he discussed in some detail. He solicited NBSAC's recommendation as to whether the Coast Guard should consider regulating the carriage of EPIRBs. He asked that NBSAC assign a subcommittee to research the issue.

Continuing on the topic of the Coast Guard Authorization Act, Mr. Hoedt discussed Section 620, Study of Blended Fuels in Marine Application. Congress required the Coast

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Guard to conduct a survey of published data on the use, safety, and performance of blended fuels in marine applications with a 180-day deadline. No scientific studies existed, so there was no information to present. However, a study was in progress. Staff at Coast Guard Headquarters encouraged Congress to give them more time to collect the results from that study. This was granted, and Mr. Hoedt said the results will be submitted next week. Congress also tasked the Coast Guard to perform its own study of the impact of blended fuels on marine engines, and authorized \$1M for this study. However, they have not appropriated the money. Mr. Phil Cappel, with the Coast Guard's Product Assurance Branch, has planned the study and the Coast Guard is now looking for resources to complete it.

Mr. Hoedt then talked about the subject of the Sport Fish Restoration and Boating Trust Fund, using a flow chart to illustrate the receipt and distribution of funds in fiscal years 2010 and 2011. He noted that the motorboat fuel tax was by far the largest contributor—almost \$400M out of the \$650M total. Noting that the fund has dropped in the two previous fiscal years, he warned that the fund would decrease again for this fiscal year mainly because of decreased motorboat registration.

Long-term authorization for the Sport Fish Restoration and Boating Trust Fund expired on September 30, 2009. Since then, seven temporary extensions have been enacted, the latest providing authorization through April 1, 2012. The Coast Guard and the U.S. Fish & Wildlife Service (USFWS) developed a legislative change proposal (LCP) for the reauthorization of the Trust Fund. Two years in a row, the Administration forwarded the LCP to Congress. Senate bill 1657 was introduced in Congress on October 5, 2011. Nearly identical to the Administration's LCP, it contains all aspects of the Boating Safety proposal in the LCP. Mr. Hoedt thanked the Council for its recommendations on the reauthorization. He used a flow chart with dollar amounts to illustrate the important impact this reauthorization would have to boating safety.

Regarding short-term expectations for funding levels, Mr. Hoedt reiterated that the primary revenue source to the Trust Fund is the motorboat fuel tax. The number of registered motorboats in 2010 determines the funding level for 2012; registered motorboats in 2010 went down 2.48%. The 2011 funding was lower. This downward trend will probably continue in 2012 and beyond.

Lastly, Mr. Hoedt presented the Council with a challenge: Should the Coast Guard mandate the carriage of ELBs on recreational vessels operating more than three nm offshore? The Coast Guard recommends that NBSAC assign this challenge to a subcommittee for consideration. He hoped that NBSAC could present a recommendation to the Coast Guard at the next spring or fall meeting of the Council in 2012. He promised the Coast Guard's support in this effort.

Mr. Hoedt concluded his presentation, introducing a representative for CAPT Jack Fuechsel to talk about the issue of ELBs. Mr. Bob Markle, who is with the Radio Technical Commission for Maritime Services, explained that his group operates the

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Global Maritime Distress & Safety System (GMDSS) Task Force for the Coast Guard. He stated that the Task Force has gone on record as supporting a requirement for ELBs for vessels traveling more than three nm offshore. The members of the Task Force are convinced this would have a great potential for saving lives, and hoped the Council would give the matter their full consideration.

Swearing-In of Reappointed and New Members

Jeff Hoedt, Chief, Boating Safety Division, Office of Auxiliary and Boating Safety

Mr. Hoedt read the names and biographies of the new and reappointed members of the NBSAC Council. They were then sworn in by CAPT Thomas.

Reappointment: Chairman Jim Muldoon

James Patrick Muldoon is founder and CEO of Metcor and CEO of Learning Systems International. Prior to founding Metcor, Mr. Muldoon worked on Capitol Hill for five years as an assistant to a U.S. senator. He is a founder and member of the board of Washington First Bank, and past chairman and current member of the board of trustees of St. Mary's College of Maryland. Mr. Muldoon has been actively involved in international sailing or boating related organizations for more than 25 years. On his yacht *Donnybrook* he has accrued over 75,000 miles of blue water ocean racing. He holds or has held the following positions: Chair, NBSAC; Member, Baltimore Maritime Security Committee, and Chair of Operations Subcommittee; Member, Washington, D.C. Maritime Security Steering Committee; Member, Board of Directors and Chair of Development Committee, Coast Guard Foundation; and Vice president, Government Relations Committee, U.S. Sailing. Mr. Muldoon has received numerous boating safety awards, including three commendations from the Department of Homeland Security (DHS); National Water Safety Congress Letter of Commendation (2010); NBSAC Leadership Award (2006); and a U.S. Coast Guard/U.S. Power Squadron Eagle Award (2004); the Nathaniel G. Herreshoff Award for lifetime contribution to the sport; and the Timothea Larr Award for sailing education.

Reappointment: Richard Moore

CAPT Moore began his law enforcement career in 1990. He served as a law enforcement officer in Hillsborough County, a regional training officer in Palm Beach County, and is assistant boating safety coordinator and watch commander in the Tallahassee area. He has coordinated Florida's boating safety program and served as Boating Law Administrator since 2001. An avid power boater and paddler, he has logged thousands of hours of both inland and offshore boating law enforcement throughout Florida, conducting both recreational and commercial vessel inspections. In addition to his previous appointments to NBSAC, Mr. Moore has served as President of NASBLA and President of the Southern States Boating Law Administrators Association.

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New Appointment: Chuck Hawley

Mr. Hawley is Vice President of Product Information for West Marine. He has sailed approximately 40,000 miles on vessels ranging from ultralight "sleds" to single-handed sailboats to the maxi-catamaran *PlayStation*. Voyages of interest include two singlehanded passages to Hawaii, three crewed transpacific races, and a World Record attempt on the west to east transatlantic record on *PlayStation* with the late Steve Fossett. While enjoying fast passages, he understands the importance of having functional, easily repaired electrical, water, engine, and fuel systems so that each voyage can be completed successfully without outside help. Mr. Hawley is a nationally known speaker on marine safety, and is currently Chairman of the US Sailing Safety at Sea Seminars. He has done extensive research into crew overboard recovery, life raft design, anchor design, and storm tactics, and has moderated seminars prior to the Newport-Bermuda, Transpac, and West Marine Pacific Cup Races. Mr. Hawley served as Commodore of the Singlehanded Sailing Society in San Francisco (1980), the Santa Cruz Yacht Club (1992), and on the Board of the Pacific Cup Yacht Club (2000). He also serves on the US Sailing Safety at Sea Committee and the American Boat and Yacht Council Technical Board. He has worked for West Marine for 28 years.

Reappointment: Les Johnson

Mr. Johnson is a 34-year member of the U.S. Power Squadrons and is a Senior Navigator. He teaches boating education classes to USPS members and the public. He recently completed two years as the National Commander of the Power Squadrons. He founded an industrial service business, Delta Tech Services, Inc., and was CEO there for 35 years. He owns a 45-foot CHB trawler berthed in the San Francisco Delta.

New appointment: Dan Maxim

Dr. L. Daniel Maxim is President and Chairman of Everest Consulting Associates, a firm that works in the areas of health, safety, and environmental quality for commercial firms. He has served as National Directorate Commodore, Recreational Boating Safety for the U.S. Coast Guard Auxiliary, where his duties included liaison and support to NBSAC. His formal training is in chemical engineering, management service, and statistics. He is the author of over 200 articles and books on various topics, including remote sensing, electronic navigation, and nautical charts. He is an active boater and was a commercial pilot and flight instructor for many years.

New appointment: Mike Fields

Mr. Fields grew up boating on the many lakes and rivers in Kentucky. In 1989, he took a position with the Kentucky Water Patrol. He spent 12 years in the field as an officer and a sergeant. Mike was also a primary trainer for in-service and basic recruit training after the Kentucky Water Patrol merged with the Kentucky Department of Fish and Wildlife in 1994. In 2001, Mr. Fields was assigned to Fish and Wildlife Headquarters to manage boating education and other special projects within the Law Enforcement Division. Mr. Fields was appointed Kentucky's Boating Law Administrator in 2004. He has held every officer position within SSBLAA including President during the 2008-09 year. Mr. Fields served on NASBLA's Education, Law Enforcement (Vice Chair), Vessel Identification,

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Registration and Titling (Vice Chair), and Conference committees. He was elected President of NASBLA in September 2011. A Captain at Fish and Wildlife Headquarters, he is charged with administering the agency's training, communications and boating safety programs, and serves as the agency's Emergency Management and Homeland Security Coordinator.

