

**87th Meeting
of the
National Boating Safety Advisory Council**

Holiday Inn
4610 North Fairfax Drive, Arlington, VA 22203

April 1st – April 2nd, 2011

MEMBERS PRESENT:

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
DICK ROWE	Manufacturer Member
DOROTHY TAKASHINA	Manufacturer Member
RAY TSUNEYOSHI	State Member
JOHN UNDERWOOD	National Boating Organization Member
USCG STAFF:	
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
BRANDI BALDWIN	Lifesaving and Fire Safety Division, Office of Design and Engineering Standards
PHIL CAPPEL	Chief, Product Assurance Branch, Boating Safety Division
BOB GAUVIN	Technical Advisor, USCG Office of Vessel Activities
KURT HEINZ	Chief, Lifesaving and Fire Safety Division
HARRY HOGAN	Program Management Branch, Boating Safety Division

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MARTY JACKSON	Lifesaving and Fire Safety Division, Office of Design and Engineering Standards
MIKE JENDROSSEK	Product Assurance Branch, Boating Safety Division
ERIC JOHNSON	Product Assurance Branch, Boating Safety Division
DONALD KERLIN	Chief, Program Management Branch, Boating Safety Division
JOHN MALATAK	Chief, Program Operations Branch, Boating Safety Division
MARK MANCUSO	Program Management Branch, Boating Safety Division
BARRY NOBLES	Program Management Branch, Boating Safety Division
LOUIS NOVAK	Product Assurance Branch, Boating Safety Division
PAVLO OBORSKI	Chief, Grants Management Branch, Boating Safety Division
DARREN PAULY	Product Assurance Branch, Boating Safety Division
RACHEL WARNER	Program Management Branch, Boating Safety Division

MEETING ATTENDEES:

JOHN ADEY	American Boat and Yacht Council (ABYC)
JASON BEDOGNE	Parroco Production Group, Inc.
MELANIE BEDOGNE	Water Solutions Group, Inc.
CAROLYN V. BELMORE	Coast Guard Auxiliary and New England Safe Boating Council
BRIAN BOHNSACK	U.S. Fish and Wildlife Service
RACHEL BURKHOLDER	National Safe Boating Council
SARAH BROOKS	Underwriters Laboratory, Standards Development
WIL BUSBY	Parroco Production Group, Inc.
VIRGIL CHAMBERS	National Safe Boating Council
JIM CURRIE	National Marine Manufacturers Association (NMMA)
TOM DOGAN	National Boating Federation
JOANNE DORVAL	Metcor
CHRIS EDMONSTON	BoatU.S. Foundation
TRAVIS FESTA	American Canoe Association (ACA)
BILL GOSSARD	National Transportation Safety Board (NTSB)
JIM GRAYBEAL	National Association of State Boating Law Administrators (NASBLA)
ANNA HARRIS	U.S. Fish and Wildlife Service
CHUCK HAWLEY	West Marine
DR. ROBERT HILL	Water Solutions Group, Inc.
LARRY INNIS	Marine Retailers Association of America
BRUCE JOHNSON	Director, Recreational Boating Safety Affairs, U.S. Coast Guard Auxiliary
GAIL KULP	Sea Tow USA
MATT LONG	National Association of State Boating Law Administrators (NASBLA)
DAVE LUMIAN	American Sailing Association
TOM MANGIONE	JSI
DAVE MARLOW	Brunswick Boat Group

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DAN MAXIM	U.S. Coast Guard Auxiliary
JIM PARROCO	Parroco Production Group, Inc.
RON RIPPY	Coleman
DICK SNYDER	Retired Engineer, Mercury Marine
CINDY SQUIRES	National Marine Manufacturers Association (NMMA)
CHRIS STEC	American Canoe Association
ROXANNE STANDEFER	The Cook-Rees Memorial Fund For Water Search And Safety
WAYNE WALTERS	Kent Watersports
SAM WEHR	Mustang Survival Corporation
BOB WHITE	Imanna Laboratory

Friday, April 1, 2011

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

Chairman James Muldoon called the 87th meeting of the National Boating Safety Advisory Council to order. He welcomed Rear Admiral Cook, Captain Rizzo, the NBSAC Council, and the audience.

He announced that the Council signed the Strategic Plan of the National Recreational Boating Safety Program 2012-2016 in March at the International Boating and Water Safety Summit (IBWSS) meeting, noting that it was an intense effort that led to a great accomplishment. He thanked everyone who had worked on revising and updating the Plan. He then called on the members of the work group to step forward.

Mr. Hoedt called out the names of Strategic Plan team members and said these members were being recognized through a resolution—NBSAC, January 14–16, 2011, Orlando, Florida. Members recognized were: Mr. Larry Meddock, Ms. Pam Dillon, Ms. Dorothy Takashina, Mr. John Fetterman, Mr. Richard Moore, Ms. Marcia Kull, Ms. Margaret Podlich, Mr. Fred Messmann, Mr. Dan Maxim, and Mr. J.J. Marie. He then read Resolution #2011-86-01:

Recognition of Strategic Plan Work Group Participants

Whereas the National Boating Safety Advisory Council requested the United States Coast Guard to establish a work group to review the 2007–2011 Strategic Plan to the National Recreational Safety Boating Program; and whereas the National Recreational Safety Advisory Council requested the work group to develop a new 2012–2016 Strategic Plan of the National Recreational Safety Boating Program; and whereas the National Recreational Safety Boating Advisory Council Chairman James Muldoon appointed 11 Objective Leaders to be led by Subcommittee Chairman Fred Messmann as follows:

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Safety Education Certificates and Successful Course Completion – Cecilia Duer

Boating Safety Outreach – Larry Meddock

Advanced and/or On-Water Skills Based Boating Education – Pam Dillon

Life Jacket Wear – Dorothy Takashina and John Fetterman

Operator Compliance, Navigation Rules – Maureen Healey

Boating Under the Influence – Richard Moore

Manufacturer Compliance – Marcia Kull

Operator Compliance, USCG Required Safety Equipment – Margaret Podlich

Boating Accident Reporting – Fred Messmann

Research and Development – Dan Maxim

Effectiveness of Non-profit Organization Grants – JJ Marie and John Fetterman

And whereas the work group received support of RADM Kevin Cook, Director of Prevention Policy, CAPT 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 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 Recreational Safety Boating Advisory Council meeting in regular session in Orlando, Fla. on January 16, 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 Safety Boating Program. Be it further resolved that this Resolution be forwarded to RADM 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.

In addition to that resolution, Mr. Hoedt read a letter from the Director of Prevention Policy RADM Cook, USCG, Washington, D.C.:

Dear Member:

On behalf of the United States Coast Guard I would like to thank you for your insights and guidance as a member of the National Boating Safety Advisory Council team that developed the National Recreational Boating Safety Program's Strategic Plan 2012–2016. I observed your efforts firsthand during several National Recreational Safety Boating Advisory Council meetings and I was impressed by your thoughtful discussions and consideration of all the issues related to boating safety, and I am confident that this Strategic Plan will serve as an excellent blueprint for the Coast Guard and all of our partners in the recreational boating safety community to make our nations waters safer for recreational boaters.

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Thank you again for your outstanding efforts. Bravo Zulu.

Sincerely,

Kevin S. Cook, Rear Admiral, USCG

Mr. Hoedt thanked the team and presented each member with a certificate.

Mr. Muldoon then asked the Council members present at the meeting, to introduce themselves, and said the agenda for the meeting would focus on an important issue, life jackets. He went on to say that two-thirds of Council members were awaiting re-appointment, and said he was hoping there would be some announcements on new members this summer. He thanked members for continuing their service to the Council. He then introduced RADM Cook, whose tenure as Director of Prevention Policy will end June 25. He also thanked RADM Cook for all his support of the Council.

Welcoming Remarks

RADM Kevin Cook, Director of Prevention Policy

RADM Cook said that, as always, he was impressed by the turnout from the Council and the public at these meetings. He commended members for all their time, heartfelt involvement, and interest.

He said it was impossible to overstate the value of the Strategic Plan to the entire recreational boating community; that it was thoughtfully laid out and allowed participation from federal, state, industry, and non-governmental organizations—all as equal partners. He felt confident that the Plan would result in increased safety for boaters throughout the United States.

He talked about the issue of mandatory life jacket wear, which in his opinion would make a difference to safety on our nation's waters. He noted that mandatory wear did not mean that everyone would have to wear a life jacket in every situation. He looks forward to hearing the full Council's recommendation. Recalling how long it took for mandatory seat belt wear to be fully enforced, he said it takes a long time for changes to take hold. He felt that increasing life jacket wear, by whatever means, was the ultimate goal to bring about safety.

RADM Cook touched on other ways increased life jacket wear has been explored up to now, such as non-mandatory educational routes, state laws for life jacket wear by younger people, and life jacket requirements for personal watercraft (PWC) users. He emphasized that, should mandatory wear be proposed in a more widespread way, there would be no immediate impact; rather, it would be a recommendation, something the Coast Guard would have to work through the normal regulatory process—a journey that would take several years. Public comment would shape the final regulation.

Noting that this would be his last NBSAC meeting, he expressed admiration for members' hard work, passion, and mutual respect. He said that the way the Council got the job done was a model for all advisory committees. RADM Cook then presented Mr. Muldoon with a

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USCG Prevention Policy coin, in appreciation of Mr. Muldoon's leadership and dedication to the Council.

He said his next assignment would be Deputy Commander for the Atlantic area—a wide-ranging operational view of the Coast Guard, which extends from the Rocky Mountains to the Middle East, where there are still six Coast Guard patrol boats that guard Iraqi oil platforms. He thanked everyone and concluded.

Mr. Muldoon reminded everyone to keep their discussions objective, and as always, to "leave their other hats at the door." He introduced CAPT Mark Rizzo.

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

CAPT Rizzo congratulated Mr. Virgil Chambers and Cecilia Duer on their work at the IBWSS, which was the venue for the Strategic Plan signing ceremony.

He provided good news on the Trust Fund Reauthorization—it was extended through the full fiscal year. He said the day's agenda would focus on mandatory life jacket wear. He noted that the Army Corps of Engineers (USACE) was embarking on its final year of testing in Mississippi and its first year in Pine Lake, California. The Coast Guard will possibly be working with the National Park Service on Lake Mead to perform baseline life jacket wear studies this year. He commented that the overall culture about life jacket wear was beginning to change, and reminded the group that everyone's opinion is important, and that mutual respect would be essential in upcoming discussions.

CAPT Rizzo commented that appointments were substantially behind. He feared the Council might lose its corporate knowledge base if the situation continued much longer. He noted that at present, the Council's constituency had a good balance, but if the process didn't speed up, "We might end up getting a brand new Council . . . with no corporate knowledge, and we [will be] starting from scratch again on all the issues." He said the Coast Guard was pushing the Administration to move more quickly, and assured members that it was made aware of the possible impact of too long a delay. He hoped the Administration would act quickly.

CAPT Rizzo then read a new requirement for all Federal Advisory Committee Act (FACA) committees, a conflict of interest statement on Federal Advisory Committee Act (FACA) meetings:

At the beginning of each advisory meeting, the DFO shall make the following announcement. As stated in the agenda, at this meeting, we will be reviewing issues related to the wear and regulation of life jackets, small vessel security, and boat rental education kits developed by the U.S. Coast Guard. None of these issues is a particular matter for the purposes of criminal conflict of interest statutes.

CAPT Rizzo thanked everyone and concluded.

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Mr. Muldoon introduced Mr. Hoedt.

Recreational Boating Safety (RBS) Program Report

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

Mr. Hoedt greeted members, said he was encouraged to see that the audience today was probably the largest to attend a NBSAC meeting for many years, and thanked everyone for their time.

He said he would be giving his usual report about Coast Guard programs and special projects, but it would be somewhat shorter than usual because of the abbreviated agenda. He would cover program updates, resolution and action item updates from the last meeting, legislative and project updates from the Coast Guard perspective, and the challenge before the Council at this meeting.

Beginning with program updates, he said the Coast Guard was getting closer to finalizing the 2010 casualty numbers. Validation of the reports would be in sooner, thanks to Ms. Tomczuk and Mr. Kerlin who were working with the contractor overseeing the Boating Accident Report Database (BARD). He said the Coast Guard is now going through a real-time validation process with the fatality information they receive, and the work they are performing now means they should be able to release the report sooner. Preliminary numbers indicated a decrease in the number of boating deaths compared to 2009, but not below averages over the past 10–13 years. Nonetheless, he is excited about the decrease. He assured members that the Coast Guard was striving to complete the 2010 statistics in May, and "hopefully before Safe Boating Week."

Regarding 2011 non-profit organization grants, Mr. Hoedt reported that scoring was just completed, and that the overall review process was now being evaluated. The grants would then be submitted to RADM Cook for approval. Because Mr. Pavlo Oborski was doing a good job with process review, the final selection process should be completed sooner than in past years.

Mr. Hoedt said that despite these encouraging trends, there were challenges with the grants process this year. The amount requested was more than double the highest amount in the past, well over \$30M. Though the number of applications submitted had not changed, the amount requested per application was far higher, while revenue amounts to the trust fund had decreased this past year, so the dollar amount for distribution decreased. This means that fewer projects would likely be funded.

