

*86th Meeting
of the
National Boating Safety Advisory Council*

Embassy Suites Hotel
191 East Pine Street, Orlando, FL 32801

January 14th – January 16th, 2011

MEMBER PRESENT:

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| JAMES P. MULDOON | Chairman, National Boating Organization Member |
| HERB ANGELL | State Member |
| ALFONSO CAMPOS | State Member |
| PETER CHISHOLM | Manufacturer Member |
| DEAN CLARKE | Public Member |
| PAMELA DILLON | National Boating Organization Member |
| CECILIA DUER | National Boating Organization Member |
| RANDY EDWARDS | State Member |
| JOHN FETTERMAN | State Member |
| LES JOHNSON | National Boating Organization Member |
| MARCIA KULL | Manufacturer Member |
| J.J. MARIE | Manufacturer Member |
| LARRY MEDDOCK | Manufacturer Member |
| FRED MESSMANN | State Member |
| RICHARD MOORE | State Member |
| MARGARET PODLICH | National Boating Organization Member |
| BRUCE ROWE | Manufacturer Member |
| DOROTHY TAKASHINA | Manufacturer Member |
| RAY TSUNEYOSHI | State Member |
| JOHN UNDERWOOD | National Boating Organization Member |

MEMBER ABSENT:

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| DICK ROWE | Manufacturer Member |
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USCG STAFF:

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| RADM KEVIN COOK | Director of Prevention Policy |
| CAPT MARK RIZZO | NBSAC Executive Director; Chief, Office of Auxiliary and Boating Safety |
| JEFF HOEDT | Chief, Boating Safety Division, Office of Auxiliary and Boating Safety |
| JEFF LUDWIG | NBSAC Executive Secretary, Program Management Branch, Boating Safety Division |
| PHIL CAPPEL | Chief, Product Assurance Branch, Boating Safety Division Safety Division |

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| DONALD KERLIN | Chief, Program Management Branch, Boating Safety Division |
| MELANEE LIBBY | USCG Committee Management Officer |
| JOHN MALATAK | Chief, Program Operations Branch, Boating Safety Division |
| CAPT DAVID MCBRIDE | Chief, Office of Search and Rescue |
| CDR MAX MOSER | Chief, Policies Division, Office of Search and Rescue |
| BARRY NOBLES | Program Management Branch, Boating Safety Division |
| PAVLO OBORSKI | Chief, Grants Management Branch, Boating Safety Division |
| RACHEL WARNER | Program Management Branch, Boating Safety Division |
| JENNIFER WILDER | Program Management Branch, Boating Safety Division |

MEETING ATTENDEES:

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| JOHN ADEY | American Boat and Yacht Council (ABYC) |
| MILES BEAM | Independent Consultant |
| CAROLYN V. BELMORE | Coast Guard Auxiliary and New England Safe Boating Council |
| VIRGIL CHAMBERS | National Safe Boating Council |
| MARION IRVING de CRUZ | Stop Propeller Injuries Now (SPIN) |
| TOM DOGAN | National Boating Federation |
| JOANNE DORVAL | Metcor |
| JIM GRAYBEAL | National Association of State Boating Law Administrators (NASBLA) |
| BRUCE JOHNSON | Director, Recreational Boating Safety Affairs, U.S. Coast Guard Auxiliary |
| PHYLLIS KOPYTKO | Stop Propeller Injuries Now (SPIN) |
| GAIL KULP | Sea Tow USA |
| DAVE LUMIAN | American Sailing Association |
| DAN MAXIM | U.S. Coast Guard Auxiliary |
| LYNDA NUTT | U.S. Army Corps of Engineers |
| GAVIN O'HARE | CED Investigative Technologies |
| ROB RIPPEY | Coleman Life Jacket |
| CAPT TOM SHIPP | FL Fish & Wildlife Commission |
| MIKE SMITH | American Sailing Association |
| DICK SNYDER | Retired Engineer, Mercury Marine |
| CINDY SQUIRES | National Marine Manufacturers Association (NMMA) |
| CHRIS STEC | American Canoe Association |
| RALPH STEGER | Imanna Laboratory |
| KAREN STEELY | Aaron Foundation |
| BOB SWEET | U.S. Power Squadrons |

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Friday, January 14th

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

Chairman James Muldoon welcomed Rear Admiral Cook and Captain Rizzo, the members of NBSAC, the staff of the Coast Guard and the audience. He began by asking the members to introduce themselves and share their affiliation. Mr. Muldoon then asked the audience to introduce themselves.

Mr. Muldoon reiterated that the Council has suffered some times of uncertainty. He stated that the Council is behind on appointments and thanked those who stayed on for their continued service. He noted that Fred Messmann and his Strategic Planning Subcommittee have worked very hard on the strategic plan despite not knowing whether the Council would be around. He requested Mr. Messmann and his Subcommittee stand and receive thanks.

He announced that the Council has been reauthorized for another 10 years and the Coast Guard was working to make sure the Charter is renewed. The Council is currently working under a charter that expires in November and a discussion will consider moving up the next meeting to ensure it takes place before the Charter expires. Two-thirds of the Council members are awaiting reappointment and it will be brought to people's attention that it is necessary to address the issue.

He announced that RADM Cook, the Director of Prevention Policy will be transferring to Portsmouth, VA to be the Atlantic Area Deputy Commander and RADM Jim Watson will be replacing him.

**Welcoming Remarks, Presentation of Awards to Outgoing Members
RADM Kevin Cook, Director of Prevention Policy**

Admiral Cook applauded the advisory Council for their commitment. He stated that there have been many trials with getting slates approved and Charters renewed, but the advisory committees have the Commandant's support. He then told the Council that the Coast Guard is appreciative of the work they do. He informed the Council that the Coast Guard is still operating under a continuing resolution meaning that funding levels are frozen at last year's levels. At a discussion among the flag officers the Commandant stated he believes that at least through FY12, the Coast Guard will be able to continue to support the kind of safety, security, and environmental stewardship they are charged with. He went on to say that the Coast Guard is experiencing some pressures in their own budget as they are trying to recapitalize some of the larger cutters. The Coast Guard is receiving support from the Secretary and Deputy Secretary of Homeland Security as well as the Office of Management and Budget and the Commandant feels confident that they are on a steady course. The message he wants to deliver is that all should look ahead to what they should accomplish. He believes the Strategic Plan is the most unifying strategic plan across the many organizations with which the Coast Guard

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has association. He feels that it continues to draw in a network of people who need to be "rowing in the same direction".

He then addressed the trust fund re-authorization, which the government is continuing to press and promote. He said the partnership the Coast Guard has with U.S. Fish and Wildlife in trying to promote both agencies' interests and get the trust fund re-authorized, has been key to gaining universal support. They are optimistic and it seems there will be some changes in how it will be re-authorized so that funding will be better than it was before.

Admiral Cook informed the Council that the Coast Guard is continuing to press for mandatory education in the next authorization bill. This request would harmonize the myriad of mandatory requirements across the states and implement them sooner than individual states had intended. He then discussed the challenge on mandatory life jacket wear and asked the group to provide the Coast Guard with recommendations to make improvements. He acknowledged that life jacket wear would save lives, but requires a balance to provide a solution to the problem.

Admiral Cook stated that he is a strong supporter of recreational boating safety and tries to keep it on the forefront of his directorate. He discussed the winter edition of *Proceedings* magazine and applauded those who contributed to the contents. He closed by thanking everyone for their support.

Mr. Muldoon thanked the Admiral for his participation and support for the Council. He then announced that this was Mr. Dick Snyder's 45th consecutive NBSAC meeting and told him they would like to have Mr. Snyder for another 45 if he can fit it into his schedule. He informed the Council that there would be a reception that evening at the Orange County Regional History Center.

The Chairman announced that some awards would be given.

Mr. Jeff Hoedt reiterated that two-thirds of the members' terms have expired and there were seven people who they would like to recognize in addition to a member whose term expired in December 2009 but was not able to be present when awards were issued.

The United States Coast Guard Public Service Commendation for outstanding contributions to recreational boating safety as a member of the National Boating Safety Advisory Council were then presented to:

Mr. Les Johnson
Mr. Pete Chisholm
Mr. Ray Tsuneyoshi
Mr. John Underwood
Ms. Margaret Podlich
Mr. J.J. Marie
Ms. Marcia Kull
Mr. Alfonso Campos (not present)

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One additional award was presented to Mr. Ray Tsuneyoshi, California Boating Law Administrator: The United States Coast Guard Boating Safety Division in recognition of nine years of dedication and valuable contributions to the recreational boating safety program as well as outstanding leadership in furthering the state/Coast Guard partnership.

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

Captain Rizzo greeted all in attendance and brought the members up to speed on the trust fund re-authorization. He stated that the current extension ends on March 4th and that one of two things will happen after that date: if Congress extends the current extension through the end of the fiscal year, there should be no financial impact on the states, or non-profit organizations; however, if Congress provides another short-term extension, it will have a detrimental impact on the states and non-profit organizations and their ability to support Coast Guard programs.

He echoed the Admiral's comments on the *Proceedings* magazine and thanked those who contributed.

Captain Rizzo also agreed with the Admiral's comments on mandatory life jacket wear and is concerned about the trend going the wrong way. He mentioned that the strategic plan is currently in final clearance. He feels that it is a well-conceived plan but fell slightly short of his expectations and he had some concerns of a fiscal nature. He questioned the worth of spending \$2 billion over a five year period, but questioned whether there would be satisfaction in saving an additional 14 lives (3% decrease) and 300 injuries (20% decrease). He acknowledged that the Council recognizes that the plan allows for adequate analysis of the options and recognizes that the benefits of the actions, if taken, will probably not occur during the planning horizon; however, opportunities to accelerate progress on initiatives with long lead times can save additional lives and will be sought. He concluded his remarks by saying that he looks forward to continuing to work with the Council on life jacket wear and thanked the Council for their work.

Chairman Muldoon thanked the Captain for his work and continued support of boating safety. He then called Jeff Hoedt to speak.

**Recreational Boating Safety (RBS) Program Report
Mr. Jeff Hoedt, Chief, Boating Safety Division**

Mr. Hoedt thanked the Council and the members of the public for their participation.

Mr. Hoedt began with program updates. He informed the Council that the Coast Guard stood up the Grants Management Branch (CG-54224). He advised the Council of the attendance of Mr. Pavlo Oborski and told them of his work in grants management as well as the addition of some grants staff. He said that an audit of the program would take place and advised of the need to make sure all were in sync to ensure readiness for it. He then commented on the need to assist grants recipients, as well

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as applicants, and continue to work on training opportunities with non-profit organizations while doing more visits to states and non-profit organizations to offer services and review projects.

Mr. Hoedt advised that program matters would be handled by John Malatak and his staff. He said they would continue to push for approval for state programs to ensure that states remained eligible to receive grant funds by meeting four criteria: law enforcement; education; numbering of vessels; and, accident reporting. He advised that they are set to do these and that state visits will begin very soon. He shared marketing estimates of registered vessels and discussed the survey results of different organizations; he also stated that unregistered vessels are complicating survey results. He discussed the drop in new boat sales in 2009 and expressed his hopes for a turnaround. He went on to talk about the numbers of accidents, injuries and deaths in 2009 and thanked the states for their quick reports for 2010 saying that the preliminary numbers seem to reflect a drop in fatalities though there were no projections yet for injuries.

Mr. Hoedt commented that there were no resolutions made at the last meeting but there were two action items adopted: 1) have the Strategic Plan Work Group meet in August, which was completed; and 2) form a work group to research components of language for a resolution requiring the mandatory wear of life jackets, which he hopes will be completed by the next meeting.

He went on to talk about the issue of *Proceedings* magazine and applauded the Admiral for bringing recreational boating safety to the forefront and enabling the issue to be brought to the attention of Congress and industry, both in the boating and shipping communities. He thanked all who participated in the submission of articles.

Mr. Hoedt advised that the recreational boating safety strategic plan implementation is going well and put forth the question of "where do we go from here as we continue to progress and what have we done?" There are specific targets for casualty numbers that are set within the current plan as well as in the new plan, to be measured in a calendar year, fiscal year and five-year averaging. He shared the 2009 numbers and advised that the actual numbers beat the goals for casualties.

He thanked Dr. Dan Maxim for developing a chart (included in *Proceedings*) exhibiting the fatality rate per 1000 boats and outlining major events that took place over the course of the time line, including the Federal Boating Act of 1958, which created a standardized numbering system and established safety programs. He showed where a decline in fatalities occurred and commented that he would like to continue to see a decline. The performance goals of the Coast Guard, with regards to marine safety and boating safety are to implement initiatives to improve marine safety and reduce casualties as well as environmental consequences. This is the Coast Guard's mission and they continue to move forward with it.

To answer the "where do we go from here" question, Mr. Hoedt informed the Council that leadership at Coast Guard Headquarters outlined performance goals and objectives for marine and boating safety, namely to improve safety and reduce casualties and environmental consequences. He discussed two tiers of items that are being targeted, specifically increasing life jacket wear rate to a 70% overall wear rate and enhancing skill level training, which is being done through non-profit

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grants. He talked about the heightened awareness campaigns and the use of PSAs, posters, and billboards and cited the "Don't Wreck Your Summer" campaign. He feels that Minnesota has set the tone for everyone to figure out what types of messages are effective. Minnesota has had the lowest or at least, second lowest fatality rates every year. He applauded their law enforcement program and education program as well as their public service campaigns.

He said the Coast Guard continues to work on a legislative change proposal for basic safety knowledge and certification. He also mentioned making mandatory education more uniform across the country and getting it phased in more quickly than it currently is.

Tier two alternatives that Mr. Hoedt discussed were: 1) "Operation Dry Water", to reduce or stop boating under the influence and 2) "Propeller Strike Casualties" a target with initiatives to reduce those numbers to be discussed.

Mr. Hoedt informed the Council that regarding the 2011 non-profit grants, the deadline for applications was two weeks away. Areas of emphasis for grantee support are: "Don't Wreck Your Summer" Campaign; teaching on the water and the organizations that provide that service; Safe Boating campaign; an international gathering of boating safety organizations and officials; state partnering; accident investigation seminars; life jacket wear-rate study; and, the safety equipment checklist.

He talked about the status of the national boating survey stating that the contract of the survey was awarded in 2009 to cover the first three surveys but there were delays in getting the survey implemented and they have had to alter the surveys by collecting 2010, 2011, and 2013 data. They are in the final stages of getting approval from OMB and are expecting approval any day after which they will immediately begin collecting data. Because the time frame had to be altered, he said that the 2010 data is a reduced version of the full survey requesting important demographics which would be easier to gather. Participation data will begin in 2011 and data will be gathered on a monthly basis; high validity in information is expected at that point. He commented that because of the altered 2010 data, costs have dropped significantly, by \$3 to 4 million, with a renegotiated contract. The contractor is ready to collect data as soon as OMB approval is received.

Mr. Hoedt went on to discuss participation estimates and future estimates advising that Dr. Glen Haas from Colorado State University created a model for doing this. He discussed the specifics of the 2009 numbers and the projected numbers for 2020, including a double in the number of kayakers.

Next he shared the preliminary results from the JSI study for life jacket wear, which showed a decrease in the overall wear rate from 2009 to 2010. He talked about the ongoing life jacket validation studies. JSI is doing their own validation using their own observation methods, and the National Water Safety Congress is conducting a validation using grant money from the Coast Guard. Each of these studies shows a slightly different result though all are close, indicating that they are on the right path.

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Mr. Hoedt talked about the ongoing efforts of the Coast Guard as they work together with the U.S. Army Corps of Engineers on their project to determine the effectiveness of mandatory wear in specific site locations, including northern Mississippi and southwest Pennsylvania. He discussed the baseline wear rate increase over the course of 2009 and the slight dip in the preliminary numbers in 2010. The Army Corp of Engineers is adding a new test site in east central California and additional discussions are being held with the National Park Service to establish a test site in the southwest.

He informed the Council that they would receive more information on the life jacket approval process in April but acknowledged that the Coast Guard recognizes that the process is too slow and costly. They are trying to work through the problems by working with manufacturers to try resolving the issues and progress is being made.

Mr. Hoedt said they will continue to push forward on a legislative change proposal for mandatory boat operator education, which will be included in the Coast Guard Authorization Act for 2012.

He discussed the current regulatory proposals for propeller strike avoidance issues, including a regulatory project for cut-off switch installation and use within the boat, for which the NPRM is in final review. He addressed another proposal that would require the operator to turn off the engine when a person is in close proximity aft of the vessel; the specifics of which will be determined through the rulemaking process.

Mr. Hoedt talked about the completion of the cost-benefit analysis of the 17 character Hull Identification Number and the lack of data to quantify enough benefit to move forward with the project; therefore the Coast Guard intends to withdraw the project and considers it closed. He said that full state participation in the Vessel Identification System (VIS) would be more effective in identifying all boats than the 17 character hull identification number.

Mr. Hoedt discussed VIS, which became operable in September 2007 and cited that 32 states and territories are participating and expressed his thanks but also the need for all states to participate.

He then moved on to the numbering regulatory project, which went out for an extended comment period and it is hoped that it will soon be sent up to the Department for a final rule.

Mr. Hoedt discussed the accident reporting system proposal and the 15 recommendations by the Council in 2009 to improve the system. The Coast Guard is moving forward and completing the work plan. After completion of that process it will be sent to the Marine Safety and Security Council and all proposals for regulatory efforts will be prioritized and compared with staff capabilities.

He proceeded to discuss the Coast Guard Authorization Act of 2010, which had some issues that will affect recreational boating and safety: Emergency locator beacons were added to associated equipment, which means the Coast Guard can now regulate these. The Coast Guard may consult the Council on emergency locator beacons

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The study of blended fuels and marine application was the next topic he addressed. He discussed the concerns regarding the use of E-15, higher ethanol fuels in marine engines and whether other options will be available. The Coast Guard is conducting a study to further review this issue. A scientific analysis will be carried out using E-15 in marine engines to test the effects and although Congress has authorized \$1 million, they have not yet appropriated the funds for the study.

The next section Mr. Hoedt talked about was the authorization of the Council until 2020, though the current charter expires in fall 2011. He then informed the Council that \$3 million per year has been authorized for the America's Waterway Watch program.

He presented charts showing the allocations of revenue going into the Sport Fish Restoration and Boating Trust Fund and advised that it is a permanent appropriation with those revenues automatically going into the program. The final numbers from the 2010 revenues have not been officially presented, but he is hopeful that they will soon be official and states will be able to go forward. He expressed a concern over the possible short extension of the re-authorization term and the funding for national non-profit organizations. He presented two basic choices should this happen: go down the list with the available money and provide it to those organizations whose scores put them at the top of the list; or, only a portion of the full grant amount is presented to each organization. He hopes that Congress will authorize an extension through the end of the fiscal year.

Mr. Hoedt discussed the great rapport with the U.S. Fish and Wildlife Service. He lauded several organizations for coming together in the Angling & Boating Alliance. There are differences in the two organizations' proposals and he assumes there will be a difference in the administrative and Alliance proposals but the primary goal is the same - everyone is looking to extend the program. He commented that the legislative change proposal went forward in April 2010 but, as the Congressional session has changed, a new proposal with a new expiration date is being prepared for them. The changes between current law and the proposal (using 2010 numbers as those are the only finalized numbers) are \$128 million currently for the boating safety program whereas the administration's proposal would provide \$138 million for boating safety.

He gave a quick breakdown of the funds stating that that the program receives \$5.5 million, and is required to spend \$2 million of it on manufacturer compliance, while the rest is utilized on public awareness campaigns, contract staff and survey money. They are looking to increase the funds to \$6.5 million, with the additional funding for the survey to be conducted every other year. While they are hoping to increase those funds, they are proposing to reduce the administrative funds from 2% to 1.5% since not all of it is used every year. They are not allowed to combine the funds so they asked to increase one and decrease the other to balance it out, though there is a slight difference of about \$400,000.

Mr. Hoedt said that the proposal would allow non-profit organization grants to get a fixed dollar amount. Currently the money is only available for one year and it goes into the state pot if it hasn't been distributed, but the proposal would allow the funding to be available for three years and money not used will go into the grant pot to be used for any additional projects that may need it the following year. The state grants will get the bulk of the money, up by almost \$10 million. The

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Council is funded by the Coast Guard general budget, the proposal is that it would come out of the Trust Fund budget, which would increase funding and better support work group meetings and other activities.

His final talking points were the challenges for the Council. There are two challenges: 1) they need to keep moving forward with the current Strategic Plan; and finalize the development of the 2012-2016 plan. He presented a challenge to the Council to get it done at the current meeting; and 2) presenting a recommendation on life jackets at the April meeting. Mr. Hoedt concluded his report and the audience asked questions.

Mr. J.J. Marie asked the Admiral to share the outcome of the Small Vessel Security summit, and if there was anything that would impact recreational boaters.

Admiral Cook answered that a symposium was held and a report and strategy were approved. The implementation plan is being worked on by the Coast Guard and CBP. There remains a question as to how much they can commit to it and how much can they do as the government. He said that it wasn't a plan that would establish secure areas but rather would implement outreach between states and locals to share information and waterways. It would not make boaters feel that they have lost their freedom in recreational boating.

Mr. Marie inquired as to whether the identification beacon had been eliminated.

The Admiral said that the cost-benefit analysis did not show a true benefit, though in cases such as port visibility it would provide a benefit; however, on an everyday basis they do not have the ability to have everyone visible in the system.

Mr. Hoedt stated that there would be a public version of the implementation plan.

Mr. Dean Clarke asked about injuries, deaths, and casualties and the figures on new boat sales; he asked whether adding used boat sales would change the figures.

Mr. Hoedt replied that all boats are included in the figures but new boat sales indicate where things may be headed in the future. He said that used boat sales have been stabilized.

Ms. Cindy Squires told him that a huge downturn in the economy the last two years has shown a steady hold and the market shifted from new to used. She explained that the retirement rate is fitting into the equation as it is necessary to know how many vessels are being taken out of the system. She said most of the transactions have been in used boats.

Mr. Hoedt asked her if people are keeping their boats longer and if they are still seaworthy as they get older. Ms. Squires replied that boats tend to be on the market longer than automobiles and it seems that, when the economy gets better, registrations may spike as people may put boats in their garage and not use them rather than get rid of them during the tough economy.

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Mr. Clarke commented that about 70% of the boats sold right now are used boats.

Ms. Squires said that based on their tracking of consumer confidence, used boats are doing better as they are cheaper than new boats and they track about 6 months behind RV sales. She commented that they are seeing improvement in boat show attendance. She told the Council that people usually rent a boat before buying and people are renting longer now. She stated that traditionally they see the entry into the market by first time boat buyers via used boats and that is where the industry grows first.

Mr. Marie said the vast majority of those boats sold have bypassed the industry by not going through dealers but rather from owner to owner so it's difficult to know what kind of shape they are in. He said they have considered trying to establish a wholesale business for the boat industry but it didn't get any support.

Mr. Adey said the used boat market has tightened up particularly in regards to smaller boats that are easily restored to like-new reliability. He is concerned about safety if people take boats from the junk pile and put them on the water.

Ms. Kull expressed concern over the national boating survey. She congratulated the Coast Guard on lowering the price and acquiring better data. She commented on the Coast Guard's commitment to speed up the approval process for PFDs, especially with regards to the mandatory wear issues and congratulated them on that as well. She discussed the PSAs and the effectiveness of the Minnesota PSAs and encouraged them to license the PSAs to increase savings.

Chairman Muldoon asked if there is a corresponding study on the E-15 as it relates to old cars or if they are only looking at boats. Mr. Hoedt and Mr. Cappel said they are not aware of any study. Ms. Kull said that several companies are currently testing E-15 on marine engines and they found that after 100 hours they could no longer meet California emissions requirements and engines started to slow but there was no catastrophic failure. She said the big concern was over fuel sitting for extended periods of time and that wasn't part of the Department of Energy test criteria. She said the Coast Guard needs to focus on ensuring that the fuel testing is done in a manner that reflects how boaters use fuel.

Mr. Clarke said one of the chief engineers from GM said that other than flex fuel engines, the bulk of the engines they make cannot handle E-15 and they do not have the ability to gear up the production lines to make E flex engines. He asked how will they warranty those vessels using E-15?

Ms. Podlich said that EPA determined E-15 is approved only for light trucks and cars 2007 and newer. She said EPA will next look at 2001-2006 models as a subset.

Mr. Richard Moore asked Captain Rizzo to clarify his earlier statement regarding the expenditure of \$400 million on the RBS program and wanted clarification of the figures that were included. Captain Rizzo replied that it was one year of expenditure for all programs, including state expenditures. Mr. Hoedt further clarified that it included state expenditures, but did not include volunteer time.

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Mr. Messmann commended RADM Cook on the organization and content of the *Proceedings* magazine. He said that it is easy to understand and it includes a lot of the history segueing into the impending availability of the National Safe Boating Council's history book.

Ms. Podlich stated that state privacy laws are keeping some states from participating in VIS and asked what work the CG is doing to provide alternatives to bring those states onboard. Mr. Hoedt said they are considering legislation to limit access to the data which should help alleviate the concerns of state governors and legislatures.

Mr. Pete Chisholm referred back to the earlier E-15 discussion and said he heard that EPA's initial guidance for cars 2007 and newer was to label the pump as E-15. He expressed concern over this idea as he noted that many boat owners don't read their owner's manual. He asked for clarification regarding the 1-year money being returned versus a 3-year rollover for grants and if the request to do that was part of the legislative proposal. Mr. Hoedt replied that it was true just for non-profit organizations.

Mr Chisholm asked if there were any idea of what the new Congress might do with these requests. Mr. Hoedt replied in the negative.

Mr. Fetterman observed that both the vision for the RBS Strategic Plan and the conversations of the day focused on issues that relate indirectly to recreational boating safety, and nothing will affect boat sales and activity more than inadequate security of the waterways. He hopes that security will be taken into consideration as it is a critical element to the industry and to recreational boating in general.

Ms. Kopytko commented on SPIN's support of the tone, texture, and message of the PSA "Don't Wreck Your Summer" and they regret the Coast Guard's decision to remove it from public domain. She expressed gratitude to Captain Rizzo for his support. She was happy to report that the PSA has been re-slated for release. She discussed the nature of the PSA depicting young adults as being irresponsible and commented that they are not the boat owners and operators most responsible for accidents but rather those aged 30-49 who require an effective message, which should be the next PSA. She encouraged NBSAC to maintain the original tone, texture, and message of the PSA.

RADM Cook expressed his appreciation to Ms. Kopytko and told her that the underlying message of the PSA is "Boat Responsibly" and that it, as a lone release, focuses on the impact of a potential propeller strike, but they wanted to make sure that it hit the underlying principle of boating responsibly. They have to represent a family of issues, including life jacket use, and they are not backing away from the PSA but rather trying to portray different aspects of responsible boating.

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Executive Secretary's Report

Jeff Ludwig, Office of Auxiliary and Boating Safety

Mr. Ludwig went over some administrative issues, reminding everyone to sign in and use microphones when speaking. He said that members' slide presentations would be available soon on the Homeport website.

Referring to the JSI report, he spoke of an unusual confluence of logistical challenges, but hoped they would have a final JSI report by this weekend or next week.