New appointment: Brian Kempf

Mr. Kempf is a graduate of the State University of New York Maritime College, and holds a master's degree in transportation management. As an academy graduate, he holds a U.S. Coast Guard license as third mate, oceans, any gross tons. He served aboard vessels operated by the Military Sealift Command and the Sun Oil Company. In 1984, Mr. Kempf joined the New York State (NYS) Office of Parks and Recreation as a Senior Marine Service Representative, and became the Boating Law Administrator in 1999. NYS Parks is responsible for the state's boating safety program and includes commercial marine inspection, aids to navigation, marine enforcement training, local financial assistance, and the state's education boating program. He is a past president of the Northern Association of Boating Administrators, and served as regional representative on the Executive Board of NASBLA. Mr. Kempf is currently on the Board of Directors of the American Boat & Yacht Council (ABYC).

Reappointment: Marcia Kull

Ms. Kull currently serves as Vice President and General Counsel for Volvo Penta of the Americas. She has overall legal responsibility for the company, and serves as Vice President of Dealer and Consumer Relations, where she is responsible for strategic direction and communication with approximately 1,800 Volvo Penta dealers nationwide. Prior to Volvo Penta, Ms. Kull worked for Genmar holdings as an Assistant General Counsel and Senior Vice President of Operations; and as a trial attorney for the firm of Bowman and Brooke, specializing in representing marine manufacturers in complex products liability, warranty, and other business litigation. She is a member of several ABYC technical committees, and a former member of the ABYC Board of Directors. She received MRAA's 2007 Darlene Briggs Marine Woman of the Year Award.

New appointment: Dave Marlow

Mr. Marlow has been Director of Product Integrity/Government Affairs for the Brunswick Boat Group since 2003. Previously, he worked for Sea Ray Boats in a variety of management roles, engineering, channel management, and legal. In addition, he is Chairman of ABYC's Technical Board, a board member of the National Marine Certification Institute, U.S. delegate to the Recreational Craft Sectoral Group for Marine International Organization for Standardization (ISO) Standards in the EU, and a member of NBSAC. He has a bachelors degree in business management from Barry University.

New appointment: Rob Rippy

Mr. Rippy has a bachelors of science degree in electrical engineering from the University of Idaho. He has spent 15 years in product safety and compliance, working in consumer products and certification. He worked at Underwriters Laboratories (UL) as a product

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safety engineer, and was involved in standards development for numerous categories, including motors and pumps. He worked at Jarden Consumer Solutions as a Compliance Engineer, involved in product development, standards development, and certification. Before his product safety career, Mr. Rippey worked in a variety of roles in the outdoor industry. As a river guide on the lower Salmon River, he guided whitewater-rafting trips; he worked at Northwest River Supplies in Moscow, Idaho in sales, product development, and product testing; he worked at the Outdoor Rental Center at the University of Idaho where he was involved in river safety classes, rafting trips, and equipment rentals. Mr. Rippey is currently a manager of product safety and compliance at the Coleman Company, where he is responsible for multiple product categories, including life jackets, inflatable boats, towables, and electrical appliances. He has been involved with the UL and International Standards Process as a member of the technical panel for life jackets. He is a Board Member of the Personal Flotation Device Manufacturers Association (PFDMA) and has participated in various industry groups.

New appointment: Chris Stec

Mr. Stec is now the Chief Operating Officer of the American Canoe Association (ACA). A life member, he has been associated with the ACA in various volunteer capacities since 1995. Initially he served as a Division Youth Development Chair focusing on river clean ups and slalom racing for area summer camps. He was then a member of the ACA's Safety Education & Instruction Council (SEIC) for four years. In addition to being a Division Chair for a seven state region, Mr. Stec served on the ACA Board of Directors for three years, including one year on the Executive Committee. Prior to joining the staff of the ACA's Safety Education & Instruction Department in October of 2007, he worked as a biology field assistant for Davidson College, a raft guide for the Nantahala Outdoor Center, an outdoor instructor for the YMCA of Greater Charlotte, and as a program director for Falling Creek, a western North Carolina summer camp. Mr. Stec has served on various committees for the Southeastern Section of the American Camp Association, the National Safe Boating Council, the National Association of State Boating Law Administrators, and the PFDMA. He is also a lifetime member of American Whitewater. In addition to articles published in four paddlesports magazines, Mr. Stec contributed to two books. An Eagle Scout, he also helped write the revised Boy Scouts of America Canoeing Merit Badge Pamphlet.

New appointment: Tom Dogan

Mr. Dogan served as Judge Advocate of the Lake Michigan Yachting Association for many years and as Commodore for four years. He served as Board Member, Secretary Vice President, and then President of the National Boating Federation. Mr. Dogan has lived for 25 years on the shore of Lake Michigan and in Ogden Dunes. He is a lifelong recreational boater. He successfully completed many water journeys of greater than 1,000 miles, many of them international. He attained his Coast Guard captain's license in 2010. Mr. Dogan has attended many NBSAC meetings over the past four years, and has participated in many boating safety related conferences and meetings over the last 10 years. He recently testified on behalf of the National Boating Federation before the EPA Subcommittee on E15 labeling regulations. He became an Eagle Boy Scout in 1974. Mr.

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Dogan practiced law in Indiana for 28 years, concentrating on litigating and transportation law, frequently served as Judge Pro Tem of the Indiana Circuit Court, and is a member of the Lake County Bar Association Board of Governors.

**Assistant Designated Federal Officer's Report
Jeff Ludwig, Office of Auxiliary and Boating Safety**

Mr. Ludwig stated that recently DHS announced there will be no more carryovers for any advisory committee members—this includes NBSAC members. Henceforth, if the Secretary is delayed in making annual appointments the seats will be vacated until the appointments are made. DHS has made assurances that they will do everything possible to make timely appointments. To support these timely appointments, beginning in 2012 the Coast Guard will be soliciting for membership applications earlier in the year.

He said there was a formal orientation for the new NBSAC members yesterday, which he hoped familiarized them with the issues of the Council.

**Old Business & Call for New Business
Chairman Muldoon**

Ms. Karen Steeley said she was the mother of a child who died in a personal watercraft (PWC) accident. She read a letter from other mothers whose children have died in the same way, in which they all expressed gratitude to NBSAC because there had been no child PWC fatalities in 2010. Mr. Muldoon thanked her.

**Members' Items
Moderated by Jeff Hoedt**

Mr. Hoedt explained that members' items are questions about various boating safety issues that are brought to the Coast Guard's attention ahead of the meeting. His staff checks on these issues beforehand in order to answer the questions; this time is used to find out if they have provided satisfactory answers.

Mr. Muldoon, Mr. Angell, Mr. Clarke, Mr. Dogan, Ms. Duer, Mr. Fetterman, Mr. Fields, Mr. Johnson, Mr. Kempf, Mr. Marlow, Mr. Meddock, Mr. Rippey, Mr. Rowe, Mr. Stec, and Ms. Takashina had no items.

Ms. Kull wondered if it was possible to get an update at the next meeting about any legal issue that might impede the task force's progress on ways to improve the recreational boating accident reporting scheme; and if so how would the Coast Guard proceed?

Mr. Ludwig said any impediments would not arise from legal issues but from rulemaking procedures. He said the biggest recommendation was to shift responsibility for accident reporting to the states from the public. He said the two-tier accident reporting notification system recommended would have the public provide a brief notification to the states, then

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the states would be responsible for collecting the information. As the Coast Guard considers whether to go forward with a rulemaking, people within the Coast Guard regulatory program at DHS and OMB are questioning the states' position on the issue. The Coast Guard published a notice seeking state comment so they can answer the question ahead of time. If there is a great deal of feedback from the states suggesting the proposal is impractical, the Coast Guard would have to seriously consider whether or not to propose the rulemaking.

Ms. Kull reiterated her original question: Could the Council get an update on this topic at the next meeting? Mr. Hoedt assured her that they would.

Regarding a question she had submitted about the NBSAC resolution on mandatory life jacket wear, Ms. Kull had a further query about timing. She asked if they could have an update about the status of the issue at the next meeting. Mr. Hoedt promised they would be given updates as soon as they happen, subject to the Commandant's decision on the issue.