He said that the Coast Guard was in the process of visiting non-profit organization grant recipients' locations. Mr. Oborski's staff is coordinating fiscal matters, and Mr. John Malatak's staff is organizing programmatic matters. This separation was all part of an effort to keep the projects moving forward effectively. Noting that a number of visits had already

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occurred and that recipients were pleased with the resulting guidance and support, Mr. Hoedt applauded Mr. Oborski's team.

Mr. Hoedt then talked about the new program for approval of state RBS programs, noting that until recently there was only partial funding for the states. He remarked that the process was slow this year compared to the past, because of six continuing resolutions in Congress. This meant the Coast Guard was only able to allocate partial funding, and the availability of grants was delayed. New clearance processes also extended the timeframes involving further delays. He hoped this situation would change soon.

A new state program was put in place by the Coast Guard, consisting of a list of items to determine a state's eligibility for Coast Guard grant money. Four programs must be approved, and the Coast Guard has formally structured a process for each: law enforcement, education, vessel numbering, and accident reporting. He noted that state visitations would begin this month.

Moving ahead, Mr. Hoedt said that the Coast Guard legal staff and the Coast Guard Auxiliary were developing a potential new program for educating manufacturers. He noted that the Coast Guard recognized the value of manufacturers to comply with the voluntary standards developed by ABYC; however, because they are voluntary, some manufacturers are not even aware of them. He hoped the new program would assist in educating these manufacturers. The Coast Guard already picked some test sites for this program. If that goes well, they will expand the program nationwide.

Regarding resolutions, he reminded members that one was adopted at the last meeting—resolution # 2011-86-01: Recognition of Strategic Planning Workgroup Participants. The NBSAC 86th meeting action items were recapped:

- Appoint Objective Leaders for the 2012-2016 Strategic Plan.
- Distribution of a rental education package, on which there would be a presentation later in the morning.
- Add the use of life rafts to the 2011 Safety Equipment Checklist, would be addressed with the grant recipient during development.

Moving on to legislative and project updates, Mr. Hoedt commented that since 2004, NBSAC has twice recommended that the Coast Guard seek legislative authorization to establish a uniform federal requirement for mandatory education of select boat operators. Though the Coast Guard has worked on this for several years and proposals were submitted to Congress for consideration, Congress has taken no action. He assured members that the Coast Guard would continue the effort by using its technical expertise to help Congress draft legislation. One of the three items in the Small Vessel Security Implementation Plan was mandatory education, to help students learn about security zones, aids to navigation, and the America's Waterway Watch program.

Mr. Hoedt then talked about regulatory projects. A Direct Final Rule was published on inflatable life jackets March 30th, which will lower the approved age for using inflatable life jackets to under 16. This means that Underwriters Laboratory (UL) could now adjust its

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standard so this can take effect. He thanked the people who worked on that regulatory project.

Regarding the numbering regulatory project, Mr. Hoedt said that up until now vessel numbering regulations, VIS (Vessel Identification System) regulations and accident reporting regulations used different terms, categories, and definitions. An NPRM (Notice of Proposed Rulemaking) was published to create consistency and resolve resulting problems. The Coast Guard received significant comments after the NPRM published, particularly from the states, and the amended Final Rule is now being cleared for publication.

On the subject of propeller strike avoidance, Mr. Hoedt said there are now regulatory proposals to help resolve the problem of injuries. The first regulatory project moving forward is engine cut-off switch installation and use. This is in final review at the Office of Management and Budget (OMB), and is hoped to publish this summer. The next regulatory project is the proposed rule for operators to turn engines off when a person is near the stern of the vessel. The initial paperwork on this project is in progress.

Mr. Hoedt then talked about NBSAC's Accident Reporting System Proposal. His report on this has not changed much from the last meeting. In 2009, NBSAC submitted 15 proposals to the Coast Guard for fixing the accident reporting system. The Marine Security and Safety Council (MSSC) is considering these proposals, a regulatory project is currently being initiated at the Coast Guard, and a work plan being developed. The Coast Guard's goal is to "fix the system and make it better."

Mr. Hoedt stated that the 2010 JSI study on life jacket wear was completed. Results of the study indicate that the overall wear rate has decreased from 22.3% (2009) to 21.1% (2010). The historical range is 21.1% to 23.9%, so this is the lowest on record. He pointed out that with state-mandated wear, 95% of PWC users wear life jackets and wear rates for young people are also high. The wear rate for adults on open motorboats increased from 4.9% (2009) to 5.3%, an inadequate increase for the group most likely to drown in boating accidents.

He told members they have a copy of Lynda Nutt's report about the ongoing USACE life jacket wear study. He reminded members of the USACE and U.S. Coast Guard joint multi-year project to test the effectiveness and impacts of mandatory life jacket wear requirements. Sites selected for the study included northern Mississippi (boats under 26 feet) and southwest Pennsylvania (boats under 16 feet). Because of poor results, the USCG pulled JSI out of the PA region. The lesson learned in PA was that mandatory wear will not work if the word does not get out to people. By contrast, Mississippi completely embraced the policy and exceeded expectations. The study there is now in its third year, after which it will end. He recapped the successful wear rate numbers in the Mississippi region. The study has expanded to Pine Flat Lake in California and is about to begin there. There have been a few Congressional inquiries regarding that project, but so far no resistance.

Mr. Hoedt said the Coast Guard is discussing plans for a mandatory wear test project with the National Park Service at Lake Mead. He hoped the baseline studies would begin soon, but it must first go through the grant process.

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Regarding the life jacket approval process, the concern has been that it is too slow and costly, which impedes creativity and might be holding back new designs. The Coast Guard is now completing a five-year (2006-2010) non-profit organization grant project with UL to develop risk-based assessment and classification methodology for life jackets. New approval processes were created, which accept equivalent levels of safety. This allows for new designs, and may streamline processes and reduce cost and time. He gave kudos to BoatU.S. for its recent contest to create new life jacket designs.

Mr. Hoedt then talked about the “Don't Wreck Your Summer” campaign. The overall objective is to create a more effective boating awareness campaign. There have been some great campaigns over the years, which did bring down casualties. Unfortunately those results have flatlined in the past several years, so the Coast Guard has been looking for a new direction. He gave Minnesota praise for consistently having the lowest boating fatality ratio in the nation and said their campaigns have always been “attention grabbers,” often using humor to get the message across. He recapped statistics from Minnesota, observing that if the rest of the country could match that state's death rate, there would only be 230 fatalities per year. The Coast Guard is trying to emulate that success with the “Don't Wreck Your Summer” campaign. He thanked John Malatak and PCI for creating the first campaign in 2010, which included posters, printed materials, wraps on ice chests, and a video PSA. However, there were some concerns about that first PSA (public service announcement), so the video was removed from the Coast Guard website. That PSA was amended and is being evaluated before re-release. A second concept for posters and a PSA is being developed and prepared for release within the next couple of months. There are other concepts in the works for the remainder of 2011.

Mr. Hoedt said the National Boating Survey contract was awarded in 2009 to cover the first three surveys for 2010, 2011, and 2013 data. That survey is now in the final stage of OMB approval, and data collection would begin immediately upon approval.

He talked next about the Coast Guard Authorization Act of 2010, observing that some sections impacted recreational boating. Section 618 of the Act, Associated Equipment, was changed to add 'emergency locator beacons' to the definitions, giving the Coast Guard the authority to require the use of these devices. Multiple Coast Guard offices are assessing the potential benefits and costs. The Coast Guard will scrub all the data in three different databases, to make sure nothing was missed, as a great deal of the terminology has changed. Once this information is gathered—particularly on fatality numbers in U.S. waters more than three nautical miles offshore—it will be prepared for the next NBSAC meeting.

Mr. Edwards asked whether, if beacons became required, this would be footnoted somewhere in the reporting system so there wouldn't be an unexplained increase in casualties.

Mr. Hoedt said yes; that if the Coast Guard finds there are fatalities outside state jurisdiction so the state did not get a report on them, they would be held as a separate category; then after several years all the numbers would be melded together so there wouldn't be an unexplained jump from 736 to a different number. The Coast Guard is working on resolving that issue—i.e., if the Coast Guard has entered the incident in the MISLE database or if it has been

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contained in search-and-rescue records, all data was being compared and “scrubbed.”

He said the Coast Guard also had to determine issues such as: how many people would comply with the requirement, was the beacon serviceable, and was the beacon used? The Coast Guard would also have to consider costs, including the fact that costs were highest in the first year when the equipment was purchased. If, after all those analyses (validating statistics, effectiveness of use, costs), there appeared to be positive benefits, then the Coast Guard would return to NBSAC and possibly assemble a work group. Before that, however, the benefits and costs would need to be analyzed.

He also noted that some people on the Hill believed that when they made this definition change, it would mean an automatic requirement to carry EPIRBs (electronic position indicating radio beacons). The Coast Guard made it clear the legislation was just a definition, not a requirement. There is a misperception by some of the public that there is already a requirement for carriage, and that others believe the Coast Guard could promulgate a regulation in a few months. He noted that NBSAC members know it takes more time than that to promulgate a regulation, and that the members also understood that a regulation could impact a great many boats that did not fall within the statute.

Ms. Podlich referred to the part of Mr. Hoedt's presentation that referred to the Coast Guard's ability to mandate EPIRBs on recreational boats outside of three nautical miles. Noting that parts of the Chesapeake Bay, for example, were more than three miles wide, she wondered what Mr. Hoedt's perception of three miles could mean (i.e., what types of waterways?).

Mr. Hoedt answered that the mandate would probably not extend to inside a bay, but perhaps to an open-ended bay

Ms. Podlich commented that there was confusion within the recreational boating public about this topic, and the sooner the Coast Guard could offer clarification, the better.

Mr. Hoedt said the Coast Guard recently joined the U.S. Fish and Wildlife Service for one of the trust fund committee meetings that it hosts which other government organizations like the IRS, Customs and Border Patrol (CBP), and Office of Tax Analysis (OTA) attend. He talked about future revenue fund projections, and noted that so far the recreational boat numbers showed a 2.4% reduction.

In response to Ms. Podlich's question, Mr. JJ Marie commented that a logical line would be beyond the reach of Rescue 21. Mr. Hoedt answered that, if the issue reached that stage, the Coast Guard would ask NBSAC for exactly that type of feedback. He added that three nautical miles was just a starting point; however, the Coast Guard cannot require the mandate within that zone.

Ms. Dillon observed that, as a Council, they had not compared Minnesota's success to the rest of the country on a month-by-month basis. She wondered if it would be helpful to analyze Minnesota's yearly summer boating activity compared to that of other states.

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Mr. Hoedt thought that was a great suggestion; and proposed a formal action item on this topic.

Executive Secretary's Report

Jeff Ludwig, Office of Auxiliary and Boating Safety

Mr. Ludwig went over a couple of administrative items. Noting that two years' worth of NBSAC memberships had expired, he was cautiously optimistic that those new appointments would be made this summer. This spring however, they would advertise for new applications for next year. He assured previous applicants they would be considered for 2012 as well.

He reminded members that, back in January, he had been pessimistic about the status of the engine cut-off switch rulemaking. The Coast Guard had a meeting at OMB last week, which he felt went pretty well. He stated that "Unless OMB throws us a curveball, it will be published before the fourth of July." He thanked everyone and concluded.

U.S. Fish & Wildlife Service

Anna Harris

Mr. Muldoon mentioned there was someone from the U.S. Fish & Wildlife Service in the audience today, Anna Harris, and asked her to give an update.

Ms. Harris introduced herself as an Economist for the U.S. Fish & Wildlife Service. She mentioned a report entitled 'Casting Beyond the Bow: An Examination of Anglers Fishing From Boats.' It contains such information as how often they go fishing, the states in which they boat, information on the type and length of boat, whether or not they completed a boater safety course, and their use of boat launches. She noted that all this information came from the 2006 National Survey of Fishing, Hunting, and Wildlife Associated Recreation. The survey for 2011 begins today.

She said that the U.S. Fish & Wildlife Service asked states, non-government organizations (NGOs), and industry leaders to promote the legitimacy of this survey. She requested that if any members present today would be interested in displaying a short announcement in their websites or magazines about the survey, to please meet with her during the break. She said that the results from the 2011 survey would be available at the beginning of 2012.

Mr. Muldoon thanked Ms. Harris and introduced Mr. Gauvin.

Vessel Security Update –

Bob Gauvin, USCG Office of Vessel Activities

Mr. Gauvin greeted the audience, and thanked Mr. Hoedt and his staff for keeping all the members informed about vessel security matters.

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He announced that the Small Vessel Security Implementation Plan was published. Two weeks before this meeting there was an Executive Summit meeting in Arlington, VA at the Homeland Security Institute. Speakers included RADM Paul Zukunft, Assistant Commandant for Safety, Security, and Environmental Stewardship (CG-5) for the Coast Guard, and Mr. Tom Winkowski, Deputy Director of Operations for Customs and Border Protection (CBP). Other speakers included Mr. Hoedt and a number of representatives from DHS who are responsible for the new Small Vessel Security Implementation Plan Report to the public. Mr. Gauvin said the Plan was posted on the Internet, and could be located through the DHS website. The DHS website also provides links to all the documents published over the past four years.