He then mentioned the NBSAC minutes from last April, pointing out that meeting minutes are usually not posted on the NBSAC website until both the Chairman's and CAPT Rizzo's signatures are in place. He said that the minutes are usually completed much sooner and are available, but just not posted on the Web site. He said that if anyone ever had questions about the NBSAC minutes, to call Mr. Ludwig and he would send out an "unofficial final version." He promised he would try to have the minutes posted more quickly this time.

He went on to talk about the meeting dates for the 87th NBSAC meeting and the logistical challenges with the Charter. The Charter will expire in the first week of November 2011, and that in order to ensure that charter renewal issues do not delay the fall meeting; it makes sense to schedule the fall meeting before the current charter expires. The Coast Guard was looking at two dates in October: the 14th–16th, and the 22nd–24th. He recognized that NMMA's IBEX meeting was during the week between those two weekends, so members needed to consider which dates were better for them. The USCG wants to make sure it schedules the meeting early to avoid any last minute problems. [Ed. note: NBSAC decided to hold the fall meeting on 22-24 October 2011]

Ms. Podlich asked whether the April meeting dates were set. Mr. Ludwig replied they were; the only question was whether the meeting would be April 1st–3rd, or April 1st–2nd. They were working on the final content of the meeting, which might only focus on the issue of life jacket wear. He noted that there may not be a need for some of the subcommittees to meet then, because the ongoing meeting might cover their issues. He assured members that his office would let them know final dates as soon as possible.

Chairman Muldoon asked if the April meeting would be in the Washington, D.C. area and Mr. Ludwig responded in the affirmative. Mr. Muldoon asked the members if there were any new items they wished to talk about at this time.

Ms. Podlich said the FCC was asked to authorize a portion of bandwidth for a new proposal by a company that wished to provide better phone service bandwidth to its customers. The bandwidth they are requesting has the potential for widespread interference of GPS systems. She added that it sounded as if FCC would not have to go through a formal rulemaking process. She asked to have a conversation later with the USCG and see if they could write a letter of concern to the FCC about this issue—particularly now that boaters don't have LORAN. She was concerned that a private provider

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could take away public bandwidth that boaters needed for safe navigation and communication. Chairman Muldoon assured her that they would make time for that discussion at this meeting.

Member Items

Moderated by Jeff Hoedt

Ms. Kull asked whether or not the Strategic Plan was analyzed to determine the notice of funds availability topics for non-profit organization grants.

Mr. Hoedt said the areas of emphasis are directed to the Plan in intent and content. He explained that the Coast Guard's scoring system has criteria that relates directly to the Plan, and the scorers use them to gauge the degree to which the grant proposal ties into the plan.

Ms. Kull expressed concern about the list of boating safety topics in the Coast Guard's grant notice of funds availability, which may not appear on the Strategic Plan's list of priorities—for example, voluntary standards and their funding to achieve lives saved. She was afraid that that part of the Strategic Plan might not be funded.

In response, Mr. Hoedt cited two examples—first, the national outreach campaign, an objective in the Strategic Plan. While its title may not mention awareness, he pointed out that the national campaign was all about that. Second, he mentioned the “Don't Wreck Your Summer” campaign, which also falls under the auspice of awareness. He remarked that while these two campaigns may not directly state they tied into a specific objective of the Plan's list of areas of emphasis, they actually did.

Ms. Kull then pointed out that new strategy, 7.4. It talks about the importance of voluntary standards to accelerate lives saved beyond the regulatory process, and yet for the first time in 15 years voluntary standards were not listed as a priority in the notice of grants. Mr. Hoedt said the Coast Guard was specific in listing areas of emphasis. He praised ABYC for its grants in the past year, many of which were focused on specific issues. He said it was critical that the Coast Guard be made aware of specific issues to be included as areas of emphasis. Generalities, he pointed out, do not tell the Coast Guard where problems lie.

Ms. Kull next discussed public service announcements and whether or not the Coast Guard had used focus groups. The purpose of focus groups was to help the Coast Guard figure out how to hit its target when communicating a message to its target audience. Mr. Hoedt agreed, and thanked her.

Ms. Podlich asked about the statistics for accidents and deaths from the ocean and gulf. Mr. Hoedt remarked that the definition was not that clear. Ms. Podlich wondered if boating deaths occurring one mile off the coast in state waters were included in BARD data. Mr. Hoedt said yes. She then asked about deaths five to ten miles off the coast. Mr. Hoedt replied that anything within state jurisdiction would be included in BARD. In cases beyond state jurisdiction, where the Coast Guard responded, those are entered into the MISLE database, from which his office is automatically alerted

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and those would also be included in BARD. Ms. Podlich asked if all offshore deaths in recreational boats would therefore be included in BARD. Mr. Hoedt said yes.

Ms. Podlich also had a question about an Excel chart that Susan Tomczuk created, showing subsets of data that had been added or subtracted from the BARD data. Mr. Hoedt said that he would have Ms. Tomczuk clarify later.

**National Association of State Boating Law Administrators (NASBLA) Report
Jim Graybeal, President**

Mr. Graybeal greeted the Admiral and Captain Rizzo as well as the members of the Council. Mr. Graybeal reported that NASBLA completed the validation process for the new standardized field sobriety test battery, a grant from the Coast Guard. He stated that they will incorporate the BUI training curriculum with the new standardized field test battery as they begin the year's training cycle. He emphasized that this will assist with law enforcement on the highway as well as the on the water, as they are working in cooperation with the National Highway Transportation Safety Administration (NHTSA) and Chiefs of Police to develop a revised BUI curriculum. NASBLA anticipates having a catalogue of no less than ten standard officer training programs by the end of 2011.

Mr. Graybeal stated that the following courses will have an increased focus on instructor training and officer credentialing: basic crew member course, basic operator search and rescue course, tactical operators course, high speed pursuit and boarding class, BUI enforcement and detection, accident investigation, navigation rules enforcement training, officer water survival course, airboat operations, and PWC enforcement training.

He announced that the BUI certificate program was American National Standards Institute (ANSI) accredited to ensure that the standards are the highest available and they will begin the ANSI accreditation process for the boating accident investigation certificate program in 2011.

Mr. Graybeal explained that the education standard advisory panel is one of the top priorities for 2011 and NASBLA will establish a new model for the development of national education standards. He clarified that the panel, which is chaired by Pam Dillon, will include representatives from national non-profits, states, the Coast Guard, industry and the public to streamline the standards and create a new model for sustaining the standards to ensure stakeholder representation mirrored in ANSI standards development process.

Regarding the Trust Fund, he said they are working closely with all the partners to get as close as possible to the administration's proposal. He said both AFWA and NASBLA support the Coast Guard and US Fish and Wildlife's principles and are working with the groups to support the position to the broader trust fund coalition.

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He said NASBLA is working to build a national credentialing and training program resulting from port and maritime security language contained within the Coast Guard Authorization bill. They are pursuing additional efforts related to the full appropriation measure and are in the final phase of FEMA acceptance for the B.O.A.T. program tactical course. They are waiting to hear from FEMA so this grant can be used to establish standard levels of training and port security in Delaware waterways.

He then outlined the NASBLA strategic planning cycle, emphasizing outreach to association core members for a five year review for plan reassessment, which they hope to finalize by September. He advised that NASBLA will contact each board member and will send a survey to the membership in February. Continuing on the timeline, he said that a focus group and small discussion groups will discuss the big picture items at the BLA workshop in March and, in June a strategic planning retreat will finish the process. He commended everyone involved in the RBS Strategic Plan and he is looking forward to working with the partnership.

Mr. Graybeal said they are nearing completion of an e-learning navigation rule training program for officers. They will begin the second phase of a project to measure knowledge retention, and boater education courses that will focus on a comparison of retention rates for online courses with traditional classroom courses; the first phase was based on classroom courses only.

Another program he discussed is Operation Dry Water, which is a BUI awareness campaign in its third year. He announced that last year exceeded expectations with more than 100 state and marine agencies participating.

He discussed the first ever new BLA training academy, which will occur in July and is a week-long intensive training program for rookie BLAs. The first class will have 12-15 BLAs with less than 2 yrs experience. He discussed the longevity of BLAs, with an average tenure of four years and he hopes this program will increase the professional development of BLAs.

Mr. Graybeal shared that, in addition to the six accident investigation courses that will be offered over the course of the year, NASBLA will open two new regional training centers, one each in Florida and Arizona. This year's project includes funding to convert one day of the five day course to new e-learning modules, which will save participating states money and officer time away from the field.

Future events for NASBLA include a BLA workshop in Lexington on March 2-3 and the annual conference in Milwaukee on September 10-14. He concluded by thanking the audience for their time.

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**Florida Life Jacket Wear Observation Study-
Captain Tom Shipp, Florida Fish & Wildlife Conservation Commission**

Captain Shipp greeted the audience and introduced himself as the new captain of the Boating and Waterways Section for the Florida Fish & Wildlife Conservation Commission (FWC). He gave a brief history of his background, which includes a degree in biology. He joined FWC in 2002 and became a captain two months ago.

He began his presentation by discussing Florida's PFD Wear Rate Study. He showed the four different locations included in the observational study. Two are saltwater and two are fresh water, done intentionally to capture the wear rate in different boating environments. They are: Johns Pass (Pinellas County), Pass-a-Grille Channel (Pinellas County), Lake Shipp (Polk County), and Kissimmee River (Polk County). He then described the four locations.

The two saltwater observation sites have different boating characteristics. Johns Pass is primarily a gateway to offshore and near shore boating and fishing and Pass-a-Grille Channel is a transit point for boats using the Intracoastal Waterway (ICW) and other inland water bodies.

The two freshwater observation sites also have different boating characteristics. Lake Shipp is part of a chain of lakes and, while relatively small, is the site of two boat ramps that are used by boaters who then transit to other lakes on the chain. The Kissimmee River is a channelized river that connects several large lakes in central Florida. Although it does connect lakes, the river is truly a river waterway.

Captain Shipp said the study took place using three-per-year seasonal observations in April, July and October. He described how they fill out a weather data sheet to capture temperature, wind speed, cloud coverage, and precipitation. He specified that no observations are done in bad weather and they try to do observations in mild weather only. He described how data is collected only on weekends between sunrise and sunset using 4 hour increments at each site each day. In explaining the data analysis, he said all information is broken down into trends: time; boat type; occupant age with boat type; seasonality; and gender differences.

Captain Shipp said time trends for 2010 are not yet available as they are in the process of analyzing the data. He did note that there was a low overall wear rate from 2008-2009 and a higher seasonal wear rate in spring and fall than in summer. The data confirms the results from the national survey, which show significant differences in the adult wear rate in open motorboats as opposed to cabin motorboats, which could be related to comfort or a perception of safety.

He revealed that, with regards to boat types (open motorboat and cabin motorboat) and occupant age they only recorded data for two age groups: greater than 18 years of age and under 18 years of age. They do not have an estimate of the number of children who fall into the 6 years and under/ 26 ft and under category. He reported that PFD wear does differ depending on boat type and age of occupant, with youths wearing jackets more, which could be affected by the laws in Florida. He confirmed that

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boat type and occupant age are generally consistent with the national JSI study noting that the sample size limitations make it difficult to compare other boat types as they are too small a percentage.

With regards to seasonality, there is no year-to-year trend for seasonal variations. He stated that the national analysis takes place once a year versus their three times a year collection, which allows them to see the seasonal variation due to the extra data collection. The seasonal wear rate results have a potential significance for the national analysis. He said the wear rate could be due to comfort, awareness and who is on the water at varies times of the year.

Commenting on the data pertaining to open motorboats, he said there are gender differences in life jacket wear, noting that men are more likely to wear life jackets. He noted this trend contradicts what he has seen as an officer noting that he has seen men tend to be the risk takers while women are more cautious. He has observed that mothers tend to notice where life jackets are located and are more likely to make sure they are worn, reiterating that wear may be related to perception of danger compared to actual risk.

With regards to adults versus youths, the results don't vary for those under 18 based on gender. He speculated that some of this may be reflective of Florida's education having an effect on the younger generation.

Captain Shipp stated that some of the numbers are consistent with studies that have already been carried out but there are also differences. He referred to the Minnesota study, which showed an overall wear rate for females was 2% higher than theirs, while the voluntary wear rate was the same. He also made reference to the Canadian study, which was self-reported and may not always match up with other studies. He said the Australian study, in small vessels, was almost opposite of the their study with a 4-9% higher wear rate by women while the Florida study showed 10% of men wearing life jackets more. In the Oregon and Washington studies, the prevalence of wearing PFDs was 1.5% greater for women as compared to men. He indicated that some areas are different than what was observed nationwide. In the two years of their study, adult men are more likely to wear life jackets than adult women and seasonality also affects PFD wear. He then invited questions from the audience.

Mr. Clarke asked to what the captain attributes the seasonality factor. Captain Shipp replied that many things can come into play: during the spring and fall temperatures are cooler and more comfortable for life jacket wear, while in the summer there is a different boating public and it's hot. He explained that in the winter and fall, there are different activities, including more hunters who are more interested in safety if they fall out of the boat in cold water instead of warm water.

Mr. Clarke mentioned that in speaking to tow sports people, the big objection is how ugly they can be. He wonders if the disparity between male and female wear rates might be a fashion issue. Captain Shipp thought it is possible that could come into play. He mentioned that in Florida they push inflatable life jackets, which are more likely to be worn and are less noticeable. He noted that those who are reading a book or tanning may be more likely to remove their life jacket when the boat is stopped and stable.

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Mr. Moore stated that it is important to keep in mind the effectiveness of the “Wear It!” campaign. He said they are targeting the areas where they do the majority of advertising, and they do the majority of advertising in the spring and late summer because of fiscal limitations. He wonders if the seasonality has to do with the fact that they push media efforts during those times and they see a bump in the rate of wear.

Mr. Tsuneyoshi asked whether the study captured whether they had inflatable versus conventional life jackets. Captain Shipp said they did capture that data, but it is more difficult, especially with the belt packs. He said there is a spot on the test form for that information, though it isn’t officially part of this study.

Ms. Duer asked if they are seeing a difference between fresh and salt water and open versus rivers and if so, what is the difference? She also asked about hunting in freshwater areas. Captain Shipp answered that there could be a lot of variables that come into play. There is no particular information as to what people are doing as they are only observing the boating public in passing. He did say that he has the numbers for where they recorded each observation and offered to share that information off-line.

Ms. Duer asked if the data was from 2009. Captain Shipp replied that it was from 2008 and 2009, two full years.

Ms. Duer asked if they are seeing the same type or an increase for 2010. Captain Shipp said that he can't speak to that yet.

Mr. Fetterman commended them for showing a great example of what a creative state can do, not just in attempting to change behavior by program, but also assessing the success of the program. He is concerned about the methodology of remotely evaluating whether a passenger in a vessel is wearing a life jacket. Using the example of a woman on a boat who is wearing a wrap that has no visible signs of being an inflatable he suggested that NBSAC should focus on assisting the Coast Guard in finding creative alternatives to doing a JSI study on an annual basis and use the money to find solutions to change behavior.

Ms. Takashina commented that Florida’s study showing significant gender difference puzzled her. She said that in a warm state like Florida there might be more women who are casual passengers and there may not be an interest in investing in a life jacket that is specifically for them and not only might they not want to look bad, but the driver may not want them to look bad either.

Mr. Edwards said that the JSI study is gathering useful data and it seems that there are lots of reasons that people don't wear life jackets. He was surprised at the number of men wearing life jackets and perhaps it should be asked their reasons for wearing them and where are they getting the information?

Captain Shipp mentioned that the study is purely observational, but the idea of putting out a questionnaire or interviewing people may be useful.

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Mr. Edwards asked Mr. Moore if any increase was seen in the areas where the “Wear It!” campaign promotion was done. Mr. Moore said there was no good data available prior to the “Wear It!” campaign and the first spring was before the campaign so there wasn't enough time to set a baseline making it hard to evaluate. He said the only thing they could measure it against would be to compare it to the national standard to see where they stand.

Mr. Clarke commented that he has a friend, an ex-Alaska crabber who went over the side and was pulled back up, who incorporates life jackets into clothing. Mr. Clarke said that life jackets are bulky and no one wants to wear them. He wondered whether it would be better not to worry so much about what's certified by the Coast Guard, but rather if it will keep someone afloat.

Ms. Podlich asked at what time of year the JSI study is conducted and how to consider their numbers versus Florida's three times a year. Captain Shipp said the JSI study is in the summer and they expect to see more correlation between the summer numbers as the differentiation comes in the spring and fall numbers.

Ms. Podlich appreciated that Florida looked at the same basic topic, but in a different way. She encourages the continuation of the research efforts, especially the gender differences noting that most research has been focused on males.

Mr. Meddock said that towed watersports advocates want to get some kind of flotation device on people. He said they continue to struggle to figure out what the tipping point is, and he thinks fashion is a key point. They think backing off rules and regulations and just getting people to start wearing things that will keep them buoyant will make a significant difference.

Ms. Takashina responded to Mr. Clarke that there are a lot of attractive life jackets out there. She commented that making the rules a little different so you don't pay a huge sum of money to change a color may be helpful. She said there is a lot to be done on the regulatory side and that the life jackets that are available can't be compared to Type 2s.

NAVSAC/TSAC/BIRMC Liaison Reports

Ms. Cecilia Duer

Mr. J.J. Marie

Ms. Marcia Kull

Ms. Duer reported that she attended the TSAC meeting in Pittsburgh this summer. She said they spent two to three hours discussing education and showed the “Don't Wreck Your Summer” PSA, which they applauded. She mentioned that they wanted to discuss education between recreational boaters and the commercial industry and shared TSAC's resolution with NBSAC verbally, as they did not have it available electronically.

She noted that TSAC also sent out a notice regarding their reauthorization. She said they were required to make significant changes to their charter, which included changes to the membership.

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TSAC will have to remove two generic labor positions and add four specific positions to the council: one representing holders of active licensed masters or pilots of towing vessels with experience on the western rivers or gulf coast intercoastal waterway; one representing licensed masters of towing vessels in offshore service; one representing masters who are active shipdocking or harbor towing vessel; and one representing licensed or unlicensed towing vessel engineers with formal training and experience. TSAC will advertise for these positions as soon as the Federal Register announcement is ready to go. TSAC's next meeting is scheduled for the week of April 18 in Memphis. She then invited questions.

Mr. Meddock referenced a TV show called "I Survived" and mentioned a 35 ft boat that was keel-hauled by a barge in California. All on the boat survived but he asked about barge lighting as they had been fishing in the middle of the night/early morning and got caught in the barge cables.

Ms. Duer said she saw the information on the accident and said those types of incidents will help to establish the fact that they need to light up barges and cables. They are moving forward on that issue and the towing industry is interested in continuing the process of getting cables lit. The problem is that they don't have a good way of communicating near misses and if they could communicate these it could help to establish the validity of what needs to be accomplished. She said they even put cameras on the barges and even though no one wants to hear about near misses, it is important that they have the information.

Chairman Muldoon asked her to convey their appreciation to TSAC for the resolution and they are willing to work with them to solve mutual problems.

Mr. Marie reported that he attended a NAVSAC meeting this summer and while he observed some tension between professional mariners and the pleasure boaters, this was not the case with NAVSAC who was more understanding. There were two resolutions made: one regarding lighting, which was seriously considered and decided it was not possible to alter the colregs because of treaties and because the issue was addressed by ABYC standards, so lighting schemes remain as they are. The other resolution, which may impact pleasure boaters, was regarding Rule 9 designating narrow channels and directing the Coast Guard to have some consistencies in the designation of a narrow channel, something currently left to the Captain of the Port to determine.

Mr. Marie discussed unmanned vessels, an issue that did not end up in resolution, but bears watching as it could be a potential problem. He mentioned that it is not inconceivable to have a 1,000 ft unmanned vessel, as the technology is available. Another item over which he expressed concern is that NOAA has stopped printing paper charts for waters outside the US and old British admiralty charts, with limited data are the only thing available. NOAA has made it clear they will no longer print paper charts and all is electronic. He then invited questions.

Ms. Kull announced that the Boating Industry Risk Management Council (BIRMC) met two times last year and, since the last report at NBSAC, the BIRMC group has issued a green boating brochure. Currently it is working with Dr. Wendy Sanders to finalize the preliminary report on product and owner's manual safety labeling. They expect it to be completed this spring and delivered to ABYC

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to allow a better selection of information to boaters on safe boating and better messaging. She closed by saying they will study the propeller guard testing that was done by CED and expect a presentation on the life jacket working group at the upcoming meeting.

**Boats and Associated Equipment Subcommittee
Pete Chisholm, Subcommittee Chairman**

Mr. Chisholm introduced himself and described the Subcommittee as responsible for the physical aspects of boating: the boat, the equipment it carries and its related topics. He said recent discussions on the changes in the HIN regulatory process showed that achieving statistical support for regulatory changes is sometimes difficult. He noted that voluntary industry participation on safety issues can have an impact on safe boating designs such as reliable steering and throttle and shift capabilities, which are important for an operator to control his boat safely; failure of these systems has caused accidents and resulted in litigation. He mentioned NBSAC discussions about partnering voluntarily with industry to better generate traction for any necessary regulatory changes.

Mr. Marie, Mr. Richard Moore, Mr. Dean Clarke introduced themselves. Mr. Campos was absent today, but would arrive tomorrow. Mr. Dick Rowe was not in attendance.

Mr. Chisholm announced the first item on the agenda as a review of the propeller strike injury avoidance measures.

Propeller Strike Injury Avoidance

USCG Regulatory Projects

Jeff Ludwig, Program Management Branch, Boating Safety Division

Phase III of the Propeller Strike Injury Avoidance Project

John Adey, VP/Director, Technical Standards, American Boat and Yacht Council

Bill Daley, CED Investigative Technologies

Phil Cappel, Chief, Product Assurance Branch, Office of Auxiliary & Boating Safety

Mr. Ludwig discussed the Installation and Use of Engine Cut-off switch proposed regulation. He informed the Council that the draft NPRM is being reviewed by DHS. Once cleared by DHS it will be sent to OMB for a 90 day review because it is a significant rule. He said he would advise when this happens.

Mr. Marie asked for an explanation of the process it has to go through.

Mr. Ludwig explained that when the Coast Guard finishes the regulation, it has to be cleared by the chain of command, in this case (due to the significance determination) it goes all the way to the Commandant and from there it is sent to the Department of Homeland Security. He then said DHS has their lawyers and economists look it over to determine compliance with all necessary requirements, during which time there are often passbacks requesting clarifications. He continued by explaining that once all that is worked out, it depends on whether the rule is significant or non-

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significant. A non-significant rule only needs to be cleared by DHS general counsel, but a significant rule has to be cleared by the secretary.

Ms. Podlich asked for the best and worst case scenarios as to when this rule will come out. Mr. Ludwig said the best case is today, worst case is never. They just don't know. Mr. Ludwig replied that it has been cleared by the Office of General Counsel and it is going for further clearance to the Secretary's office.

Mr. Marie inquired as to whether the process was as burdensome when it was under the Department of Transportation. Mr. Ludwig answered that he didn't know as he wasn't with the Coast Guard when it was under DOT.

**Discussion on Phase III of the Propeller Strike Injury Avoidance Project
Mr. John Adey, ABYC**

Mr. Adey told the Council he would only be present for today's portion of the meeting. He briefed the new members of the Council on the work they had been doing on propeller injury avoidance since 2005 and mentioned they had a successful meeting that year where they came up with several propeller injury mitigation strategies. He said propeller guards were the focus along with a rental package, which was published. The curve of the propeller mitigation work has followed the curve of the available funding sources. He went on to briefly describe the three components used to determine the effectiveness of the devices.

- 1) Human factors - What happens when you put something on the bottom of an outboard or stern drive that was not there before and increase the surface area?
- 2) Characteristics - They have completed testing on the environmental safety prop to determine what an invention will do to a boat's characteristics, is it faster or slower, does it increase or reduce stability.
- 3) Practicality and durability - Is it a simple purchase or will it cost a lot? Will it be costly to install? If it is used during normal boating, will it bend?

He said the end game of the project is for anyone who designs a guard to have a full testing protocol that is relatively affordable, easy to use, and to be able to come out with a grading score that will rate the guard. He speculated that they will have a final draft by the end of the year. With regards to part one, he described the questions pertaining to human factors such as what happens to the person in the water and where the majority of accidents on the human body occur. He explained that certain mitigation devices worked better because they involved more body parts that may be involved in the accident.

Mr. Adey then discussed part two, boat characteristics. He said MIT had devised a strategy to tell whether a propeller guard affected important safety factors of the boat. He referenced his presentation to show the effects of various guards.

While describing durability and practicality, part three, he showed a slide of a guard that was frequently tested and will perform at a higher speed but when hit, twists and bends the propeller

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blade. They are getting to the end of this part, and have performed some solid work with CED as their contractor.

Mr. Adey then invited questions from the audience.

Ms. Kull asked: if in addition to the propeller guard testing protocol if there are any other ABYC standards that address the Coast Guard's tier 2 priority of reducing propeller strike casualties. Mr. Adey answered there is no direct standard to reduce propeller strikes but several ABYC standards address propeller-related issues such as shift and throttle. He said a neutral safety interlock is designed so that a boat has to be in neutral when it's started to avoid having a full throttle start that would launch it over the dock. They are also looking at a new standard to address increasing ladders by 10 inches to keep feet and limbs out of the area of influence of the propeller. He speculated that it is possible that ABYC will create a technical information report for how to evaluate a guard based on the results of the study.

Mr. Clarke said there are other boat companies that have addressed the issue by removing people from the area of the propeller. A number of companies are putting ladders in the hull side rather than the transom, which has become a popular option and sacrifices nothing to structural integrity of the vessels. He suggested this be considered as a future standard.

Mr. Adey informed the Council that Mr. Dick Snyder will address that issue at the hull performance committee next week. He is a big proponent of moving the ladder to the side, but right now their standards say as far from the propeller as practical. Studies show that stability is affected in 17 ft stern drive boats (large demographic as far as accidents go) when you increase boarding to one side or the other.

Mr. Tsuneyoshi asked what the Australian propeller looks like. Mr. Adey described it as an off-the-shelf propeller by a company called Turning Point, as there were no photos available. He went on to say that half of each blade is cut off by Mr. Colin Chamberlain who welds in a piece of aluminum and hand fairs every blade to create a leading edge roughly the diameter of a pinky finger on the propeller. Mr. Adey told the audience that Colin tests this by sticking his arm into the propeller and notices no ill effects but bruising at low RPMs. He said Bill Daley of CED would further discuss the results of the testing at higher speeds.

Ms. Marion de Cruz said she has been looking for a propeller safety label for many years and asked if Mr. Adey was aware of any. Mr. Adey said there is an H-41 carbon monoxide and propeller strike label that they commissioned with an independent group as there is no ANSI approved label.

Mr. Bill Daley, CED Technologies

Mr. Daley thanked Admiral Cook, Chairman Muldoon, and the Council for allowing him the time to be there. He explained that CED was contracted by ABYC to participate in a three phase study. Referencing Mr. Adey's presentation, he said that he would focus on the third phase – testing of commercially available propeller guards.