Mr. Messmann, who wished to explore the possibility of a rule or policy change that might facilitate an increased pool of available on the water instructors, asked that this question be moved to Mr. Moore's Prevention Through People Subcommittee for discussion. Mr. Messmann made the motion, which was seconded by Mr. Meddock and passed unanimously.

Mr. Moore stressed that it was important to move forward quickly to harmonize U.S. and International Standards Organization (ISO) standards for life jackets. Mr. Hoedt thanked him and told him we would hear more about the topic later at the meeting.

USCG Lifesaving and Fire Safety Standards Program Report
Brandi Baldwin, Lifesaving and Fire Safety Division, Office of Design and Engineering Standards

Ms. Baldwin said she would focus on the remaining issues from Resolution 2009-83-01, which requested that the processes for life jacket approvals be simplified. She would also discuss the issue of inflatables for wearers under 16 years of age.

She began with the topic of laboratory recognition. Because the Coast Guard does not have the capacity or resources to conduct their own approval testing and production quality control for lifesaving devices, they rely on independent third party laboratories to perform those functions. The standards for Coast Guard acceptance of an independent laboratory are contained in 46 CFR 159.010. The Coast Guard requires that the lab:

- Be routinely engaged in the same or similar testing as a regular part of its business;
- Have or have access to the necessary resources;
- Not be commercially connected to the industry (i.e., not be owned in whole or in part by a manufacturer, competitor, or vendor of the device or any component); and

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- Not be dependent on Coast Guard approval work to stay in business.

Ms. Baldwin said that by regulation, PFDs and portable fire extinguishers require testing by a Coast Guard *recognized* laboratory. A recognized laboratory must take additional responsibility for the life cycle and performance of that product. The laboratory must have maintained a robust production quality control program for the approved product (also called "follow-up services"). Because the Coast Guard delegated the authority for ensuring compliance with the regulations to a third party, there is an increased level of oversight for a recognized laboratory than for those that test other products for Coast Guard approval.

The relationship between a laboratory's listing/labeling process and the Coast Guard approval is documented in a Memorandum of Understanding (MOU), which is a contract between the Coast Guard and the laboratory.

Ms. Baldwin reminded members that, at the Spring 2009 meeting, NBSAC asked the Coast Guard to provide more flexibility in the laboratory recognition process. Until then, Underwriters Laboratory (UL) was the only Coast Guard recognized laboratory. This was why the Coast Guard added IMANNA laboratories in February 2011, and in August 2011 they added the first overseas laboratory to the list of labs recognized to test PFD's — FORCE Certification in Denmark. FORCE Certification is now authorized to test commercial and Safety Of Life At Sea (SOLAS) devices and components and will likely be expanding to the recreational PFD market after the transition to a harmonized standard. She pledged that they would continue to expand the selection with those laboratories that are willing to make the business decision to enter into this market.

She acknowledged that one of the issues that has come up in the new multi-lab environment was that of testing components such as foam, fabric, buckles, webbing, zippers, thread, and inflators. She stated that all PFD laboratories must be recognized to test components under 46 CFR 164.019, which currently refers to UL Standard 1191 for initial acceptance, and requires a continued follow-up system. She posed the question: How do PFD manufacturers who buy components from outside suppliers comply with the component requirements?

Ms. Baldwin said there were two strategies for dealing with that issue. One was for the PFD manufacturer to take responsibility for the components and have all component testing and follow-up done in conjunction with their product. Unfortunately, the downside was that the PFD manufacturers don't have control over their suppliers. Moreover, many different manufacturers may be using the same supplier, but companies aren't allowed to use test data that they don't "own."

Recognizing this duplication of effort, UL solved the problem by developing a Component Recognition Program (CRP), in which component manufacturers take responsibility for their own product. The program applies to not only PFDs, but to all of UL's listed products that have component requirements (e.g., switches, industrial control

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panels, and household appliances). Under the recognition program, component manufacturers take responsibility for their own products, and PFD manufacturers can be assured that the component meets the basic requirements for use in their devices. This system works very well when the component recognition and PFD listing are both handled by the same laboratory, as they are familiar with both products and have all of the historical data available to them.

While the Coast Guard will not prevent one laboratory from accepting components recognized by another, the laboratory certifying the PFD must be confident that all of the components meet the standard and are under a satisfactory follow-up program. A laboratory may choose to take on the liability for a product certified by someone else, but the Coast Guard does not have any statutory authority to compel it to do so. Moreover, if the Coast Guard finds that a laboratory is not properly verifying compliance; its recognition status may be in jeopardy. She noted that the only way to fix this problem would be a "trial by fire evolution," which would take time.

Regarding quality assurance follow-up, Ms. Baldwin reminded the Council it asked the Coast Guard how to make production quality control more quality based. In response to the resolution in Spring 2009, PFDMA established a working group that consisted of Coast Guard members, PFD manufacturers, component manufacturers, and UL, in order to review and revise the current UL Standard Appendix Pages (which define the follow-up program for each manufacturer) to improve efficiency and remove any unnecessary or redundant testing. The revised standard assessment procedures (SAPs) were published in August 2010.

However, as the SAPs were proprietary UL documents, the Coast Guard needed to find a way to standardize the minimum requirements for follow-up in a multi-lab environment. In September 2010, the Coast Guard submitted a proposal to the UL Standards Technical Panel (STP) to develop a new standard for follow-up service (FUS) programs. The STP established a task group that worked on a draft, which was reviewed during the PFDMA Annual Conference in June 2011. The group discussed such issues as minimum inspection frequency, auditing, inspection and test procedures, acceptance criteria, minimum qualifications for laboratory inspectors, and a variety of other matters.

Ms. Baldwin said the next big hurdle would be to develop a tiered quality management system (QMS)-based approach, where the intensity of the follow-up program would depend on the manufacturer's QMS and a history of compliance. She said that while there was broad support for this tiered approach in principle, the task group was currently working out the very challenging details of defining the criteria for each tier, and the required follow-up at each level. This approach would be the focus of the task group's next meeting, tentatively scheduled for January 2012. Once the group has completed drafting the standard, it will go into the consensus review with the STP.

She then talked about the Consolidated North American Standard International Harmonization Committee (IHC) and the consensus process. In October 2010, the UL

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STP formally established the IHC. This group consists of manufacturers, laboratories, and regulatory bodies from the U.S. and Canada that have been developing a standard for wearable PFDs based on the ISO 12042 series standards.

The underlying objective of the IHC is to develop a standard that will increase the flexibility of PFD design without compromising the safety of the boating public. The IHC was concentrating on parts 5 and 9, which address the Level 50 buoyancy aids and test methods. In June of this year, the first draft of Parts 5 and 9 went into preliminary review. During this stage, all STP members were free to comment on any part of the standard without committing to a vote. Preliminary review closed in August; since then the IHC has been working to resolve the members' comments.

Ms. Baldwin said that if the group is able to resolve the comments, a revised draft might go out for another round of preliminary review, or go directly to ballot. If there are outstanding issues, the draft may need to go out again. She said they hope to publish the standard and begin transition in the spring of 2012.

She then posed the question: Why can't we just accept the ISO standard "as-is"? In answer, she said they first needed to address "editorial" changes, which might seem small but may actually be more substantial than they appear. For example, the language in the ISO standard is at times extremely ambiguous; it tends to be interpreted in different ways, particularly if people from other countries are reading it. The task group is "cleaning up the language" to avoid any confusion.

Ms. Baldwin said another issue is "harmonizing a moving target." The ISO standards are currently under revision. Although these revisions are ongoing since the last publication of the standard in 2006, she hoped this process was nearly finished. Another obstacle is ISO "over testing" of components, accessories (such as whistles, lights, etc.), and body closures. She acknowledged that more data was needed to determine if Coast Guard approved devices could comply with the ISO standards without putting the U.S. market at risk.

Ms. Baldwin remarked that another area where U.S. standards differed significantly from those of ISO is in the classification and labeling of PFDs. The current U.S. type code system is widely used in regulations, standards, literature, and point of sale information. However, it is not that well understood by the users, nor even by regulators. The ISO standard does not use type codes; instead, it uses classification and performance levels to distinguish between the performances of different styles of PFDs based on such factors as minimum buoyancy levels. The Coast Guard is currently assessing the impact of abandoning the type code system.