Mr. Gauvin said the overall plan was a roadmap. At the National Summit in the summer of 2007, 260 small vessel stakeholders came to Arlington, VA to discuss what they thought was important. Those individuals were surveyed, and 87% of them responded; that group made 26 recommendations. Two of those recommendations: 1. to develop a plan and 2. to have more summits were implemented immediately, and there have been a number of summits since then. Based on the recommendations, the Small Vessel Security Strategy was developed and released in April 2008 by Secretary Chertoff at the American Boating Congress meeting in Washington, DC. All the stakeholders' recommendations were reflected in the goals and objectives of that strategy.

Mr. Gauvin explained that there are two versions of the 'Report to the Public'—a version accessible to the general public and a classified version, which contains sensitive, secure information that cannot be released to the public. However, small vessel stakeholders, as members of the Area Maritime Security Committees, were given clearance to see those documents if they are working with the Port and Sector Commanders. He suggested that Council members ask their representatives at the sector for access to the document, which outlines all elements to meet strategy goals and objectives.

Regarding various elements in the plan, he noted that some were complete, others were in the process of being implemented, and some were still in the research and development phase. The Office of Science and Technology at DHS had a number of targeting and tracking research and development (R&D) projects in progress in Miami, Tampa, L.A./Long Beach, New York, and Puget Sound. Small vessels are tracked and targeted using RFID (Radio-frequency identification) or AIS (Automatic Identification System), systems that are passive to the operator but active to the individuals who are monitoring it through the Interagency Operations Centers (IOC).

Mr. Gauvin acknowledged that a great deal of work remained to be done. Regarding the implementation timeline, a couple of steps were already completed. Strategic principles developed in 2006 were finalized. Since the summer of 2006, the CBP and Coast Guard combined efforts and developed a Senior Guidance Team. Working groups within that team include Small Vessel Security, Use of Force, Operational Response, Small Boat Tactics, Training, Qualifications, and UAVs (Unmanned aerial vehicle). All of the groups are working together in the same marine transportation system toward the same goals.

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He noted that changes were made to the American Waterways Watch (AWW) Program. Specifically, the AWW program received requests from the small vessel stakeholders that it become more of a "full-circle system." He said that when the Coast Guard communication center received a call about suspicious activity, the call was analyzed and intelligence distributed. Ultimately, the information gathered was taken back to the individual who made the call, so he or she could know what had happened, and if their report was important. This has helped the small vessel stakeholders, or the citizens on the waterfront, to understand that their involvement is part of the solution. The Coast Guard implemented a full social networking program for the AWW. Before this, they would receive 800 to 900 calls a year; by contrast, last month they received 26,000 Facebook and Twitter entries in addition to multiple phone calls. They were currently updating their MISLE database now and putting the new intelligence into a software program.

Mr. Gauvin said that the Coast Guard has instituted and coordinated a Citizen Action Network (CAN). This network, a pilot program that was started in the 13th District near Puget Sound, encouraged citizens who were interested in what was going on in their ports to be recruited as watchpersons. They were given training, a background check, and became part of an interactive communication system whereby they could report on activities on their part of the waterway or coastline. The District 13 public affairs staff sent these citizens daily information to help them perform their task. He praised these citizens for their help in emergency situations where Coast Guard resources are located too far away to respond to the need for help quickly. He shared a specific example where a person coordinated with other CAN members in a small inlet to have the fire department come and help put out a fire before the Coast Guard could arrive on scene. This is a program they plan to push nationally; it was already being piloted in a few other locations, and would ultimately be used in all their intelligence collection. Under the Coast Guard Authorization Act of 2010, the AWW was mandated by law. Once funding was in place, they would rapidly move forward to expand the program.

Mr. Marie suggested there should be a simple number—like 911—to call for America's Waterway Watch. He speculated that in this roomful of safety professionals, he would be surprised if more than a handful of people knew that number, and certainly very few boaters. He felt that if more people knew the number, more data could be collected.

Mr. Gauvin said that if there is a matter of an imminent concern, boaters should dial 911. He then talked about Focus Lens, a new pilot process that the areas of Los Angeles, San Francisco, and San Diego have initiated; noting that so far it had been very effective. He briefly described how it works: if a small boat is to be used for an attack, the Coast Guard examined how the attack might have originated (e.g., a boat bomb) in the port, and then the entire port is evaluated for likely points of attack origin with the port. Once found, these points of origin are registered according to the possible threat that they could pose. An Auxiliarist is then sent to those regions to educate the people who maintain or mandate use of that area (e.g., a county park or recreational group, a marine police group, a harbor master, or a marina operator). At that point, the Coast Guard Auxiliary trains those individuals and sets up America's Waterway Watch (AWW) placards. Mr. Gauvin pointed out that under Focus Lens, the Coast Guard is acquiring a great deal more "cop on the beat type" information. If citizens had a concern about a law enforcement or safety issue, they would now know whom

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to talk to. The system is gaining popularity and that, in most of the ports, marina operators were making their video security camera systems accessible to the Coast Guard. Now, for example, if an oil spill is called in, these video feeds can be used to learn more. He said all this intelligence was helping sector commanders to assess risk in their ports.

Ms. Podlich wondered whether, if people were now being told to use 911 in situations of imminent danger, and if nationwide 911 operators were prepared with the information they needed to effectively transmit water emergency information. Mr. Gauvin acknowledged there remained some confusion about this issue, but the Coast Guard was educating 911 groups on how to determine whether or not a situation fell within their jurisdiction, and how to proceed if it did. Ms. Podlich followed up by asking if 911 operators were an additional step between the Coast Guard and the caller. Would that call eventually come to the Coast Guard anyway? Mr. Gauvin said that it should, but that they were still working through some technical concerns with the "911 folks."

Ms. Podlich asked if people on the water should still use the 877 number primarily. Mr. Gauvin said that, if someone sees something suspicious, there should be enough time to dial the 1-877-24-WATCH number. In a life-threatening situation however, the local police should be called. He noted that there is coordination in the ports between local, marine, and state police, and Coast Guard Sector Commanders through AMSCs (Area Maritime Security Committees). He recognized that while things should work perfectly, more work was needed to educate everyone on the process.

RADM Cook commented that the majority of incidents on the water are reportable to the Coast Guard number.

Mr. Gauvin moved on to discuss "enhanced maritime security and safety based on a coherent plan and a layered, state-of-the-art approach." This, he explained, is a small vessel reporting system that CBP has been utilizing for vessels coming in from international waters, formerly known as the Pleasure Boat Reporting System. The system allows small vessel operators to use Smartphones and computers to generate a plan of how they intend to leave and re-enter the country. This program has been well received by the boaters in the Miami Dade, Puerto Rico, and St. Thomas regions where it has been used, and it will soon be implemented nationally. The system will promote improved critical infrastructure and key resources (CI/KR) planning for small vessel threats, and enhance Naval Vessel Protection Zones around naval vessels and submarines, enabling the Coast Guard to improve its radio searches and its "eyes in the skies" which would ultimately help the Coast Guard save more lives.

Mr. Clarke commented that one of the shortcomings of the 877-24-WATCH was that most people on the water would be calling from a cell phone, and cell phones no longer have letters on the numbers. Mr. Gauvin replied that the National Documentation Center was in the process of distributing published materials, including small stickers, to provide that number to boaters. They have looked into changing the number, but there were technical problems involved.

Mr. Gauvin then discussed leveraging technology. His focus was on warning signage and different types of buoyage. He talked about a warning shot system, put in place to enable the

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Coast Guard to determine the intent of a boater who might wander into a security zone. A “dazzler” is shot into the air at the boat at a long distance away, which startles the operator but causes no damage. If the individual continues to approach because he or she has harmful intent then it is clear there is a problem, and an immediate response can be coordinated. This system ensures that an innocent boater who might have accidentally strayed into a security zone will not be harmed. Most of the small boat operators who are stopped in security zones are uneducated and non-certificated. He noted that a great many Coast Guard boardings, however, do involve small vessel security where there is a concern about threat or risk. The Coast Guard security support has been strengthened through a number of programs with NASBLA, the states, and other federal agencies and resources.

He talked about the Interagency Operation Centers (IOC), which will become the Coast Guard hub for day-to-day communication, education, and area maritime security. It would allow interagency operation at the federal level, state, and local levels. It will enable stakeholders to provide input about security in their ports. He acknowledged the fact that some AMSCs had problems because they have grown very large. To solve this, some have established sub-working groups that specifically look at small vessels. He encouraged members to volunteer their help because local knowledge is very important to the sector commander. This information provides federal and state law enforcement officers information about day-to-day operations, so that anomalies will stand out.

Mr. Gauvin pointed out that the DHS planning process is always evolving because technology changes so rapidly. They were developing a software package called Watch Keeper in the IOCs. This would become a great tool to help watchkeepers see anomalies in the port. The Senior Guidance Team, currently headed by Vice Admiral Salerno and Mr. Winkowski from CBP, meets every three months. One pilot project being planned concerned small vessel security, and would analyze small vessel security in a U.S. port, examining how they worked together and how effectively they worked in reducing the risks of small vessel threat.

In December of 2008, his staff developed a guideline on small vessel security for the International Maritime Organization (IMO), which was published that month as a Maritime Safety Committee guideline for the 152 member states of the IMO to use as a basis to develop their own. This, he hoped, would help build a consensus on how small vessels are treated throughout the world.

Mr. Gauvin appealed to members to keep his group informed if they saw something that was not being addressed. He invited the group to visit his small vessel security website, use the 'Contact Us' prompt, and send him an email, as he would respond.

In closing, Mr. Gauvin underscored the fact that their programs were expanding exponentially, and that a great many programs would be developed in the future. One example was the Operation Integration Center, which just opened in the Duluth area and included high frequency radars, continuously variable transmission (CVT), and a ship rider program where the Royal Canadian Mounted Police, the Coast Guard, and the CBP all operated the same boats on the Great Lakes, promoting small vessel security on the northern borders. He thanked the Chairman and the audience and concluded.

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Mr. Muldoon repeated Mr. Gauvin's appeal for more recreational boaters to join AMSCs, and encouraged members to get involved. Ms. Podlich asked if there were a way to determine where meetings were being held, and whether or not they had a boating representative. RADM Cook volunteered his staff to reach out to the AMSCs and find out which ones had recreational boating safety programs. Ms. Podlich said she knew a number of people who could help.

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

Mr. Messmann reminded Mr. Muldoon of an Action Item from the last NBSAC meeting: appointments for implementing Objective Leaders. Mr. Muldoon asked if he would state his recommended Objective Leaders now.

Mr. Messmann said that the Strategic Plan was completed and signed, and urged members to keep the momentum going. He said there had been some questions by the media about the plan. The objective leaders would work with the Coast Guard for the next few months to get the report completed and posted on the Coast Guard web site. He was confident that this report would answer many media questions, from the Auxiliary to the boating magazines.

He said he moved Ms. Dillon from Objective 3 to Objective 1, and Ms. Duer from Objective 1 to Objective 3. Mr. Meddock would continue as the Objective 2 Leader, and Ms. Takashina would continue with her leadership on Life Jackets. Mr. Fetterman would replace Ms. Healey on Navigation Rules, and Mr. Richard Moore would continue with Boating Under the Influence. Ms. Kull would continue with Manufacturer Compliance. Ms. Podlich would continue her work as an Objective 8 Leader until new appointments are made. Mr. Messmann said he had volunteered to continue working on Objective 9 and as Subcommittee Chairman, and Dan Maxim would continue working on Objective 10.

Ms. Podlich wished to make a request, as she would soon be leaving NBSAC. She asked that the structure of the Strategic Plan procedure be reassessed. She would like to see the Council have a meeting with Coast Guard staff to honestly evaluate how the Strategic Plan process went. She wished to speak from her own perspective, remarking that "it was excruciating...it was more painstaking, with more duplication of effort . . . than it had to be." For the sake of all future volunteers, she respectfully requested a conversation about how the process might be made more efficient in the future, and more respectful of volunteer time. Mr. Messmann said he was definitely open to Ms. Podlich's suggestion.

Mr. Johnson observed that as the Strategic Plan was very extensive, it was important that each group involved should obtain a full copy of the plan. At present, not everyone who had responsibilities with an implementing partner organization fully understood what their commitment was.

Mr. Muldoon agreed that all partner organizations should have the document. He asked if there was any new business at this time.

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Mr. Chisholm reminded members that Objective 7 of the Strategic Plan concerned manufacturer compliance, and that the Coast Guard had always recognized the value of compliance with voluntary standards. Voluntary standards were included for the first time in the Strategic Plan as strategy 7.4. He noted that the boating industry had a good track record of providing safe and reliable products for recreational boats through the use of consensus-based voluntary standards that complemented and, in many cases, supplemented more limited federal regulations. However, voluntary standards don't happen by themselves and they evolve continuously and rapidly. He said that, for the first time in 15 years, they had not been listed in this year's area of interests for non-profit organization grants by the Coast Guard. Because of this, Mr. Chisholm wished to offer up a resolution to add voluntary standards as an area of interest to the list for 2012, to be maintained on the list for the duration of the current Strategic Plan. He put together wording for a resolution stating such, and would be happy to provide copies of it to the Council for consideration at lunch and overnight. He would raise it as an action item tomorrow after recommendations of the Life Jacket Committee are considered at the end of the Council meeting.