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The testing was performed at the University of Buffalo's Center for Research Education and Special Environments (CRESE) where they used a large circular pool for their tests. The testing took place in two phases, in July and December 2010. They looked at effectiveness of the guard, which was studied at engine speeds of 15, 5 and 10 mph, parked in gear, and reverse so they were representative of where a vessel would operate. He further explained that they had located the samples at 90 degrees from the centerline of the propeller. They looked at several scenarios of unguarded propellers using different types of propellers including the environmental safety propeller also called the Aussie Prop. He described the representation of the guards used - cage guard, round ring guard, octagonal ring guard and concentric ring guard.

Providing a description of the facilities, Mr. Daley informed the audience that the CRESE pool was 8 ft wide and 8 ft deep. He then described the test equipment as a 200 hp motor mounted to a rotating arm and said they used two underwater videos and one high speed video at the low water level of the pool to capture the results. He discussed the ballistics gel, explaining that the 3 inch diameter, 16 inches long sample was used exclusively in July and, in December they finished more testing with the 3 inch diameter as well as 10 inch diameter, 16 inches long and 10 inch diameter, 30 inches long samples. They wanted to see if there was a relationship between the size of the test sample and the results they saw in the interaction with the propeller.

Mr. Daley showed a slide with a representation of their test setup. They did 112 runs in July and 107 in December and recorded them with the cameras. He personally inspected any degree of contact between the test sample and the propeller and photographed the results if there was any contact. He showed a series of videos of the tests conducted. They slowed the video down to get a better perspective of the contact. He described each of the tests using unguarded and guarded propellers and discussed the results of each.

Mr. Tsuneyoshi asked if thrust was measured with respect to a normal propeller versus a safety propeller. Mr. Daley said there are two perspectives in testing, one of opportunity to come in contact with the propeller and the other a biomechanical evaluation of the result of that contact. He said the biomechanical perspective is something that could be done but their purpose was to determine the opportunity and, based on that, determine the biomechanical effect. He explained the reason they didn't do both at the same time was because the testing protocol would be different with different samples to replicate various portions of the human body.

Mr. Tsuneyoshi said his question was geared more toward the efficiency of the propeller to provide thrust. He wondered if the Australian blade would have to be spun faster or slower to maintain thrust. Mr. Daley replied that prior to using the environmental safety propeller they took the propeller and ran an engine on the water in southern Maryland. They found few differences in the performance of that propeller than in a 'standard stock' propeller.

Mr. Tsuneyoshi wondered about additional pollution in the air from an engine that had to be run faster. Mr. Daley responded that there were performance degradations with guards but the Australian propeller was used in an unguarded test and little difference was seen between the environmental

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safety propeller and a standard propeller. He showed a video to better demonstrate the results of the tests using the environmental safety propeller. It was clarified that the Australian safety blade did not damage the sample at low impact speeds but it did cause damage at forward speed.

Mr. Daley said that was true, and explained that the Australian blade provided a margin of safety at low RPMs but they did not find a discernable difference at higher speeds. Mr. Daley also stated that determining the type of injury that might result from a strike would require a biomechanical evaluation. He said they could discern the difference between blunt force trauma and slicing as the gel sample provided that information, but a medical doctor looking at the results might draw a different conclusion than he would. The purpose of their tests was not to do the biomechanical evaluation, but only to describe an opportunity and create a contact map.

Ms. Dillon asked if she properly understood the modification, clarifying that it was the same type of leading edge as a standard propeller if it's in reverse. She inquired as to whether the modification would present itself when there is forward thrust. Mr. Daley answered in the affirmative, stating the modification of the blades is universal.

Ms. Dillon said she was trying to understand that, if there were two propellers, a standard and a safety side-by-side and they were in forward gear, would the modification on the safety propeller be the leading edge, while in reverse it sounds like the same kind of standard propeller. Mr. Daley said it was more the ability to capture the test sample that led to the damage on that test sample rather than the geometry of the individual blade.

Mr. Daley described the way they measured the contact and how they could determine the difference between blunt force trauma and a propeller strike. He discussed some tests using the octagonal ring guard, which showed some of the test sample strikes in the shape of the guard itself. Some of the tests in reverse using the octagonal ring guard were suspended due to damage to the guard. He showed additional slides summarizing small samples and large samples. He invited questions.

Mr. Snyder indicated his confusion over the 6, 12, and 24 inch distance from the propeller, was it centerline or from the tips? Mr. Daley answered that all measurements were from the centerline.

Mr. Snyder then added that Sea-Ray had tried to get some testing done on real boats with the Australian propeller but the gentleman from Australia failed to produce the propellers, so they were unable to test.

Mr. Underwood said it doesn't seem there was any real breakthrough as far as a safer propeller than just the normal sharp edge standard equipment. He said there may be slight improvements in some areas and reductions in others with safety propellers and asked if that was accurate summary of the results.

Mr. Daley said his summary shows that one size does not fit all and they have not found a single solution that would be good across the spectrum of where a boat may be operating. The most dramatic result was at 15 mph where an unguarded propeller was safer than a guarded propeller.

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Mr. Clarke interjected that he was most impressed by the full cage but he would not want to see the performance degradation that comes with it. Mr. Daley stated that at slower speeds it could have some utility but there was significant degradation at higher speeds.

Ms. Takashina said one cage provided the best protection and asked if there might be other high strength materials that would be less clunky and offer less degradation. Mr. Clarke responded that it's not the materials but the mass of fencing around the propeller that creates drag. Mr. Daley told her he wouldn't say there couldn't be a better design for a cage system and everything requires compromise.

Ms. Marion de Cruz asked if they would make a recommendation to the suitability of any items they tested for something like a non-planning houseboat.

Mr. Daley said he would rather be in the water in the vicinity of a boat with an unguarded propeller than one with a guard based on the results of the study. He specified that there are certain operating environments in which one could envision a cage guard to be a suitable measure but reiterated the testing has dramatically shown there is not one single solution and there are tradeoffs regardless of which guard is used as a mitigating device. He said this is raw data and they will look into what opportunities exist where these mitigation devices may be appropriate but it's premature for him to comment further.

Mr. Beam inquired as to whether they tried to simulate anything in particular when they chose the PVC pipe and the gel. Mr. Daley said they were not trying to do a biomechanical evaluation but they wanted to get a sample that would suitably represent human skin, and ballistics gel is probably the best material available. Mr. Beam followed up by expressing his concern with the implied relationship in the data showing cuts as people may see that as what will happen to a leg or arm. He asked how they would present the information in the report to demonstrate an opportunity for contact.

Mr. Daley said the report will be more detailed than this PowerPoint presentation. He has not yet written conclusions in the report, but the study shows two things: 1) it differentiates between blunt force trauma and propeller strikes, and 2) it permits one to define an envelope where there's an opportunity for contact. Beyond that, the biomechanical evaluation is something that can be pursued in the future.

Mr. Tsuneyoshi expressed his trepidation over the cage guards and the possibility for clogs in areas with high weed concentrations and the safety issues that would arise. Mr. Daley agreed and told him they want to come up with a grading criterion to determine the pros and cons of each mitigation device noting that the location of the usage has an impact on the effectiveness.

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Grant Projects related to Boats & Associated Equipment

John Adey, VP/Director, Technical Standards, American Boat and Yacht Council

Mr. Adey began by discussing the grant work that was done through the voluntary standards grant, an area of support they have received from the CG for several years and that affords the opportunity to look at things they would not ordinarily have the funding for based on their membership. He further said this enables them to use voluntary standards instead of going through regulation. He discussed some high visibility voluntary standard items including fuel standards.

He discussed capsizing and swamping, the number two and three accident types according to the 2008 statistics. He noted that a year into the grant they now have a universal investigation protocol for accidents, which will help to differentiate between capsizing, swamping, and sinking. He said Coast Guard requirements for flotation only apply to vessels 20 feet in length, and they are hoping to develop an ABYC voluntary standard to increase it to 26 feet.

Mr. Adey then commented on outdoor CO, and discussed a study that looked at the amount of carbon monoxide present behind a tow sports boat. He presented a slide showing the results of a CO monitor mounted 15-20 feet behind a boat and wondered why people weren't going to the hospital with the levels that resulted. He did the same test behind a lawn mower and the resulting levels were the same. He did some research to find the origins of acceptable levels from OSHA and learned they were established in the 1950s and 60s after tests conducted in a small, closed, 2500 sq ft room with no air movement. Industrial hygienists recommend determining a CO level that is not based on a closed room test and an industrial hygienist at Coast Guard headquarters was given the okay to help ABYC move forward with establishing acceptable outdoor CO levels. He hopes to have the right numbers for outdoor CO exposure within a year. He invited questions from the audience.

Ms. Kopytko asked about the rental package, whether it was distributed to liveries, if it is it being used by liveries; and if so, is there any measurement for effectiveness of the training. Mr. Adey did not have the answer but advised he would find the information during the break.

USCG Reauthorization Bill – New Regulatory Authority for Emergency Position Indicating Radio Beacons

CAPT Dave McBride, Chief, Office of Search and Rescue

Captain Dave McBride introduced himself and described some of his experience in Coast Guard's Office of Search and Rescue (SAR), as well as his work with the beacon industry. He thanked the Council for the good work that they do making the point that life jackets do save lives and he hopes they can continue to get people to wear them. He also mentioned that beacons save lives, and he feels very strongly about the difference they make in helping to find people.

He discussed the new legislative authorization that brings beacons to the forefront and while it's probably years away from being completed, it's moving EPIRB in the right direction. He said most

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of the information in his presentation doesn't discern between recreational boats and commercial vessels, but his intention was to educate the group on the overall problem of locating people offshore. He then introduced CDR Max Moser would assist with the presentation. CDR Moser began the presentation by sharing some statistics on search and rescue operations, including how many lives are lost and how many lives are unaccounted for noting that it is their job to try to keep those numbers tracking down. He then presented a graph outlining Coast Guard SAR responses within twelve nautical miles of shore. Referring to a slide on distress beacon alerts, he showed the trend of different types of alerts.

He said the challenge that faces SAR is a lack of notification and a lack of information, which leads to the necessity for a search. He also stated drift can quickly change the search area and increase the search time, even if they know where the incident occurred. He emphasized the importance of early rescue, especially in cold water.

Speaking to the capabilities of VHF, he stated that it has an extended range of 21 miles, does not require a special permit, and allows for weather information. He described the limitations of VHF, which include the limit of line-of-sight communications, transmissions that can be 'stepped on' preventing information from being conveyed. He went on to say there is no automatic activation or notification unless it is a DSC and is properly connected to a GPS device, which will show a latitude and longitude. He said most recreational boats do not have VHF because it is not required equipment. Further describing the limitations, he said VHF requires a user to provide information and provides a possible line of bearing for a search craft; however, based on some past cases, radio transmissions can be stepped on which means it takes longer to decipher the bearing. He also noted that it requires an external power source, which can be problematic if a boat sinks or swamps.

CDR Moser described a case off the shore of South Carolina that provided a weak 'MAYDAY' radio transmission, 30-40 seconds in length, which provided no useful information before being stepped on by a stronger signal. He said a search was conducted using a line of bearing that turned up no results until the spouse of someone on the boat contacted the Coast Guard to report him missing, which enabled them to narrow the search area and eventually rescue five people.

He proceeded to describe the S/V Trinity, which had drifted off the coast of Costa Rica and required the search of 12,000 nautical miles in 24 hours. He showed several slides with probability grids to demonstrate how an increase in the search area increases rescue and resource time. He noted that the search ended with a rescue 87 miles off the coast of Costa Rica and advised that if the vessel had had an EPIRB they would have searched 64 nautical miles around the vessel, significantly less than the actual required search area.

CDR Moser talked about the advantages of emergency position indicating radio beacons (EPIRBs) and described the means by which signals are sent and received. It is a five part process where the initial part is the signal being sent and the final step is the Rescue Coordination Center (RCC) sending help, and shared a slide to help explain all of the steps. He said proper functionality of the EPIRB requires they be registered.

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Ms. Kull asked how long it took to go from part one to part five in that process. CAPT McBride replied that it took a relatively short period of time—within five minutes after the satellite picks up the signal. When the Rescue Coordination Center receives it, they could plot the vessel's position and direct the rescue from there. He noted that if a boat had a registration or a position, it could be properly routed. Without a position, it could take up to 90 minutes to get to the RCC. If the boat had registration data, rescuers would be able to talk to survivors and get a fix on their location.

CAPT McBride then explained the various types of platforms/beacons. He said emergency position indicating radio beacons (EPIRBs) are typically used on boats; emergency location transmitters (ELTs) on aircraft; and personal location beacons (PLBs) by individuals (e.g. hikers and campers).

He showed the group two types of EPIRBs — Category I and Category II. He explained that a Category I automatically releases at a depth between four and 13 feet, and begins to work immediately once it becomes wet. It floats upright and has a strobe light attached to it.

CAPT McBride went on to discuss PLBs. These are smaller devices that work on a satellite system, are manually activated, and are small enough to be carried in a person's pocket. He explained that some float and others do not, but their antennae must be held out of the water in order for them to transmit. He said there are currently no strobe light requirements for PLBs, though many carry them. They have a 24-hour minimum transmit time, and are 406 GPS enabled.

An audience member asked about prices. CAPT McBride said EPIRBs generally run about \$600–\$1200, while PLBs are in the \$299 range. The price differences were usually due to marketing rather than manufacturing costs, but both devices cost about \$100 more if a GPS chip is included. He said the chip is a \$10 item, but it is marked up 10–15 times. He predicted that as the industry moved toward universal use of GPS chips in the PLBs and EPIRBs, the price would come down. One of the initiatives on the table for the Radio Technical Commission for Maritime Services (RTCM) was to require these chips because of recent National Transportation Safety Board (NTSB) recommendations. Prices of ELTs, he said, were usually in the \$2000 range.

CAPT McBride briefly discussed ELTs, normally carried on aircraft. They are 406 GPS enabled with a 121 decibel, five-megahertz frequency. He said these devices are very bulky and are usually internally hard-mounted into the airplane.

He then talked about satellite emergency notification devices (SENDS). These operate over any satellite system except COSPAS-SARSAT, and provide people who work in remote areas with a means to alert others of an emergency situation, and to help search and rescue personnel to find them. However, it will only notify the company that services the device; it does not work on the USCG's 406 COSPAS-SARSAT system. Most of the devices are one-way only.

Mr. Clarke said he noticed there was no mention of search and rescue transponders (SARTs) in the presentation; were they not using that as part of their search and rescue any longer?

CAPT McBride said those devices are mostly carried on larger vessels, and are more expensive than the beacons. These are not notification devices and do not necessarily alert any of the systems; they

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help other craft in the vicinity to locate and aid a vessel in trouble. He said the USCG was working to incorporate AIS technology into EPIRBs. Most of the commercially available beacons work with satellite systems and carry GPS chips, so call centers can obtain a position that is then forwarded to the RCC.

CAPT McBride then talked about the reliability of using standard VHS/DSC (Digital Selective Code) equipment instead of beacons on vessels. He noted that, although VHS/DSC are good tools and a great deal of money has been invested in the Rescue 21 program to make them work, there are some scenarios—such as if a vessel swamps or sinks—when the standard VHF radio or DSC equipment might become disabled. However, certain handheld devices are being developed for VHF/DSC with their own power and GPS chip, which won't necessarily become disabled in those circumstances. Because of the importance of being able to update vessel positions and maintain communications beyond just the initial call from a vessel, these handheld devices need to be considered in discussions about what types of notification devices are used in the marine environment.

CAPT McBride said the cost of PLBs had gone down. Though they last only 24 hours, they use GPS and are still regulated by COSPAS-SARSAT, and are a good potential alternative to EPIRBs in terms of overall boating safety and lives saved.

Ms. Duer asked if cold water reduced the battery life. CAPT McBride replied, not in the COSPAS-SARSAT beacons and PLBs, because they are tested to work in extreme conditions. He added that one of the USCG's problems with some commercially available emergency notification devices is they are not always tested and regulated to work in extreme environments. The USCG is working to establish regulations for such devices.

Mr. Marie observed that during one of his experiences receiving information from an EPIRB, the signal was intermittent. He later found out that the EPIRB was in a locker below deck, and whenever the broadcaster on the vessel turned on his radio, a nearby speaker would activate the EPIRB. He stressed that boaters should be made aware of this problem—i.e., do not put EPIRBs close to a magnetic source.

CAPT McBride pointed out that with the new systems, this type of problem could be bypassed because rescuers can locate the vessel if it is registered properly. Sometimes, he pointed out, there are false alerts but they can usually be resolved before any SAR effort is initiated.

Mr. Clarke asked if the USCG had plans to regulate other SAR facilities, e.g., SENDs or electronic chart plotters with Man Overboard buttons. CAPT Rizzo said the USCG was not planning to do so at present.

Ms. Podlich asked about the USCG's current definition of an emergency locator beacon. Did it include all the devices CAPT McBride had just spoken about? CAPT McBride said no. He explained that beacons are strictly required to be COSPAS-SARSAT at this time. Some of the other devices (including cell phones) are what the USCG classifies as "commercially available emergency

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notification devices.” In other words they might use cellular or satellite technology, but are not considered beacons by definition. He said because many of these devices are not regulated, the USCG has yet to judge whether or not they can be considered equivalent to beacons. He observed that one problem with some of these devices is they are commercially based; and the companies that manufactured them may go out of business. By contrast, the global system the USCG set up with COSPAS-SARSAT is internationally recognized, and has been in place for over 25 years—this is what makes beacons the most reliable search and rescue tool.

Mr. Hoedt said the statute (USCG Authorization Act of 2010) did not define emergency locator beacon when it was enacted. CAPT McBride said that though the statute did not define beacon, the U.S. has defined beacon and there are legal cases to back it up.

Mr. Chisholm then asked about the earlier data presented regarding lives lost; in 2009 that number was 816 and in 2010 it was 817 lives lost. He inquired as to how it compared with the data in BARD. Mr. Hoedt stated that data is not only for recreational boaters. Mr. Hoedt stated they are comparing that data against BARD and will provide an update as necessary.

Mr. Chisholm remarked that the USCG had an interest in this topic. He asked if there was already CG movement on it or were they looking for a resolution? He said that, as chairman of this Subcommittee, he needed guidance on what action to take next. Mr. Hoedt reminded members that he mentioned this topic in his presentation this morning. He said the USCG was doing some more “data scrubbing,” and if they were successful he would have more information to present the Council by the April meeting. At that time, the Council may want to issue a recommendation to the CG. Mr. Chisholm said he would leave this as an informational item, and wait for additional information.

RADM Cook said many Action Items resulted from the Authorization Act. In just the part of the USCG he oversees, there were 33 individual regulatory projects. These included items dealing with fishing vessels, transportation worker identification cards, seafarer access, etc. He stressed the need to prioritize all these regulatory projects, and noted that as this one was not being driven by the CG, he wanted to make sure they had the correct information before starting on a regulatory plan. They would need to prioritize it internally and decide at what point they want to forward it on to DHS. RADM Cook concluded that there would be ample opportunity for NBSAC to provide input on this issue in the future.

Study on the Effects of Ethanol on Fuel Systems

Phil Cappel, Chief, Product Assurance Branch, Office of Auxiliary & Boating Safety

Mr. Cappel said that although Mr. Hoedt had mentioned it in his report this morning, members might wish to view the actual wording of the entire Authorization Act related to the Ethanol issue; he showed a slide of the language.

Mr. Cappel referred to the discussion about ethanol earlier in the day, noting while a great many studies were performed on automobile engines, there were not many on marine engines. He was

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waiting for an EPA report, which was most likely the best one to come out thus far. He said a great deal of anecdotal information had circulated about boats and engines that had broken down because of E-10 use. There were even rumors that some of the fuel offloaded from trucks was watered down.

He posed a question: When does anecdotal information become so overwhelming that it takes the place of scientific research? He had no clear answer—which was why the USCG Research and Development (R&D) office would likely conduct a study of blended fuels in marine application. They already had boats and engines at their boat test facility, and were putting together a project plan.

They hoped to test both inboard and outboard boats, mimicking the way a typical family would use a recreational boat. These boats would contain both E-10 and E-15. He pointed out that direct fuel injection technology made it easier for automobiles to accept higher levels of ethanol, but carbureted engines would still have problems with any type of ethanol.

He stressed the need for a long-term study to look into how different boats and engines would respond to E-15, and said the scope of their planned study would depend on how much money they were allowed to put into to it.

Ms. Kull remarked that it was important to look at the effect of the higher-grade ethanol on fuel lines, fittings, and tanks as well. She said that at fuel stations in Minnesota she recently saw E-15 selling for 50¢ cheaper than E-10, and commented that it was easy to figure out which of the two options people would choose.

Mr. Clarke noted that in traveling around Florida, he saw fuel pumps that stated they contained no ethanol. However, they were \$1.00 to \$1.50 per gallon more expensive.

National Insurance Crime Bureau (NICB)

**Cindy Squires, Regulatory Council, National Marine Manufacturers Association
(NMMA)**

Ms. Squires said NMMA signed a Memorandum of Understanding (MOU) with the National Insurance Crime Bureau (NICB) some time ago, to form a partnership to establish a database whereby vessel characteristics data and hidden hull identification number (HIN) locations would be provided to NICB. This information would be available to law enforcement in an existing database used for various types of investigation activities, as well as by the insurance industry. She said NICB was already doing this for the automobile industry, and it also stores information about stolen cars and vessels.

She said NICB was previously struggling because of the depressed economy, but she was pleased to report they had put this in their budget for 2011 and already began work on it. She noted that boating data was very different from auto data, so they could not put that information into their existing data collection system. She said NMMA was trying to ensure the information provided to the NICB was

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aligned with new definitions put forward in the proposed numbering regulation to make sure “we are all talking the same language.” She said that as soon as they completed the coding, and the system was up and running, they would test their system with at least two manufacturers. They would then introduce it to their members.

She said NMMA members supported this effort, the board endorsed the MOU, and they hoped to have it functioning within a year. Importantly, as part of the MOU, they agreed to make the information available to law enforcement, including the USCG. This information could also be used to validate records in VIS, BARD, and USCG databases.

Mr. Clarke asked if NICB was involved in requiring tracking devices on some boats. Ms. Squires said NICB did not have that authority. Mr. Clarke said a growing number of insurance companies in Florida were requiring those devices on boats they insure. Ms. Squires defined NICB as a group of insurers that exist for the sole purpose of helping investigators respond to complex cases of insurance fraud. She speculated that an insurer might put multiple conditions on insuring an expensive boat.

Mr. Muldoon asked who paid for those tracking devices. Mr. Clarke said some boat owners were required to buy them. He just learned about this from a government employee who teaches boat handling in the lower Keys. He recently bought a new boat, and his insurance company required him to install the device; he said that every boat similar to this one now had the requirement. Ms. Kull pointed out that installing one usually meant reduced premiums on the boat owner’s policy.

Mr. Messmann thanked NMMA and NICB for honoring their commitment to this project. He understands the USCG is dropping the 17-character HIN project and believes this work is a good way to fill the gap. He predicted NBSAC and NMMA would have the opportunity to continue to work together to protect the boating community in the future.

Mr. Angell commented that it was exciting to see the NICB project moving forward. He recalled one of the roadblocks last April was NICB’s ability to update their software. Ms. Squires explained how NICB was able to update its system to be able to accept boating data. Mr. Angell said he understood NICB had needed about \$200,000 for that update. Ms. Squires said they decided to put it in their budget. NMMA went through a process of applying for a port security grant, which did not go through. After that, NICB decided to expand their program, and fund this project anyway.

Mr. Angell asked if, now that the expanded HIN issue was off the table, the project would speed up. Ms. Squires assured him this was always a separate project, and added that it yielded far more data than the expanded HIN.

RADM Cook asked if there needed to be any dialogue about the exact protocols maritime law enforcement people would use to benefit from the program. Ms. Squires said they were just reaching the point where they need to bring parties together, not only for NICB but also for the other users. She noted that it would be completely new for the USCG, so she would need work with INFOLINK (the contractor for VIS) to work on the issue. In March she will go to NICB headquarters in Chicago for a meeting on the ongoing uniform titling project. She would take the opportunity to clarify the

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next steps at that time.

Mr. Edwards said he assumed the only vessels in the database would be insured ones. Ms. Squires said no; this information would come from boat manufacturers. She pointed out that in the auto industry, when a car is built, all its information is electronically transmitted to NICB. She said they planned to create a similar system, albeit simpler because many small businesses would be involved. She said at NMMA's National Engineering Summit, they hoped to get everyone up to speed on this program, and to start a dialogue between boat manufacturers and law enforcement personnel, including the USCG.

Mr. Cappel shared that all manufacturers would be able to put in 10 years' worth of data, as that is the number of years they are required to maintain in their systems.

Mr. Chisholm introduced the next topic on the agenda.

He asked if Ms. Squires had anything to add on the E-15 issue from NMMA's perspective. Ms. Squires referred to the EPA waiver on E-15. When EPA approved that waiver, she said, they made it very clear that E-15 was not suitable for marine engines. Nonetheless, they approved it. They also stated there had to be some misfueling controls; then later proposed a rulemaking with a misfueling control that only amounted to a label on the pump. NMMA found that proposal to be entirely inadequate. By the end of the month another waiver announcement is expected. This waiver will deal with the cars that were not part of the original waiver—those manufactured between 2001 and 2006. She said NMMA had not only voiced strong opposition, but had joined with a number of other manufacturers to initiate a legal challenge to this rule. She said the litigation was ongoing, and it would be a lengthy process. Meanwhile, however, they would not be able to obtain a stay.

Ms. Squires said the EPA issued a warning label: "CAUTION: This fuel might damage other vehicles. Federal law prohibits its use in other vehicles and engines." She stressed that the label never mentioned marine engines, and said NMMA found it to be totally inadequate. She added that EPA did not follow any of the ANSI processes for establishing warning labels. She observed that this issue was very troubling because warning labels need to be written properly. She said pro-ethanol advocates filed comments stating they found the warning label to be too robust.

She told members to stay tuned; more waivers would be coming out.

**Update on Fuel System Safety Issues Related to Evaporative Emissions
Cindy Squires, Regulatory Counsel, NMMA**

Ms. Squires reminded the group of videos they saw in the last meeting, which showed fuel spilling from portable fuel tanks as a result of high pressurization. NMMA worked with EPA to obtain a 12-month extension to the rule, which was slated to begin on January 1st, 2010. During that year, the USCG and others conducted testing. ABYC then created Standard H-25 to address the issue. EPA then published a new Final Rule, implementing that standard, which was incorporated by reference.

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She felt this was a constructive way to solve the problem. Noting that this was not just good government but the law, she read from Section 12-d of the Technology Transfer and Advancement Act of 1995:

EPA shall use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards, i.e., material specifications test methods, test methods, sampling procedures, and business practices that are developed or adopted by voluntary consensus standard bodies. NTTAA directs EPA to provide Congress, through OMB, explanations when the agency decides not to use available and applicable voluntary consensus standards.

Ms. Squires concluded.