Regarding labeling, she admitted that the Coast Guard has long recognized that U.S. labels are not user-friendly, and it conducted label studies to help solve the problem. However, she argued, the ISO labels aren't much better; they are merely formatted differently. The Coast Guard is also looking at the need for multi-lingual labels, or

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minimizing the English text in favor of pictograms. The IHC is working on some draft labels to address these issues. With the support of BoatU.S. she said, the Coast Guard hopes to be hosting focus groups with users, enforcers, and regulators next month to obtain feedback on recent IHC proposals. She invited those who are interested to help with the effort.

Ms. Baldwin then touched on some other issues that are even harder to resolve. For example, under the ISO Standard Classification, Level 50 buoyancy aids are acceptable for swimmers only. This means that nearly every Type II and III recreational PFD on the market would be limited to swimmers, and all non-swimmers would be required to wear a Part 4, Level 100 life jacket, roughly equivalent to a Coast Guard Type I. As a result, the IHC proposed two different levels of buoyancy aids:

- The Level 70, which has the same buoyancy and performance requirements as a current type III; and
- A modified Level 50, which has lower minimum buoyancy than the current devices, but must be tested on a high in-water-weight subject (i.e., heavy in the water), and is intended for swimmers only.

Another difficult topic, she said, is subject selection. ISO 12402-9 allows buoyancy aids to be certified based on as few as three test subjects, with little guidance on how to select those subjects. The Coast Guard does not feel this is adequate, and the IHC is working on developing criteria to select the appropriate subjects to adequately test a device, without over testing. At present, the Coast Guard does not have the data necessary to reduce the number of test subjects to the level that ISO adopted, so they have developed an alternative proposal based on the requirements outlined in the UL standards.

Ms. Baldwin noted that the ISO standards are much more performance-based than the current UL standards, and treat inflatable and inherently buoyant devices in the same way. As a result, inflatable devices make up the majority of the European market. However, as the U.S. continues to impose stricter requirements on inflatables, they are considerably more expensive to approve, and remain less than ten percent of the U.S. market. The Coast Guard's proposed deviations are structured to close that gap and improve the opportunities for innovation in the U.S. market.

She then broached the subject of youth inflatables. She told the group that because she would now be talking about an open rulemaking, she was limited in what she could discuss on the topic.

She noted that PFD wear rates have been on NBSAC's list of priorities for some time. At present, all users under 13 years of age must wear a PFD and users 16 and over who weigh at least 80 pounds have the option to wear inflatable PFDs. This leaves a gap—the 13-15 year age group, with only foam devices that they aren't even required to wear. She said that as people in that age group were predisposed to engage in riskier activity, the Council, the Coast Guard, NMMA, and the PFD industry have investigated ways to close

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that gap to increase the likelihood that group would actually wear a PFD while boating. In January 2008, a member of STP proposed a change to the UL standard to address inflatables for users 12-15 years of age. The proposal stipulated that the minimum weight not be reduced, that PFDs have fully automatic inflation, that they may not require secondary donning, that they must be worn at all times (to meet the carriage requirement), and that re-arming and repacking must be done by an adult.

At the STP meeting, the proposal received a great deal of support, some of the concerns with the text were resolved, and the revised proposal was re-circulated for ballot. That proposal failed to gain consensus because of an ongoing study by Applied Science and Ergonomics (ASE). Many members wanted to see the results of the study before proceeding. Following the results of the ASE study, an almost identical proposal was submitted. Again, the proposal received broad support, but failed to gain consensus due to a direct conflict with the Code of Federal Regulations (CFR), which limits the use of Coast Guard-approved inflatable devices for use by adults only.

Ms. Baldwin remarked that the issue of an age limit for the use of inflatable PFDs has been ongoing since their inception, and is documented in the ANPRM for approval of inflatable PFD, published in 1993. In 1996, the Coast Guard published the final rule and stated:

Approval of inflatable PFDs for children is not now considered appropriate by the Coast Guard and UL consensus standard committee due to concerns about a child's ability to take the necessary steps to initiate inflation in an emergency or perform backup inflation in case the primary system fails. The Coast Guard notes that the issue of inflatable devices for children may be revisited after more experience is gained with approval of inflatable PFDs for adults.

At that time, primary inflation meant a manual lanyard pull with an oral backup, similar to the devices demonstrated by a flight attendant on a commercial aircraft.

In March 2011, in an attempt to remove some redundant language, the Coast Guard published a Direct Final Rule (DFR) to update the references to UL standards and to remove the reference to "approval for adults only." However, as the DFR option is reserved for non-controversial rulemakings, the final rule was withdrawn because of a comment that this non-substantive rule might be perceived as controversial.

Ms. Baldwin said the same content was then been re-published as a NPRM, with the comment period closing November 28, 2011. She told members that the instructions for submitting comment to the docket are available in the rulemaking document, adding that all comments were welcome.

However, she warned that even if this current rulemaking is successful, it would only be the first step. There is still no American National Standards Institute (ANSI) accredited

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standard for inflatable PFDs for users under 16 years of age. She noted that it might be accomplished by revitalizing the proposed revision to UL 1180 (the UL standard for inflatable devices), or by adopting the ISO 12402 series standards with U.S. national deviations. She explained that, once there was a nationally accredited standard for those devices, another follow-on rulemaking would be needed to take the standard and incorporate it into the regulations. Because the ISO standard is performance based, it does not have a lower age limit for any PFD. Based on the ongoing discussion in the STP, the IHC developed a national difference, which proposes that:

- Inflatables be limited to those 13 years and older;
- Devices for 13-15 (year olds) be auto-inflated with no secondary donning; and
- The user must be able to activate the manual backup without assistance.

Ms. Baldwin concluded by stating that, once a standard is completed and reaches consensus at the STP, another rulemaking will be needed to reference that new standard in the CFR. She acknowledged that this continues to be a long process, and the Coast Guard appreciates the Council's patience as they move toward the goal of making more PFD options available to a wider population.

Break for lunch at 11:45am, reconvened at 1:15pm

Mr. Maxim asked Ms. Baldwin if there was anything the Council could do to help expedite (i.e., simplify) the process she just discussed, and Mr. Muldoon wondered if the Council could make a recommendation to that end.

Ms. Baldwin said that was a very good question. She admitted that, because her team was so immersed in the process, they often tended to work in a vacuum. She defined her team as "engineers and bureaucrats," and observed that there would be a huge learning curve for the user when the process she described was complete. She has already begun outreach efforts with members to help move things along, and emphasized that they would definitely need help. Changing the type codes would have a ripple effect across the recreational boating spectrum that would impact users and regulators/enforcers alike.

Mr. Muldoon reminded Ms. Baldwin that the Council abandoned the term "PFD" in favor of "life jacket."

Mr. Meddock asked if ISO was as committed as the Coast Guard to the harmonization effort.

Ms. Baldwin said that ISO is now taking the Coast Guard's proposals more seriously. She said they gained a great deal of ground in moving the ISO standard "to a place where we can accept it." On the other hand, she said the European market is very different from that of the U.S. The EU nations don't all have carriage requirements or maintain the same level of accountability to the end user. In the ISO standard, PFDs are not considered life

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saving equipment, but rather "personal protective equipment" (PPE). In addition, their market is "90% inflatables; ours is 10%."

Mr. Moore thanked Ms. Baldwin for her presentation. He admitted that sometimes the Council became frustrated with the long process she described because they wanted to "get more people into life jackets that are more comfortable to wear." He said he now understood the complexity of the issue a little better. He pointed out that everyone needed to keep life jacket wear a high priority. He noted that, when a significant change takes place, it generally becomes a newsworthy event that generates an opportunity to educate people. At the state level, BLAs would continue their efforts to educate as well. He stated that "whatever barriers there may be, that they be minimized . . . let's get this thing rolling."

Ms. Baldwin thanked him, and stressed that her team needed pressure from the Council to meet that goal.

Mr. Clarke said he felt the greatest challenge would be in changing government designations of life jacket types, because "quite honestly, the majority of boaters don't know the difference between a Type I and a Type IV." He said this was a great opportunity on the consumer level to educate the consumer and raise public awareness. Ms. Baldwin agreed.

Mr. Ludwig reminded attendees that this was a public meeting and therefore everything was on the record.

Inflatable Life Jackets for 13-15 Year Olds
Susan Balistreri, President, Balistreri Consulting, Inc.