Mr. Muldoon agreed, and asked if anyone had any new business.

Ms. Podlich said she wanted the Council to recognize that Pam Dillon was about to retire. Noting that Ms. Dillon had been her mentor at NBSAC, she asked everyone to give her a great big round of applause and appreciation.

Members' Items
Moderated by Jeff Hoedt

Mr. Hoedt offered Council members and guests the opportunity to bring up any items to RADM Cook.

Mr. Muldoon, Mr. Angell, Mr. Campos, and Mr. Chisholm had no items.

Mr. Clarke asked about the status of adding life jacket testing or certification groups other than Underwriters Laboratory (UL). He recalled they had discussed this several meetings ago, but he had heard nothing further on the issue.

Mr. Jackson said that Ms. Brandi Baldwin would address that issue this afternoon. He noted that there were additional labs that had or would come online for Coast Guard Certification of lifesaving devices.

Mr. Hoedt said Ms. Dillon had three questions. He read from the first, "What authority does the Coast Guard have to require that any agency receiving funding from the boat safety account have an approved policy of life jacket wear as a condition of funding?" He noted the Coast Guard had provided the response to that, and wondered if Ms. Dillon had read over the response. Ms. Dillon observed that even though no action was taken to require programs receiving boat safety funds to have a PFD wear requirement, she wished to expand on it during life jacket wear discussions later today.

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Ms. Dillon felt she had not received a full answer for her second question, in which she specifically asked about the Sport Fish Restoration and Boating Trust Fund concerning a full funding authority for all the programs broader than the boat safety account. She said the response was only based on the boat safety account. Mr. Hoedt said that was correct, because it was the only item over which the Coast Guard has any control. He offered to research it further if she wished. He noted that the U.S. Fish & Wildlife Service administered most of the other programs, and he couldn't speak for that agency; they would need to address it themselves.

Ms. Dillon questioned why, if the Coast Guard had authority to set equipment standards, it would not want to examine that authority over other components receiving trust fund money prior to life jacket wear becoming a possible mandate for the general public. Mr. Hoedt assured her that the Coast Guard would contact those agencies and address the issue with them. Ms. Dillon thought this was an opportunity to gauge the effectiveness of the program and, because it could be linked to future funding they should ensure they have all affected parties on board.

Mr. Hoedt read Ms. Dillon's third question regarding power boat instructors to have a USCG license. He asked if she had any further questions following the response she had received. Noting that she had received a five-paragraph response, Ms. Dillon said it further supported her statement that the license requirement presented challenges to the future skill-based program implementation. She felt that it could be simplified. Ms. Dillon requested an official answer. She said that if we want to address skill-based operation and training with the general public, we need to simplify the process for addressing the federal requirement for a captain's license without delay, when we're talking about recreational boating education. She commented that it was at present too complicated for some of the more traditional boating safety programs to try to address.

Mr. Hoedt thanked her.

Mr. Edwards requested that the Coast Guard spell out for each state the exact location of waters under U.S. jurisdiction—in the context of mandatory life jacket wear, to clarify where the law would and would not apply. He speculated that this would be a huge question by the public. He was unsure how the Coast Guard would handle this, but perhaps working with the states to come up with specific lists as best they could. He admitted it was a murky area, but an important one.

Mr. Hoedt said the Coast Guard districts make the determinations on what waterways in their district are part of the navigable waters list. Unless Congress had taken action as to whether a water is declared navigable or not, or unless a formal request comes in for a determination, no determination has been made. In other words, there were numerous waterways nationwide where no determination was made as to whether or not they were navigable. He would be surprised if the same type of system did not apply to waters subject to jurisdiction, although the Coast Guard does not have a program for it. If a program was established he assumed it would be similar to the navigable waters process with some waterways clearly falling in the jurisdiction and others in a gray area.

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RADM Cook wondered if it would be a good idea for NASBLA and the Coast Guard to cooperate on a task statement or a committee to clarify this issue. Perhaps the two agencies could coordinate across district offices in order to consolidate information. Nonetheless he agreed that some areas of uncertainty would remain. He acknowledged that this issue frustrated people "in a lot of other arenas too," so he hoped the topic would not disappear.

Mr. Edwards thought such clarification would help in the transition from voluntary to mandatory life jacket wear; that things would go more smoothly if those questions were answered ahead of time. Mr. Hoedt thanked Mr. Edwards.

Mr. Hoedt noted that Mr. Fetterman, Mr. Johnson, Ms. Kull, Mr. Marie, and Mr. Meddock had no questions.

Mr. Messmann was anxious that the Council not make the same mistakes in implementing the current Strategic Plan as they did with the last one—namely, not providing the Coast Guard Headquarters liaisons and the District RBS Specialists with specific guidance on their part in the implementation of the plan.

RADM Cook confirmed that Mr. Hoedt understood Mr. Messmann's concerns. Mr. Hoedt did. RADM Cook observed that sometimes the Coast Guard forgets how big its organization is.

Mr. Messmann admitted that not engaging those two groups last time was a mistake he made as the Chairman. He had not identified the Coast Guard liaisons and the District RBS Specialists as important implementing partners. Now that they were identified, it would be helpful to hold meetings with the objective leaders and liaisons, and another meeting with the Coast Guard and the RBS Specialists to give them guidance on how to implement this Plan. He stressed that the information needed to be put out to the Coast Guard's field level. In addition, he wondered what the Coast Guard expected of the liaisons. Though they were identified in the document, their role was not properly spelled out.

Mr. Hoedt said that Mr. Messmann's suggestion of holding a joint meeting of the Coast Guard liaisons, the RBS Specialists, and the objective leaders, would help better coordinate and enhance the expectations from each team member. He called attention to a Coast Guard Strategic Planning Direction (SPD) document that gives the field direction on what programs need to be implemented. The Coast Guard was trying to blend the Strategic Plan program into that document. The RBS specialists at the field level could help make sure the Coast Guard was using appropriate terminology and that it was being transferred to the correct field staff.

RADM Cook said it would be a good idea to bring all those people together on a conference call and discuss their roles in order to execute this Plan. He thanked Mr. Messmann for bringing up the topic.

Mr. Moore had no questions.

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Mr. Hoedt read from Ms. Podlich's question regarding potential life jacket wear by stand-up paddleboarders when they are considered vessels (when they are used outside of a swimming, surfing, or bathing area). He said that stand-up paddleboards operating as vessels would have to wear a life jacket.

Ms. Podlich had an additional question. Regarding the new plan with the National Park Service and Lake Mead, she asked if Mr. Hoedt could provide a bit more insight about the project, its timeline, any public outreach plan, and so on. He said the plan was in too preliminary a stage to go into any specifics about it as yet. They agreed to look at this year as a baseline measurement—other than that, it was still in the development phase.

Ms. Podlich asked if the topic of the project was mandatory life jacket wear and would that occur during this calendar year. Mr. Hoedt said that only the baseline study was planned for this year. Ms. Podlich understood that to mean a potential change in requirements for boaters on Lake Mead was planned for next year. Mr. Hoedt said possibly; both the National Park Service and the Coast Guard definitely wanted baseline data before they got into any requirement for life jacket wear.

Mr. Meddock suggested that the Coast Guard's use of the term 'vessel' would be problematic to the stand-up paddleboarding (SUP) industry, which was growing rapidly. He felt that classifying these craft as 'vessels' was a huge mistake. Mr. Hoedt said that choosing the terminology was not a subjective but rather a statutory matter. However, he said if the Council issued a recommendation and the Coast Guard moved forward with mandatory life jacket wear, caveats could always be added. (For example, sailboards are already exempt from the life jacket carriage requirement.)

Ms. Dillon said she did not understand why the Coast Guard had decided to exempt sailboards. Mr. Hoedt that they were classified in regulation as vessels about 18 years ago; however, they were specifically exempt from personal flotation device (PFD) carriage requirements. Ms. Dillon suggested that those types of past decisions should be reconsidered in light of present discussions and potential confusion it might create in moving forward. For example, other classes of vessels look very similar to sailboards but have not enjoyed that exemption.

Mr. Hoedt said the timing for such a discussion would be good; decisions on vessel classification could be made during the time it would take for a law to come into being. For now, however, the determination stands on paddleboards. If devices are being used outside swimming, surfing, or bathing areas and are being used as a means of transportation, they are likely to be declared a vessel. However, he urged members to bring up issues or concerns at this time.

Ms. Podlich suggested an action item to see a full list of the current exemptions for vessels that are not required to carry PFDs. Mr. Hoedt said that this list is in regulation, so the Coast Guard could pull that up and show it to the Council; but at present he could not remember any other exemptions.

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Mr. Clarke reminded Mr. Hoedt about rowing shells. Mr. Hoedt thanked him, saying that racing shells, rowing sculls, racing kayaks, and racing canoes were also exempt.

Mr. Bruce Rowe noted that his question would likely be answered in the upcoming presentation.

Mr. Dick Rowe had no questions.

Ms. Takashina had two questions regarding intended use labeling on PFDs as USCG-approved Type II, III, or V, with type III performance PFDs suitable for use on any recreational vessel unless there is specific text in the USCG label prescribing use on certain vessels—for example, high-speed water sports and towed vessels. Mr. Hoedt believed she had already seen the response to that, and asked if she had any further questions on that topic.

Ms. Dillon felt this once again showed inconsistency. She wondered if a Type III device was labeled 'not approved for use' on a PWC or for waterskiing, did that also mean it is not intended for use on high-speed watercraft? She thought there was ongoing confusion with the wording on life jacket labeling. Ms. Takashina observed that high-speed sports required more primary closures on life jackets because of impact, so it was not just a matter of intention in that case. Ms. Dillon wondered if a person could therefore waterski in a Type II life jacket. It might not be intended for that activity, but is it counter to what the approval says? Ms. Takashina said that, unless that Type II device had the required closures, it could possibly qualify. Ms. Dillon said they should discuss the issue at more length offline.

Mr. Hoedt read from Ms. Takashina's second question regarding Coast Guard statistics on the number of inflatable life jackets that fail to inflate. Mr. Hoedt said they do not have that data.

Mr. Tsuneyoshi said that, when he was a boating law administrator (BLA) and participated in the District 11 workshops, he noticed that many people in the field had no idea what the Strategic Plan was, let alone their involvement in it. Sometimes there was even confusion on the part of the Coast Guard Auxiliary. He felt it might be a good idea to initiate an action item to produce an FAQ list about implementation, action, and involvement regarding the Strategic Plan, to circulate among boating law enforcement ranks. Mr. Hoedt thanked Mr. Tsuneyoshi for his suggestion.

Mr. Underwood had no questions.

Mr. Marie had a question on vessel definitions. Were inflatable boats not Coast Guard regulated because they were not considered vessels under the Boating Safety Act? Mr. Hoedt said that within construction standard regulations, there exists the option of exempting certain craft from certain requirements, but inflatable boats are considered vessels. Mr. Marie clarified: so they are vessels, but they have an exemption? Mr. Hoedt answered yes.

Chairman Muldoon said RADM Cook was about to leave, and asked that everyone give him a round of applause for how much he had done for the Council. He then introduced the next speaker.

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Boat Rental Education Kit

Dr. Robert Hill, Water Solutions Group, Inc. (WSG)

Dr. Hill greeted members and introduced himself. He provided a brief overview of himself and his organization.

He has always been a boating enthusiast. He has led non-profit organizations for over 35 years, and held a doctorate in education, specializing in non-profit management. Reading from a mission statement, he described Water Solutions Group, Inc. as a non-profit organization that exists for educational purposes and for conducting activities that promote boating safety and national security, minimizing the loss of life, personal injury, property damage, negative environmental impact, and harmful boating related activities. WSG uses innovative communication strategies and technologies as its primary strategy to increase knowledge and awareness of safe boating practices, and to effect attitudinal and behavioral changes that increase boating safety and security on the nation's waterways.

In 2010, Doctor Hill explained, WSG Group was awarded a grant from the Coast Guard for the rental boat education program (RBEP). The RBEP is an awareness and distribution campaign to promote and effectively use the information and materials previously developed by the Coast Guard on rental boat safety. He said there would be more to come regarding the rentalboatsafety.com website. The purpose of the RBEP is to increase boating safety, and reduce the number of recreational boating fatalities in the U.S. by building boating safety awareness and specifically educating the rental boat markets. This includes providing high quality training and resource materials to state boating law administrators, recreational boat rental companies nationwide, and the individual rental boat customers. RBEP is a collaborative project with their strategic partner and subcontractor, Parroco Production Group (PPG). PPG provides production support and the necessary online tools to enable WSG to achieve the goals and objectives of the RBEP. WSG serves as a steering organization for the grant, managing production and distribution.

Dr. Hill then introduced Mr. Wil Busby, Executive Vice President of PPG. Mr. Busby thanked Dr. Hill and introduced himself. He said he would give a quick overview of what his organization has done in support of the Coast Guard in the non-profit organization grant program through www.rentalboatsafety.com. They produced videos, a learning assessment quiz, and printable resources. The purpose of the website is to expand on printed items and DVDs.