Discussion/Call for New Business

Pete Chisholm, Subcommittee Chairman

Mr. Chisholm noted there were two topics to be covered. The first was a comment made earlier by Ms. Kopytko about the education package, which he noted was available on the USCG Web site. Ms. Kopytko had asked if the USCG had a mechanism in place to test whether the package was being used, and if it was effective. Mr. Chisholm posed the question: Once a grant product is concluded, how do we ensure that it doesn't die on the vine? Should some follow-up be required? A product may be available, but how does the USCG distribute that knowledge to a wider audience? For example, do all the livery operators know the education package is available? Mr. Chisholm suggested this might be a good topic for an action item.

Mr. Muldoon said he was under the impression that all non-profit grants must have an evaluation component built into them. Mr. Hoedt said the USCG now asks grant applicants to submit a distribution plan when they are creating a product that is meant for distribution. It wasn't just a question of creating a million brochures, but knowing what the intended audience was and how to get the word out to them. He said there wasn't always a follow-up to ensure that actually happened. He said this grant was unique in that it didn't start out as a grant, but originated as a project from the Boating Safety Division, and later evolved as a grant. Mr. Hoedt was unsure if there was a distribution plan, and if the USCG was now tracking its distribution now. He promised his staff would follow through and see what they could find out.

Mr. Chisholm asked if he would like this in the form of an official Action Item from the Subcommittee. Mr. Hoedt said yes. Mr. Chisholm asked for a motion to generate an Action Item. A motion was made by Mr. Clarke and seconded by Mr. Marie, and a vote on the action item was unanimously passed in favor of adopting it. Mr. Messmann volunteered his and Bruce Rowe's help in this endeavor. Mr. Rowe said there was a group set up called watersolutionsgroup.org, an offshoot of Parroco Production Group, Inc., which was actively calling boating law administrators right now. Mr. Rowe said he had a contact there if anyone had questions.

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Mr. Marie was under the impression that the Strategic Plan contained a strategy about reporting effectiveness of grants.

Mr. Hoedt said that later in the meeting there would be more information about non-profit organization grants. He noted that out of 30+ USCG grants, they had only received final reports from eight recipients. He said they would send crews out to train grant recipients in the near future.

Mr. Chisholm moved on to his second item of new business.

He said Mr. Marie was concerned about life rafts and their use in recreational vessels. He announced that a new grant was awarded to design, develop, produce, and distribute safety equipment checklists. He believed it would be possible to add definitions and specifications for life rafts for recreational vessels to that checklist project.

Referencing CAPT McBride's earlier presentation, Mr. Marie said life rafts fit into the same category as EPIRBs—while they aren't mandated, a boater must know what he is buying and that it will work properly when he needs it most.

Mr. Muldoon said in offshore sailing races, life rafts must be carried aboard and serviced annually. He said that 32 life rafts made at a Rhode Island company had failed, one of which turned out to be nothing but old sails in a bag.

Mr. Marie remembered the USCG investigated that case, but the Attorney General declined to take action. The USCG had no statutory authority. He said that it seemed strange that the USCG had no authority over the ultimate piece of safety equipment for recreational boaters.

RADM Cook said "equipment in excess of what is regulatory-required", especially safety equipment, was a troubling problem for the USCG in all fleets. He said it is crucial to ensure all safety equipment meets proper standards, and thought the checklist was an excellent idea.

Mr. Chisholm asked Mr. Hoedt if the grant topic for the equipment safety checklist would fit with the life raft issue. Mr. Hoedt said it would, but remarked they might not want to restrict themselves to that one project; they might wish to broaden the scope.

Mr. Chisholm asked the Subcommittee to entertain a motion to draft a second Action Item to add life rafts to the safety equipment checklist. A motion was made by Mr. Clarke and seconded by Mr. Marie. It was unanimously passed by the Subcommittee.

Mr. Chisholm proposed a motion to adjourn the subcommittee at 5:15pm. The motion was submitted by Mr. Marie with a second by Mr. Clarke, and was unanimously passed.

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**Prevention Through People Subcommittee
Ray Tsuneyoshi, Subcommittee Chairman**

Mr. Tsuneyoshi called the meeting to order at 9:00 am and introduced himself. Mr. Tsuneyoshi reminded members that this Subcommittee discusses current regulatory projects, grants, contracts, and new issues affecting the prevention of boating accidents through outreach to, and education of, boaters. He asked the Subcommittee members to introduce themselves: Mr. Herb Angell, Ms. Pam Dillon, vice-chair, Mr. Les Johnson, Mr. Larry Meddock Ms. Margaret Podlich, and Ms. Dorothy Takashina.

Mr. Tsuneyoshi introduced Dr. Maxim.

**Lives Saved Methodology
Dan Maxim, Member – Strategic Planning Panel**

Dr. Maxim said he would talk about science, not policy, specifically focusing on ways to estimate the number of lives saved by greater utilization of life jackets. He looked at a methodology to evaluate various policy pieces. He said he would discuss how to create a valid model, and present some illustrations so the audience could follow the calculations, and the way forward.

Dr. Maxim stated that it is generally accepted that life jackets can avoid drownings, but only if worn. So far there has been limited success with voluntary initiatives, which prompted the USCG to consider options for mandatory life jacket wear. He noted that regulatory proposals must be supported by valid analyses that estimate lives saved, and may be subject to challenge. For this reason they must be based on sound methodology. He reiterated that life jackets can save lives but only if worn. Many accidents involve immersion without the opportunity to don a life jacket and often occur on smaller boats.

Dr. Maxim then posed the question—why should we care about drownings? The answer is that they account for a large proportion of fatalities, for example in 2008, 70% of recreational boating fatalities were the result of drowning. He noted that while the number has decreased slightly over the years, it is still a big problem. Any changes in boaters' behavior or technology to reduce drownings, he observed, were likely to have a great effect.

He said they developed a model similar to those developed and routinely employed by NHTSA for motorcycle helmets, seat belts, and air bags. The mathematical technology they employed for the life jacket model is an extension of that. Showing a simple flow chart, he explained some of the logical possibilities they were working with. He noted that people who wear life jackets have a far greater chance of survival, though there are no guarantees against drowning. Using a slide to illustrate, Dr. Maxim went over a few ways in which life jacket wear can fail:

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- The life jacket worn was not the right size or type for the sea conditions, was old, worn out, broken (e.g., malfunction of CO2 system), torn, or worn improperly;
- The vessel capsized and the wearer was trapped inside because egress was impossible, or the life jacket actually prevented egress;
- The victim drowned from wave splash (mouth immersions) before rescue; or
- The boater received an injury or impairment that by itself didn't kill him, but was severe enough to prevent him from doing those things necessary to keep his face out of the water or prevent what are termed "mouth immersions" from restricting the victim's airway over time.

To begin working on a model, he said they started with a premise that a person will reduce their chance of drowning if they wear a life jacket. Though this probability is difficult to estimate empirically, the National Transportation Safety Board (NTSB) estimated that 85% of those who drowned would have survived if they had worn a life jacket.

Dr. Maxim then asked; who might survive without wearing a life jacket? He cited some situations:

- The boater was able to find some other object (e.g., he/she stayed with the boat or found a life ring) that could be used for floatation;
- The potentially fatal mishap occurred in an area sufficiently close to the shore that the boater was able to swim to safety; or
- The potentially fatal mishap occurred in close proximity to one or more other vessels that they were able to rescue the potential victim.

He said it was important to work out the relative balance of a person's probability of being saved with a life jacket versus without one. Then he discussed how to work out this probability based on available data; which included drowning statistics from BARD and statistics on life jacket wear from JSI. He incorporated potential drownings resulting from capsizing, falls overboard, and flooding or swamping.

Dr. Maxim then discussed various logical possibilities, illustrated with another flow chart. Open motorboats account for about half the total drownings. When he added in kayaks, canoes, and rowboats and that number jumped to nearly 80%.

Using a series of graphs showing specific data, Dr. Maxim went over a sequence of calculations based on the 2008 drowning deaths of people who wore life jackets compared with those who did not. He matched that data against NTSB and JSI estimates. The result showed that wearing a life jacket doubles a person's chance of survival.

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Ms. Podlich asked about some of the data in the graphs, comparing what Dr. Maxim showed with actual numbers of people who went overboard in the past year. Dr. Maxim asked Mr. Hoedt to define what constitutes a boating accident. Mr. Hoedt described it as a death, disappearance, injury beyond first aid and property damage of \$2000 or more.

Ms. Podlich said that, as an experienced boater and swimmer, if she went overboard while wearing a life jacket, she did not think she had a 15% chance of drowning. Dr. Maxim said the data showing a survival rate of 85% came from an NTSB study based on actual drownings in the early 1990s. They analyzed a series of cases in which people drowned; then their experts evaluated each accident and decided whether or not they would have survived if they had worn a life jacket. The experts concluded that 85% of those who drowned could have avoided their fate had they worn one.

Ms. Podlich wondered if there was another set of boaters who didn't make the report because they survived. Dr. Maxim agreed that there were many unreported accidents that didn't meet the criteria outlined in Mr. Hoedt's definition. He drew an analogy with a NHTSA study of helmet fatalities for motorcyclists. The NHTSA analysis focused only on people who were "exposed to significant hazard," which fit with the boating criteria.

Ms. Takashina said she understood Ms. Podlich's question, pointing out the numbers of lives saved might be much higher as a significant number simply aren't reported. Dr. Maxim said it was possible to make alternative assumptions putting the number of deaths even higher, which would give various probabilities of survival. However, none of these assumptions would change the bottom line: the number of lives saved. Mr. Fetterman said people who go in the water routinely have a different perception of risk, but that today's focus should be on the reportable accidents based on the JSI study. Dr. Maxim agreed.

Continuing his presentation, Dr. Maxim considered what might happen if more people wore life jackets. Showing a graph, he explained that the total number of fatalities decrease as the wear rate increases. In this way it was possible to calculate how many lives would potentially be saved. Referring to a table, he pointed out that the base case is incrementally saving a few lives a year. While that was certainly valuable, he was talking about a different order of magnitude of lives saved per year. However life jacket wear rates could be increased, whether through outreach or mandatory wear, he insisted that more lives would be saved than at present.

Looking to the future, Dr. Maxim said more studies were needed to focus on more than one year and look at different craft besides open motorboats, e.g., canoes, kayaks, and rowboats. Technical issues would also need more research. He and his group put together a working paper which presents a detailed discussion of how this research could be carried out.

He warned against the microanalysis of data, saying studies should probably be limited to types of boats and season. His group also looked at length of boats, focusing on policy options geared

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to boats 40 feet or less, 26 feet or less, 21 feet or less, and so on. He pointed out that if the studies focused on boats of 21 feet or less, they would capture most of the fatalities. He mentioned the JSI study that showed people in kayaks have a 73% life jacket wear rate. He reiterated the need to focus on the “big four” (open motorboats, canoes, kayaks, and rowboats) using the simplest model, with the most emphasis on open motorboats. He stressed the need for reasonable values of wear rates from the JSI reports, which was why some of the work done in Florida and elsewhere had such potential value.

Dr. Maxim showed another graph that illustrated substantial numbers of potential lives saved by increased life jacket wear which, he noted, were higher than the numbers projected in the Strategic Plan. The working group’s model and calculations were reviewed and deemed appropriate by the NTSB, and the group revised the working paper according to the input they received thus far. He said they now had a methodology that was “good to go” with direction from members about the kinds of policies they wished to evaluate. Dr. Maxim acknowledged that their analysis was preliminary and limited to “science” issues. He said that if mandatory life jacket wear were to be considered, a cost-benefit analysis would be required. Other issues would also need consideration, such as people’s aversion to government regulation. He said that the benefit side of the equation would obviously include lives saved, but might also include other benefits (e.g., near drownings avoided).

Dr. Maxim stressed that any proposed regulation would need to be justified, using content and format in accord with the Office of Management and Budget (OMB) Circular A-4, among other criteria. Other issues would also need to be addressed, e.g., likely compliance rates and the necessity of limiting potential lives saved to waters subject to the jurisdiction of the United States.

Finally, he posed the question—what costs should be included in doing this analysis? He warned that the answer was not straightforward. Incremental costs for mandatory life jacket wear would need to be calculated.

Dr. Maxim concluded his presentation, and asked if anyone had any questions, ideas, or comments.

Ms. Dillon asked if 125 fewer people would be lost annually to boating accidents if a mandatory wear policy were instituted. Dr. Maxim said, not quite—the number was right, but that many lives would be saved whether wear was mandatory or not, provided 70% of boaters wore life jackets.

Ms. Dillon then asked what data sets were needed to specifically address how many lives would be saved through mandatory wear. Dr. Maxim said they believed they had very good fatality data (plus or minus 1%), so those numbers were solid. Wear rate data, though the result of numerous studies, is collected in the summer; and people are exposed to drowning throughout the year. Though there are fewer deaths in the fall and spring, it may be that wear rates are

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higher during those times. He noted that the Florida study was so useful and interesting, because it is collecting data year-round. One way their study could be improved is if there were better wear rate data.

Ms. Podlich confirmed that, if mandatory wear rate were 70%, 125 lives would be saved nationwide. Dr. Maxim said yes. She also asked if the USCG had a clear idea of what percentage of waters were under federal jurisdiction.

CAPT Rizzo explained that if a lake is contained within one state, it falls under state waters rather than federal waters; if it is located between two states, it falls under federal jurisdiction. Other bodies of water are under the control of the Army Corps of Engineers (USACE).

Mr. Hoedt said the Coast Guard's jurisdiction included all the USACE waters and federal inland waters. However, he could not offer a "scientific percentage" of the water volume the USCG's influence covered. Ms. Podlich asked him to guess. Mr. Hoedt estimated it to be in the 80% range or higher. However, he noted that the USCG does not have a presence on many inland waters, even though federal regulations would apply there. He stressed the importance of awareness campaigns in garnering compliance. Citing the USACE Pittsburgh/Vicksburg study, he observed that mandates alone don't work; the entire approach must be sound. He said that, if there were a mandate, the USCG hopes that individual states would cooperate through law enforcement and public education.

Dr. Maxim agreed with Mr. Hoedt's observation that enforcement and education are mutually supportive. He cited seat belt regulations as an example. He said that wearing seat belts was the law, but there was still a great deal of education and outreach programs to enhance the wear rate; to foster a safety culture.

Mr. Edwards asked how many of last year's 736 boating accidents involved drowning. Mr. Hoedt answered that out of last year's 736 deaths, 543 were drownings.

Mr. Tsuneyoshi expressed concern about the risk of accidents in paddlecraft.

Mr. Fetterman commented that, based on JSI observations and law enforcement reports, there was a high rate of compliance among canoe and kayak operators as opposed to boaters in larger vessels. That portion of the boating population clearly understood the perception of risk. He agreed that enforcing mandatory wear would involve a "holistic approach" and people would not wear life jackets simply because a regulation was passed. An ongoing, collaborative effort between law enforcement, legislators, and marketing experts would be required.

Mr. Meddock talked about Surf Expo, the paddlecraft trade show, which recently reported that the paddlecraft industry was up tenfold. He said that group was not promoting life jacket wear—in fact, quite the opposite. He said the typical new user was young and fit, and shuns compliance.

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Ms. Dillon made a point of clarification; she said it sounded as if Mr. Meddock's comments were more about the *surf* paddlesport community. She insisted there were several subsets of paddlers across the country, many of which put a strong emphasis on the importance of life jacket wear.

Ms. Squires asked if Dr. Maxim's group had calculated how many boaters would have to change their behavior to yield one life saved. She pointed out that boaters would need not only to own a life jacket, but also wear it. She wondered about the actual dollar cost of such a regulation, taking into consideration that people would probably want to buy something more attractive (and costly) than the traditional "orange horse collar." Another consideration was that boaters might remove the device if they became hot. She felt it was important to reflect on these issues when coming up with a model that would produce reliable numbers. She was concerned that the study might be too simplistic; she did not want the participants to set themselves up for failure by counting on a certain number of saved lives when in fact there were numerous variables that could influence this number.

In response to Mr. Meddock's earlier comments, Mr. Stec of the American Canoe Association made a distinction between traditional paddlecraft and paddleboards. He explained that the paddleboards represent only one subset, albeit one that is increasing significantly nationwide.

Mr. Tsuneyoshi thanked Dr. Maxim for his lively presentation.

**U.S. Army Corps of Engineers Life Jacket Project Report
Lynda Nutt, U.S. Army Corps of Engineers**

Ms. Nutt thanked members of the Council. She announced that the USACE was entering its final year of the life jacket wear study.

Ms. Nutt reminded members that the Corps tested in two regions, the Pittsburgh and Vicksburg districts. She explained that the Corps has jurisdiction over 32 districts, contained within nine divisions. Each of these regions, she noted, operates on its own. She mentioned the challenge of dealing with local cultures when attempting to enforce regulations.

She briefly recapped the vast difference between the results of the Pittsburgh and Vicksburg study. Pittsburgh had lost focus, resulting in a very low success rate. By contrast, Vicksburg completely embraced the policy and exceeded expectations. She noted that commanders at USACE headquarters were very impressed with the Vicksburg results and requested their officers to investigate what happened at Pittsburgh. Because of the poor results, the USCG had pulled JSI out of the Pittsburgh District. Consequently, the USACE did not have 2010 data on that region.

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The Pittsburgh region had previously dealt only with small craft, below 16 feet, and had not chosen to expand on that when they began the current test. They had a swimming policy, which was virtually impossible to enforce. Vicksburg, on the other hand, had previously dealt with vessels up to 26 feet in length; a policy that people were already accustomed to because of bass tournaments in the region.

Because of the success of the Vicksburg test, Ms. Nutt said the USACE commanders authorized testing in other parts of the country. The Corps had now extended its area of study to California—a lake in the central valley called Pine Flat. She said the commanders also asked them to look at river systems, and the Portland district expressed an interest in working with them on a test in the lower Columbia River. However, because of all the partners and stakeholders involved (multiple jurisdictions, tribal treaty fishing, huge numbers of visitors, etc.) they decided against introducing policy on the lower Columbia River system.

She noted that, in some of the Corps districts, there are designated swimming beaches, in which the rate of drowning is very low. The non-designated beaches, however, cause them problems—particularly in the waters around those beaches, where boaters go off their vessels to swim. Ms. Nutt noted that the Corps handled swimming issues as much as boating issues.

Ms. Nutt gave the audience some handouts to show them which new study lakes they were focusing on—both the test and control lakes. She explained that the control lakes would give them an idea of what was going on in the region when no policy was in place. She said that as soon as the Sacramento people came on board with the project, she set up a meeting between them and the Vicksburg managers. They wanted the Sacramento people to understand why the Vicksburg project was such a success, and to embrace some of those principles with regard to education and enforcement.

The Sacramento test group's policy would apply to every vessel. They did not wish to stop at 26 feet because they had many larger craft on their waters, and they wanted to impact all boating activities on the lake. They would not enforce the life jacket policy with people on houseboats or in boat cabins. Life jackets would be mandatory on small craft and all paddlecraft of any size.

Ms. Nutt noted that the Corps encouraged each region to determine its own policies, as they know their boaters best, and what would be most successful with their public. The policies would always extend to boaters in small craft, boaters underway, and swimmers outside designated areas.

Showing charts, Ms. Nutt recapped the Pittsburgh vs. Vicksburg test results. As noted in prior meetings, she said the Pittsburgh region test had been a disappointment because there had been no public outreach efforts (via media, signage, and education). She then talked about the Vicksburg region test, which by contrast was a great success due to education outreach programs and strict enforcement policies.

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In the Sacramento region, the baseline wear rate numbers, gathered last summer, are extremely low. The policy there will begin on April 1st. Local businessmen have been opposed to the upcoming policy, but this opposition has been somewhat diffused by a recent drowning accident in the area. She noted that recreational boating numbers had risen in Vicksburg since the policy was put in place, so any concerns from local businesses were unfounded.

Ms. Belmore asked if there was any outreach effort to marine supply dealers in the Sacramento area so they would have life jackets in stock for the upcoming season. Ms. Nutt said their local rangers were talking with those dealers, and that Fresno State University was working with them on a study of the types of sales in local dealerships. She hoped that more comfortable life jackets would become available by the time the study began.

Ms. Duer asked if the Corps worked directly with manufacturers to ensure they would be able to meet the public's needs. Ms. Nutt said that the Corps does not consider that its responsibility; however they did put the word out to the Personal Flotation Device Manufacturers Association (PFDMA). Ms. Takashina promised she would talk about this with her board in their next teleconference. She said PFDMA would also work with their major retailers to encourage them to stock affordable, wearable life jackets.

Ms. Duer stressed that retailers should realize that the public wants to be able to have a choice of different life jackets, and retailers will sell them if they are available. These devices simply need to be on the market and visible. Ms. Takashina said it was often difficult to persuade retailers to stock these items, but that her group was working to improve the current situation.

Ms. Kull asked what the proposed enforcement measure would be on the California test lake. Ms. Nutt replied that the rangers would first issue a warning and a second offense would result in a citation or expulsion from the water. She said the Fresno County sheriff deputies had pledged to help them adopt the policy. It is a challenge to familiarize the public with the policy, so they joined with the media to get the word out.

Mr. Underwood asked if Ms. Nutt knew whether enforcing life jacket wear had actually saved lives. Ms. Nutt said she would show him specific data later. She said 93% of people who were in USACE-controlled waters had not worn life jackets when they drowned. She reminded the members of the one fatality during the Vicksburg test—a person who removed his life jacket when he got to a remote part of the lake.

Ms. Nutt said the USACE relied heavily on JSI studies about voluntary wear rates and wear rates under policy. Their confidence was confirmed by the validation study. She felt their rangers would see great success with the mandatory policy, provided there was educational outreach, posted restriction notices, and a visible law enforcement presence.

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Ms. Nutt next discussed some current changes within the Corps. One of their commanders decided on a future life jacket policy on Corps waters within his region, the Mississippi Valley Division. There appears to be a change of culture within the Corps—managers, inspired by the success of the Vicksburg test, realize that mandatory wear is the right policy for them, if they are serious about reducing fatalities on the water. She promised they would have life jacket policies in place on Corps lakes by the end of the year.

Ms. Nutt then talked about future USACE projects. The Corps would conduct its third and final mandatory wear test, which would end on October 31st in all regions. They are already working on the final report, which members would have full access to when it was completed. They plan to hold a stakeholders' meeting in November, for a pre-command briefing discussion. After that she would then conduct a final commander/leadership briefing, with final recommendations, in November or December.

Wear It Campaign 2010 Early Results

Virgil Chambers, Executive Director, National Safe Boating Council

Mr. Chambers briefly updated members on the National Safe Boating Council's (NSBC) new media outreach efforts. He acknowledged that they did not have a great deal of money to spend on the campaign, but that some good things were accomplished nonetheless. They were using ad-wrapped vehicles to spread the word. He commended Rachel Burkholder, in NSBC's office, for launching the most popular campaign to date by working with media and through the internet. Last year they came up with the online "(Life Jacket) Safety Dance" which represents the type of fresh approach needed to create buzz and excitement. Social networking efforts included a Facebook page, the "Ready, Set, Inflate" promotion, campaign videos on YouTube, and a presence on Twitter.

Mr. Chambers said they now plan to "look back to move ahead." When the campaign started in California in 2007, the baseline wear rate was 6.2%; the wear rate has increased to 12.2%. In 2008, the wear rate decreased slightly. He said the unofficial results from the Department of Boating and Waterways in Sacramento, report a wear rate of 22% for 2009.

Using the California model, he said that NSBC used pledge cards and gave away free life jackets in Tennessee, but there was not a significant change in that state. In the Michigan area, the third state targeted, there was no JSI study, but the Michigan campaign attracted a great deal of media attention. Local law enforcement officers got involved and took part in the Michigan 'Wear It' program.

New York was the fourth state to be added to the campaign. NY also has a cold water life jacket law. He said they expected to see a greater number of boaters wearing life jackets there, but they needed to have a measurement tool in place to discover whether that would indeed happen.

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Mr. Chambers said that all 50 states were involved in ‘Wear It’ to some degree, though the Coast Guard only funded the campaign in those four states.

He said that since the campaign’s inception in 2007, over 5,700 inflatable life jackets were given out. Ohio, though not funded by the campaign, distributed 2,000 inflatable life jackets. These devices were not distributed randomly; instead recipients were required to sign a pledge card. The card contained valuable information, making it possible for the NSBC to follow up with life jacket recipients and gather information on whether people wore the devices, and if so why. Though a few recipients admitted to not wearing theirs, most reported they wore them.

Mr. Chambers then talked about the ‘Wear It’ campaign findings. He said that millions of people in the campaign states were made aware of the inflatable life jacket. This, he noted, was what the campaign was all about—not mandatory wear, but an increased knowledge of what is available to wear.

Referring to the Strategic Plan strategies, Mr. Chambers stressed that brand messaging was very important. He mentioned “Saved by the Jacket” and “Be a Survivor” contests, and also the “Ready, Set, Inflate” campaign as examples of brand messaging. He said that now, “Wear It is out of our control,” which he pointed out was a good thing. Many states are using the logo in their law summary booklets, billboards, magazines, and water towers.

Mr. Chambers restated the importance of the social marketing strategy. In the first year of “Ready, Set, Inflate” they had roughly 1,200 participants, and interest continues to grow. West Marine would participate this year. Several other countries were now interested in the program—including Australia, which set the record with their “Ready, Set, Inflate” program.

Mr. Chambers said the BARD data showed more success stories with the “Be a Survivor” program. He acknowledged that NSBC needed to compile and record all the good results they had with these various programs, in order to get the word out to the public.

He expressed his gratitude to the Tiger Team that comes together every year to talk about their successes and brainstorm about future concepts. He noted that everything accomplished in the campaign resulted from the efforts of the Tiger Team, which consists of various organizations including the USPS, the USCG Auxiliary, the states involved in funding, and the American Canoe Association.

Regardless of whether or not mandatory life jacket wear becomes a reality, he insisted, everyone needs to continue outreach efforts. He urged everyone to help break the public’s image of the “orange horse collar,” and let them know that newer, more streamlined and comfortable devices are available.

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Mr. Chambers concluded by saying that though the “Wear It” campaign was going strong and had taken on a life of its own, and they need more people on board to maintain its forward momentum.

Ms. Duer mentioned that “Ready, Set, Inflate” was very successful and enjoyable in Ohio. She congratulated Mr. Chambers on a great idea, and encouraged more people to participate.

Mr. Smith asked if they had thought of updating the “Wear It” logo image from that of a “horse collar”. Mr. Chambers acknowledged the point, but said the image was iconic and instantly recognizable as a life jacket to the public, so they had no plans to change the logo.

**Mandatory Life Jacket Wear Group Interim Report
Richard Moore, Work Group Chairman**

Mr. Moore thanked Mr. Tsuneyoshi and greeted the audience. He began by giving members a brief update on what had happened with this work group. He said the work group charge was important to understand, and reviewed it with members:

Research components of and draft language for a specific resolution addressing mandatory wear of life jackets for certain types of boats, lengths of boats, and/or boating activity in certain conditions. The resolution must be based on defensible data and should include recommendations on how to invite and address public input.

Mr. Moore said that mandatory wear would not happen in a vacuum, and the public must have the opportunity to provide feedback on the issue.

He reminded members that his working group consists of 19 members, as well as Coast Guard staff who helped compile valuable data. The group’s work to date consisted of three conference calls held between August and December. The real issue for the group has been data, a necessity before any recommendations can be made. They posed “Who, What, When, Where, Why” questions and looked at BARD data, from 1995 to the present, to uncover answers.