Ms. Balistreri began her presentation by briefly outlining her background, including experience in the apparel industry. This experience, she said, has given her a different perspective about garment sizing, increasing her understanding of how life jackets should conform to that sizing. She currently works for life jacket and component manufacturers. Over the years, the main focus of her work has been children's life jackets. In this context she conducted a great deal of research on "anthropomorphic values associated with various ages of children." She is also a member of the Standards Technical Panel (STP).

When inflatables were approved it was with an age point, which had never been the case before. Previously, devices were sized by weight range rather than age. She said that inflatable PFDs for 13-15 year olds needed to be quantified and validated for the user's age range.

She quoted the ANPRM published June 23, 1995:

One of the PFD manufacturers suggested a 'child' be classified as a person under 12 years of age. The USCG's position is that because of the

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importance of understanding how to properly use [inflatable PFDs], only persons over 16 years of age are considered adults.

She posed the question: How much do we really know about 13-15 year olds? She said that although life jacket manufacturers know about the anatomy of people in that age range, how can they tell whether or not this user group will actually use the devices? Again referring to the 1995 ANPRM, she noted inflatables were being considered for approval because it was projected that if they were made available to consumers, the death rate would return to less than 400 per year. She felt that was an unrealistic expectation. She said that such teenagers would not necessarily wear the devices, which was partly why the Council was trying to promote mandatory wear of life jackets.

Ms. Balistreri then discussed a 2009 Coast Guard funded study by Applied Science and Ergonomics (ASE), the only one to explore user perceptions of, and reactions to, automatically inflating life jackets. 45 young people between ages 8-15 years of age participated in the study (including five 13-year-olds, five 14-year-olds, and three 15-year-olds). These youngsters tested various devices on both dry land and in the water. She used a series of pie charts to illustrate the results of the study, which showed there was no strong correlation between which type of life jacket was preferred and the age of the participant.

When asked what their first choice of life jacket would be if safety was the criterion, there was no strong preference. When asked what they would feel most comfortable wearing if they accidentally fell in the water, a clear preference emerged: inherently buoyant devices.

Ms. Balistreri said that when the same group was asked about life jackets in general, 47% reported they had no concerns about either type—inherently buoyant or inflatable. 36% did have reservations about the reliability and durability of inflatables, whereas only 4% were concerned about the reliability of inherently buoyant devices. This was somewhat to be expected, she noted, because most of the group had grown up wearing inherently buoyant life jackets while on the water when on boats with adults.

The next question posed by the survey was: Would participants wear a life jacket if they were around water, such as when on a boat, but were not planning to submerge or swim? Of the group, 48.9% answered yes; and 31.7% said no. Ms. Balistreri reminded the audience that there were laws requiring life jackets to be worn by those less than 13 years of age, and observed that this was a revealing result.

This study then surveyed the parents of the children. When safety was the primary concern, 46.4% said inflatables were their preference, whereas 21% preferred inherently buoyant devices. 32.1% had no preference, which surprised Ms. Balistreri. When asked what they would favor their children wearing when around water but not planning to swim or get into water, 57.1% stated they would choose inflatable devices, whereas 35.7% favored inherently buoyant ones. One percent, perhaps the more sophisticated

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boaters, said that it depended on the type of activity they would be engaging in (e.g., jetskiing).

The study then asked parents: "What are your concerns about inflatable life jackets?" Of those surveyed, 71% were mainly concerned about durability and reliability. Ms. Balistreri felt that highlighted ". . . a huge educational component need," that if they were concerned about their children using the devices they may not understand "what an inflatable is all about." She also noted that some parents with older children (i.e., teens) would expect the child to be responsible for checking the device for armed status and maintenance.

She explained this was just a study of preferences; in-use studies were not yet conducted for children. Conversely, two in-use studies on adults were completed—one by the U.S. Coast Guard Auxiliary, the other by BoatU.S. This lack of research on younger people concerned Ms. Balistreri about what could realistically be expected of that group when they were operating a device that required active participation to provide supplemental buoyancy. She stressed, "*Where* you put supplemental buoyancy has everything to do with how that device is going to act for that person wearing it." Therefore, knowledge of the anatomy of younger people was essential in this context.

She also speculated that the younger group might have slightly impaired cognitive ability. She said the prefrontal cortex was the last portion of the human brain to mature. Medical studies indicate the prefrontal cortex of the brain is responsible for suppressing impulses and weighing the consequences of one's actions is the last part of the brain to mature. Most brain researchers now agree this final stage of brain development begins around 16 years of age and continues into the mid-20s and sometimes until around 30 years of age. She felt this point was very important—the maturity factor in people using a device that requires their total and active participation, and their capacity to understand why they should wear it.

She stated a huge body of work exists about teen impulsivity and risk taking. A development specialist in the American Academy of Pediatrics, Dr. Lawrence Steinberg, is studying whether or not teens can make proper decisions about taking risks. According to his research, risk taking peaks during adolescence; the biggest risk takers are 14-17 year olds. They take more risks not because they don't understand the dangers, but because they weigh risk versus reward differently. In situations where risk can get them something they want, they value the reward more. Peer pressure increases this risky behavior.

Using tables that demonstrated the results of various studies (including one by NASBLA), Ms. Balistreri illustrated how hazardous behaviors have already been quantified in aquatic and marine environments that showed teens to be at high risk. She confessed that this was the reason she wrote "that comment" which resulted in the withdrawal of the final rule after the March 2011 DFR was released. She sent out memos to the Boating Safety Office, members of the STP, to NASBLA, and many more

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individuals and organizations, expressing her discomfort with voting for the proposal because of the age point issue. She also knew it was impossible to revise a standard that contained a contingency age point and then expect that "it will catch up to whatever you are going to do ahead of time."

Ms. Balistreri summed up by saying there was a sizing issue in addition to age, and it concerned her that the current regulations only address age. She feels more studies are needed to investigate how age ranges correspond to sizing. She stressed that standards must not be changed to accommodate a product that, while viable for adults, might not be such a simple solution for younger people. She concluded, and asked if there were any questions.

Mr. Clarke felt that Ms. Balistreri's presentation underestimated the capabilities and intelligence levels of 8-15 year olds. He stressed that, as with adults, children should have choices; that if products were attractive and comfortable and properly marketed, they would attract this age group. He argued that the "coolness factor" needs to be the reward for this group, rather than the safety factor. He noted that the most skilled skateboarders and snowboarders and wakeboarders wore helmets and inherently buoyant life jackets—those with less skill chose to emulate their idols and do the same. He emphasized the peer acceptance factor over the practical safety factor.

Ms. Balistreri replied that Mr. Clarke was certainly entitled to his opinion.

Mr. Rippy observed that the main point was to give this group options. He noted that inflatables are not approved for wakeboarding and waterskiing—those activities require an inherently buoyant device. Pointing to 2010 numbers, he said about 9 million inherently buoyant devices were manufactured, versus 250,000 inflatables. By that measure, he doubted that every young person would suddenly start wearing inflatables. Using an anecdote about his teenage daughter learning to drive, he echoed Mr. Clarke's view about underestimating the intelligence level of this group.

Ms. Balistreri repeated her conviction that more study needs to be done about teen users before making changes to a standard.

Ms. Duer said she knew of thousands of children who wanted to wear life jackets because they felt safer in them. She said it was important to familiarize this group with the water and educate them about the risks so they would want to feel safer.

Mr. Dogan said he struggled with the concept that a 13-15 year old could not properly inflate a device. Agreeing with Mr. Clarke, he thought that people in this age group might actually do better than many adults. Further, he stressed the need for wearing life jackets was immediate so he wouldn't want to see the process delayed by years of empirical studies.

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Ms. Balistreri argued that there were hybrid products already being manufactured, which have the "cool factor" (i.e., inflation).

Mr. Muldoon pointed out that sailing is the only recreational boating activity where life jacket use has increased substantially in the past 15 years. He attributed it to the fact that students who are learning to sail are required by their instructors to wear life jackets, both in the classroom and on the water.

Life Jacket Standards Revision Report

Dorothy Takashina, Chairwoman, Personal Flotation Device Manufacturer's Association

Ms. Takashina acknowledged that much of what she would cover in her presentation was already discussed earlier in Ms. Baldwin's presentation. Regarding the NBSAC life jacket reform resolution, she said that NBSAC resolved that the Coast Guard should:

- Separate standards development organization from the authorized testing laboratories;
- Transition to a new consolidated North American Standard;
- Create a new process for certifying and testing that facilitates innovation, affordability and wearability of life jackets;
- Qualify more than one organization for approval and follow-up testing; and
- Modernize compliance and quality control processes.