He described his group's approach to boating safety training as straightforward and effective. They helped develop, with the Coast Guard and members of NBSAC, high-impact training videos, software that offers questions based on the videos, and short surveys that explore whether viewers' behavior has changed (e.g., Will they now wear a life jacket? Will they abstain from drinking while boating?). These materials focus on the rental boat market; people who are not used to being out on the water.

Mr. Busby then presented a page from the website, noting its ease of use. He played the Introduction video, which features safety information including Rules of the Road with an

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emphasis on the responsibility of the boat operator. The presentation, with its heavy-metal rock soundtrack and quick-moving messages, makes the message simple and palatable to the layman. The videos fell into three different segments: one about safety, one about boat types (e.g. powerboats), and one to test what the user has learned.

Next he showed a video about negligent operation of boats, which focused on such behaviors as:

- Using excessive speed in the vicinity of other boats or in dangerous waters;
- Failing to make sure children are wearing life jackets;
- Bow riding or riding on seat backs, gunwales, or the transom;
- Using hazardous waterskiing tow sport practices; and
- Operating a boat under the influence of alcohol or drugs.

The video makes the point that the operator of a boat is responsible to know and follow the navigation rules.

Mr. Busby then showed another video from the website, dealing with boat types. The following rules concerning the most popular type of rental boats, pontoon boats, were discussed:

- Never allow a passenger to ride on a platform at the front of the boat.
- Take the time to do a periodic head count of your passengers.
- Always stay seated while the boat is in motion.
- Make sure you minimize all trip hazards.
- Never start the engine until everyone is accounted for.
- Post a lookout to ensure everyone is clear of the engine.
- Do not exceed the total weight or person capacity of your boat.
- Always anchor where the water is deep enough to safely dive.
- Never jump or dive from a moving boat.

Mr. Busby pointed out that the website had multiple videos that covered other boat types such as tiller-steered, wheel-steered boats, fishing boats, ski and runabouts, and houseboats.

He then talked about the online quiz, which contains Coast Guard-approved questions that test whether the viewer has understood and retained the contents of the videos. It is a simple feedback system using multiple-choice answers, and provides instant feedback that lets the viewer know if his answer is right or wrong. At the end of the quiz there is a simple survey, the results of which are anonymous. It asks basic questions such as:

- Before watching this training:
 - Did you drink alcohol when operating a boat?
 - Did you wear a life jacket?
 - Did you follow general safe boating practices?

Follow-on questions determine whether the viewer's future behavior may change as a result of watching the training. Basic demographics are also explored, such as where viewers are from, their age, their frequency of boating, etc. PPG then passes this information on to WSG, which then shares it with the Coast Guard. Since the website has been up, they have had

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about 54,000 hits and they are collecting data daily. He said that liveries are given full access to their printed materials. In addition, there is a contact form set up for the liveries offering a free DVD that contains all the material on the website. Mr. Busby concluded his presentation.

Mr. Tsuneyoshi asked if users who had failed the test could be flagged so that livery operators could prevent them from renting a boat. Mr. Busby replied no, but acknowledged that was a good idea.

Mr. Clarke asked if this was a free program, available to everyone whether livery operators or not. Mr. Busby said yes. Mr. Clarke said that, in his experience, rental agencies did a good job of educating people they rent to because of liability issues. He felt the more serious problem area lay with people who lend their boats to novices; those people seem to get into the worst trouble on the water. He wondered if the training could be directed at the general public as well.

Mr. Chisholm asked how many tests were completed on the website to date. Dr. Hill did not have that number, but said he could find out. Mr. Chisholm asked if it was possible to "click past" the survey once a person had completed the test. Dr. Hill answered yes, that it was an optional survey. Mr. Chisholm remarked that he would be very interested to see in the fall meeting how many people are actually completing the tests and the surveys; also to find out how effective the program is.

Mr. Busby introduced Melanie Bedogne the Executive Director of Water Solutions Group, Inc. Ms. Bedogne said she handled the day-to-day operation of the program, and making sure the grant was implemented properly. She thanked members for sharing information for the website.

She said that initially they attempt to contact the BLA in every state as their first level of contact. From there they connect with boat rental liveries, other strategic partners, and ultimately rental boat customers. The strategy begins with phone calls to reach out to those different groups, making them aware of the program, and making sure these materials are in their hands. From there, they do email and postal mail follow-up. Ms. Bedogne said she has made initial contact with BLAs from all 50 states, and has spent a few months connecting with liveries and distributing materials. She remarked that they were already seeing some great results.

She said WSG was tracking participation and impact of the materials, and they hope to provide more data in the near future, so they can provide as much feedback as possible to the Coast Guard. Barely a few months into the promotion, they are receiving a strong response. State BLAs are making their liveries available to the group, and they are already seeing active participation in several states in helping to distribute materials. Ms. Bedogne said that Ms. Dillon had positive feedback on the materials and the timing of their distribution. The group has started a viral marketing campaign to make sure the message gets to end-users, and their goal is to develop a safety culture among boaters and reduce boating accidents and fatalities in the United States.

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Ms. Kull encouraged the WSG to make the test a bit more difficult. In the examples shown, the correct answer to the questions was too obvious. She felt that it "causes people to just blow through without thinking," and that more challenging choices would make for a stronger learning experience.

Mr. Angell asked if this was a certification program. Ms. Bedogne said no; it existed simply to create a greater awareness of safe boating practices. Mr. Angell asked how long the video was; she answered that together, the videos lasted 20 minutes.

Mr. Campos pointed out that people often die in one-vessel accidents rather than collisions (i.e., allisions, running aground, or falls overboard).

Ms. Podlich asked if the course was ready for people with learning disabilities or attention deficit disorder. Mr. Busby said they had done no evaluation of that as yet, but thought it was a great suggestion.

Mr. Edwards wondered if rental establishments waited until customers arrived to show these materials. He felt that calling people ahead of renting the boat was a good idea. Ms. Bedogne said the program was designed for home and in-house training.

The meeting was adjourned for the lunch break.

Mr. Messmann said there was a demonstration on inflatable life jackets during the break, and wished to make sure everyone understood that two life jackets were set not to inflate, so that people could understand there was an alternative oral inflation method.

Mr. Muldoon introduced Mr. Graybeal, the next presenter.

Jim Graybeal

President, National Association of State Boating Law Administrators (NASBLA)

Mr. Graybeal greeted members and gave a brief update about NASBLA's Education Standards Panel. He said the work group was finishing an application form, and that the application for the Education Standards Panel would be available before April 15. He told members about the annual conference, which is in Milwaukee, WI this year, from September 11th through the 14th. He thanked the group for their great work on the Strategic Plan, and said he was a signer at the Summit.

Chairman Muldoon then introduced Brian Bohnsack from the Fish & Wildlife Service.

Mr. Brian Bohnsack

Recreational Boating & Fishing Liaison, U.S. Fish & Wildlife Service (USFWS)

Mr. Bohnsack said the USFWS's equivalent to NBSAC, the Sport Fishing & Boating Partnership Council, had just completed a review of how the states are spending boating access funds from the Sport Fish Restoration fund. He shared a copy of this report with all

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the members. He also left some information about the recent activity of the Department of Interior's Sport Fishing & Boating Partnership Council.

Mr. Muldoon thanked Mr. Bohnsack and said he believed that the cooperation between the U.S. Fish & Wildlife Service and the Coast Guard was probably the best it had ever been. He expressed his gratitude.

Chairman Muldoon then introduced Chris Edmonston, the next presenter.

BoatU.S. Foundation Findings on Non-USCG Approved Life Jackets
Chris Edmonston, President, BoatU.S. Foundation

Mr. Edmonston began by saying that life jacket use among adults continued to be disturbingly low in the U.S. He noted there were ongoing efforts to harmonize rules between the U.S. standards and the EU standards. He commented that, particularly in paddling and sailing, people were wearing life jackets that are purpose-built for their sports, devices that may or may not be approved by the Coast Guard. Armed with this knowledge, the staff at BoatU.S. decided it was time to do more research on life jackets for the Foundation. The Foundation had received a non-profit organization grant from the Coast Guard in the early 1990s to test inflatable life jackets, and they had sent those devices across the country to see if people liked them and whether or not they thought that they would wear them. He hoped this survey was instrumental in the Coast Guard's approval of inflatable life jackets back then. Starting in the 1980s through 2011, they had conducted a product testing series for *Boat U.S.* magazine. They tested inflatables, life jackets in rough water, and even "doggy life jackets." They also held two life jacket design competitions, most recently early this spring, which he hoped to touch on at the end of his talk.

Mr. Edmonston said BoatU.S. had tested ISO-rated jackets, in particular Level 50 jackets, which he noted are included the Strategic Plan as being potentially approved in the U.S. They looked at life jackets that haven't been approved by any organization to see how they performed. All of these models were compared to currently approved Coast Guard jackets in several categories, including inflatables (one being a Coast Guard-approved inflatable, the Mustang). There were three EU-approved jackets: the Spinlock, available in the U.S.; a 150 Newton device from Baltic; and a 275 Newton device from Secumar that takes a 56-gram cylinder. They also evaluated many sailing jackets, including ones from Kokatat, Zeke, and several other brands like Gill and Stohlquist. They examined paddling jackets made by West Marine, Kokatat, Baltic (only available in Europe), and Sterns. The float coats they evaluated were of both foam and inflatable types—one approved jacket from Sterns, three unapproved jackets from Stormy Seas, and one EU jacket from Baltic that is not available in the U.S.

BoatU.S. also tested sports enthusiast jackets, both approved and unapproved: Yamaha—approved; O'Neill—unapproved; and another import from Baltic. In all the tests, they used traditional Coast Guard jackets as the baseline for their rating system. The testers were generally not boaters, so they were unfamiliar with the jackets and whether they were approved or not. He said this was important so that the testers' impressions would not be affected by whether or not a product was approved in the U.S.

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He said that BoatU.S. studied many of the testing standards that UL uses, though they did not attempt to match their tests to UL standards. They examined issues such as face angle and freeboard; whether the jackets would turn people upright if they were face down in the water; and how well a person could swim while wearing the jacket. They also tested whether a jacket would pop off when the user jumped in the water. They looked at how well a device fit on the shore, how hard was it to put on, how hard it was to adjust once it was on, and what people thought of it when they wore it. There were several winning designs:

- The Mustang, an inflatable,
- The Kokatat, a Coast Guard-approved paddling jacket, which can be inflated and has more positive buoyancy than similarly sized foam jackets,
- The Yamaha life jacket, which was very popular and worked the best in water, especially compared to many competition jackets that were virtually unusable even in a swimming pool, and
- The Zeke sailing jacket, the overall winner, a simple foam jacket that is very easy to put on with large armholes. Though not approved in the U.S., is seen a great deal during sailing competition.

Mr. Tsuneyoshi asked what Mr. Edmonston meant when he said a life jacket worked "best." Mr. Edmonston answered they had tested for fit and function on the side of the pool and in the water. He noted that jackets that worked great on shore often did not do well in the water—they made it either difficult for the wearer to remain upright or swim in them, or they were just plain uncomfortable. The winners were usually somewhere in the middle on all categories, both on shore and in the water. One that was popular was a standard fishing jacket, especially in the water. This was a simple Coast Guard-approved foam jacket. He noted the most popular jacket with female testers was the Baltic, a CE approved device that is not available in the United States.

Mr. Edmonston concluded his presentation by stating that they found that the standard Coast Guard jackets were the most poorly rated by their test subjects as far as fit and function in the water; that they were uncomfortable, and that people "just didn't like them."

Mr. Edmonston said that purpose built jackets like the Zeke were very popular. People said they would go out of their way to buy those, despite the fact they are unapproved. He pointed out that fashion seemed to play a major factor in the choice of a life jacket. He said a good feature of Baltic was that it has a crotch strap, which people like. He noted that life jackets with a crotch strap work better in the water.

Ms. Podlich commented the Zeke was popular among dinghy sailors.

Mr. Edmonston talked about "dry comfort," which means comfort out of the water. An example was the Stormy Seas jacket, which is very comfortable on land but performs quite differently in the water. He noted that most of the time people never get the chance to try a device in the water before they actually purchase it.

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Ms. Dillon asked what a CE life jacket was. Mr. Edmonston said he couldn't tell her precisely, but defined it as one built to the ISO standard.¹

He went on to discuss the unrated jackets—competition jackets or jackets like the Stormy Seas, which did not test well in the water. Some testers said a few jackets were perfect; snug, but comfortable both on land and in the water. Some jackets, however, received terrible ratings. One person said, “This is a miserable jacket. It chokes me, makes me feel claustrophobic. I would rather go without a jacket than wear this in the water.”

Mr. Edmonston read a passage from the Level 50 standards:

"These jackets are designed to provide the kinds of flotation that will accommodate the sometimes conflicting needs of reliability and durability in water performance and continuous wear. . . . It is essential that users choose those PFDs that meet the correct standards for the circumstances in which they will be used."

He said he agreed with that philosophy, and advised people to have a Type I for offshore and a Type III for inland boating. He felt the ISO standards took that viewpoint even further—that they designed the standards around the activity rather than the performance level.