The group first looked at the most likely victims of boating casualties. Most were male, middle-aged or older, with over 100 hours of experience operating a boat, unable to swim, and usually operating the boat. Of those victims, very few were reported as having taken a boating safety course; and most of the time, neither the operator nor victim had consumed alcohol before the accident. He acknowledged the difficulty of capturing good data on alcohol involvement, noting that it should not be underestimated as a danger.

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Mr. Moore noted that, in finding the answer to what length of boats were involved in these casualties, the group found answers that would influence topics of discussion in the upcoming life jacket wear meeting on Sunday. The data revealed the following:

- 95% were less than 26 feet in length
- 88% were less than 21 feet in length
- 75% were less than 18 feet in length
- 55% were less than 16 feet in length

In addition, 66% of these accidents involved motorboats.

When they looked to answer the question of “What” caused these accidents, the data revealed that victims were most likely to have entered the water unexpectedly due to falling overboard or their boat capsizing (74%), and were most frequently fishing at the time of the accident (48%).

Looking at “When” these accidents occurred, the data showed them that 62% of accidents took place during warm weather months, when weather was clear and the water temperature was 60 degrees Fahrenheit or higher, were evenly split between weekends and weekdays, and occurred mostly during daylight hours (75%).

Moving on to “Where” these accidents happened, Mr. Moore said that the vast majority occurred on inland waters (84%). He raised the issue of jurisdiction; asking if a federal mandatory wear regulation were passed, how would it apply to all areas in the country? He assured members that the work group would thoroughly examine that issue and look at representative samples of states to understand the potential “reach” of a federal life jacket wear law.

Addressing “Why” these accidents occurred, Mr. Moore said the data revealed that the best way to prevent drowning deaths is to keep people in the relatively safe confines of an upright boat. He noted that education is an important component here. He warned that while wearing a life jacket might greatly reduce the chance of drowning, there were no guarantees.

Mr. Moore then focused on enforcement issues. How would a change in federal life jacket wear regulations apply within the states? NASBLA assisted with this by asking its’ member states questions about enforcement. Some results surprised them; for example, more than 90% of states would require a legislative action to implement such a regulation. He pointed out that, even if a regulation were passed, there was no assurance of “Vicksburg type” enforcement and education action by all the interested parties. A change would not take place without enforcement by state and local officers. Mr. Fetterman stated that if the states could not adopt the requirement right away, they might find other ways to assist with encouraging life jacket wear. Mr. Fetterman said that if a federal rule were passed, it would give NASBLA an opportunity to expand its awareness campaigns.

Mr. Moore went on to discuss levels of public support for proposed mandatory wear. He said that documenting those levels was a challenge, but they gathered information showing public

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support to be low. He said more work needed to be done on this issue. He stressed the importance of the work group's public outreach recommendations to the USCG.

The group also explored the efforts of other states to mandate life jacket wear; three states already instituted cold weather month regulations, and data from those sources was helpful. They also looked at safety interventions required by other modes of transportation, such as seat belt and helmet laws, as a basis for comparison. Mr. Moore said that Dr. Maxim did a great deal of research on other countries' efforts regarding life jacket wear. The group also looked at the issue of voluntary wear, because of expected public protest if such a regulation is passed. In conclusion, Mr. Moore talked about the group's future activities. He mentioned tomorrow's meeting and said he was determined, as chairman of the work group, to shape a foundation for recommendations to NBSAC in April.

Mr. Meddock said he felt compelled, on behalf of the industry he represents, to go on record in stating that there would be "strong pushback" on the mandatory wear issue by the boating community, and even more so by industry. He said that everyone needed to think about compromise, and expressed a concern that government was "circling the wagons" on this issue. He hoped that NBSAC would carefully consider how to manage negative response to the proposed regulation.

Mr. Beam asked if Mr. Moore had a breakdown of the types of accidents involved in fatalities. Mr. Moore said yes; he would give him that information during the break.

Ms. Podlich referred to the 64% of victims who were unable to swim, saying she was astonished those people were not wearing life jackets. Ms. Dillon said she assumed those people had some swimming ability, but they were simply unable to swim to catch up with the boat when they fell overboard. Mr. Moore said when an officer questions family members after a drowning, the loved ones probably don't know what the victim's level of swimming ability was. He stressed that the important point is: people are falling out of boats and are drowning.

Mr. Underwood remarked that they were perhaps biting off more than they could chew if they began mandatory life jacket wear on 26-foot boats. He said that he would probably prefer to start with 18 feet and less. He said that if the policy worked well with 18 feet and less boats, the USCG could always come back later and expand the law. He felt that public resistance must be considered as part of the equation when setting the initial standards.

Mr. Tsuneyoshi said that he had spoken to many yacht club members over the years and when he broached the subject of mandatory life jacket wear, "the resistance goes away when I say 20-foot or less."

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**Progression Toward Mandatory Life Jacket Wear
Susan Balistreri, Balistreri Consulting**

Ms. Balistreri greeted the members. She said that one of her clients recently asked her to prepare a report about mandatory wear. Despite all her experience with the subject, she uncovered a great deal of information that was new to her. For example, she learned that many states have vastly different requirements for children's mandatory wear, which vary according to age, vessel length, and type. Regarding vessel length, most states mandate life jacket wear for children on vessels less than 26 feet. Forty states specify the age at either Under 13, 12 and Under or Under 12. Six states specify the age point as Under 10, 10 and Under, or Under 8. Four states specify it as Under 7 or Under 6. Thus age is a big factor but vessel length is important too.

Discussing different laws on the books in this country and others, she said both the National Park Service and the USCG mandate wear for children under 13. Australia passed a national mandate on November 1st, 2010 requiring children younger than 12 to wear life jackets when in vessels eight meters long and when under way. Ireland also requires mandatory wear for children up to 16 years of age on all pleasure craft.

Turning to personal watercraft (PWCs), Ms. Balistreri said that 56 U.S. states and territories currently require operators, riders, and those being towed to wear life jackets. She listed other states and territories within this group that have varying laws. In Australia, it is compulsory to wear a life jacket when riding a PWC, and in Ireland the law extends to those who are being towed.

Ms. Balistreri then moved on to the subject of tow-behinds (e.g., water-skiers) on which mandatory wear has been legislated for many years, even before these sports became "trendy" in the boating community. She spoke again about the differing laws within this nation and others governing wear for these craft. Some states outline hazardous water conditions in their laws, once again, what constitutes such conditions varies widely. Other states name certain specific areas where life jacket wear is required. Within these parameters, there also exist city and county ordinances.

Regarding tow-behinds Ms. Balistreri said she called a number of the districts she mentioned, to find out if there were any public protests when these laws were passed. Interestingly, there had been none.

She said that there are a great many state laws that require operators and passengers on non-powered craft to wear life jackets. Once again, specific states have specific laws that vary widely in the areas of vessel type and user age. And again, she pointed out, Australia's laws are more strict and all encompassing countrywide.

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Moving on to cold water laws, Ms. Balistreri touched on different state laws for different times of year, water conditions, and vessel types—again, she pointed out the wide disparity between the states.

In American Samoa, everyone must wear life jackets on all vessels at all times while the boat is under way. The result of this requirement is that no boating accidents or fatalities have occurred there for at least the past 14 years. In Wyoming, on the Wind River Indian Reservation, all passengers and operators on boats, rafts or other navigable vessels are required to wear a USCG-approved life jacket on any waters. Again, the result is no boating accidents or fatalities there for the past 10 years. She talked with the Chief of that reservation and he expressed his support for her work.

Ms. Balistreri explained that each of these examples pointed to precedents of mandatory life jacket wear with no public “pushback,” and asked the work group to consider this as it moves forward.

In conclusion, she recalled living in a community on Florida’s Lake Carroll as a child. Her father bought a boat, which he was required to register with the homeowners’ association. They also required her father to take a USCG-approved course in order to operate the boat on Lake Carroll. The point of her story was that the homeowners’ association had stricter rules in place than the state.

RADM Cook stated that he was impressed by how mature and data-driven the discussions were up to this point. Referring to Mr. Meddock’s comment about government “circling the wagons,” he acknowledged that while there was a growing momentum, it was cultural, not conspiratorial. He noted the many safeguards built into the regulatory process that provides the opportunity for public and industry input. He said that even if the public were to reject the idea of mandatory life jacket wear, the USCG would continue its efforts to enlighten people on the subject. And he looks forward to hearing the work group’s recommendations.

Mr. Marie agreed with Mr. Underwood’s earlier comments. He felt that the idea of mandatory wear would probably not go over well with the boating public. He thought it might be wiser to start out with smaller boats.

Mr. Tsuneyoshi pointed out that such a law would not hit the books for six to eight years, even if action were to begin on it now; no one would be rushing into anything.

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Hands-On Training: The Way Forward

John Malatak, Chief, Program Operations Branch, Boating Safety Division

Mr. Malatak began by stating the Office of Auxiliary and Boating Safety's mission, to encourage *responsible* recreational boating.

By way of background, he pointed out that the majority of boaters lack formalized boat handling skills. Despite the many training programs that exist nationwide, there is currently no nationally recognized standard for on-the-water boat training. USCG statistics indicate that only 14% of boat deaths in 2009 occurred on boats where the operator had received boating safety instruction. Mr. Malatak showed a pie chart with a breakdown of boating education backgrounds for people who drowned in 2009. The chart showed: 47% had no training and 29% had received some type of boating education. He stressed that formal education is key to boating safety, and expressed doubt as to whether a one- or two-hour seminar qualified as education.

In an effort to understand what currently exists in the way of on-the-water training, NASBLA conducted a survey in spring 2010. Sixteen states responded that either they have courses or other organizations conduct programs with on-the-water components in their state. Forty-four courses were reported in the survey and additional 489 more from California were reported, providing a total of 533 courses. The courses in the State of California are mainly small, recreation-based programs, ranging from 30 minutes to seven hours. He noted that the list includes youth courses, sailing courses, and paddling courses.

Mr. Malatak posed a question: how can more of the boating public be reached? The answer, he stressed, lies in increasing the capacity to deliver proper training. He said the U.S. Power Squadrons (USPS) only certified 500 instructors for on-the-water training. In 2009, only 24 instructors completed the U.S. Sailing training that certified them in the on-the-water program.

He said that U.S. Sailing was at the forefront of on-the-water training programs. They developed both sailing and power boating on-water training courses. The power boating course was originally part of the sailing course, but eventually developed into its own course. The USCG considers the training program developed by U.S. Sailing to be the fulcrum to move the boating community into establishing a standardized on-the-water curriculum and a uniform way to teach boating safety programs.

He pointed out that the NASBLA Seal of Safe Boating Practices is *not* intended for training courses; its purpose is to encourage producers of boating media (CDs, DVDs, PSAs, brochures, etc.) to adhere to the highest standards in quality boating safety information. Mr. Malatak said many providers are confused about the difference between "NASBLA-approved" and the NASBLA Seal of Approval. He is concerned about this type of confusion with provider and user groups, and is working to clear it up.

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Referencing the Strategic Plan’s Objective 3, Mr. Malatak stressed the need to create a set of Best Practices for on-the-water education standards.

His office issued five non-profit grants for on-the-water course development in FY 2009-10, to the following organizations:

- The National Safe Boating Council, which developed a Close Quarters Boat Handling Course that teaches about maneuvering in tight spaces—e.g., along docks and slips (\$350,000);
- The U.S. Power Squadrons, which has a “Practical On-the-Water Training” course, developed for power boaters who operate vessels 16–26 feet in length (\$200,00);
- The St. Louis Chapter of the American Red Cross, to develop a Basic Water Rescue and Small Craft Safety (BWRSCS) Web-based blended learning educational program course (\$200,00);
- U.S. Sailing, which is developing an expanded on-the-water boater Safety Training through Drivers Education for Boaters (\$260,000); and
- CEERI, Inc., associated with Boater 101, which developed the “Dealer Standardized On-Water Training Program.” This is a follow-on grant that will assist with the Dealer Certification Program (\$278,000 to date).

In total, the USCG issued these five grantees over \$1.6 million to create a curriculum for this country to adopt, implement, and use in order to be safer on the water.

Mr. Malatak concluded by asking for NBSAC’s advice for the future. He personally would like to see his office facilitate a meeting or symposium to bring together the implementing partners to develop a set of Best Practices, and to establish minimum nationally acceptable training standards for people operating boats in the 20-26 foot range. He wants the USCG to continue monitoring trends and the number of organizations who offer on-the-water training. The USCG is already working with NASBLA to measure the effectiveness of on-the-water courses through a survey conducted via a USCG grant.

Mr. Clarke referred back to an earlier point in Mr. Moore’s presentation—that the best way to prevent people from drowning is to keep them in an upright boat. Using the analogy of driving, he said that though all his vehicles had airbags, he would still not allow his children to drive without some instruction. He pointed out that the life jacket might be a good safety tool, but in no way does it supersede knowledge or experience on the water.

Ms. Dillon said that she would look at Objective 3 in the Strategic Plan, to ensure that she and Mr. Malatak were in agreement, and that the language captures his proposed next steps.

Ms. Podlich asked about the 29% of accidents mentioned earlier in which operators had received some type of education. She asked how that applied to the overall boating population. She

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asked if that percentage could turn out to be much lower. Mr. Malatak said he would need to speak with Ms. Tomczuk and her team about those numbers.

**Discussion of Paddlesport Accident, Injury, and Fatality Trends
Pam Dillon, Boating Law Administrator, State of Ohio**

Ms. Dillon began by defining paddlesports. They involve canoes, kayaks, and rafts operating on moving or whitewater, coastal waters, and predominantly flat water. She noted that paddlesports were becoming more popular nationwide.

She said that additional data (beside BARD data, whose validity she questioned) were needed on paddlesport boating trends. Of the information presented at the last meeting in April, she said the most revealing numbers involved the rise in the number of canoe and kayak fatalities from 2000 to 2009.

Ms. Dillon talked about a National Survey on Recreation and the Environment (NSRE) report to the American Canoe Association (ACA). NSRE gathered data by telephone, collected between August 2006–September 2007 and February 2009–November 2009. Based on 2,104 completed individual surveys, approximately 40,000,000 people 16 years and older participate annually in paddlesports on an average of eight days a year. Therefore, 338,125,000 “paddling days” take place in the U.S. annually. She said that 132 died while paddling in 2009.

Showing a slide that compared these numbers to all boating activities in 2009, Ms. Dillon pointed out that paddlesports had a good safety record overall. She said though there are still challenges ahead, this was worth celebrating. She said a minimum of 15 million people own paddleboats nationwide. The death rate per 100,000 boats is 0.85. She compared the 132 paddlesport deaths in 2009 with the 604 non-paddling deaths. The overall death rate per 100,000 boats was 4.76 based on the total number of registered boats (12.7 million). She noted a discrepancy between these numbers and some of the BARD numbers presented previously.

Ms. Dillon conducted a case study in her own state of Ohio. The number of registered canoes, rafts, and kayaks has grown dramatically since 1980. The number of these craft doubled since 2000 to about 90,000, setting a record for registered boats in the state. By contrast, motorized boat numbers have decreased.

Showing a series of plot graphs comparing numbers of accident rates of motorized and non-motorized boats in Ohio, she noted that motorboat fatalities had jumped dramatically. Again she pointed out how some of these numbers differed from existing BARD data. Comparing injury statistics, she said the trends were similar, though canoe and kayak injuries were rising in line with increased participation.

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Ms. Dillon emphasized that these NSRE/ACA numbers should be released in a format laypeople can understand, and that there needed to be a greater understanding of paddlesport trends. She suggested the Council invite Dr. Gary Green, who worked on this study, to the April meeting to share the results of the report. She warned of misinformation provided in data that members have been relying on to date, and concluded by encouraging the ACA and other groups to provide additional research.

Mr. Stec said they were planning to have this study released in conjunction with the International Boating and Water Safety Summit. He said if they had it ready before then, they would be happy to release it to interested members. He also noted that the numbers Ms. Dillon discussed applied only to people 16 and older and that there were a significant number of younger participants, i.e., there were probably more people out there in paddlecraft.

Mr. Muldoon asked why Ms. Dillon had chosen to omit wind-powered craft from her presentation. Ms. Dillon said the NSRE/ACA study had only looked at paddlesports. They consider sailing to be another subset.

Mr. Tsuneyoshi thanked the presenters, and asked the Subcommittee if they had any new business. **Mr. Tsuneyoshi proposed a motion to adjourn the Subcommittee at 12:29pm. The motion was made by Ms. Takashina with a second by Mr. Angell, and was unanimously passed.**

**Strategic Planning Subcommittee Welcome and Introductions
Fred Messmann, Subcommittee Chairman**

Mr. Messmann called the meeting to order and introduced himself. He asked the committee members to introduce themselves: Ms. Cecilia Duer, Mr. Randy Edwards, Mr. John Fetterman, Ms. Marcia Kull, Mr. Bruce Rowe, and Mr. John Underwood.

**Outreach to Partners for Implementation of the Strategic Plan
Cecilia Duer, National Water Safety Congress**

Ms. Duer said there would be a Strategic Plan signing ceremony on Monday, March 7th, 2011 during the International Boating and Water Safety Summit (IBWSS) which will be held in Savannah, GA. She hoped that members would register and be there.

She needed members' help to designate leaders who would be signers of the Strategic Plan. These signers would represent their organization, and their team would act as Implementing Partners. She wanted to clarify who would be signing the document. Ms. Duer asked that all Implementing Partners let her know who would be signing the Plan for their organization, and

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also that signers be clear on what they were signing up for. She said there was an Implementing Partner list on Basecamp, and encouraged members to look there for more information. She added that the deadline for early registration for the Summit was fast approaching. She suggested that partners go over their strategies and objectives, make sure their teams were in place to do the best job possible, and lay the groundwork for their goals.

Ms. Duer said some “Go-To” meetings would be held in either late summer or early autumn of this year to discuss updates to the Plan. She mentioned the 2012 Summit, which will be held in San Diego, and at which Objective Partners could discuss what they have accomplished with their teams.

Non-Profit Grant Products and Deliverables – Discussion of Transparency and Access to Grant Products

Pavlo Oborski, Chief, Grants Management Branch, Boating Safety Division

He began by referring to a strategic planning meeting at CG Headquarters in August, in which there was some discussion about access to grant products and applications. After that meeting they received three FOIA requests for organization’s proposals.

Mr. Oborski gave a brief summary of fiscal year (FY) 2010 grants. Thirty-nine grants were awarded to 15 organizations, totaling over \$6,067,700. The FY 2011 solicitation was posted on November 5th, 2010, and is available online now. With the January 28th deadline fast approaching, he said only four applications had been submitted so far. He hoped the bulk of the applications would arrived by the time he returned from this meeting. He said the estimated funding for FY2011was approximately \$6M.

Mr. Oborski reminded the group that all FY2011 submissions must be sent online to grants.gov; no paper copies would be accepted. He said that those applying for a non-profit organization grant would need to obtain a DUNS number; register with the Central Contract Registry (CCR); make sure they had a username, password, and AOR authorization; and check that they had the correct version of Adobe Reader.

Next, he went over areas of interest that the USCG would focus on this year:

- Developing and conducting a national year-round safe boating campaign;
- Developing and conducting localized outreach strategies that support the U.S. Coast Guard’s “Don’t Wreck Your Summer” Campaign;
- Developing and conducting a national recreational boating safety outreach and awareness conference;
- Building federal and state cooperative partnering efforts to enhance uniformity and effectiveness;
- Developing and conducting boating accident investigation seminars;

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- Contributing to a national estimate of life jacket wear rate;
- Developing, designing, producing, and distributing a safety equipment checklist;
- Conducting on-water boat handling instruction for recreational boat operators; and
- Developing and designing a course template for on-water instruction for recreational boat operators.

He reminded applicants that they would need to relate their areas of interest to the Strategic Plan.

Ms. Podlich asked how the USCG had developed its priorities for that list. Mr. Hoedt said that areas of interest are traditional items they have funded in the past and are still vital to the program or are ideas generated either within the office or from recommendations, such as from NBSAC or NASBLA. He asked the group to bear in mind that the majority of grants the USCG funds are not areas of emphasis. He pointed out that there might be a list of nine areas here, but the USCG funded 39 grants last year. While grant ideas need not directly connect to those areas of emphasis, he added that the USCG would like to see all ideas relate to the Strategic Plan.

Mr. Marie reminded the group of Objective 11, Strategy 1.1, specifically referencing the link between the non-profit organization grants and the strategic plan.

Mr. Oborski replied that after looking at the FY08 grants, he only had eight reports in-house. Therefore, he felt it was somewhat difficult to work on anything related to the Strategic Plan with so little information. Mr. Messmann asked if that meant the other 30 grantees did not submit reports. Mr. Oborski said his office just needs to find those in-house.

Mr. Oborski said he will be trying to officially close out grants, beginning with FY08. He noted that the USCG wanted to stay on top of all their financial reporting and ensure it was up to par. Mr. Muldoon asked how far back the audit would go. Mr. Oborski said that as yet there was no audit, just talk of one; there was currently an ongoing internal audit for the accounts payable part of the Trust Fund, but his office has not yet been a part of it. The liaison for the audit team unofficially asked to see their internal policy of handling payments.

Mr. Hoedt said Mr. Oborski brings a great deal of expertise with him. If there is an audit, he said, they needed to be on the right track to making sure everything is being done correctly. He said the Division wants to make sure everything is proceeding correctly, and that grantees are sending in their fiscal reports.

Ms. Duer asked if federal organizations only had to save their reports for three years. Mr. Oborski clarified: record retentions begin three years after *closeouts*. Ms. Kulp asked how a non-profit organization would know that its grant was closed out. Mr. Oborski said they are working to make sure that grantees would be informed when this occurred. He admitted they had not notified anyone up to this point. Ms. Kulp said she used to do grant work with NASBLA, and when she sent in her final report to her technical grant manager, she was told to

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mark it as “Close Out,” and had received an e-mail back informing her that it was closed out. She asked if that meant the grant was officially closed out. Mr. Oborski said that in such a case it would be closed, as she had received a confirmation from the Grant Technical Manger (GTM). He noted that the record retention begins from that closure date.

Mr. Oborski said that in the past, staffing was a problem, but now there was a full Grants Management Branch so they could focus on grants-related issues. He pointed out that the Grants Management Branch would be able to ensure that programs are proceeding properly, due to a dedicated staff now in place.

He said that when non-profit organization grant applications are submitted, an SF-424A form must be filled out. This is a budget information worksheet form and this financial reporting needed to be up to date before grant payments could be authorized. This rule would apply not only to non-profits, but also to the states. He stressed that grantees’ quarterly reporting must be submitted before they can be paid. He is also working to make sure all future grants have the same start date. In the future, he wants budget negotiations to take place *after* the grant is awarded.

Mr. Oborski talked about site visits. He assured members that they did not need to worry about these visits, as the purpose was mainly to provide technical assistance, to make sure people were keeping proper documentation, and confirm they were complying with the terms of the grant.

Regarding extensions, he said the process would now be more formal. These requests would be “officially” approved via a PDF document to the point of contact. Mr. Oborski reminded members that when a grant is extended, grantees are required to submit accompanying financial reporting. Extension requests up to 6 months will be automatically approved; but it is important to make sure the request is submitted 30 days before the scheduled end date. Extension requests for longer than 6 months will now need a detailed timeline. His goal is to make sure that one-year funding periods are not staggering for a long period of time.

Looking to the future, Mr. Oborski said he wanted to cut the amount of time it took for grantees to receive their payments. He was cautiously optimistic about getting to the point of automated grantee payments by FY 2012. When automatic payments are accomplished, he would be able to send out guidance to grantees about how future payments will be handled.

Mr. Oborski said his office was also working on updating the non-profit organization grant guide; it would be streamlined in the future and available online. His staff is also working on a non-profit organization grants management seminar, again for FY 2012. At present, they are deciding whether to gear it to only grantees or have it open to everyone.

Mr. Oborski then provided some examples of previous non-profit organization grants. He mentioned the following:

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- ACA’s FY08 grant proposal for “Paddlesport Partnering and Targeted Boating Safety Outreach: Targeting the Fastest Growing Segment of Boating Participation.” Their final deliverable was *American Paddler* magazine, “Know Your Limits.” He stressed that every person’s deliverable might be different—products could range from DVDs to magazines or pamphlets.
- NSBC’s “Wear It 2007–2011.” Deliverables included the 2009 National Safe Boating Week (May 16–22), promoting the “Wear It” theme; the “Be a Survivor: Wear It!” contest; and an aggressive marketing campaign.
- National Safe Boating Council’s “Inflatable Life Jacket Education Grant” in FY09. This included the inflatable life jacket education kit, which consisted of educational DVDs, a flip chart, a flash drive with various educational documents, a life jacket, and safety equipment.
- National Water Safety Congress’ FY09 “Beyond Cold Water Boot Camp” and a coldwater boot camp DVD.

Mr. Marie said that as part of the Strategic Plan, NBSAC is supposed to make recommendations for future grant projects. He asked at which NBSAC meeting that should occur. He suggested it be done after the Executive Summaries are shared with NBSAC. Mr. Oborski informed the Council that they need to have the solicitation by November.

Mr. Hoedt said it would depend on what the Council was trying to accomplish. If they only wanted to know about the products of the completed grants, then the fall meeting would be a good time; however if they wanted to provide the USCG with recommendations for the areas of emphasis, then that would be a different time frame. Mr. Marie reviewed the language in the Strategic Plan. Based on that language, Mr. Hoedt said the April meeting would be appropriate for recommendations to the USCG, because of the announcement posting in November.

Mr. Oborski advised members to keep in mind that if he had not received some solicitations, everyone in the room would know who was delinquent. Mr. Oborski said that, depending on how the 2008 review went, he could give members copies of all the Executive Summaries at the April meeting. Mr. Messmann asked if they received the FY08 information in April, would Mr. Oborski be able to give them the FY09 information at the October meeting, and FY10 information the following April. Mr. Oborski replied that while the FY10 information might be a challenge, the other years were feasible.

Mr. Muldoon asked for this request to be taken into account when they set the agenda for April, and requested an hour for it.

Mr. Oborski said that, if he had all or most of the information in by April, members would have a copy of the Executive Summary for FY08. He would indicate missing items in bold, so everyone would know which organizations were delinquent.

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Mr. Hoedt said the Council must keep in mind that when the USCG receives recommendations on various areas of emphasis, they are only *recommendations*. The USCG must examine them and determine the potential effectiveness and timeframe. He also cautioned members to remember that their organizations may have a conflict of interest in the whole process.

Ms. Dillon said the reason they needed to be informed about these dates was so they could provide public access to those effective grant products as quickly as possible. She remarked that historically, many great products sat on the shelves. Mr. Hoedt said he was pleased that they were now centralizing a collective resource in order to facilitate easy access to all the records of grant applications.

Ms. Kull requested that the Council establish a formal procedure for NBSAC members to make recommendations before the April meeting. Mr. Marie expressed doubt as to whether it would be a good idea for all members to make a recommendation, and suggested they gather the ideas in the Strategic Plan. They could then make a recommendation as a committee. Mr. Messmann clarified, stating the Subcommittee would make the recommendation to the full Council.