NBSAC asked PFDMA to report to the Council when these tasks were accomplished. She posed the question: What has been accomplished with the ANSI Certified Independent Standards Organization? She said UL was identified as the Standards Development Organization (SDO). She said that UL understood the importance of separating standards from testing and certifications, and also pledged transparency of operational and fiscal separation.

She stated that consideration of other SDO options was an important and worthwhile exercise. She said that PFDMA had not changed to another laboratory; instead, they achieved a deeper trust in UL standards as the SDO, and attained a more direct connection of industry to UL standards. She said, "We are staying where we are . . . but in a better relationship."

Regarding the transition to the Consolidated North American Standard, Ms. Takashina said that the Level 50 (with less buoyancy than a Type III) and Level 70 (equivalent to a Type III) device test methods have been submitted to the Standards Technical Panel (STP) for review and comment. Level 100 (equivalent to a Type I) test methods will be submitted soon. These documents were placed with UL Standards as the ANSI-certified SDO for life jackets and buoyancy aids. She said that, importantly, the Coast Guard is participating in the standards development process and coordinating with industry on the transition and phase-in of new requirements. She thanked the Coast Guard for their help and cooperation through this process.

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Discussing multiple testing organizations, Ms. Takashina reiterated what Ms. Baldwin said earlier—IMANNA Laboratory of Florida achieved Coast Guard certification for testing and certification of PFDs and life jackets in February 2011. FORCE Laboratory of Denmark achieved Coast Guard certification in August 2011. With those two certifications, she noted, the process for Coast Guard acceptance of other laboratories was clarified. She said that other laboratories willing to qualify would be able to do so much more easily now.

Ms. Takashina then talked about modernizing the compliance and quality control processes. She said the STP established a work group headed by Ms. Baldwin, tasked with drafting a follow-up services (FUS) standard. The FUS standard will establish a base standard for all testing laboratories. An agreement was also reached between the Coast Guard, UL, and PFDMA on reducing and eliminating burdensome tests where safety is not compromised. That means PFDMA can keep their prices down. She said that modernizing compliance and quality control processes is now being addressed as one of the elements in the FUS standard. She said that PFDMA will meet with the Coast Guard and industry in January to move that process along.

Ms. Takashina moved on to the subject of youth inflatables. She argued that the issue of whether a device was inflatable or inherently buoyant was not that important—instead PFDMA is only interested in increasing wear rate among this demographic. She found the comments in response to the March 11, 2011 Coast Guard initiative very difficult to deal with because they contained so much talk of children and infants, it was hard to focus on the real issues. She felt suppositions were made about "a lot of extraneous factors." She did not feel that Objective 4.4.8 (to investigate anatomical characteristics of infants and children to redefine construction and performance requirements) needed to be completed before an analysis and evaluation of inflatables could take place. She argued that the focus on infants and children "seems . . . irrelevant to the point at hand." As a representative of PFD and PFD component manufacturers and Chair of PFDMA, she said she was stunned by media reports that encouraging life jacket wear by children was purely an industry initiative. She made it clear that allowing inflatables for users under 16 years of age came from NBSAC, the National Safe Boating Council, BoatU.S., NASBLA, and others—not from industry. She stressed that, far from a marketing opportunity, the industry seeks to meet a user need and respond to repeated urging from safety organizations and consumers.

She also pointed out that this issue has been discussed in so much detail, reworked, and reworked again showed how well the STP process worked. She stressed that a balanced debate is needed and welcomed, but the fact remained that the most significant risk arises from not wearing a PFD. She felt that young people needed to be given fair consideration and options.

Ms. Takashina concluded by briefly outlining the youth inflatable life jacket proposal, which is limited to 13-15 year olds who weigh more than 90 pounds (as with adults). The devices would have auto inflators. She said it was proposed that re-arming and repacking

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would require adult supervision, and that wearing the devices be a requirement. A restriction to use "when accompanied by an adult" is currently under consideration. She said that this proposal is still being worked on, and that PFDMA would make every effort to make the best product possible for the public. She asked the audience if they had any questions.

Ms. Kull said she was confused by the phrase "required to be worn."

Ms. Takashina explained this meant the devices must be worn—merely having them on the boat to satisfy carriage requirements would not suffice.

Mr. Wehr said that when he first read through the adverse comment in the spring, he had the impression that the Arthur D. Little study did not include people who weighed less than 90 pounds. He felt that might be incorrect, so he double-checked and found that indeed there was data addressing that category. He insisted that no one was being shortchanged in these studies; on the contrary, every caution was being exercised in making this proposal.

Mr. Stec asked Mr. Wehr what the sample size was for the A.D. Little Study. Mr. Wehr stated it was conducted in 1970 and used 190 subjects.

Mr. Moore said he was under the impression the research on youth inflatables, conducted on behalf of PFDMA, included children six years of age. Ms. Takashina said yes it had, but she hadn't spoken about that because the study was more concerned with the 13-15 age group at this point. She said the study indicated that smaller children might not be as comfortable with the devices because of a possible startle response.

Mr. Moore said that all he recalled from the study was that inflatable lifejackets worked—even for children as young as six. He said he didn't really care if the devices scared children; the most important thing was to save lives. Ms. Takashina agreed, adding that even adults could be startled by the sudden inflation of the devices.

Mr. Muldoon invited Mr. Messmann to talk about the Strategic Plan.

Subcommittee Reports

Strategic Planning Subcommittee

Fred Messmann, Subcommittee Chairman

Mr. Messmann said the latest Strategic Plan was finished in April, and that the Report, completed in August, is now posted on the Coast Guard website. He said the Report would answer any unanswered questions from the Council. He urged members to pick up a printed copy of the Report on the Strategic Plan at the back of the room, and "make that your new bible."

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He was very pleased about the enthusiasm shown by the new Council members in volunteering for specific objectives. He urged current members and the public to join the working groups. He reminded everyone that various issues and objectives in the previous Strategic Plan should not be forgotten about simply because a new one was released. He said the previous Plan would also be posted on the Coast Guard website.

Mr. Messmann said that, in response to Ms. Podlich's concerns in the last meeting, they developed position descriptions for Plan members this summer. These would help streamline work scheduling, define tasks, and clarify expectations to save volunteers' time.

He said the Coast Guard invited him to a NASBLA meeting that all the Recreational Boating Safety (RBS) Specialists attended. After presenting the new Strategic Plan to them, he was pleased to see that these Specialists had made an effort to adopt and implement the previous Plan.

Mr. Messmann announced that he cleared the new work group assignments with Chairman Muldoon this morning, and they would be released in an email to the Council early next week.

He concluded by saying that, though he had been the Chair of the Strategic Planning Subcommittee, he did not wish to take any credit for it. He thanked the team, the Coast Guard staff, and Dr. Maxim for all their hard work on a superb Plan. He introduced Ms. Duer to talk about implementing the plan.

Mr. Muldoon thanked Mr. Messmann and the rest of the planning team on behalf of the Coast Guard, the Council, and the boating public, for all their hard work.

Ms. Duer said she was concerned about the Implementing Partners. She said there was criticism that they weren't assisting enough. She felt that was because they were not given a clear idea of what was expected of them. In that context, she thanked everyone who worked on the position descriptions over the last few months; now the Implementing Partners have a much clearer idea of their roles.

She planned to put on a "live production" of the Strategic Plan on March 7, 2012 in Mission Bay, San Diego at the Summit. It will be called "Implementing the Plan: A Day at the Beach." This would be a way to demonstrate, live, what the partners do every day on the water. The actors in this presentation would be "every one of you." She called on those who have signed up for Objective 3 to go to Mission Bay next March to help present on-water education. She said a formal invitation and letters would be sent to all the implementing partners describing next steps in the plan and their position descriptions.

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Mr. Muldoon then referred to the letter Ms. Steely read earlier about the mothers whose children were safe on PWCs because of NBSAC's hard work. He said that any interested members were welcome to ask him for copies of the letter.

He then assigned Mr. Marlow, from the Boats and Associated Equipment Subcommittee, to address the issues of emergency locator beacons and flare disposal. Mr. Hoedt added that the flare disposal issue emerged from Dr. Maxim's question five (status of projects related to disposal options for out of date flares) of the member's items. Mr. Muldoon then introduced Mr. Moore.