Mr. Marie stated that Mr. Edmonston had indicated a difference between the CE jackets and U.S. jackets, but that he hadn't elaborated. Which one was better? Mr. Edmonston said that some CE and some Coast Guard-approved jackets were popular among testers, but that none were unapproved jackets. He pointed out that there is definite value in buying an approved jacket, noting that performance standards for Coast Guard-approved life jackets seem to be somewhat higher for flotation and buoyancy. He said that Level 50 devices were more tailored to specific boating activities. For example, 150 Newton devices or 275 Newton devices were good for offshore boating. With dinghy racing on a closed course where quick rescue is likely, a Level 50 device, a 50 Newton device, a Type V, or a Type III is adequate. Above all, he stressed it is best to have something you will want to wear; that "a jacket that is not used is 0% effective." He added that, from a manufacturer's standpoint, the design latitude for Level 50 devices was far greater than that for Coast Guard-approved devices. A downside to many life jackets they tested was the price, which ranged from \$50 up to \$400.

Mr. Edmonston next talked about a BoatU.S. life jacket competition, in which ordinary citizens were encouraged to design a device that would keep people safe on the water. He then played a series of videos of the top contenders. One was called the Aqua Boy, designed by a couple of high school students. A consulting company in Los Angeles designed another of the top three. The contest winner was essentially a swimmer's shirt that had a built-in inflatable bladder and a manually operated cylinder, designed to be worn all day, with a 12-gram cylinder. He noted that there was already a similar model on the market in Australia,

¹ **CE marking** (also known as **CE mark**) is a mandatory [conformance mark](#) on many products placed on the market in the [European Economic Area](#) (EEA). With the CE marking on a product the manufacturer ensures that the product is in conformity with the essential requirements of the applicable EC directives. The letters "CE" stand for "Conformité Européenne" ("European Conformity").

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available from Jamestown Distributors in New England. He thanked the group and concluded.

Chairman Muldoon introduced Ms. Brandi Baldwin.

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

Ms. Baldwin introduced herself, explaining that her office was responsible for setting safety standards and completing approval programs for lifesaving equipment. She would be giving an update on where they stood in adopting a Consolidated North American Standard and the progress they have made in recognizing new laboratories for PFD testing.

She explained that an International Harmonization Committee (IHC), which the UL (Underwriters Laboratory) Standards Technical Panel (STP) formally established last October, was in the process of writing the Consolidated North American Standards. The committee is a group of manufacturers, government regulatory bodies, and laboratories from the U.S. and Canada, who have come together to adopt the ISO 12402 Series Standards for wearable PFDs with mutually agreeable national deviations acceptable to both the U.S. and Canada. This would ultimately allow Coast Guard-approved devices and Canadian-approved devices to become more flexible, without compromising safety.

Ms. Baldwin indicated that the group had been working for several years and was very near a resolution. The preliminary review of the draft standard was expected to start this May. During this review, members of the Standards Technical Panel would be able to comment on any aspect of the draft standard, and the IHC would attempt to address any comments and then re-circulate the document.

The next phase would entail consensus balloting, where STP members would vote to approve or reject the standard. In order to gain consensus, a simple majority of voting members would be required to vote, and two-thirds of those would need to vote to approve. If the standard gained consensus, any negative comments received during the balloting would be circulated, with responses to those comments. At the end of that phase, the standard would be adopted nationally. When the process was completed in the spring of 2012, it would begin to be implemented.

Ms. Baldwin explained that they would first need to establish an effective date for the new standard. They expected to do that in conjunction with PFD manufacturers and test labs. On that date, all new approvals would have to meet the new standard. Devices currently on the market could still be used and produced, provided they remained in a follow-up program

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which would be a quality assurance program to ensure that the devices conformed to the same standards as the original one.

She commented that, as with any change in Coast Guard standards, the best long-term plan would require a regulatory change, which would incorporate the new standard by reference. Regarding the PFD program, she emphasized the importance of studying carriage requirements for all types of vessels to ensure they still met the needs of those vessel types. At the same time it would also be important to make sure all the terminology was correct. She noted that, in Titles 33 and 46, different carriage requirements used different language to say the same thing, e.g., 'life preserver,' 'buoyant vest,' and 'marine buoyant device.' In addition to the terms 'Type I,' 'Type II,' 'Type III,' and 'Type V,' the Coast Guard uses 'of a type approved by the Commandant.' She mentioned that a few regulations were obsolete, and that the Type I, II, and III code system was often misused and misunderstood. Replacing it with more understandable language would ultimately help the end user and benefit the program.

Ms. Baldwin said this change in standards would result in boaters seeing different types of devices on the market, the first being Level 50 buoyancy aids. She reminded members that the Level 50 device was not a life jacket but a buoyancy aid designed for swimmers only. Under the European standard, non-swimmers should wear life jackets with a buoyancy level of 100 Newtons or above, which exceeded current U.S. minimum requirements for PFDs. A Level 70 type device, equivalent to the current U.S. Type IIIs, would be designed for non-swimmers and allow the Type III devices to remain on the market. Another big change would be that the same standards would apply to inflatables as currently apply to inherently buoyant devices. She noted that it would be a challenge to develop user-friendly labels to meet both ISO standards and Coast Guard regulatory requirements.

She reminded members that the Coast Guard is not able to perform testing on any of the lifesaving equipment it approves, so it relies on independent third party laboratories. There is a list of Coast Guard accepted laboratories online at CGMix.uscg.mil. Noting that UL has been a recognized laboratory for many years, she said the Coast Guard recently also recognized Imanna Laboratories for recreational inherently buoyant devices, work vests, and PFD components. She said Imanna was also working to add commercial devices and inflatables to their repertoire.

Ms. Baldwin said Coast Guard regulations require that all approved equipment undergo production quality control, overseen by a third party. She said in late 2009, the Personal Flotation Device Manufacturer's Association (PFDMA) established a working group to revise the current UL procedures to follow-up on quality control, which is documented in UL Standard Appendix Pages (SAP). The goal was to improve efficiency and remove unnecessary or redundant testing. Ms. Baldwin discussed numerous improvements that resulted, including the elimination of most of the annual swim testing, combining the Type II and Type III Standard Appendix Pages so there was now one document to cover all inherently buoyant devices, and conforming the calibration equipment schedule so all equipment was now calibrated according to the same policy. Those revised Standard Appendix Pages were published in August 2010.

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She noted that the Coast Guard had initiated a process to standardize the minimum requirements for factory follow-up, and had proposed the STP develop a new standard for follow-up. STP approved this proposal and established a task group to develop a standard to include minimum testing and inspection frequencies, test procedures, test methods and acceptance criteria, what to do in the case of nonconformities, build a system that gives manufacturers credit for a quality system, and establish minimum qualifications for the laboratories and laboratory inspectors. The first draft of this standard was circulated and this group would meet in conjunction with the PFDMA Annual Conference in June. Once the draft was ready, it would go through a consensus balloting process similar to that of the Consolidated North American Standard described earlier.

Moving on to youth inflatable PFDs, Ms. Baldwin informed members that there was a proposal before the STP to add standards for youth inflatables to UL Standard 1180. That was rejected because it conflicted with existing regulations. In 46 CFR 160.076, the Coast Guard specifically states that inflatable PFDs are approved for adult use only. She said that the Coast Guard recently published a rulemaking that would update all outdated references to UL, eliminate redundant and inefficient regulations, and remove 'adult only' language from the regulations. This would enable standards bodies to develop standards for youth inflatable devices that could later be incorporated into the regulations. The International Harmonization Committee (IHC) was developing language to prevent children from using unsafe devices while still allowing for innovation in future designs.

Mr. Muldoon noted that the Council had stopped using the term PFD some time ago because most people didn't really understand what it meant.

Ms. Baldwin said that her staff used the term PFD, or personal flotation device, to describe an entire category of products. She explained that, under the ISO system, the word 'life jacket' was used to describe Level 100 and above, and 'buoyancy aids' was used to describe Level 50 devices. The difference between the two was their turning ability—where life jackets have some demonstrated turning ability, while buoyancy aids are never tested for turning.

Ms. Podlich asked if the U.S. was going to adopt Level 50 devices, and if so, when. Ms. Baldwin said that she was 99% sure it would happen, especially as the U.S. was moving away from proscriptive regulatory standards and moving toward industry consensus standards. One stumbling block, however, was that the European system distinguishes between swimmers and non-swimmers, which makes enforcement difficult for the Coast Guard. The challenge is in how to differentiate the Level 50 device—now only intended for swimmers—from other devices designed for non-swimmers.

Ms. Podlich still wondered when all this might happen. Ms. Baldwin reminded her that the standard was expected to be published in the spring of 2012. Then there would be a design cycle, testing, and the marketing of new products. She guessed that it would happen within the next couple of years.

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Referring to the proposed new labels, Ms. Podlich asked when the consumer might end up seeing those in products. Ms. Baldwin said it would happen when the new standard was adopted.

Ms. Podlich wondered if, when the new standard passed, consumers would be required to buy a new life jacket with a label permitting a teenager to wear the device, as opposed to the exact same product without a teen label.

Ms. Baldwin explained that because those devices had not been tested on younger users, there would be requirements to ensure that a device was appropriate for the child's size. As the older devices would not have been subjected to that testing, there would be no way an inspector or the boat police would be able to tell if it was currently approved. So to answer Ms. Podlich's question she said yes, consumers would have to purchase new devices. Ms. Podlich asked if all this might happen by 2014. Ms. Baldwin said she hoped it would be sooner than that, but could not give a definite answer.

Ms. Dillon thanked Ms. Baldwin for her informative presentation. She wondered about the make up of the STP panel, and which organizations the panel represented. Ms. Baldwin explained that membership on the STP was defined by the American National Standards Institute (ANSI). She promised to provide Ms. Dillon with a list.

Mr. Hoedt asked about carriage requirements in Europe and whether or not they accepted buoyancy aids. Ms. Baldwin replied that there was probably no consistent requirement in Europe, each country had its own requirements, which she could not list offhand. She noted that England still did not acknowledge buoyancy aids.

Mr. Wehr said there was no requirement to carry PFDs in Europe, noting that those countries considered it more a matter of personal responsibility.

Mr. Hoedt asked when the new standard was accepted, what term the Coast Guard would use for a Level 50 device—buoyancy aid or PFD?

Ms. Baldwin said that it would be both—a PFD that happens to be a buoyancy aid, because they split PFDs into life jackets or buoyancy aids. Ms. Baldwin said she understood the question to be, “What carriage requirements is it going to meet?” She noted that in conjunction with the regulatory change that will adopt the new standard, the Coast Guard would have to review all of 33 CFR and 46 CFR and establish which devices and approvals would meet those specific carriage requirements. She said they needed to work through that and hoped that Mr. Hoedt's office would help.

Mr. Meddock said he worked on that committee and invited anyone to join who was not an engineer and who could speak in layman's terms. He stressed the need to market a "USCG-approved 50 Newton life jacket," and warned that anything short of that would fail.

Clarifying Mr. Meddock's comment, Ms. Takashina said she thought he meant a Level 50 device that would meet carriage requirements for most recreational boats. Mr. Meddock agreed that was what he meant.

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Ms. Sarah Brooks, the STP chair, said that the panel had eight interest categories. She recalled that at the STP meeting in October, they had had numerous presentations from the non-producer segment, and overall she felt that the meeting had been more interactive than in the past. There were PFD demonstrations from which they had gained valuable insight from users. She invited anyone who was interested to join the panel.

Chairman Muldoon thanked Ms. Baldwin and introduced Mr. Moore.

**Discussion of Life Jacket Working Group Recommendation
Mr. Richard Moore**

Mr. Moore thanked the Coast Guard staff for all their hard work. He also thanked Harry Hogan, Jennifer Wilder, Rachel Warner, and Susan Tomczuk, who helped the group gather a great deal of information and data. In addition he thanked fellow members on the work group including Marcia Kull, Herb Angell, Carolyn Belmore, Alfonso Campos, Dean Clarke, Sam Crispin, Cecilia Duer, John Fetterman, Dan Maxim, Larry Meddock, Fred Messmann, Margaret Podlich, Bruce Rowe, Cindy Squires, Dorothy Takashina, and Ray Tsuneyoshi.

He said that he and Ms. Kull would share the responsibility of giving this presentation, during which they would recap the background and history of the plan to introduce mandatory life jacket wear by NBSAC. Then they would discuss the data that the work group had gathered, its decision process, and its final recommendation.

Mr. Moore began by recalling that NBSAC had discussed mandatory life jacket wear in 2004, and that the topic had arisen repeatedly since then. In 2004 the Coast Guard had talked to NBSAC about recommending mandatory wear for people in boats less than 21 feet in length, but that the group had decided not to pursue it. Instead, members decided to focus on increasing voluntary wear rates. They had hoped to double the wear rate in three years—to increase it from 22% to 44%. He confessed that it only took them a year to realize they weren't "moving the needle." So they set a more modest goal, which amounted to "a percent of a percent of a percent." NTSB also held a forum on this topic, where there was a dialogue about mandatory life jacket wear. He noted that though it had been an exciting discussion, the NTSB did not take a formal position on life jacket wear other than for children.

He reminded members that at last year's meeting, the Coast Guard asked the Council whether they should consider mandating life jacket wear on boats of less than 26 feet in length. There were numerous presentations and discussions. He noted that there was clearly more work to be done. However, they continued to consider this question and assembled a work group.