Mr. Beam asked about ownership of intellectual property and usage rights: Is the product submitted by the grantee considered public domain, or is it owned by the grantee's organization? Mr. Oborski said his interpretation was that the grantee is the owner of the property; however, if the USCG needs copies of it, they should be able to obtain it at no charge.

Mr. Chisholm asked whether, the information generated by the grant is turned over to the USCG; it is still the property of the grant recipient or does it then become public domain? Mr. Hoedt replied that the USCG always considered it to be in the public domain. If the grant recipient wished to sell the end product, that was part of the negotiating terms of the grant upfront.

Mr. Messmann used the inflatable life jacket kit as an example. They received enough USCG money to produce the initial kit; however the demand turned out to be greater than what they were able to supply to interested partners, so they bought the kits and now they were selling it themselves, at their own expense.

Mr. Muldoon commented that proprietorship of grant products was a complex legal area that needed to be looked at on a case-by-case basis.

**Introduction to the Strategic Plan of the National Recreational Boating Safety Program
2012–2016**

Fred Messmann, Strategic Planning Subcommittee Chairman

Prior to starting the next presentation, Mr. Messmann thanked the Objective Leaders who participated in the Strategic Planning Panel; these included both Council members and those not on with the Council. He acknowledged their work over the summer with the numerous conference calls. He said the group spent “untold hours” of time on the telephone, in conference,

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pre-conference, and post-conference calls. He acknowledged that the timing was difficult, as it was during the boating season. They had felt the need to push because the USCG had given them a timeline. Mr. Messmann thanked everyone for helping to meet that timeline. He then reviewed the Objective leaders for the Council.

Mr. Muldoon suggested that they come up with some words for a resolution whereby they could officially acknowledge those members, and perhaps present them with a token of appreciation.

Mr. Messmann said that in the past month, he made one substantive change to Objective 10 of the Strategic Plan, adding strategy 10.10. It asks the Coast Guard to reduce the backlog of regulations by appointing a NBSAC committee to help. He reminded the group that the current version of the Strategic Plan was circulated at the end of yesterday's meeting. This document contains the introduction and each one of the objectives, followed by the strategies. It does not contain the benefits section, as it would have made the document unwieldy for review in the time provided. All the rationales and benefits are posted on Basecamp, as well as names of individuals whom the Objective Leaders think should be Implementing Partners.

Mr. Messmann then went through some quick changes on the document handed out yesterday. He read one change, where some language was altered slightly: "Paradoxically, an increase in reported injuries may or may not be an indicator of Plan success." The purpose of this change was to clarify that the purpose of the Strategic Plan was not to reduce injuries by increasing accident reporting. In fact, an increase in accident reporting might actually show an increase in injuries.

Ms. Podlich expressed concern about the numbers of accidents and the conversation about accident reporting in the Plan. She pointed out that the majority of accidents go unreported, but fatalities are a different issue. She said there were significant efforts underway to increase the number of reported accidents, and noted many action items in the Strategic Plan to help in those efforts. At the same time, she noticed a couple of places in the Strategic Plan where there were pledges to reduce the number of accidents. She warned that this could "set up the Coast Guard for failure." She said they had to decide which they wanted—if they wished to reduce the number of accidents, "then quit trying to reduce accident reporting." If they wanted to provide better accident reporting, they should not tell Congress that they would reduce the number of accidents. Ms. Podlich stressed that they needed to decide which way they wanted the USCG to go.

Mr. Messmann said he felt that their research and development would help to change those numbers. He noted the Council could only make forecasts based on the most solid information they had, and if in the future that information changed because of the work being carried out in the Strategic Plan, it would be easy to explain to Congress. Ms. Podlich disagreed. She felt it would be difficult for the Admiral to explain to Congress: "We did a better job and [yet] we have

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more accidents.” Mr. Messmann acknowledged Ms. Podlich’s point, and said that a great thing about the Strategic Plan was that nothing was set in stone; things could always be changed.

RADM Cook said that when the USCG instituted more aggressive oil pollution reporting, the same thing happened; it appeared as if more spills were occurring. He said Ms. Podlich’s point was valid, and that it might be wise for the document to acknowledge some link so that people could understand the results in the context of improved reporting. RADM Cook said he would prefer to see this point explained in a footnote in the document, making it clear that increased reporting leads to a perception of increased accidents. Mr. Messmann agreed with that suggestion.

Dr. Maxim said their goal was to reduce accidents, not to reduce reported accidents. He noted they already had a good handle on fatality numbers. Regarding injuries, he said they had the “paradoxically” and “may or may not” language to help. However, if they want a footnote to distinguish between real and reported accidents, he would be happy to help craft one.

Mr. Nobles said the USCG was working on a study on improving boating accident reporting. This would result in better data about the “unknowns.” He promised his office would keep everyone updated on the progress of that project.

Mr. Messmann continued to go over typographical errors and edits to the Plan. Mr. Messmann concluded by saying he was proud of all the work that had gone into the document, and that he was pleased with their progress to date.

Overview of the Strategic Plan of the National Recreational Boating Safety Program 2012–2016

Fred Messmann, Strategic Planning Subcommittee Chairman

Mr. Messmann again thanked the Strategic Planning Panel for all their hard work. He said that the goals of the Plan were to foster the development of a robust safety culture among industry members, law enforcement officers, educators, and the boating public. He said that if promoted correctly, this culture would reduce boating injuries and fatalities. He urged the group to use a focused combination of outreach initiatives, regulation, and enforcement to convince the public that safety regulations support caution and are not unduly burdensome.

He mentioned the paddlesport and PWC industry’s previous efforts to encourage people to wear life jackets, pointing out that those industries already had a culture of safety. The Council’s goal was to proliferate that culture throughout the entire boating industry. Mr. Messmann listed the four key features of a robust safety culture—openness to change, maintaining accurate reports, being informed, and being open to learning.

Mr. Messmann then discussed characteristics of the Strategic Plan, describing it as:

- Evolutionary rather than revolutionary;

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- Focusing on continuous improvement, and setting the stage for more robust performance initiatives, including Mandatory education, and
- Assessing feasibility and benefits of mandatory life jacket wear for certain vessels;
- Able to make continuous improvements, not merely replicating them; and
- Requiring active participation by partners.

He stated that the group's goal was to save lives. This required a significant step change that would likely involve introducing mandatory life jacket wear. He reiterated that their efforts in the next five years would set the stage for the creation of a widespread safety culture, and noted that the upcoming signing ceremony would be significant in that partners would commit themselves to help foster that culture.

Mr. Messmann then moved on to the goals of the Plan, explaining that they were developed using both the judgment of subject matter experts and information from statistical trends. He said that the Plan's objectives ensured the future would be "data-driven." He stressed that the Plan was a "living document," to be revised as new information became available.

Referring to a slide showing fatality rates over the past five years, Mr. Messmann talked about numerical goals. He said that while he wanted to make these goals realistic, he also hoped the group would be aggressive in its approach to lowering those numbers. He said when the plan is signed, "We're not done, we're just starting."

He then discussed fatality rates, which have dropped dramatically since the 1960s. However, that progress has slowed in recent years. He said that targets within the objectives are designed to be **SMART**: specific, measurable, agreed upon by everyone, realistic, and time-based.

Mr. Messmann said that throughout the planning process, Mr. Hoedt often asked the planning team the question, "Are we there yet?" They acknowledged that progress was becoming more difficult, but insisted that the status quo was not satisfactory. Mr. Messmann said that executing the Plan depends on teamwork by all the boating safety partners. He acknowledged that the Plan's success would depend on factors not under the control of the USCG, such as partner actions and boating public response.

He said that the Plan consisted of eleven objectives, with implementation strategies for each. The Plan's objectives and strategies are integrated and interdependent; no objective takes priority over another. Mr. Messmann then read through each of the objectives and its strategies, asking for comments, questions, and concerns of each.

Objective 1, Safety Education Certificates and Successful Course Completions, discussion:
The individual strategies of this Objective:

- 1.1: Track the number of certificates – States
- 1.2: Track the number of certificates – USCG
- 1.3: Strengthen boating education laws – States

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- 1.4: Strengthen boating education laws – Federal
- 1.5: Measure effectiveness of education methods

Ms. Podlich had a question about Strategy 1.2. She asked if the current wording addressed her previous concern about double counting by agencies and states? Ms. Duer said that it did.

Mr. Hoedt wondered whether a learning program that was not NASBLA-approved, but contained all the national education standards, would qualify as a legitimate course. Ms. Duer said that question was answered in Objective 2, which addresses other grassroots courses.

Ms. Kulp said that, at this point, the only USCG-recognized courses are NASBLA-approved. Other potential course leaders would have to go through some formal approval process to have such a designation. Therefore, at this point, the answer to Mr. Hoedt's question would be no.

Mr. Lumian said that a large number of USCG-approved courses exist that are not NASBLA-approved. He offered to provide Council members with that list. He noted that the USCG has a specific approval process for boating safety courses. Mr. Hoedt informed the Council that those courses were for commercial vessels, not recreational.

Mr. Moore expressed great concern about individuals claiming to meet established standards for boater training courses, when in fact their courses had not undergone a review process. Mr. Muldoon warned that monopolies were dangerous, and that NASBLA was not necessarily the most qualified organization either. Mr. Messmann advised members to keep their concerns specific rather than spend time debating general points during the meeting.

Ms. Dillon said she was now confused about which courses were USCG-recognized. Mr. Hoedt said some organizations had concerns with NASBLA's state-by-state approval of courses. Some states had a monopoly over whom they would consider for courses. Some organizations had lost patience with the system. If an organization was willing to sign on to the Strategic Plan and become an Implementing Partner, and its members discovered that their information would not count for anything, they might wonder, "What's [our] role?"

Ms. Dillon referred to Performance Report Part II, a USCG report, which stated that NASBLA was the only organization they recognized to provide boater-training courses. Mr. Malatak mentioned another section in the Performance Report titled "Other Education and Outreach." He said that the USCG would view other courses as "non-NASBLA approved." They might be equivalent, just not NASBLA-approved.

Mr. Hoedt wished to clarify. Even if an organization wished to promote a course not approved by NASBLA, the USCG would still want it to participate and become an Implementing Partner. Members of the organization would need to report their individual boater education course to the state BLA; then the state would record it in the Performance Report Part II, under the "Other Education" section.

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Mr. Muldoon asked what would happen if a state established specific criteria for course approval, endorsed one company to perform courses statewide, and wouldn't accept anyone else's courses. Mr. Messmann reminded him of Jim Graybeal's presentation, in which he had stated that NASBLA was in the process of evaluating how to handle such situations. Mr. Messmann assured him that issue would be Mr. Graybeal's priority for this year.

Objective 2, **Boating Safety Outreach**, discussion:

The individual strategies of this Objective:

- 2.1: Develop a system for measuring the effectiveness of all media outreach efforts utilized within the first year of this Strategic Plan
- 2.2: National outreach work group
- 2.3: Deliver boating education messages through grassroots efforts
- 2.4: Deliver branded messages through traditional mass media
- 2.5: Deliver branded messages through non-traditional/new/social media
- 2.6: Reach the segment of the boating public with limited English proficiency
- 2.7: Deliver messages via law enforcement officers
- 2.8: Deliver messages via marine dealer network

Regarding Strategy 2.6, Ms. Podlich wondered if that was now a federal requirement. Mr. Messmann said yes, there was a Presidential Executive Order mandating outreach to the non-English speaking section of the population.

Mr. Campos remarked that he did not think there was that much of a language problem, even in Texas with all the Spanish-speaking boaters. Mr. Messmann replied that they were obligated to carry out those outreach efforts, but that if anyone had suggestions, they should submit them by the end of January. Ms. Podlich said she was merely looking at all the numerous strategies in the Plan and wondering how they would all get paid for, both in terms of staff time and money. Mr. Messmann said that the USACE distributed a great deal of its materials in other languages.

Mr. Malatak said there was a Presidential Executive Order (E.O. 13166) that deals with providing services to those with Limited English Proficiency (LEP). The E.O. requires federal agencies to examine the services they provide and determine if there is a need to provide those services to people with LEP in a meaningful way without unduly burdening the agency. Mr. Malatak said the main purpose of E.O. 13166 was for law enforcement to get out messages in emergency situations. He checked with the USCG civil rights office and they agreed this E.O. would not impact this outreach objective.

Mr. Messmann said that, given Mr. Malatak's input, Mr. Meddock should follow up with Mr. Malatak about Strategy 2.6 by the deadline. Mr. Messmann pointed out that, even if this strategy did not stay in the Strategic Plan, another group like the USPS might develop their own outreach program.

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Objective 3, **Advanced and/or On-Water, Skills-Based Boating Education**, discussion:

The individual strategies of Objective 3 are:

- 3.1: Track participation in and effectiveness of advanced education and on-water, skills-based boating education courses
- 3.2: Coordinate Best Practices for on-water, skills-based boating education courses
- 3.3: Set numerical targets for participation in advanced education and on-water, skills-based boating education courses

Ms. Podlich said they should footnote the definition for “advanced and/or on-water, skills-based education,” because several people asked about exactly what that meant. She then pointed out to Mr. Malatak that Strategy 3.2 contained information on how to put together a team to identify Best Practices. She asked if that was clear to him at this point. Mr. Malatak said yes.

Objective 4, **Life Jacket Wear**, discussion:

The individual strategies of Objective 4 are:

- 4.1: Track and evaluate life jacket wear rates
- 4.2: Continue the Life Jacket Wear Rate Tiger Team
- 4.3: Engage all RBS professionals in public demonstrations of inflatable life jackets
- 4.4: Continuously improve life jacket testing and approval standards
- 4.5: Evaluate and assess the benefits and feasibility of mandatory life jacket wear regulations that target the at-risk population as identified in Strategy 4.2
- 4.6: Evaluate life jacket loaner programs
- 4.7: Address life jacket wear in boat owners’/operators’ manuals

Referring to Captain Shipp’s presentation yesterday in which a different observational study was discussed, Ms. Podlich remarked that it might be wise for the group to double check that the wording continues to promote other options. Mr. Messmann said Strategy 4.1 has wording generic enough to accommodate other studies. He added that several of these issues were also being discussed in the Tiger Team.

Ms. Takashina said that their intention had been to leave the door open to consider other studies and information, but offered to talk with Ms. Podlich about any concerns she might have. Mr. Messmann requested that Ms. Podlich work with Ms. Takashina on fine-tuning that wording.

Ms. Squires asked about Strategy 4.5 and whether they should add something about gauging public’s acceptance of mandatory life jacket wear. Mr. Hoedt asked if the group wanted to modify the timeline to say Spring 2011, instead of its current Spring 2012 deadline. Ms. Squires suggested leaving the Spring 2012 date as it would allow for public comment on the possibility of a mandatory wear requirement.

Objective 5, **Operator Compliance – Navigation Rules**, discussion:

The individual strategies of Objective 5 are:

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- 5.1: Expand the number of states with mandatory boating safety classes for NavRules violators
- 5.2: Implement and revise curriculum for officer training to help ensure strict enforcement of NavRules
- 5.3: Increase navigation rule awareness among boaters
- 5.4: Improve consistency in recording NavRules violations as contributing factors in BARD

Ms. Podlich questioned some of the language as written in Strategy 5.1. Mr. Messmann observed that the language provided enough flexibility, and that law enforcement officers generally exercised discretion.

Ms. Podlich also suggested they add a reference to the press in Strategy 5.3. Mr. Messmann said that was contained in Objective 2, which is referenced in Objective 5.

Ms. Kulp and Ms. Dillon suggested two other changes, which Mr. Messmann suggested they work on before the meeting tomorrow.

Objective 6, Boating Under the Influence, discussion:

The individual strategies of Objective 6 are:

- 6.1: Measure alcohol and/or drug use in recreational boating
- 6.2: Train marine law enforcement officers in BUI detection
- 6.3: Expand nationwide use of the validated standardized seated sobriety tests
- 6.4: Analyze individual state efforts to link BUI violations with driver's licenses
- 6.5: Conduct BUI awareness and enforcement campaign (e.g., Operation Dry Water)
- 6.6: Improve accuracy of reporting alcohol and/or drug use in recreational boating accidents
- 6.7: Test and evaluate a pilot project to assist in setting future target measures

Ms. Podlich observed that because Objective 6 would probably create an increased awareness of BUI among officers, it might result in a spike in the numbers of arrests; therefore this should perhaps be noted somewhere in the objective. She also suggested that they use specific numbers of cases and years when using language like "5% decrease." Mr. Moore said that this was an abbreviated version; there was still background material to go along with this with specific numbers.

Objective 7, Manufacturer Compliance, discussion:

The individual strategies of Objective 7 are:

- 7.1: Identify problem boats/manufacturers
- 7.2: Test/target recreational boats with flotation issues
- 7.3: Manufacturer outreach

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- 7.4: Conduct and support research to identify new products, new designs, or new safety standards that could reduce boating injuries and deaths

Objective 8, **Operator Compliance – USCG Required Safety Equipment**, discussion:
The individual strategies of Objective 8 are:

- 8.1: Evaluate incidents of non-compliance with specific USCG required safety equipment
- 8.2: Analyze required and recommended equipment
- 8.3: Assess effectiveness of current boater education outreach and law enforcement programs to achieve higher compliance rates with USCG safety equipment carriage requirements, including life jackets
- 8.4: Enhance compliance outreach
- 8.5: Simplify the message
- 8.6: Increase boaters' knowledge of safety equipment
- 8.7: Encourage purchase of required safety equipment

The members discussed specific items on the required and recommended list. Ms. Takashina said she thought the capacity plate had been taken off that list. Ms. Podlich said they hadn't discussed it because it comes with the boat, while all the other accessories are removable. Mr. Clarke asked if the Man Overboard button on electronic chart plotters (a removable item) would fit into strategy 8.2. Ms. Podlich said yes, and that list is just a start, but there might also be new technology that comes out in the future that will be applicable too.

Mr. Clarke asked how items could be added to the list, and Ms. Podlich pointed out that the Strategic Plan is a living document; that item could be added now if Mr. Clarke wished. Mr. Clarke said he would like to see it addressed at some point.

Objective 9, **Boating Accident Reporting**, discussion:

The individual strategies of Objective 9 are:

- 9.1: Recommendations of the "Regulatory Review and Accident Reporting Requirement Regulation" Task Force
- 9.2 -9.16: See strategic plan for specific language

Ms. Podlich asked the USCG about Strategy 9.17; is the language in that strategy flexible enough? Mr. Hoedt said the way it was written gave the USCG the flexibility it needs. He noted that 24 states are still not participating for a number of reasons. The USCG is in the process of trying to resolve why, and is addressing problems on a state-by-state basis. There were numerous roadblocks, including privacy and turf issues.

Objective 10 **Research and Development ("Data Central")**, discussion:

The individual strategies of Objective 10 are:

- 10.1: Conduct national boating survey

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- 10.2: Conduct life jacket research
- 10.3: Measure exposure and use for risk analysis
- 10.4: Improve BARD data
- 10.5: Analyze BARD data
- 10.6: Assess and compensate for non-response
- 10.7: Assess priority for non-compliance work
- 10.8: Analyze data on boaters with limited English proficiency
- 10.9: Review Performance Report Part II
- 10.10: Reduce the regulatory backlog for RBS regulations

Mr. Messmann said that Strategy 10.10 would remain as it is, with the following suggestions added to the end of the second item: “Include with this prioritization any actionable recommendations from the regulatory review of the boating accident reporting system under Objective 9 and forward to CC-542 for review. In addition, they would add a third point to 10.10 as provided by CAPT Rizzo and RADM Cook. The third point was agreed upon by the Panel and NBSAC.

Objective 11, **Effectiveness of Non-Profit Grants**, discussion:

The individual strategies of Objective 11 are:

- 11.1: Review Non-Profit Organization Grants
- 11.2: Provide public access to effective grant products

Mr. Beam pointed out the significance of collision accidents as they relate to the Plan. There were six different sub-categories of collisions in 2009; together, they added up to 122 fatalities, accounting for 38% of the year’s total accidents and 39% of the total injuries. Collisions were behind about 50% of boat accidents; 3,087 vessels out of 6,190. He saw things in the Plan that touched on this issue, but said it was a category to target if the group wanted to go after some “low hanging fruit.”

Mr. Beam said he recognized that data drives the system, but stressed that it was important to look at the sources of those data. He noted that in the current Plan, law enforcement officers provide the only details on reported accidents, and some details of boating accidents were very technical and went well beyond the scope of law enforcement officers’ expertise. He expressed concern that important details were being missed. Would the Plan include other sources for data on what was going wrong in the field, particularly the technical causes for accidents? He hoped for radical new ways to approach the problem. He urged the group to come up with different ways to gather data about what is going wrong in the field.

Mr. Beam said that the Council should also be aware of new, rapidly evolving boating industry technology trends that have no oversight or supervision and might cause potential problems. He hoped ABYC’s Product Interface Committee would provide guidance on this subject. He said he

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would like to see the Plan monitor the enormous technological changes to boats built in the last five years.

Ms. Kull noted that Strategy 7.4 tasked NMMA to work with ABYC to discover new technologies and designs that might jump-start safer boating practices. This has been ongoing for a number of years.

Mr. Moore asked if all the rationales and benefits would be included in the final document. Mr. Messmann said the Plan would be published in two formats—one would include only the objectives and strategies for quick reference and the other would include the entire Report with all its rationales and benefits.

Mr. Marie asked Mr. Clarke if he could assist in publicizing the Plan through his magazines. Mr. Clarke said yes.

Mr. Messmann proposed a motion to move the draft of the Strategic Plan to the full Council. The motion was submitted by Ms. Duer with a second by Ms. Kull, and was unanimously passed.

Moving on to new business, he requested a resolution to recognize the efforts of members of the Strategic Plan review team at the April meeting. He also asked for a resolution for the current objective leaders to remain in place after the signing to ensure that the Plan would be properly implemented. The motion was submitted by Ms. Duer with a second by Mr. Edwards, and was unanimously passed.

Mr. Messmann then presented awards to Mr. Dan Maxim and Ms. Rachel Warner, in appreciation for all their contributions, eye for detail, and hard work during the development of the Strategic Plan.

Mr. Messmann proposed a motion to adjourn the Subcommittee at 5:18pm. The motion was submitted by Ms. Duer with a second by Ms. Kull, and was unanimously passed.

Sunday, January 16, 2011

**Call to Order
Chairman Muldoon**

Chairman Muldoon called the meeting to order at 9:00am on Sunday, January 16, 2011. He thanked RADM Cook for spending his time with the Council. He also thanked the USCG staff for all their work to get the meeting together. Mr. Muldoon assured members that he would continue to monitor the charter renewal situation and keep them updated. He then asked Mr. Ludwig to make some announcements to the Council.

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Mr. Ludwig reminded members of the Obama Administration's current policy, which prohibits registered lobbyists from being appointed to advisory committees. As part of that process, the USCG has a form that all the council members who are not registered lobbyists must sign stating that they are not registered lobbyists. He passed out the form for members to sign.

He said that Deputy Sam Bean of the Orange County Sheriff's Department would be coming to the meeting to show members his department's trailer, used for public events, which has been wrapped with the 'Wear It' campaign visuals.

Mr. Muldoon then asked the subcommittee chairs to give their reports.

**Boats and Associated Equipment Subcommittee Report
Mr. Pete Chisholm, Subcommittee Chair**

Mr. Chisholm recapped the Boats and Associated Equipment Subcommittee meeting. Members present were Mr. Pete Chisholm, Mr. Richard Moore, Mr. J.J. Marie, and Mr. Dean Clarke. Members absent were Mr. Alfonso Campos and Mr. Dick Rowe.

The first item on the agenda was an update on propeller strike injury avoidance topics. This included a presentation by Mr. Ludwig about the status of the regulatory projects. Mr. Ludwig reported that the engine cut-off switch is undergoing final review, but it is unknown when it will be released for public comment.

This agenda item also included an update on Phase III of the Propeller Strike Injury Avoidance Project being completed by ABYC and CED Investigative Technologies. Mr. Adey of ABYC, Mr. Daley of CED, and Mr. Cappel of the USCG all gave updates on the status of each portion of the project.

The next item on the agenda was an update on ABYC's grant projects related to boats and associated equipment. Mr. Adey discussed their status on the following topics: Hand throttle vs. foot throttle development, capsizing and swimming accidents, and the voluntary standards grant for outdoor CO levels.

The Subcommittee then heard a presentation on the USCG Authorization Bill of 2010. The first discussion came from CAPT McBride and CDR Moser. They discussed the Coast Guard's new regulatory authority for emergency locator beacons. They provided information on how the notification system works, various types of emergency locator beacons, and the USCG's new authority of regulating their use. Mr. Cappel then discussed the study on the effects of ethanol noted in the Authorization bill.

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The final two presentations for the Subcommittee came from Ms. Squires. She first reported on the status of the National Insurance Crime Bureau database collection of manufacturer information. She then provided the Council with an update on activities related to evaporative emissions regulations and the effects on the safety of boat fuel systems.

In addition to these topics, two new items of business were brought before the Subcommittee, which resulted in action items.

The first related to the rental educational package that was developed, requesting the USCG to do the following:

- Investigate and report on the package distribution plan, and plans for evaluating the effectiveness of the material;
- Follow up with partnering organizations to further promote the distribution and use of the package; and
- Include the rental educational package as part of Strategy 2.1 of the Strategic Plan.

The second action item related to the use of life rafts and related equipment on recreational boats, requesting the USCG to add the use of life rafts and inflatable buoyancy apparatus for recreational boats to the 2011 Safety Equipment Checklist grant project. Information should include definitions, specifications, and servicing requirements.

Mr. Chisholm made a motion to accept the two Action Items, which was seconded by Mr. Clarke, and was unanimously passed.

Mr. Chisholm said that the Subcommittee had no proposed resolutions to the Council. He concluded his report.

**Prevention Through People Subcommittee
Ray Tsuneyoshi, Subcommittee Chair**

Mr. Tsuneyoshi recapped Saturday's Prevention Through People Subcommittee. Members present were Ms. Pam Dillon, Mr. Les Johnson, Mr. Larry Meddock, Ms. Margaret Podlich, Ms. Dorothy Takashina, and Mr. Herb Angell

Mr. Tsuneyoshi said the Subcommittee was called to order yesterday, January 15th, and the members discussed the following agenda items:

'Lives Saved Methodology,' in which Dan Maxim provided an overview of a statistical model to be used to estimate that 125 lives might be saved annually through a 70% life jacket wear rate;

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A report on the life jacket project, in which Linda Nutt of the Army Corps of Engineers provided a brief history of the Corps work on mandatory life jacket wear, an overview of the policy of the three Corps districts, and their plans for the future;

A look at the 'Wear It' campaign 2010 early results, presented by Virgil Chambers, Executive Director of the National Safe Boating Council;

Mandatory Life Jacket Wear Working Group Interim report, presented by Richard Moore, that provided background information about the group and its development of a recommendation to NBSAC in April;

Progression toward mandatory life jacket wear, presented by Susan Balistreri; 'Hands-on Training: The Way Forward,' presented by John Malatak; and Discussion of paddlesport accident, injury and fatality trends, and a new NSRE report on participation trends.