**Prevention Through People Subcommittee
Richard Moore, Subcommittee Chairman**

Mr. Moore said he was pleased to accept the Subcommittee Chair position, although he wasn't quite sure what that meant, as his term with the Council ends next year. He said the Vice Chair will be Mr. Stec, and went on to list the rest of the Subcommittee members: Mr. Les Johnson, Mr. Larry Meddock, Mr. Herb Angell, Mr. Chuck Hawley, and Mr. Tom Dogan.

He stated that the Subcommittee's charge is to discuss current regulatory projects, grants, contracts, and new issues affecting the prevention of boating accidents through outreach to, and education of, boaters. He talked about some of the projects the Subcommittee was involved in during the last few years:

- Updates on the Coast Guard's progress on adopting new life jacket standards and new testing laboratories.
- Hands-on education, about which Mr. Malatak gave a progress report and provided ideas about moving forward with this issue.
- Discussions about, and contribution to, Operation Paddle Smart.
- Work with the National Highway Transportation Safety Administration (NHTSA), which provided a historical perspective on encouraging voluntary versus enforcing mandatory seat belt wear and how it might relate to life jacket wear.
- A session on life jacket challenges, which included Dr. Maxim's report on life saving methodology.
- Work with Army Corps of Engineers (ACOE) in their ongoing life jacket project.
- Collection of results from the Wear It campaign, on which Mr. Chambers provided a progress report.
- Participation in the mandatory life jacket wear work group, including paddlesport accidents, injuries, and fatality trends.

Mr. Moore said that one issue they would discuss this year is the current rule that boating instructors who work on federally owned waters must have a captain's license. The group is looking into ways to exempt them from this rule or give them a limited type of license to carry out their work. He said he would reach out to the Council in the next few weeks for suggestions about other topics the Subcommittee should become involved in between

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now and the next meeting in the spring.

Mr. Muldoon pointed out an exception to the boating instructor rule—the teaching of sailing, an Olympic sport.

**Boats and Associated Equipment Subcommittee
Dave Marlow, Subcommittee Chairman**

Mr. Marlow said this is his second time on the Council and his second time chairing the Boats and Associated Equipment Subcommittee. He replaces Mr. Pete Chisholm. He said that the Subcommittee had gained some talented people, including Ms. Dorothy Takashina, Mr. Dick Rowe, Mr. Dean Clarke, Mr. Mike Fields, and Mr. Jeff Johnson.

He talked about the Subcommittee's agenda in January, which included discussions about propeller strike injury avoidance, including the status of the regulatory project on emergency lanyard switches, and a presentation on recent strike evaluations at the University of Buffalo. He noted that the lanyard switch issue is now at the ANPRM stage. He said he was impressed with the ongoing work and progress in the propeller strike arena, from both regulatory and industry sides. Mr. Marlow also praised the group's progress on CO reduction in boats, and said he hopes to continue that good work.

He then discussed various updates:

- The Boating Safety Division will soon release a report about the effects of recreational boat fuel systems.
- The boat information data project with the National Insurance Crime Bureau (NICB) continues to move briskly ahead. NICB was working with the marine industry and law enforcement to create a way for them to report their HINs to the bureau.
- The Subcommittee continues to monitor evaporative emissions regulations and the effect of safety on boat fuel systems.

He asked about the status of two new Action Items:

(1) A request that the Coast Guard do the following regarding the rental education package:

- Investigate and report the package distribution plan;
- Measure the effectiveness of the material;
- Follow up with partnering organizations to further promote the further distribution and use of the education package; and
- Include the rental education package in Strategy 2.1 of the Strategic Plan.

Mr. Cappel said that a report on this item was given at the January meeting, and that progress was continuing.

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(2) A request that the Coast Guard add use of life rafts and inflatable buoyancy apparatus for recreational boats to the 2011 safety equipment checklist grant project where appropriate. Information should include definitions, specifications, and servicing requirements.

Mr. Hoedt said the Coast Guard was working on a grant project for the last item, but could not provide an update today.

Mr. Marlow said he would send out a note to all the Council members, asking if there were additional items they wished to be added for discussion. He said he looked forward to working with the Subcommittee, and concluded.

Ms. Duer reminded members that the NAVSAC meeting would be next week in Newport News. Their focus would be on regulation.

Chairman Muldoon officially adjourned the 88th meeting of the National Boating Safety Council at 3:02pm.

The 88th Meeting of the National Boating Safety Advisory Council is adjourned.

Attachments:

1. Member Items


This is to certify that the above are accurate minutes of the eighty-eighth meeting of the National Boating Safety Advisory Council.



James P. Muldoon, Chairman
National Boating Safety Advisory Council

12/20/11

Date



CAPT Mark D. Rizzo, Executive Director
National Boating Safety Advisory Council

2/1/12

Date

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MEMBER ITEMS – USCG RESPONSE

The following is the USCG Office of Auxiliary and Boating Safety response to the NBSAC member questions brought up in advance of the 88th NBSAC meeting held on October 14, 2011.

CHAIRMAN MULDOON – Had no questions for the U.S. Coast Guard at this time.
RESPONSE – None required.

HERB ANGELL – Had no questions for the U.S. Coast Guard at this time.
RESPONSE – None required.

DEAN CLARKE – Had no questions for the U.S. Coast Guard at this time.
RESPONSE – None required.

TOM DOGAN – Had no questions for the U.S. Coast Guard at this time.
RESPONSE – None required.

CECILIA DUER – Had no questions for the U.S. Coast Guard at this time.
RESPONSE – None required.

JOHN FETTERMAN – Had no questions for the U.S. Coast Guard at this time.
RESPONSE – None required.

MIKE FIELDS – Had no questions for the U.S. Coast Guard at this time.
RESPONSE – None required.

CHUCK HAWLEY – 1. While the BARD annual report has improved dramatically over the last few years to include better organization, better graphs, and more actionable information, I'd like ask if it's possible to analyze why the changes in boating fatalities have changed in the ways that they have. We know, for example, that fatalities have been decreasing at an average rate of 2% for about 20 years, give or take. Which segments of the boaters are showing the greatest increases or decreases in fatalities over the last ten years? You could slice this data in a number of ways:

- 1) Age group (which would lead to discussions of whether mandatory PFD wear by children has helped)
- 2) Boat type (which would lead to a discussion of whether the increased popularity of kayaks is a concern)
- 3) Type of water body
- 4) Cause of death (seems like all I hear about are propeller strikes. Is this a valid conclusion?)
- 5) State (does mandatory education or licensing make a difference?)
- 6) Operator experience (same concept)

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I am concerned any time there is a positive trend in data and immediately each stakeholder presumes that it was due to their individual actions. I suspect that this is a complicated question to answer, but what trends are causing boating fatalities to decline, and should we be more effort in those successful areas?

2. I understand that there is to be a discussion of EPIRB and PLB beacons at the meeting. As you know, the primary differences between the two types of beacons are the following:

- Ability to float, and to float upright.
- Size and cost
- Transmit duration (24 Vs. 48 hours)

I would be very interested to know if the Coast Guard has any SAR data that would indicate that the transmission time of a PLB (24 hours) has played a role in an unsuccessful rescue of a recreational mariner that might have been successful if the transmission time had been longer. In other words, is there any data to support the idea that if a boater had used an EPIRB instead of a PLB that lives would have been saved?

I know this will probably take some polling of the RCCs around the country, and possibly the MCC in Suitland. I think that data would be very helpful to the BSAC members.

RESPONSE – 1. The average number of boating fatalities per year has remained relatively constant for the past 10-12 years. To better analyze as to which segments of the boaters may be experiencing fluctuating fatality numbers from year to year though, please see the attached data at the end of this document.

2. CG SAR data does not specifically reflect that the transmission time of a Personal Locating Beacon (PLB), 24 hours, has played a role in an unsuccessful rescue of a recreational mariner. However, SAR statistics provide the length of time that Search Rescue Units (SRU) took to respond to a notification from distress beacons.

The average on scene time for Coast Guard resources after notification by an EPIRB is 2.3 hours. In 6% of all EPIRB cases where lives were saved (206 cases), the search lasted longer than 24 hours. The majority of these vessels were sailing vessels. Seventy-eight percent of SAR cases in which the Coast Guard was notified by an EPIRB (27 Cases), where lives were unaccounted for or lost, were greater than 24 hours.