During multiple teleconferences the work group tried to sort out what was needed to make a good decision. The group's charge was to come up with a recommendation to present to NBSAC based on solid, defensible data which would tell NBSAC where a line should be

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drawn on mandatory life jacket wear. In addition, the group tasked itself to provide NBSAC with recommendations on how to reach out to the public. He acknowledged that this would not happen in a vacuum; and the public would have a significant amount of input.

Mr. Moore said that as group members began to work on this project, they realized they would need to answer a great many questions. So they requested different types of accident data from the Coast Guard, covering a wide spectrum of issues surrounding boating fatalities—from age demographics to water and weather conditions. They also looked at legal issues such as, if mandatory wear became a federal law, how the states could help in enforcement.

They analyzed BARD data going back to 1995. Dr. Dan Maxim produced a model, provided in his report: “Drownings Avoided by Increased Life Jacket Wear,” that helped calculate drownings avoided in the past. The group also looked at other modes of transportation (e.g., seat belt and helmet use). He noted that some interesting information had come to light when they began to look at different states. Connecticut had already passed a law in 2008 requiring people on manually propelled vessels to wear a life jacket from October 1–May 31. In New York, people must wear a life jacket on boats of less than 21' from November 1–May 1. In Massachusetts, canoeists and kayakers must wear a life jacket from September 15–May 15. In Louisiana, a law was just passed mandating wear for children less than 16 years of age on vessels less than 26' in length, and for anyone on board a boat less than 16' in length with a hand tiller outboard. In this context, one obstacle has been the lack of uniformity among the states.

Mr. Moore said that the group had done some work via conference calls, and decided that hypothermia/cold water exposure statistics should be removed from the data they had pulled—primarily because many of those drowning deaths were not associated with whether or not a person was wearing a life jacket. They also removed swimmers from the drowning death data. He had offered NBSAC members the opportunity to talk among themselves and study the data reports; finally the data was summarized in an interim report intended to characterize boating related drowning incidents based on data analyses performed to date, which was submitted to the Coast Guard.

Following the NBSAC Orlando meeting in January 2011 the work group had met to further develop a recommendation to be considered by NBSAC at this April 2011 meeting. The meeting participants then heard about various data sets that were compiled, including information about other countries and the federal authority to pass regulations. The work group came to consensus that the main goal of any recommendation on mandatory wear was to save lives by reducing drowning deaths.

The group then reviewed what had happened in other countries regarding mandatory wear. Mr. Moore encouraged members to review statistics from Ireland, England, various states in Australia, and Canada. He referred to the report that Dr. Maxim had compiled, pointing out interesting positive results. For example, Tasmania's life jacket wear law has been in place for a few years and its boating industry has been flourishing, drownings have decreased, and there is a very high compliance level.

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Mr. Moore thanked the Coast Guard for sponsoring facilitators at the January meeting. They helped work group members stay focused. The facilitators discussed what elements might be included in a recommendation, and asked about measures of success and potential scope for the recommendation. They led the group through several discussions that dealt with such parameters as vessel size and "public buy-in." Some comments from the work group members included:

- Finding the "sweet spot," i.e., the right combination of lives saved and costs avoided,
- Agreeing on a recommendation that would help avoid confusion in a national dialogue, and
- Providing the one concept and document all of the concepts that were discussed.

The work group rejected the idea of bringing the Council a "suite of options," settling instead on just one recommendation to avoid confusion in the national dialogue. In establishing an appropriate place for regulatory effort, the group closely examined the number of drownings that might be avoided. To do that, they took into account the category of boat on which most deaths occurred. Mr. Moore showed a bar graph illustrating non-swimming drownings by boat length. From this, he noted that about 55% of drownings occurred in boats of less than 16 feet in length; at 18 feet, the figure went up to 75%; at 24 feet, the figure was 88%.

For each watercraft size, the percent of drowning fatalities that have historically involved vessels of that size were discussed. Participants were asked to rank on a scale of 1 to 5 their thoughts on mandates for each of these categories. The work group eventually came to a decision through a majority vote of eleven to two: that watercraft less than 18 feet in length would be the right choice. All members of the group supported pursuing mandatory life jacket wear for paddlecraft and personal watercraft, regardless of length.

Mr. Moore then referred to a memorandum prepared for NBSAC by Dr. Maxim, in which he used a model to estimate the potential number of annual drownings avoided, based on the percentage of life jacket wear and vessel length. A team of experts reviewed this model, including statisticians from the National Transportation Safety Board (NTSB), Dr. Linda Quan (a prominent researcher on life jacket wear rates and epidemiology), and internal Coast Guard personnel. With 70% compliance on boats less than 18 feet in length, 71–72 lives would be potentially saved per year. Mr. Moore said that he personally hoped this number would be higher, but that 10% of drowning fatalities per year was still significant.

Regarding scope of the proposed regulation, the group decided it should apply to "waters subject to the jurisdiction of the United States." Referring to an earlier question by Mr. Edwards, Mr. Moore said there needed to be a greater understanding of where these waters are. Although no precise definition or compiled list of these waters has been found, the Coast Guard and the work group chair estimated they included approximately 80% of the nation's waterways.

The issue of enforceability was another challenge the work group addressed. According to a survey of state BLAs by Mr. Fetterman, it would take a rule action or a legislative action in order for most states to enforce the proposed regulation. Enforcement would fall primarily on federal authorities, and many areas of the country, the federal agencies do not have an active

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law enforcement presence. Mr. Moore again acknowledged that this was just one of many roadblocks, and that it was important for everyone to understand all the issues in order to have informed dialogue as they moved forward. He then turned the discussion over to Ms. Kull.

Ms. Kull said she would share the recommendations that came from the work group. She said the work group unanimously recommended to the Coast Guard to conduct pre-rulemaking consultation of the boating public on the topic. She acknowledged that this was a controversial issue.

One recommendation was to advise the Coast Guard to pursue a mandatory life jacket wear regulation for all people underway on board watercraft less than 18 feet in length, all PWCs, and all manually-propelled vessels. The work group agreed that the American boating public would need to be engaged—meaning first to educate people and make them aware of the wide array of life jackets both available now and coming in the future. It would also be important to share the statistics about who exactly was drowning.

Ms. Kull said that the group also recommended that NBSAC also reinforce, as a preliminary requirement, a more streamlined process for life jacket testing and approval. Further, they asked NBSAC to recommend that the Coast Guard consider accepting life jackets approved by other regulatory bodies, including the EU—particularly 50 Newton devices and flotation buoyancy aids. These initiatives would help bring user-friendly designs to the market faster and at lower cost to the consumer, thereby reducing barriers to wear.

The work group agreed that targeting watercraft less than 16 feet in length was most critical (55% of drowning deaths involve boats less than 16 feet), but that the data showed a significant potential gain in lives saved by shifting the threshold to less than 18 feet in length (75% of drowning deaths involve boats less than 18 feet). The group also acknowledged that consideration should be given to appropriate exemptions, such as people below decks or in an enclosed cabin (watercraft within this length category with enclosed cabin spaces is rare) or perhaps those participating in a sanctioned event (e.g., rowing sculls).

Ms. Kull remarked that there was less dissent within the group when they discussed canoes, kayaks, PWCs, and rowboats because there is already a high compliance rate among that population. The group never found any empirical data to show that mandatory life jacket wear would cause people to stop boating. She commented however that some of the newer, more comfortable and attractive life jackets were very expensive—an important issue to examine.

The group also suggested that the Coast Guard and its partners engage the boating public in a dialogue on this topic before any formal rulemaking effort would begin. Such a dialogue would provide an opportunity for the boating public to become more informed about what the issues really were, and the potential benefits of such a regulation. It would also be an opportunity for the Coast Guard to test public opinion about a proposal. Additionally, the public would have the opportunity to learn about some of the more comfortable alternatives in life jackets. Most importantly, this effort would ensure that the Coast Guard made decisions on this issue with a thorough understanding of public sentiment, both pro and con.

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She then moved on to discuss the potential for public opposition. The current political climate would make it difficult to pass a regulation that people might feel would impinge on their personal freedom. This was why it would be so important to educate and share information, and let the public be a part of the process. If the Coast Guard agreed to pursue this, it would have more success with active public engagement.

Mr. Moore stressed it was important to recognize the work group had not come to NBSAC with the attitude that Coast Guard would make mandatory life jacket wear for vessels less than 18 feet a reality. What the work group is saying is that if the Coast Guard were to pursue mandatory wear, here is your best target; and that the boating public should be firmly engaged in dialogue on the topic.

Chairman Muldoon asked whether they were recommending any type of life jacket? Would it have to be Coast Guard-approved? Mr. Moore said they were leaving that issue open at this point.

Mr. Tsuneyoshi asked if there was a reason why Mr. Moore and Ms. Kull left out the word “open” when they described boats less than 18 feet. He was under the impression that was a critical issue. Mr. Moore said the group had stopped talking about cabin boats when they talked about less than 18 feet because they assumed there were very few boats of that size with cabins. He added that the current laws for children exempted them from wearing these devices below decks or in an enclosed cabin.

Mr. Fetterman reiterated the point that the group had recommended that the Coast Guard evaluate exemptions.

Ms. Dillon asked under what conditions would the rule be enforced—e.g., drifting, at anchor, at dock. Mr. Fetterman said they had considerable discussions about when the rule would apply. He said the determining factor was found in the CFRs concerning the definition of 'underway.' The work group had embraced that definition.

Ms. Dillon explained that, not being on the work group, she found the number of lives saved to be somewhat shocking. The Coast Guard had initially discussed a "significant step change in bringing down the 700 number by a factor of 200–300 deaths," and wondered if they were really now talking about only 70 lives saved.

Mr. Hoedt said the Coast Guard had found this number surprising too. He went into some detail to explain numbers and the reasoning behind this conclusion.

Dr. Maxim added some perspective. He pointed out that the earlier numbers had included the category of open motorboats, regardless of length. He cautioned against thinking in terms of, "We're *only* saving 80 lives a year", and stated that this was an impressive number. He explained that drowning deaths accounted for around 500 deaths rather than 700. The 70ish number was a conservative projection, and provided statistics to back up his point. He did not know of any serious person who would argue it was not beneficial to wear a life jacket. The point of the whole effort was to save lives. He recalled that when wearing seat belts was an

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issue, there were dissenters—but no one could actually state that wearing a seat belt was a bad thing. He mentioned Tasmania, where prior to the mandatory life jacket wear law came into effect, there were 29.2 drownings per 100,000 vessels. After the law was passed, the rate dropped to 7.44—a dramatic change. Dr. Maxim added that the work group had not included in its calculations any incremental benefit from PWC users or kayakers.

Ms. Dillon assured members that she didn't think saving 70 lives was insignificant, but that more dramatic numbers would make the proposition of such a law more palatable to the public. She had also hoped to see a stronger point made about the boating industry not suffering if such a law were passed.

Dr. Maxim talked about previous public concerns in Tasmania—that the law might be "the death of boating in Tassie." He pointed out that between 2000 and 2009, the total number of boats in Tasmania increased by 70%—the highest of all Australian states.

Mr. Hoedt added that nearly every state in the U.S. has mandated life jacket wear for PWC operators, and that industry continued to thrive. He also reminded members of the success of the USACE Mississippi project.

Mr. Moore stressed that the public would need to know about those examples in order to be fully informed on the topic and in order to "better sell" the idea of mandatory life jacket wear.

Ms. Gail Kulp of the Sea Tow Foundation asked why they were comparing the U.S. to Tasmania, a 26,000 square mile state of Australia whose total population is only 500,000. By contrast, the population of the U.S. is over 300 million. This recommendation would have to be made a law, which the states would then have to enact. She wondered how feasible it was to imagine such a law being passed in each state—for example, many states still did not recognize mandatory life jacket wear for children.

Mr. Moore admitted that there are many challenges ahead. Regarding the Tasmania model, he said that there were very few countries where this type of law was enacted on such a grand scale, and the group had to take examples where they could find them. Although Tasmania is a much smaller area, they had nonetheless considerably reduced their drowning rate, and the boating industry had flourished.

Mr. Moore paused to thank some members of the 'drafting team'—Margaret Podlich, Cindy Squires, and John Fetterman, who took the work group's work and drafted the formal recommendation.

**Comments from Council members
Moderated by Chairman Muldoon**

Mr. Muldoon then went around the table and heard general impressions from each of the Council members about the recommendation.

Mr. Campos had no comments or questions.

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Ms. Dillon suggested that all people being towed, and all people receiving federal funding, be added into the recommendation for mandatory life jacket wear. She had taken the recommendation out to the boating community in Ohio, and that it had generated a great many questions. She hoped the final draft would contain all the information necessary to answer these anticipated inquiries. The change from 200+ lives saved to 70-80 lives was a significant difference that troubled her because it would make the reasoning behind any new legislation more difficult to sell to the boating public.

Chairman Muldoon asked if there was a discussion about towed sports in Ms. Dillon's committee. She indicated no, so he told her to put that item on a list for future discussion.

Mr. Marie recalled the first time this proposal had been made back in 2004. At that time he implemented mandatory life jacket wear in his company. Today, it is part of the culture at Zodiac. The mistake they (NBSAC and the Coast Guard) made last time was to simply state there would be mandatory life jacket wear, with no public debate. He concluded by stating he unconditionally supported mandatory life jacket wear, but also felt an education campaign was critical to the success of the plan of proposed regulation.