There were no proposed action items and no proposed resolutions.

Mr. Muldoon asked members if they had any questions about, or additions to, anything the Subcommittee discussed. Hearing none, he moved on to the next topic.

Strategic Planning Subcommittee Report
Fred Messmann, Subcommittee Chair

Mr. Messmann said that the Strategic Planning Subcommittee met on Saturday, January 16th. Members present were Ms. Cecilia Duer, Mr. Randy Edwards, Mr. John Fetterman, Ms. Marcia Kull, Mr. Bruce Rowe, and Mr. John Underwood.

Mr. Messmann said the first item discussed was outreach to partners for implementation of the Strategic Plan, presented by Cecilia Duer. Ms. Duer reminded the members to review the lists posted on Basecamp and provide her feedback. She said the plan will be signed on March 7, 2011.

Next was a presentation by Pavlo Oborski, Chief, Grants Management Branch, Boating Safety Division on the 'Transparency and Access to Grant Products'. He provided a synopsis of the current status of the FY11 grants, their plans for the future, and examples of completed grants.

The final agenda items related to the Strategic Plan of the National Recreational Boating Safety Program 2012-2016 and were presented by Mr. Messmann. He gave a quick overview of the discussion on the Plan. He then noted that there were a number of requested edits to the Strategic Plan yesterday. He displayed pages from the Plan on the screen, and went through the changes for the full Council.

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Ms. Duer had no edits to Objective One. Mr. Meddock had no edits to Objective Two. On Objective Three, Ms. Dillon requested that the definitions for “advanced boating education and on-water skills-based education” be footnoted. She said that another small correction was made.

For Objective Four, Ms. Takashina said she had a few small edits to specific wording in the Strategies. She read them aloud—a minor one from Strategy 4.1.3, and another from Strategy 4.3.5:

She then read a couple of minor changes to Objective 4.5.

The Council discussed the wording in Strategy 4.5. Mr. Moore expressed his desire to keep the language as close as possible to the original language. Mr. Hoedt tried to clarify the timeline for this strategy based on the Panel’s desires. Mr. Messmann asked Mr. Hoedt if, by changing the wording “to continue to evaluate,” the meaning would become clearer. Mr. Hoedt said that it would; then it would be clear that they had already made a recommendation (April 2011), but that over the following year, as information became available, they would continue to evaluate it. Then they could possibly amend later.

Ms. Podlich said the April 2011 date would mean proposing a substantial change that could affect millions of people in a very short timeframe. It was her understanding from yesterday’s discussion that there was a need for public input on the recommendation. She thought the spring 2012 date left time for that. Did others in the group agree?

Mr. Clarke disagreed, noting that they would be submitting the *recommendation* in spring 2011. Following that date, they would continue to evaluate and assess the benefits.

Ms. Takashina said that deleting the fine print would resolve today’s confusion. There would be public input; that was a part of the procedure in Richard Moore’s report. There would be no way this would go forward without adequate public input. She suggested leaving it as it was to avoid confusion—that the “continue to evaluate” wording was sufficient.

Mr. Hoedt stated that the regulatory process allows for significant public input. Following recommendation from the Council, if the USCG makes a decision to move forward with the regulatory project, there will be various ways to reach out to the public during the process—one of which is a request for comments in the Federal Register. Others are Notice of Public Rulemaking or an Advance Notice of Public Rulemaking. He added that things tended to move slowly during the rulemaking process at any rate.

Ms. Duer said that only changing the bold print did not make it clear what they were doing with the evaluation and assessment. She thought the title should include “make the recommendation”; otherwise the wording “evaluating and assessing” was not clear enough.

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Mr. Hoedt thought that was a good point, and suggested a possible amendment for the smaller print: “As appropriate, from the findings of the continuing evaluation and assessment, provide additional recommendations or advice to the USCG.”

Ms. Podlich stated that was a given: “That is what NBSAC does.”

Ms. Dillon observed that there would be five years’ worth of opportunity to provide additional comment and input. She had no objection to the new language, but agreed with Ms. Podlich that it was a given.

Mr. Messmann said not quite; this was the National Recreational Boating Safety Program’s Strategic Plan, not the Council’s Strategic Plan.

Ms. Duer said that if she were reading this as an Implementing Partner and not a member of NBSAC, she would not quite understand what it meant.

Ms. Takashina said she needed some time to reword it.

Ms. Squires felt the group should take a step back and recall the Small Vessel Security Summit. During that process, the USCG brought in many of the affected parties to explain the threat and the concern. They spent a long time deciding how the policy direction should go forward. She said they could be more creative about obtaining public input, and that the Implementing Partners could be a part of that outreach. She suggested that the Council, rather than simply relying on an Advance Notice of Proposed Rulemaking (ANPRM) process, be more “proactive.” If this proposal were to be a success, there would need to be public “buy-in.” Such a public outreach, which would include PR and promotional efforts, would spread the word about the issue of life jacket wear. She suggested that all the partners get together and do “kind of a road show” on life jackets. Then they would have the opportunity to educate people, while at the same time finding out how different groups felt about the issue. She noted that the best feature of the Security Summits had been the educational component. If the Council gave itself an additional year, she said, it could accomplish a year of that kind of outreach.

Mr. Messmann observed that every component of the Strategic Plan relied on every other component. He felt they could do what Ms. Squires suggested, but that the wording did not need to change.

Ms. Dillon wondered if they should change the role of the Implementing Partners to become more than simply the life jacket working group of NBSAC.

Ms. Duer said that she was thinking the same thing, but she felt it could be discussed later on.

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Mr. Messmann said they would be voting on the objectives and strategies, and that they would try to resolve the rest of it before the signing. He noted that at present it was an “advisory” so that all the Implementing Partners and all the members of the Council could review what was in the document. He suggested they all look at what was posted yesterday on the USCG Web site. He said he wanted to keep the content close to what had been discussed at the meeting.

Ms. Dillon said she had just re-read the strategy, and now doubted if she had interpreted it correctly. Didn’t members wish to evaluate the ideas of the working group? She said she just wanted to make sure they weren’t losing something.

Ms. Kull suggested the words “at-risk populations” be left in.

Ms. Takashina noted that Strategy 4.2 specifically refers to using the BARD data to identify and track at-risk boating populations. She wasn’t sure she understood the objection about referring to Strategy 4.2.

Mr. Hoedt noted that the Tiger Team was a different group than the mandatory wear group, and that it wasn’t working on that issue. He felt that the language in Strategy 4.5 might conflict with that of Strategy 4.2.

Ms. Takashina said that it only referred to the groups identified in Strategy 4.2.

Mr. Hoedt said that Strategy 4.5 discussed mandatory wear; Strategy 4.2 did not deal with that issue.

Mr. Messmann pointed out that the Tiger Team might at some future point work on mandatory wear. He felt that adding the mandatory wear work group would cover their bases.

Ms. Podlich felt the purpose of Strategy Four was to examine at the entire body of accessible knowledge (from the life jacket work group, the Florida Observational Study, etc.), then work out their best approach. She stressed that they should not limit themselves, and suggested they end the title after “at-risk populations.”

Ms. Takashina agreed with Ms. Podlich’s comment. She had removed the fine print to avoid such a limitation. She noted that as soon as they began to list one thing, they might be excluding something else. She called on members who wished to be included as Implementing Partners to let her know.

Mr. Messmann thought the group should move on. He suggested that Ms. Podlich, Ms. Dillon, Ms. Duer, Ms. Takashina, Mr. Moore, and Mr. Fetterman collaborate about the wording during the break.

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Regarding Objective Five, Mr. Messmann noted some minor wording changes, then moved on to Objective Six.

Mr. Moore said there had been questions yesterday about successfully training more law enforcement officers to identify impaired operators when they investigated boating accidents. The more experienced officers became, the more BUI deaths would be reported—which might seem contrary to the objective of reducing the number of fatalities associated with alcohol. He proposed that a footnote be added after the first sentence of Objective Five, to read as follows:

“The recreational boating safety community recognizes that the efforts target improvements in both the detection and reporting of alcohol involved accidents resulting in death. Therefore, it should be noted that the achievement of success of Strategy 6.2 and 6.6 might contribute to a failure to meet the goal of reducing deaths by 5%.” He observed that this was “sort of a disclaimer up-front to let people know that, if they were successful with part of this, it might actually work contrary to achieving the desired goals.”

Ms. Dillon suggested a minor alteration to the proposed new wording.

Mr. Moore proposed removing the “by 5%” to make things easier.

Unidentified - felt that this was misleading in that the number of deaths might not change, but the primary factor that resulted in the deaths might change.

Ms. Kull said she would help Mr. Moore re-write the footnote.

Mr. Messmann requested Ms. Kull and Mr. Moore to write down the edited footnote and run it past Mr. Hoedt to ensure that the USCG would feel comfortable with it.

Mr. Moore then mentioned another proposed change to Objective Six, which would involve further explanation about how the “5% overall decrease” was derived.

Mr. Messmann called on Mr. Maxim to help Mr. Moore with that detail in the break. He moved on to Objective Seven. Hearing no changes, he proceeded to Objective Eight.

Ms. Podlich read one addition at the bottom of the list on Strategy 8.2:
“11. Re-designed electronic charting Man Overboard button function.”

There were no changes to Objectives Nine, Ten, or Eleven.

* * * BREAK * * *

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Deputy Sam Bean of the Orange County Sheriff's Department introduced himself and told members he had worked for the department's marine unit for 21 years. He said he had brought with him the department's safety trailer, which he takes to schools, boat shows, and public awareness events to promote boating safety within the community. The trailer is funded by Florida Fish & Wildlife. The trailer contains boating safety education items.

Members left for a 15-minute tour of the trailer.

* * *

Mr. Messmann reconvened. He said that Ms. Warner had prepared the amendments to Objective Four. He read from the revised Strategy 4.5:

Evaluate Mandatory Life Jacket Wear

Continue to evaluate the benefits and feasibility of mandatory life jacket wear regulations that target the at-risk population, and report those evaluations and recommendations to NBSAC.

Mr. Messmann asked if that amendment satisfied members' questions and concerns. Finding no objections, he proceeded to the footnote on Objective Six, which would now read:

It should be noted that the achievement of success in Strategies 6.2 and 6.6 may or may not result in an increase in reported deaths attributed to alcohol and drug related causes ... The average number of deaths for the five-year period 2012–2016 will be 148 or less.

Mr. Messmann asked if that amendment satisfied members' questions and concerns. There were no further problems. He said this concluded the review of the Strategic Plan, and he asked if Mr. Muldoon would like to call for a motion.

Ms. Dillon noted that they were not approving the timelines listed in the Plan today, nor the Implementing Partners.

Mr. Muldoon made a motion to conclude the review of the Strategic Plan, which was unanimously approved.

Mr. Messmann thanked the Council, the Chairman, and the USCG. He said that one of his charges from yesterday had been to come back with two resolutions. He said he had one resolution and asked the Council for permission to use the other as an Action Item. He read the resolution aloud:

Recognition of the Strategic Planning Review Work Group

Whereas the National Boating Safety Advisory Council requested the U.S. Coast Guard to establish a work group to review the 2007–2011 Strategic Plan to the National Recreational

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Boating Safety Program and whereas the National Boating Safety Advisory Council requested the work group to develop a new 2012–2016 Strategic Plan of the National Recreational Boating Safety Program and whereas the National Boating Safety Advisory Council Chairman, James Muldoon, appointed 11 Objective Leaders to be led by Subcommittee Chairman Fred Messmann as follows:

- Obj. One: Safety Education Certificates and Successful Course Completions – Cecilia Duer
- Obj. Two: Boating Safety Outreach – Larry Meddock
- Obj. Three: Advanced and/or On-Water Skills-Based Boating Education – Pam Dillon
- Obj. Four: Life Jacket Wear – Dorothy Takashina and John Fetterman
- Obj. Five: Operator Compliance: Navigation Rules – Maureen Healey
- Obj. Six: Boating Under the Influence – Richard Moore
- Obj. Seven: Manufacturer Compliance – Marcia Kull
- Obj. Eight: Operator Compliance: USCG Required Safety Equipment – Margaret Podlich
- Obj. Nine: Boating Accident Reporting – Fred Messmann
- Obj. Ten: Research and Development – Daniel Maxim
- Obj. Eleven: Effectiveness of Nonprofit Grants – JJ Marie and John Fetterman

Whereas the work group received support of the USCG Director of Prevention Policy, Rear Admiral Kevin Cook, Captain Mark Rizzo, chief of Auxiliary and Boating Safety, Jeff Hoedt, Chief of the USCG Boating Safety Division, and USCG liaisons and Headquarters Staff, and whereas the work group successfully consulted with many partners of the recreational boating safety community, which provided valuable input and refinements to the draft and resulted in the outstanding product now recognized as the 2012–2016 Strategic Plan of the National Recreational Boating Safety Program. Now therefore be it resolved that the National Boating Safety Advisory Council meeting and regular session in Orlando, Florida on January 16th, 2011 does hereby recognize and applaud the outstanding dedication, support, and expertise of this team in the development of the new 2012–2016 Strategic Plan of the National Recreational Boating Safety Program. Be it further resolved that this Resolution be provided to Rear Admiral Brian Salerno, Deputy Commandant of Operations in recognition of the leadership the organizations represented by the above-named individuals as well as the individuals themselves.

Mr. Messmann made a motion to accept the resolution, which was seconded by Ms. Duer. The resolution was unanimously passed, and Mr. Muldoon said there would be a proper presentation in April.

Mr. Messmann reminded members that this had been a team effort, and said it had been an honor to lead that team.

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Mr. Tsuneyoshi thanked Mr. Messmann, praising him for his “superb cat herding skills.” He asked that Mr. Messmann be given appropriate recognition for his contribution. Mr. Muldoon thought that was an excellent suggestion, and proposed a round of applause.

Mr. Messmann said there was one proposed resolution that the Subcommittee had asked him to work on, which had turned into an Action Item. He read from the document on the screen:

The implementation of the Strategic Plan is critical to its success, and that the Strategic Planning Subcommittee asks that the NBSAC Chairman appoint an objective leader for the new Strategic Plan at the April 2011 meeting of NBSAC to ensure continuity for the new 2012–2016 Strategic Plan.

Mr. Messmann made a motion to accept the action item, which was seconded by Ms. Duer and was unanimously passed.

Mr. Messmann concluded the Strategic Planning Subcommittee report.

* * *

Mr. Muldoon introduced Ms. Belmore, who would be giving members a brief Coast Guard Auxiliary update.

Ms. Belmore said the Council’s Paddle Smart program had started in the 1st Coast Guard District at the request of RADM Sullivan. It was now a national program, and involves a safety brochure and “If Found” sticker. She commented that the sticker had been very helpful to harbormasters, Coast Guard stations, yacht clubs, and everyone else who dealt with paddlecraft that aren’t secured and float away. She noted that she had some stickers with her, and offered to supply them to interested parties.

She observed that the sticker program seemed to be having an effect, at least in her district. Last spring when there were high water problems, at least three SAR cases were avoided because the stickers enabled them to contact the owners of the boats, who had told them that no one had been in them—they had simply floated away. She said the stickers saved a great deal of money for the USCG and everyone involved.

Ms. Belmore said she would be working with Mr. Tsuneyoshi to ensure more interaction between the Power Squadron and the Coast Guard Auxiliary in the future. She noted that education was still the Auxiliary’s primary purpose, and that they had expanded the “education envelope” a great deal in the past few years—both in the classroom and with Program Visit efforts. In addition, she said they had now begun an Uninspected Passenger Vessel Program to ensure those vessels carried up-to-date equipment and met safety requirements. She concluded her discussion.

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Mr. Ludwig asked Council members to turn in their nametags and travel vouchers. He noted that he had passed out information sheets for reference in the upcoming mandatory life jacket wear meeting, which would be held in an adjacent conference room.

Mr. Tsuneyoshi asked when this life jacket meeting would adjourn, and Mr. Moore told him no later than 11:00 a.m. tomorrow (January 17th).

Mr. Chisholm asked if the meeting would be open to Council members who were not part of the Subcommittee, and/or to the public. Mr. Moore said there were no restrictions on who could attend.

Mr. Muldoon said the upcoming life jacket wear meeting was yet another example of the group's dedication, and thanked them.

Ms. Podlich wondered about the exact dates of the April meeting. Mr. Ludwig said it would probably be April 1st–2nd, but that it could go into the 3rd. However, he said it would likely be a full Council meeting focusing on life jacket issues without the traditional time spent on subcommittee meetings.

Ms. Takashina asked if the meeting would last all day on Saturday, April 2nd. Mr. Ludwig said that it would probably go until at least the mid-afternoon if not all day.

RADM Cook said it had been a pleasure to attend this meeting and observe the “full process.” He had found it interesting to hear the viewpoints of industry and the public. He said he was impressed by the level of professionalism and dedication shown by the group, and by how they shared leadership roles—particularly members of the Strategic Planning Subcommittee. He noted that the experience of sitting in on the meeting had given him new confidence in NBSAC's recommendations. He congratulated the group, and expressed his thanks on behalf of the USCG.

Mr. Hoedt reiterated what the Admiral said. He also praised the hard work and commitment that had gone into the evolution of the Strategic Plan. He thanked the group.

CAPT Rizzo observed that the group was “like a big family,” thanked everyone for their dedication, and said he looked forward to working with them in the future.

Mr. Muldoon added his thanks to members of the audience. He entertained a motion to adjourn, which was made by Ms. Duer and seconded by Ms. Takashina, which unanimously passed.

Chairman Muldoon officially adjourned the 86th Meeting of the National Boating Safety Advisory Council at 11:10am.


The 86th Meeting of the National Boating Safety Advisory Council is adjourned.

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Attachments:

1. Member Items
2. NBSAC Resolution 2011-86-01
3. Action Items
4. NAVSAC Resolutions
5. TSAC Resolution

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

 4/2/11
James P. Muldoon, Chairman Date

National Boating Safety Advisory Council

 2 Apr 2011
CAPT Mark D. Rizzo, Executive Director 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 at the 86th NBSAC meeting on January 14-16, 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.

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

PETE CHISHOLM – 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.

PAM DILLON – 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.

RANDY EDWARDS – Mr. Edwards asked if NBSAC could get a briefing on the recent court decision against Brunswick and Mercury Marine that resulted in Brunswick and Mercury being held "partially" responsible for the accident/injury. Perhaps if we could hear more about this, we might be able to better understand how these issues may tie to our strategic plan and outreach efforts.

RESPONSE – The Coast Guard has no position on civil litigation. Since an appeal is currently pending, Mercury Marine felt it is not appropriate to make any public comments about the case. A copy of the jury verdict is attached at the end of the document, and media reports are available on the internet.

JOHN FETTERMAN – Would you provide the total cost figures associated with the JSI Study per year for the last five years? Also, please provide:

1. List of observation sites
2. Is there any data collected other than wear rate

RESPONSE – JSI conducts observations in 30 states. We prefer to keep the list of observation sites confidential to protect the integrity of the study. All of the data they collect is available in their reports. The chart on the next page provides the scope and

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budget of the JSI studies for the last five years.

| <i>Year</i> | <i>Scope</i> | <i>Grant Award</i> |
|-------------|--|--------------------|
| 2006 | Core Study | \$271,000 |
| 2007 | Core Study and additional sites in California for a valid baseline as a precursor to measuring the effectiveness of the WearIt! campaign in the California Delta | \$285,000 |
| 2008 | Core Study, California Delta, and baseline US Army Corps of Engineers sites to measure effectiveness of the USACE mandatory wear requirement | \$480,000 |
| 2009 | Core Study, California Delta, USACE and additional on-water observations | \$528,000 |
| 2010 | Core Study, expanded USACE including fall & spring observations, and additional on-water observations | \$580,000 |

Grant award amounts are published on the Boating Safety Division's website at: http://www.uscgboating.org/grants/nonprofitgrant_archives.aspx. (Note: Final grant awards may not match initial award amount because of the negotiations that take place between the grantee and grant technical manager final scope and cost of the grant project.)

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

RESPONSE – None required.

MARCIA KULL – Ms. Kull had two questions:

1. Typically, the Notice of Funds Availability is released in the fall from the Boating Safety Division. Can you tell us when it will be released, and what areas of interest in support of the Strategic Plan will be targeted in the upcoming fiscal year? Why were those areas of interest selected?

2. Does the Boating Safety Division plan to produce and release additional PSAs? If so, what is the schedule, the topics, the fact scenarios and the budget (production and marketing/air time) for each? Does the Division intend to test the message with a focus group to ensure that the target audience has understood the message? Was the prop injury PSA tested with a focus group? What will be the measurement of effectiveness of the strategy to use "high impact" PSAs? Has the Division considered licensing some of the excellent PSAs already in existence?

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RESPONSE – 1. The Notice of Funds Availability was posted on grants.gov on Friday, November 5, 2010. The Areas of Interest that will be targeted are posted in that solicitation. The primary goal of the areas of interest is to reduce casualties related to recreational boating. The Boating Safety Division has determined that the selected Areas of Interest will best achieve the effort to reduce casualties.

2. The Boating Safety Division does plan to produce and release additional PSAs. The second PSA in our proposed series is scheduled for shooting the week of February 9, 2011. The topic matter of the second PSA will be a blend of operator inattention, failure to follow the navigation rules, BUI and importance of life jacket wear. The scenarios and budget (production and marketing/air time) for the next PSA will be within our allocated budget estimated at approximately \$140k - \$180k. No funds within the budget were used to conduct focus groups as our PSAs are in support of accident/fatality data obtained from BARD, and we consider the success of the Minnesota program as a valid test of the effectiveness of this type of approach. As for whether or not the PSA you reference as the "prop injury PSA"(our Party Cove PSA) was tested with a focus group, we did not use a focus group to test it for the same reason provided in the previously mentioned statement. Pew Research data clearly indicates that the target audience we are attempting to identify with commands the power of such imagery to penetrate the boaters' consciousness, our PSAs will address top reasons for accidents: operator inattention, excessive speed, collisions with other boats and fixed objects, and similar results of irresponsible behavior. As for what will be our measurement of effectiveness of the PSAs, beyond contributing to the decline in accidents and fatalities, our Communications Firm has made provision to obtain exit comment data from the 42 theatres in the three target markets selected to premiere/release the next PSA. The Division has not considered licensing existing PSAs.

J.J. MARIE – Had no questions for the U.S. Coast Guard at this time.

RESPONSE – None required.

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

RESPONSE – None required.

FRED MESSMANN – Mr. Messmann had several questions:

1. I think it would be valuable (no pun intended) to see if you could estimate the value of the time spent by the strategic planning review committee to put together the 2012-2016 draft strategic plan. This would be very useful in helping justify the continuance of the “team” to now go forward with implementing the plan but more importantly send the message that the CG recognizes the “teams” value to the program, a form of recognition from you would go a long way in making sure we hold their continuation as implementers.

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2. I would like you to track down and provide a copy of the late 80's, early 90's report that continues to be touted for why "stressors" could possibly be equivalent to operating under the influence thus compounding the effects of even one or two drinks while operating. I asked several people who are using this information for a copy so I could determine if there was anything else we should be considering. No one seems to have the actual study available. I believe that at the very least the CG should have it so that those of us are "quoting" it, can feel comfortable with what it actually says.
3. I participated in the PFD Tiger Team meeting this past August and Brian Rehwinkel said that Florida was doing a three season JSI type study. I was able to look at the preliminary report based on three years' worth of data that revealed some very interesting results that could be shared with NBSAC at this upcoming meeting. I asked Brian and then Richard if they might have 2010 data available and they said "more than likely, not guaranteed". They agreed that they would be willing to give a brief report at the meeting, I think it would be worth hearing this before the PFD Mandatory Wear meeting following ours and fit in nicely with our proposed strategic plan changes.

RESPONSE – The answers to his questions are below:

1. RADM Cook, CAPT Rizzo and the Office of Auxiliary and Boating Safety cannot thank the strategic planning participants enough for the volunteer work they have contributed to the strategic planning effort. There have been two in-person meetings in DC and 12 GoTo meetings. We estimate that the volunteer members of the Strategic Planning Panel have collectively spent several thousands of hours developing the Strategic Plan of the National Recreational Boating Safety Program. The total value of this effort is priceless.
2. The report you are referring to, "The Effects of Alcohol upon Human Functioning in Recreational Boating", was provided – along with two other BUI related reports.
3. CAPT Tom Shipp from the Florida Fish & Wildlife Commission will be giving a briefing on Florida's life jacket wear observation study later in the morning.

RICHARD MOORE – Had no questions for the U.S. Coast Guard at this time.

RESPONSE – None required.

MARGARET PODLICH – Had multiple questions:

I. BARD Data Questions:

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1. What is the 2009 number for the number of deaths from non-motorized craft? (How is this number calculated and was it formulated the same way as the numbers provided up to 2008 by Susan at the last meeting?)
2. What is the number for motorized craft? (I assume these 2 numbers add up to 736.)
3. Since 1984, what are the 5 year moving average of overall boating deaths vs. # boat registrations and deaths vs. participation?
4. What is the 5 year average of deaths from non-motorized craft?
5. What is the 5 year average of deaths from motorized craft?

The data that “counts”, that goes into BARD, appears to have evolved over those 25 years. We recently learned that in 2001/2002, swimming deaths from some boats may have been added.

6. Please explain what subsets have been added or subtracted to the death numbers (i.e. river rafts, documented boats, floating inner-tubes, etc.).
7. What year has each change occurred?
8. What numbers of deaths has each subset added or subtracted? (For example, swimming deaths from moving boats were added in 2001/2002. In 2001, that added # deaths., in 2002, that added # deaths.....)
9. After eliminating all the additions and subtractions to the data, what does the trend line look like over the last 25 years?
10. Please clarify when/if swimming from a moored/anchored boat has been counted (what years and how many deaths?)
11. Has swimming while underway has been counted (what years and how many?)
12. Please clarify if the following accident, which came out to BSAC members in the BADS report, will be counted in the BARD numbers for 2010.

“08-22-10 GILBERTSVILLE, KY Man dives into shallow water, dies in lake
<<http://www.kentucky.com/2010/08/23/1403432/man-dives-into-shallow-water-dies.html>> kentucky.com (08-23-10)

A man has died after diving into shallow water in Kentucky Lake. The Paducah Sun quoted Kentucky Dept. of Fish and Wildlife Resources Sgt. Garry Clark, who said the victim was on a pontoon boat with friends when they decided to pull the boat onto shore. The victim, whose name wasn't immediately released, dived into about 18 inches of water at 12:45 p.m. Sun. (08-22). He died at the scene.

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The accident and death rate in Table 11, in Ocean/Gulf has changed dramatically just in the last year.

| | | |
|--|-----------|--------|
| from Table 11 of USCG Boating Statistics | | |
| Ocean/Gulf | | |
| | Accidents | Deaths |
| 2009 | 457 | 70 |
| 2008 | 348 | 40 |
| 2007 | 265 | 38 |
| 2006 | 315 | 44 |
| 2005 | 304 | 53 |
| 2004 | 408 | 54 |
| 2003 | 363 | 34 |

13. What is the definition of “ocean/gulf”, i.e. more than 3 miles in the ocean? Or just off the beach, or what?
14. Please clarify what additions or subtractions have been made to these numbers within the last 7 years, in particular last year. To what can we attribute this substantial change in both accidents and deaths in 2009?