CG SAR data does support that when the CG is notified by a distress beacon, there is a significant increase in lives saved (greater than 90%). There is also correlation in notification data since February 1 of 2009 that would suggest that automated distress beacons are used twice as much as PLBs in notifying the Coast Guard of distress. PLBs have become more prominent as a notification device for mariners in the last few years. Over 40,000 PLBs have been registered for boat use. In relation to the number of registered EPIRBs (140,681) the SAR case sample size of PLBs registered in the maritime environment is currently not statistically significant.

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From FY 2003-2010 there were 209 cases in which a mariner was reported overdue and lives were lost. Had these mariners been able to notify the Coast Guard of their distress, one could assume that there would have been a high percentage of these lives saved.

JEFF JOHNSON – 1. Does the Coast Guard have plans to survey the boating public to determine public attitudes on mandatory life jacket wear in general, and the NBSAC recommendation in particular?

2. Has there been any recent effort in determining whether the existing federal carriage requirements are justified by, are linked to, and address the primary risks to boaters - as supported by fatality and accident and SAR data?

RESPONSE – 1. The Coast Guard is still in the process of considering the NBSAC resolution regarding the possible mandating of life jacket wear. Should the Coast Guard decide to move forward with a regulatory project concerning the mandatory wear of life jackets on all waters subject to the jurisdiction of the United States, we will implement a significant public input process in which we will gather such input. Such process will be consistent with the regulatory process.

2. There has not been a recent review of casualty data from this perspective.

LES JOHNSON – Had no questions for the U.S. Coast Guard at this time.

RESPONSE – None required.

BRIAN KEMPF – Had no questions for the U.S. Coast Guard at this time.

RESPONSE – None required.

MARCIA KULL – 1. I was very pleased to see the Notice of Advisory Committee Recommendations on ways to improve the recreational boating accident reporting scheme. My fellow task force members and I remember working hard on the issue and are pleased with our recommendations. My question: can USCG please explain the time lag between the submittal of the task force report in 2009 and the notice publication in 2011? If comments received on one or more of the recommendations are favorable, when could we expect to see substantive changes in the classification of accidents or reporting requirements take place?

2. Can USCG please provide an update on internal actions taken since the adoption of the BSAC recommendations on mandatory life jacket wear in April 2011?

RESPONSE – 1. The USCG has been working internally on charting the best way forward to update recreational vessel accident reporting processes, and the NBSAC recommendations are a significant part of that. In the last year, the Coast Guard has also published the Changes to SNS, VIS and BARD NPRM and two ANPRMs related to propeller injury avoidance (which were NBSAC recommendations). The accident reporting project initially took a back seat to those projects which were already in the pipeline, but all are moving forward. Because of some uncertainty over the viability of

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some of the NBSAC recommendations, our legal advisors felt that a notice was a quick way to get feedback on the recommendations and assist us in devising the best way to update the accident reporting requirements. After the comment period on the notice is closed, and the comments have been reviewed and analyzed, the Coast Guard will determine whether or not regulatory changes are warranted. If they are, past history has demonstrated to us that a regulatory project would take at least 5-8 years.

2. The Coast Guard is still in the process of considering the NBSAC resolution regarding the possible mandating of life jacket wear. Should the Coast Guard decide to move forward with a regulatory project concerning the mandatory wear of life jackets on all waters subject to the jurisdiction of the United States, we will implement a significant public input process in which we will gather such input. Such process will be consistent with the regulatory process.

DAVE MARLOW – Had no questions for the U.S. Coast Guard at this time.

RESPONSE – None required.

DAN MAXIM – 1. NBSAC offered a recommendation for the CG to consider various options requiring life jacket wear. What has happened since this recommendation was offered? One of the things agreed upon was that extensive public consultation would be required in order to select a desirable regulatory option. Have we laid out a roadmap for this consultation process? Have we prepared candidate Q's & A's to help educate the public? Do we have a plan going forward? How should we be organized?

2. The National Survey is an important potential source of data for risk analysis and other purposes. What is the present status? Do we have any survey results that can be shared?

3. Over the years the flagship publication Boating Statistics has evolved and become very much more professional. (To see this, look over the publications in the early 1960s for comparison.) Do we have a process in place to continue improvement of this publication? For example, I can think of several additional tables (readily able to be computed from available data) that would be of interest to the reader. What is the process for suggesting new or redesigned tables and figures for this publication?

4. One of the items discussed in previous NBSAC meetings was (a) the approval process for PFDs and (b) possible alternatives to present PFD specifications. Inasmuch as these items might be very important components of any package going forward for mandatory life jacket wear, could we have a status update on these topics?

5. I corresponded with Philip Cappel on the status of projects related to disposal options for out of date flares. He sent me a careful response to the effect that the problem remained unsolved. Should we see if there are other options to consider? For example, if we had data indicating that flares were reliable for a longer period than now specified, we could lengthen the approval period and reduce the number of flares requiring disposal

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each year. This may or may not be a useful suggestion--my point is should we begin to consider this problem again?

RESPONSE – 1. The Coast Guard is still in the process of considering the NBSAC resolution regarding the possible mandating of life jacket wear. Should the Coast Guard decide to move forward with a regulatory project concerning this topic, we will implement a significant public input process in which we will gather such input. Such process will be consistent with the regulatory process.

2. The USCG gained OMB approval to conduct the survey on 6/30/2011, and the data collection began on 8/25/2011. Data is being collected on boat ownership by boat type, on boating participation by activity & frequency, on exposure to certain hazards (in the form of trip information), on the economic impact of boating (in the form of money spent on boating trips and boat maintenance). Some 2011 data is currently being collected and should be available in the spring of 2012 (hopefully before the NBSAC meeting). The collection of 2012 data will begin in January of 2012, and will be done on a monthly basis, unlike the current collection that uses a 10-12 month recall period. The next survey after 2012 will start in January 2014 and the data collection will continue throughout the year. The results should be available in spring of 2015. The approach used will be the same as that of 2012.

3. Requests for changes to the Boating Statistics publication should be made to the Program Management Branch of the Boating Safety Division. The requests will be reviewed, and if they are considered to have merit and approved by the Chief of the Boating Safety Division, they will be incorporated into future publications.

4. Ms. Brandi Baldwin from the Office of Design and Engineering Standards will be giving a presentation and taking questions on this topic the afternoon of the 14th.

5. NBSAC has reviewed this topic at length in the past, and limited options have been identified. Unfortunately, the problem still exists. Should the Council wish to reconsider this topic, the Coast Guard would encourage that a Subcommittee of the NBSAC be assigned the task of reviewing this issue and developing a recommendation.

LARRY MEDDOCK – Had no questions for the U.S. Coast Guard at this time.

RESPONSE – None required.

FRED MESSMANN – I would like to explore the possibility of a rule or policy change that might facilitate an increased pool of available on the water instructors, i.e. allowing/exempting certified on the water instructor from US Coast Guard recognized organizations from the licensing requirement to train boaters on their own boats or on training organization boats or having a special category in the regulations for such instructors to have a separate "limited" license. Once we have the ground rules from the US Coast Guard and the on the water instructor needs or handicaps outlined we could ask for this to be an action item for the April agenda.

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RESPONSE – Should the Council wish to review this topic in depth, the Coast Guard would encourage that a Subcommittee of the NBSAC be assigned the task of reviewing this issue and developing a recommendation.

RICHARD MOORE – Why won't the US adopt the ISO standards for life jackets? What are the differences between USCG and ISO standards for wearable PFDs and why can't the USCG find a way to come to a single international standard with other countries?

RESPONSE – The US Coast Guard been working for several years to resolve our conflicts with the ISO standard, and expect to publish an ISO-based harmonized standard next spring (2012). However, the USCG still cannot accept the ISO standard without deviation. In some areas, the ISO standard fails to address issues that we know to be safety concerns. And there are areas where the ISO standard is too strict and would cause an unnecessary increase in testing and expense for US manufacturers, with no increase in safety.

Some of the differences in the USCG approach that the USCG is trying to resolve stem from the fact that carriage is mandated by the government in the US, whereas in Europe it's generally not. As such, the USCG, as the government entity enforcing that requirement has a somewhat greater burden to ensure the suitability of the equipment.

ROB RIPPY – Had no questions for the U.S. Coast Guard at this time.

RESPONSE – None required.

DICK ROWE – Had no questions for the U.S. Coast Guard at this time.

RESPONSE – None required.

CHRIS STEC – Had no questions for the U.S. Coast Guard at this time.

RESPONSE – None required.

DOROTHY TAKASHINA – Had no questions for the U.S. Coast Guard at this time.

RESPONSE – None required.