II. Past Resolutions.

Please provide updates on all resolutions still in play.

Please provide time on the agenda for us to hear from the Office of Design and Engineering Standards regarding current status of lifejacket topics within NBSAC Resolution 2009-83-01. What are next steps and what is the timing for those steps?

What are current hurdles? How are inflatable lifejackets looking for 12-16 year olds?

III. Provide updates on all current or upcoming regulatory and legislative activities.

This should include an update on the lanyard regulation (which we understood would come out in spring 2010). We should also hear about safety related components in the USCG Reauthorization Bill, including which office in USCG is conducting the ethanol work.

IV. Prop safety research

I understand ABYC has recently finished some testing on prop guards. Please include a presentation on that within the agenda.

RESPONSE – The answers to her questions are below:

Item I – Here are the answers to the specific questions in Item I (the questions are repeated for the ease of the reader, and the answer is in italics):

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I. BARD Data Questions:

1. What is the 2009 number for the number of deaths from non-motorized craft? (How is this number calculated and was it formulated the same way as the numbers provided up to 2008 by Susan at the last meeting?) *208 deaths. This number was prepared in a different manner to be more accurate.*
2. What is the number for motorized craft? (I assume these 2 numbers add up to 736.) *522 deaths. This assumption is incorrect as there were some deaths where the motorization of the vessel could not be determined.*
3. Since 1984, what are the 5 year moving average of overall boating deaths vs. # boat registrations and deaths vs. participation?

| 5-yr Average | Boats | Deaths | Fatality Rate (# deaths/100,000 boats) |
|--------------|------------|--------|--|
| 1984-88 | 9,842,400 | 1,045 | 10.6 |
| 1985-89 | 10,113,872 | 1,012 | 10.1 |
| 1986-90 | 10,395,226 | 962 | 9.3 |
| 1987-91 | 10,633,674 | 933 | 8.8 |
| 1988-92 | 10,867,412 | 889 | 8.2 |
| 1989-93 | 11,051,437 | 860 | 7.8 |
| 1990-94 | 11,181,880 | 838 | 7.5 |
| 1991-95 | 11,329,571 | 831 | 7.3 |
| 1992-96 | 11,491,471 | 788 | 6.9 |
| 1993-97 | 11,727,590 | 789 | 6.7 |
| 1994-98 | 11,984,229 | 792 | 6.6 |
| 1995-99 | 12,245,966 | 782 | 6.4 |
| 1996-2000 | 12,455,453 | 756 | 6.1 |
| 1997-2001 | 12,655,134 | 750 | 5.9 |
| 1998-2002 | 12,763,349 | 736 | 5.8 |
| 1999-2003 | 12,809,086 | 714 | 5.6 |
| 2000-04 | 12,817,727 | 702 | 5.5 |
| 2001-05 | 12,849,781 | 701 | 5.5 |
| 2002-06 | 12,823,737 | 707 | 5.5 |
| 2003-07 | 12,828,040 | 694 | 5.4 |
| 2004-08 | 12,807,695 | 695 | 5.4 |
| 2005-09 | 12,795,708 | 707 | 5.5 |

The Coast Guard does not have participation data.

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4. What are the 5 year average of deaths from nonmotorized craft? *176 deaths per year from 2005-2009. There were some deaths where the motorization of the vessel could not be determined.*
5. What are the 5 year average of deaths from motorized craft? *524 deaths per year from 2005-2009. There were some deaths where the motorization of the vessel could not be determined.*

The data that “counts”, that goes into BARD, appears to have evolved over those 25 years. We recently learned that in 2001/2002, swimming deaths from some boats may have been added.

6. Please explain what subsets have been added or subtracted to the death numbers (i.e. river rafts, documented boats, floating innertubes, etc.). *Please see file labeled “Nonreportable scenarios- Responses to Margaret Podlich questions 1-10-11.xls”*
7. What year has each change occurred? *Please see file labeled “Nonreportable scenarios- Responses to Margaret Podlich questions 1-10-11.xls”*
8. What numbers of deaths has each subset added or subtracted? (For example, swimming deaths from moving boats were added in 2001/2002. In 2001, that added # deaths., in 2002, that added # deaths.....) *Please see files labeled “Nonreportable scenarios- Responses to Margaret Podlich questions 1-10-11.xls” and “Fatal Departure Study results.msg”.*
9. After eliminating all the additions and subtractions to the data, what does the trend line look like over the last 25 years? *This would take the Coast guard an enormous amount of time. In order to provide a sound answer, the Coast Guard would need to review all records and document how those that involved swimming were coded. This task would likely take months (with no interruptions).*

An analysis of 25 years of data is unlikely since many older records lack detailed information such as a narrative that would help us identify case scenarios.

10. Please clarify when/if swimming from a moored/anchored boat has been counted (what years and how many deaths?) *Please see files labeled “Nonreportable scenarios- Responses to Margaret Podlich questions 1-10-11.xls”*
11. Has swimming while underway has been counted (what years and how many?) *Please see files labeled “Nonreportable scenarios- Responses to Margaret Podlich questions 1-10-11.xls”*

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12. Please clarify if the following accident, which came out to BSAC members in the BADS report, will be counted in the BARD numbers for 2010.
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A man has died after diving into shallow water in Kentucky Lake. The Paducah Sun quoted Kentucky Dept. of Fish and Wildlife Resources Sgt. Garry Clark, who said the victim was on a pontoon boat with friends when they decided to pull the boat onto shore. The victim, whose name wasn't immediately released, dived into about 18 inches of water at 12:45 p.m. Sun. (08-22). He died at the scene.
<http://www.kentucky.com/2010/08/23/1403432/man-dives-into-shallow-water-dies.html>

No, this accident will not be covered in the main body of the Statistics. In communication with the State, the Coast Guard made a note that the accident occurred on a moored vessel. According to page 11 of the 2009 Recreational Boating Statistics publication, accidents that involved a person "...jumping, diving, or swimming for pleasure from an anchored, moored or docked vessel" are "non-reportable".

The accident and death rate in Table 11, in Ocean/Gulf has changed dramatically just in the last year.

| from Table 11 of USCG Boating Statistics | | |
|--|-----------|--------|
| Ocean/Gulf | Accidents | Deaths |
| 2009 | 457 | 70 |
| 2008 | 348 | 40 |
| 2007 | 265 | 38 |
| 2006 | 315 | 44 |
| 2005 | 304 | 53 |
| 2004 | 408 | 54 |
| 2003 | 363 | 34 |

13. What is the definition of "ocean/gulf", i.e. more than 3 miles in the ocean? Or just off the beach, or what?

The "Type of Body of Water" chart is based on a field the Coast Guard creates, which is based on the "Body of Water" field that the State enters in BARD. "Ocean/gulf" signifies any location where the name of body of water had the words "Ocean" or "Gulf" in it. The location could be off a beach or offshore.

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14. Please clarify what additions or subtractions have been made to these numbers within the last 7 years, in particular last year. To what can we attribute this substantial change in both accidents and deaths in 2009?

Well, you should know two things when looking at this chart.

1) Since 2008, this chart has become more accurate. Starting in 2008, USCG double-checked with the states to make sure that our “type of body of water” designation was correct. In 2008, we sent them summary statistics by type of body of water. In 2009, we sent them the field and asked them to review it and their data.

2) Since 2008, there has been an even more stringent review to make sure that all accidents reported in MISLE are covered in the Stats if they meet federal reporting requirements.

These two factors could contribute to a boost in the number of accidents/deaths reported and/or a more accurate assignment of the field “type of body of water”.

Item II – A resolution status report was included in the information emailed to all of the NBSAC members. With regards to Resolution #2009-83-01, timing and travel issues have prevented staff from the Lifesaving and Fire Safety Division from attending this meeting to give an update on their efforts. However, a significant portion of the April meeting will be devoted to that effort, and staff from that office will be in attendance/presenting the latest information. An email from Marty Jackson of the Lifesaving and Fire Safety Division was forwarded to the Council on 5 January 2011 requesting comments on the completed "Principles" for the preparation of the harmonized PFD standards work that needs to be completed. All of this information is available on the Lifesaving and Fire Safety Division’s website at:
<http://www.uscg.mil/hq/cg5/cg5214/namericanstand.asp>

Item III – The Coast Guard currently has four regulatory projects underway dealing with recreational boating. They are:

| Project Name | Status | Next Step |
|---|---|---------------------------------|
| Changes to Numbering | Final rule under development | Publish Final Rule |
| Installation and Use of Engine Cut-Off Switches | NPRM under development | Submit to OMB for 90-day review |
| Propeller Injury Avoidance | Project Proposal being developed for approval by MSSC | Develop NPRM |
| Accident Reporting | Project Proposal being developed for approval by MSSC | Develop NPRM |

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Within the Coast Guard Authorization Act of 2010, there are a few safety-related sections that may be of interest to NBSAC:

1. Section 618 section provides the Coast Guard authority to promulgate regulations regarding emergency locator beacons. CAPT McBride and CDR Moser will discuss details of this section during this meeting.

SEC. 618. ASSOCIATED EQUIPMENT.

Section 2101(1)(B) of title 46, United States Code, is amended by inserting `with the exception of emergency locator beacons for recreational vessels operating beyond 3 nautical miles from the baselines from which the territorial sea of the United States is measured or beyond 3 nautical miles from the coastline of the Great Lake,' before `does'.

2. Section. 620 requires the Coast Guard to submit a survey of published data and reports, pertaining to the use, safety, and performance of blended fuels in marine applications. The Coast Guard's Research and Development Center in New London, Conn. will handle this study. Mr. Cappel will discuss this effort during the meeting.

SEC. 620. STUDY OF BLENDED FUELS IN MARINE APPLICATION.

(a) Survey-

(1) **IN GENERAL-** Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, shall submit a survey of published data and reports, pertaining to the use, safety, and performance of blended fuels in marine applications, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committees on Commerce, Science, and Transportation of the Senate.

(2) **INCLUDED INFORMATION-** To the extent possible, the survey required in subsection (a), shall include data and reports on--

(A) the impact of blended fuel on the operation, durability, and performance of recreational and commercial marine engines, vessels, and marine engine and vessel components and associated equipment;

(B) the safety impacts of blended fuels on consumers that own and operate recreational and commercial marine engines and marine engine components and associated equipment; and

(C) to the extent available, fires and explosions on board vessels propelled by engines using blended fuels.

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(b) Study-

(1) IN GENERAL- Not later than 36 months after the date of enactment of this Act, the Secretary, acting through the Commandant, shall conduct a comprehensive study on the use, safety, and performance of blended fuels in marine applications. The Secretary is authorized to conduct such study in conjunction with--

(A) any other Federal agency;

(B) any State government or agency;

(C) any local government or agency, including local police and fire departments; and

(D) any private entity, including engine and vessel manufacturers.

(2) EVALUATION- The study shall include an evaluation of--

(A) the impact of blended fuel on the operation, durability and performance of recreational and commercial marine engines, vessels, and marine engine and vessel components and associated equipment;

(B) the safety impacts of blended fuels on consumers that own and operate recreational and commercial marine engines and marine engine components and associated equipment; and

(C) fires and explosions on board vessels propelled by engines using blended fuels.

(c) Authorization of Appropriations- There is authorized to be appropriated to the Secretary of Homeland Security to carry out the survey and study under this section \$1,000,000.

3. Section 621 renews the CG's Advisory committees.

This is good news for NBSAC as it extends the date of termination until September 30, 2020 (10 years, vs. 5 years in our previous authorizations). Language regarding the TSAC and NAVSAC reauthorizations is also included below, as their activities have been of interest to the Council.

SEC. 621. RENEWAL OF ADVISORY COMMITTEES.

(b) National Boating Safety Advisory Council - Section 13110 of title 46, United States Code, is amended--

(1) in subsection (d), by striking the first sentence; and

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(2) in subsection (e), by striking `September 30, 2010.' and inserting `September 30, 2020.'.

(e) Towing Safety Advisory Committee - The Act entitled `An Act To establish a Towing Safety Advisory Committee in the Department of Transportation', approved October 6, 1980, (33 U.S.C. 1231a) is amended--

(1) by striking subsection (a) and inserting the following:

`(a) There is established a Towing Safety Advisory Committee (hereinafter referred to as the `Committee'). The Committee shall consist of eighteen members with particular expertise, knowledge, and experience regarding shallow-draft inland and coastal waterway navigation and towing safety as follows:

`(1) Seven members representing the barge and towing industry, reflecting a regional geographic balance.

`(2) One member representing the offshore mineral and oil supply vessel industry.

`(3) One member representing holders of active licensed Masters or Pilots of towing vessels with experience on the Western Rivers and the Gulf Intracoastal Waterway.

`(4) One member representing the holders of active licensed Masters of towing vessels in offshore service.

`(5) One member representing Masters who are active ship-docking or harbor towing vessel.

`(6) One member representing licensed or unlicensed towing vessel engineers with formal training and experience.

`(7) Two members representing each of the following groups:

`(A) Port districts, authorities, or terminal operators.

`(B) Shippers (of whom at least one shall be engaged in the shipment of oil or hazardous materials by barge).

`(8) Two members representing the general public.'; and

(2) in subsection (e), by striking `September 30, 2010.' and inserting `September 30, 2020.'.

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(f) Navigation Safety Advisory Council - Section 5 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is amended--

(1) by striking subsections (a) and (b) and inserting the following:

`(a) Establishment of Council-

`(1) IN GENERAL- The Secretary of the department in which the Coast Guard is operating shall establish a Navigation Safety Advisory Council (hereinafter referred to as the `Council'), consisting of not more than 21 members. All members shall have expertise in Inland and International vessel navigation Rules of the Road, aids to maritime navigation, maritime law, vessel safety, port safety, or commercial diving safety. Upon appointment, all non-Federal members shall be designated as representative members to represent the viewpoints and interests of one of the following groups or organizations:

`(A) Commercial vessel owners or operators.

`(B) Professional mariners.

`(C) Recreational boaters.

`(D) The recreational boating industry.

`(E) State agencies responsible for vessel or port safety.

`(F) The Maritime Law Association.

`(2) PANELS- Additional persons may be appointed to panels of the Council to assist the Council in performance of its functions.

`(3) NOMINATIONS- The Secretary, through the Coast Guard Commandant, shall not less often than once a year publish a notice in the Federal Register soliciting nominations for membership on the Council.

`(b) Functions- The Council shall advise, consult with, and make recommendations to the Secretary, through the Coast Guard Commandant, on matters relating to maritime collisions, rammings, groundings, Inland Rules of the Road, International Rules of the Road, navigation regulations and equipment, routing measures, marine information, diving safety, and aids to navigation systems. Any advice and recommendations made by the Council to the Secretary shall reflect the independent judgment of the Council on the matter concerned. The Council shall meet at the call of the Coast Guard Commandant, but in any event not less than twice during each calendar year. All proceedings of the Council shall be public, and a record of the proceedings shall be made available for public inspection.'; and

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(2) in subsection (d), by striking 'September 30, 2010.' and inserting 'September 30, 2020.'

Upcoming Legislative Activities

Sport Fish Restoration and Boating Trust Fund

As the 111th Congress has ended, so have all proposals that were not enacted. So, the Administration is in the process of submitting to the 112th Congress another legislative change proposal (LCP) for the Sport Fish Restoration and Boating Trust Fund. The new LCP is essentially identical to the previous one except for small administrative changes (dates, etc.).

The Coast Guard is currently considering legislation regarding the Vessel Information System and boating safety education for certain vessels. Previous guidance from NBSAC will be part of this consideration.

Item IV – A presentation on the recent ABYC testing of will be given Friday afternoon.

BRUCE ROWE – 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.

DOROTHY TAKASHINA – Ms. Takashina requested some time to discuss the status of the development of new life jacket standards and the progress that the USCG has made in recognizing additional testing labs for life jacket approval.

RESPONSE – The USCG consulted with Ms. Takashina and determined that this subject would be better suited as an agenda item for the NBSAC meeting scheduled for 1-2 April 2011 because more time would be devoted to this issue and staff from the USCG's Lifesaving & Fire Safety Division (CG-5214) of the Office of Design and Engineering Standards (CG-521) would be available to make a presentation and address any questions and/or issues. An email from Marty Jackson of the Lifesaving and Fire Safety Division was forwarded to the Council on 5 January 2011 requesting comments on the completed "Principles" for the preparation of the harmonized PFD standards work that needs to be completed. All of this information is available on the Lifesaving and Fire Safety Division's website at: <http://www.uscg.mil/hq/cg5/cg5214/namericanstand.asp>

RAY TSUNEYOSHI – Had no questions for the U.S. Coast Guard at this time.

RESPONSE – None required.

JOHN UNDERWOOD – Had no questions for the U.S. Coast Guard at this time.

RESPONSE – None required.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

4-5-10
Clerk, U. S. District Court
Western District of Texas
By: *[Signature]*
Deputy

JACOB A. BROCHTRUP,
Plaintiff,

-vs-

Case No. A-07-CA-643-SS

MERCURY MARINE, et al.,
Defendants.

VERDICT FORM

We, the jury, unanimously answer the following questions:

Question One

Do you find, by a preponderance of the evidence, there was a design defect in the Sea Ray boat equipped with Mercury Marine's MerCruiser sterndrive unit at the time it left the Defendants' possession that was a producing cause of the occurrence or injuries to Plaintiff Jacob Brochtrup?

Answer Yes or No. YES

If you answer "Yes" to Question One, continue to Question Two. If you answer "No" to Question One, answer no further questions.

Question Two

Do you find, by a preponderance of the evidence, that the negligence, if any, of those named below proximately caused the Plaintiff's injuries?

Answer Yes or No for each person listed:

- a. Jacob Brochtrup YES
- b. Patrick Houston YES

If you have answered "Yes" to Question One and either part of Question Two, the liability questions above, then answer Question Three for those products and persons you found liable above. Otherwise, continue to Question Four.

Question Three

For each product or person found by you to have caused the occurrence or injury, what percentage, if any, was caused by:

- | | | |
|----|--|--------------|
| a. | The Sea Ray boat equipped with Mercury Marine's MerCruiser sterndrive unit | <u>66</u> % |
| b. | Patrick Houston | <u>17</u> % |
| c. | Jacob Brochtrup | <u>17</u> % |
| | Total: | <u>100</u> % |

Answer in whole numbers. The percentages you find must total 100 percent.

If you found Plaintiff's percentage of fault, if any, is greater than 50 percent, answer no further questions. Otherwise, continue to Question Four.

Question Four

What sum of money, if paid now in cash, would compensate Jacob Brochtrup for his damages, if any, resulting from his injury?

Answer separately for each of the elements or categories of damages listed in dollars and cents, if any:

- | | | |
|----|---|------------------------------------|
| a. | Past medical care expenses: | \$ <u>168,680.</u> ¹¹ |
| b. | Past physical pain and mental anguish: | \$ <u>200,000.</u> ⁰⁰ |
| c. | Disfigurement: | \$ <u>100,000.</u> ⁰⁰ |
| d. | Physical impairment: | \$ <u>264,000.</u> ⁰⁰ |
| e. | Medical care expenses that, in reasonable probability, will be incurred in the future: | \$ <u>2,927,137.</u> ⁶⁷ |
| f. | Physical pain and mental anguish that, in reasonable probability, will be incurred in the future: | \$ <u>200,000.</u> ⁰⁰ |

Answer no further questions.

Submitted the 5TH day of April 2010, at 2:45 o'clock p. m.


PRESIDING JUROR

NATIONAL BOATING SAFETY ADVISORY COUNCIL

**January 14-16, 2011
Orlando, Florida**

Resolution Number 2011-86-01

RECOGNITION OF STRATEGIC PLANNING WORKGROUP PARTICIPANTS

WHEREAS, The National Boating Safety Advisory Council requested the U.S. Coast Guard to establish a work group to review the 2007–2011 Strategic Plan to the National Recreational Boating Safety Program; AND

WHEREAS, The National Boating Safety Advisory Council requested the work group to develop a new 2012–2016 Strategic Plan of the National Recreational Boating Safety Program; AND

WHEREAS, the National Boating Safety Advisory Council Chairman, James Muldoon, appointed 11 Objective Leaders to be led by Subcommittee Chairman Fred Messmann as follows:

- Obj. One: Safety Education Certificates and Successful Course Completions
– Cecilia Duer
- Obj. Two: Boating Safety Outreach
– Larry Meddock
- Obj. Three: Advanced and/or On-Water Skills-Based Boating Education
– Pam Dillon
- Obj. Four: Life Jacket Wear
– Dorothy Takashina and John Fetterman
- Obj. Five: Operator Compliance: Navigation Rules
– Maureen Healey
- Obj. Six: Boating Under the Influence
– Richard Moore
- Obj. Seven: Manufacturer Compliance
– Marcia Kull
- Obj. Eight: Operator Compliance: USCG Required Safety Equipment
– Margaret Podlich
- Obj. Nine: Boating Accident Reporting
– Fred Messmann
- Obj. Ten: Research and Development
– Dan Maxim
- Obj. Eleven: Effectiveness of Nonprofit Grants
– JJ Marie and John Fetterman; AND

NATIONAL BOATING SAFETY ADVISORY COUNCIL

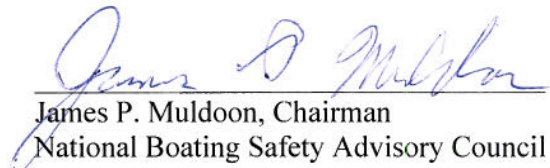
**January 14-16, 2011
Orlando, Florida**

WHEREAS, The work group received support of Rear Admiral Kevin Cook, Director of Prevention Policy, Captain Mark Rizzo, Chief of Auxiliary and Boating Safety, Jeff Hoedt, Chief of the USCG Boating Safety Division, and USCG liaisons and Headquarters Staff; AND

WHEREAS, The work group successfully consulted with many partners of the recreational boating safety community, which provided valuable input and refinements to the draft and resulted in the outstanding product now recognized as the 2012–2016 Strategic Plan of the National Recreational Boating Safety Program.

NOW, THEREFORE, BE IT RESOLVED that the National Boating Safety Advisory Council meeting in regular session in Orlando, Florida on January 16th, 2011 does hereby recognize and applaud the outstanding dedication, support, and expertise of this team in the development of the new 2012–2016 Strategic Plan of the National Recreational Boating Safety Program.

BE IT FURTHER RESOLVED that this Resolution be forwarded to Rear Admiral Brian Salerno, Deputy Commandant of Operations in recognition of the leadership of the organizations represented by the above-named individuals as well as the individuals themselves.


James P. Muldoon, Chairman
National Boating Safety Advisory Council

**86th Meeting of the
National Boating Safety Advisory Council
January 14 – 16, 2011**

ACTION ITEMS

Strategic Planning

2011-86-01

Appoint the objective leaders for the new plan at the April 2011 meeting of the National Boating Safety Advisory Council to ensure continuity for the new 2012-2016 Strategic Plan of the National Recreational Boating Safety program.

Prevention through People

No action items.

Boats & Associated Equipment

2011-86-02

Request that the Coast Guard do the following actions as they relate to the rental education package:

- 1) Investigate and report what the package distribution plan was, and on plans for measuring the effectiveness of the material.
- 2) Follow up with partnering organizations to further promote the distribution and use of the education package.
- 3) Include rental education package in strategy 2.1 of the strategic plan (#2-Boating Safety Outreach, 2.1 Develop a system for measuring the effectiveness of all media outreach efforts utilized within the first year of this strategic plan).

2011-86-03

That the Coast Guard add use of life rafts and Inflatable Buoyancy Apparatus for recreational boats to the 2011 Safety Equipment Checklist grant project. Information should include definitions, specifications, and servicing requirements.

RESOLUTION 10-02
Recreational Vessel Alternative Lighting Scheme

Whereas, NBSAC has brought to NAVSAC's attention the issues of inadequate conspicuity and excessive glare alleged to be caused by the all-round white light displayed pursuant to Inland Navigation Rule 23 (c) on vessels less than 12 meters (approximately 40 feet) in length; and

NAVSAC has recognized that the proposed solution for lighting configurations poses complex national and international ramifications; and

Treaty obligations under the 1972 Convention on International Regulations for the Prevention of Collisions at Sea, as amended, (COLREGs) require that the Inland Navigation Rules "conform as closely as possible" to the COLREGs; and

NAVSAC has considered this matter for more than ten years, has repeatedly examined the proposed lighting configuration both at meetings and in the field, and has cooperated fully with NBSAC's investigations into this matter; and

NAVSAC has received testimony and has carefully considered and deliberated upon this matter.

Now therefore, be it resolved by NAVSAC:

NAVSAC expresses its appreciation to NBSAC for bringing this matter to its attention and Major Al Campos of the Texas Department of Fish and Wildlife for arranging and supporting NAVSAC's field investigations into this matter.

NAVSAC finds that the Standards of the American Boat and Yacht Council appropriately address the issues raised in this matter.

NAVSAC finds that most, if not all, of the problems brought to its attention in this matter could be prevented by compliance with existing Inland Navigation Rules and Annexes, including, in particular, section 33 C.F.R. § 84.09(b) of Annex I.

NAVSAC recommends to the United States Coast Guard that no changes to the Inland Navigation Rules are necessary or appropriate in response to this matter.

RESOLUTION 10-03
RULE 9 – NARROW CHANNELS

Whereas, NAVSAC concurs with National Transportation Safety Board Recommendation 82-32 to the extent that it recommends that the United States Coast Guard take action to better enable mariners to know “when to apply the narrow channel rule.”

To accomplish that goal, NAVSAC recommends to the United States Coast Guard that it exercise its authority to designate those waters and waterways that it determines are “narrow channels or fairways” for purposes of applying Inland Navigation Rule 9 (hereinafter referred to as “Rule 9 waters and waterways”).

Recognizing that designation of Rule 9 waters and waterways will be an ongoing process, NAVSAC further recommends that United States Coast Guard make it clear in designating Rule 9 waters and waterways that the list of designated waters and waterways is not all inclusive.

NAVSAC further recommends that the process adopted by the United States Coast Guard for designating Rule 9 waters and waterways be designed to encourage interagency and local stakeholder participation at the Coast Guard District and Sector levels.

NAVSAC further recommends that the Commandant of the Coast Guard prepare guidance to Coast Guard Districts and Sector Commanders, other concerned Federal and state agencies and concerned stakeholders in the process and criteria by which Rule 9 waters and waterways designations will be made.

NAVSAC further recommends that the United States Coast Guard work closely with its Canadian counterparts to minimize conflicts between United States and Canadian implementation of Rule 9 on the Great Lakes waters.

TSAC Resolution on boating education (full resolution not available at time of publication of minutes)

And now, therefore, be it resolved that the Towing Safety Advisory Committee, meeting in regular session in Pittsburgh, Pennsylvania, on September 1st and 2nd, 2010, does hereby request United States Coast Guard continuous support and investigate potential education standards to assist the recreational boater in understanding the needs associated with towing vessels operating on shared waterways. This effort will also continue to minimize any barriers between the recreational and commercial boating communities and enhance opportunities for continued work together as sister organizations for the safety of the recreational and commercial boater.