Chairman Muldoon agreed it was important to educate the public, but wondered where the funding for this would come from. Mr. Marie speculated that the Coast Guard, the press, and possibly industry might help.

Mr. Johnson said he never expected "this one act would be a home run." Boating is a complicated activity, so he was not displeased with the numbers and statistics revealed as a result of the work group's efforts. In his view, mandatory wear is a necessity, and the Coast Guard should try to use the recommendations in the resolution. He felt it was the group's responsibility to carry this proposal forward.

Mr. Bruce Rowe said he hoped they would move forward with public input and education.

Mr. Messmann recalled when he was the president of NASBLA in 2004, and this Council had decided to push for "going from 22% to 44%." He stressed that while voluntary efforts did make a difference, only a mandate like this one would truly make a difference in lives saved on the water. He noted that, if they came out of the Council with a recommendation to the Coast Guard, the Coast Guard would then have to put out a Notice of Proposed Rulemaking and so forth—so the group was by no means making the decision for the public today. He speculated that it might be 10 years "if we're lucky" before such a law was actually passed. At this point they were simply making a recommendation to the Coast Guard. He thought that perhaps funds from the JSI study could be used for public education. He was not disappointed in the drop from 200 to 80, because it represented a subset of a larger group, and many factors could affect that number. He would be thrilled even if the number were 50. He hoped that boating would eventually adopt the safety culture of other industries, e.g. the automobile industry.

Mr. Clarke stated that the National Marine Manufacturers Association (NMMA) estimated that almost 70 million people participated in boating. Considering the roughly 700 deaths per

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year, that accounted for a fatality rate of 0.0001. Motorcycle deaths dwarfed that number with 4500 deaths per year; even bicycling had 716 fatalities in 2008. Boating, he stressed, was extraordinarily safe. Perhaps the only way a person could be statistically safer would be to stay at home—except that 18,000 people die from accidents in their homes each year. This ruling would not be enforceable in many instances. The states would have a choice about whether they would accept it or not, so that left enforcement to federal officers. Comparisons with the USACE lakes were invalid because they control access to their lakes and waterways. He observed that his publishing company (Bonnier Publishing, whose magazines include *Boating*, *Yachting*, *Motor Boating*, *Boating Life*, *Sport Fishing*, *Sailing World*, etc.) had published numerous editorials and online surveys about the issue of mandatory life jacket wear, and the negative response was overwhelming. He felt that if the group truly wished to go forward with this plan, they should use common sense, i.e., focus their attention on high-risk activities such as kayaking, PWC use, and towed sports. He concluded by saying, "I think that mandatory life jacket wear should take a back seat to mandatory education."

Mr. Fetterman stated he had the opposite view to Mr. Clarke. He was a "hardcore advocate of life jacket wear." In serving on NBSAC he had seen some creative programs that have been developed from the Strategic Plan, and he saw even greater promise from the new Strategic Plan in 2012. Regardless, he was pessimistic about the possibility of reducing the number of people needlessly drowning by not wearing a life jacket. He talked about the reality of talking with families after loved ones had died on the water and observed that it would only be when a state legislator is faced with such a boating tragedy that they would get the motivation to pass a new law in their state. The same was true of motorcycle accidents, drunken driving accidents, and so forth. The numbers the work group revealed unequivocally demonstrated that mandatory life jacket wear would have a real impact. He also strongly agreed with Ms. Dillon that people in the boating safety community, including law enforcement officers, should set an example by wearing life jackets at all times when they are on the water.

Ms. Podlich said she believed everyone in the room appreciated the value of life jackets, and agreed that more people should wear them to avoid drownings. But the question she asks is how they should get to that point. In listening to the conversation by the Council over the past couple of years, she noted many conflicting messages. She heard much support of inflatable life jackets as a "magic bullet" to increase wear rates. These are indeed good devices in some situations, but not all. She mentioned a recent survey that revealed only 6% of boaters would pay more than \$80 for a comfortable life jacket; and inflatables cost much more. She referred to discussions by the work group regarding such items as towables and current exemptions, remarking that no one had put much thought into these topics. She contrasted the wild success of the USACE's Mississippi study with the fact that there was already backlash in California about the proposed mandate.

Ms. Podlich also asked who would pay for this proposed legislation. Would it be federal dollars for the states, or state dollars for the states? In today's political climate, a great many 'Tea Partiers' were elected into both the state and federal governments, and that various agencies' budgets were being cut left and right. Meanwhile, this group today was talking about the potential to propose a new mandate for more government intervention, without any clear idea about how it would be funded. The group is proposing to change the behavior of

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between 65–82 million boaters—and according to Dr. Maxim's revelation, it would save less than 100 lives per year. She said that was a difficult equation to sell to the general public.

Mr. Underwood reminded everyone, as always, that he is a Libertarian. He confessed up front that he was personally against the idea of a mandate for life jacket wear. Nevertheless, he did honestly consider the possibility of making such a proposal work. Enforcing it would require a great deal of time and money. He acknowledged that, when the speed limit was lowered to 55 mph on highways, many people complained, but many lives were saved. However, as a population Americans are not very "risk averse." He thought such legislation would be very difficult and expensive to pass, especially in the current political climate. He felt that more time should be spent in educating people about *when* to wear a life jacket (e.g., darkness and rough water conditions) rather than making a unilateral mandate to the boating public.

Chairman Muldoon cautioned the group about thinking in terms of saving "80 lives". He stressed that it was 80 lives *per year*, which was a very different proposition.

Mr. Edwards said he was with Mr. Messmann at the first meeting of the Strategic Planning Panel. The overarching issue was life jackets and saving lives, and the goal was to save as many lives as possible. Personally he felt all along that "This is a little too much government for people," but now he thought that mandatory wear is a good idea. He cautioned that this was just the first step of a long journey to possibly reaching that goal. The bottom line now was that a dialogue must be opened up to the public; the public must be presented with information, facts, and a rationale in an unemotional manner so they will not have a knee-jerk negative reaction. Regarding federal law, as a former state BLA in Iowa where there are stricter life jacket laws on the books, he saw that those laws do work. Nationwide mandatory wear would not happen overnight, it would take a long time. Working with the boating industry and the public was key to implementing it in an acceptable and feasible way.

Mr. Meddock said that Ms. Podlich had summed up his feelings about the issue. Regarding towed watersports, all participants were in favor of life jacket wear (though not necessarily Coast Guard-approved life jackets). He said that wake-surfing involved speeds so slow (7–10 mph), it is more or less the same as surfing, and surfers do not wear life jackets. Therefore, wake-surfers would probably resist having to wear life jackets. His group, the Watersports Industry Association, feels that everyone in a towed watersports activity should wear a life jacket, and every manufacturer is on board.

He said he did not want to be part of an effort that was positioned for failure. He reminded members of a passage from the Strategic Plan work group, which proposed that the Coast Guard and its partners "initiate an effort to engage the boating public in dialogue on this topic before a formal rulemaking process begins."

Mr. Angell expressed how much he admired the working group, and felt privileged to be a part of it. As the BLA in a small state with cold water (Nebraska), he wished that whenever he saw a fatality on the water the victim had been wearing a life jacket. He felt that "we're on the brink of history here" in considering nationwide mandatory life jacket wear. They are trying to change a culture, in the same way administrators were trying to change it with seat

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belts 40 years ago. He pointed out how much public perception and safety technology had changed regarding seat belts since their inception. He was confident that life jackets and the safety culture would evolve at the same speed. It took hard work to make history and they may not see the ultimate goal during their tenure with NBSAC, but he was confident that nationwide mandatory wear would someday happen. He urged members to continue moving forward with this worthy cause.

Mr. Dick Rowe referred to an old Marine Corps saying, "You want to pick the hill you want to die on"—all the others, you bypass. Of all the members who had spoken today, Mr. Clarke, Ms. Podlich, and Mr. Meddock had presented the best cases. He felt it was impossible to overstate the importance of public hearings; without them, the effort would fail. A well-informed group would need to be assembled to present a legitimate and solid case to the public. He also pointed out that it was the ultimate responsibility of the boat operator to ensure the safety of his passengers with an eye to weather and water conditions, and that wearing life jackets was a big part of that responsibility. He stressed that educating people from an early age, even in childhood, is the most important factor in helping them make sensible decisions on the water.

Mr. Tsuneyoshi said that he had been director of the California Department of Boating and Waterways for nine and a half years. There were many things he was proud of during his tenure; e.g., the state always came in first or second in terms of registered boats. On the downside, they had always been in the top two or three in terms of the number of boating fatalities and accidents. He had always been a proponent of mandatory life jacket wear. In 2004 he volunteered his state as a test site for the Wear It campaign. They had spent a great deal of time with outreach efforts, and though they did "move the needle upward," in terms of time, effort, and money versus results, the results were negligible. The state had given away about 3,000 life jackets, mostly inflatables. Some people did write to tell them that the devices had saved their lives. He pointed out that a little-discussed issue was the dollar cost of a drowning death. The EPA has put the cost of a life at \$10M; in this context, the loss of 70 lives per year amounts to a great deal of money. From that standpoint alone, he felt it was justifiable to urge the Coast Guard to continue in its consideration of mandatory life jacket wear.

Mr. Chisholm thought that all safety professionals should be able to admit that wearing a life jacket is the right thing to do. He personally believes that mandatory wear is the right thing for some segments of the boating population. He urged members to go on the U.S. Power Squadron website and look at the press release that clarifies what Brunswick Boating's policy and beliefs are in terms of life jacket wear. He supported the work group's process, and wanted to emphasize three points that he thought were paramount to that process: garnering public comment, streamlining the approval process and standards development, and keeping in mind that people are already wearing devices that save their lives that are not necessarily Coast Guard approved. If these key points were addressed, he would endorse moving forward with mandatory life jacket wear.

Ms. Takashina said the life jacket industry sent out a survey to its membership, the results of which leaned slightly in favor of conditional mandatory versus full mandatory wear. The survey had also posed a question about mandatory wear giving choices of three lengths of

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vessel—16' and under, 18' and under, and 21' and under. Most accepted mandatory life jacket wear on vessels 16' and under, but there was no clear consensus on the other lengths. The life jacket industry was aware that people needed to wear life jackets to save lives; however, those people also believe it would be self-serving to come out in favor of it as a group. Personally, she believed in some form of mandatory wear, and that in a healthy society there would always be "a tension between liberty and responsibility." In her opinion, people have an obligation to society to practice safety because the consequences of reckless behavior affect us all. She stressed that enforcement and regulation were two separate issues. She spoke of the often-expressed attitude "If I have to wear a life jacket, I'm not going to buy a boat," recalling a statement Rush Limbaugh made in 2008—that if Mr. Obama were elected, he would go and live in Costa Rica. That, she pointed out, did not happen.

Chairman Muldoon commented that U.S. boaters could be proud of the viewpoints expressed today. He assured audience members that the Council would solicit their viewpoints tomorrow.

Chairman Muldoon made a quick announcement. He set a tentative date for the Fall meeting: October 14 - 16.

Mr. Chisholm reminded Council members of the proposed new resolution that was distributed to them and asked them to review that evening.

Chairman Muldoon adjourned for the day at 5:15 p.m.

Saturday, April 2, 2011

Call to Order

Chairman James P. Muldoon

Chairman Muldoon said he would allow up to half an hour for audience comments this morning; no one would be allowed to speak for more than two minutes. After that, he would hear from the three Council members who had not had a chance to share their comments yesterday: Ms. Duer, Ms. Kull, and Mr. Moore. Then they would go into the discussion.

He proposed the dates of October 14, 15, and 16 for the next NBSAC meeting.

Various members expressed their concerns and conflicts with those dates. It was specifically pointed out that the International Boatbuilders' Exhibition and Conference (IBEX) meeting would begin early Monday morning after that. It would be best if they were finished by early on Sunday, October 16. Chairman Muldoon did not think that would pose a problem, as he did not foresee a heavy agenda.

He then called on Ms. Duer to express her viewpoint on the issue of mandatory life jacket wear.

Ms. Duer said she fully supported mandatory life jacket wear, and that the organizations she represents fully support it also. She believed it was important to establish a good solid

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recommendation early on. She said she had seen how difficult it had been to promote education to boaters in a consistent way throughout all the states. She thought because the various states and organizations had taken the education information and run with it in their own way, that it had been difficult to have concurrence on that issue. In this case, she felt they had a better opportunity to build a solid recommendation. She felt the work group had already done a good job of "combining so many organizations and thought processes." She added that public input was very important.

Ms. Kull recommended that they move forward with public education and input. She stressed the need for innovative life jacket designs to be readily available to the public, prior to any regulation taking effect. She was concerned about the absence of discussion so far about enforcement—that it was foolish to have a law that was not enforceable. Everyone needed to understand the states' obligations in enforcing a federal law. She felt these issues should be explored during the robust public input and comment and education period.

Mr. Moore said he was proud that the work group had come to NBSAC with a proposal that "is not a pie in the sky" recommendation. He felt it was honest and realistic, based on data and common sense. He recalled the words of his fellow Marine Mr. Dick Rowe yesterday: "You pick the hill you want to die on and bypass the others." Expounding on the Marine Corps analogy, he said: "I believe we are facing a hill that we must do our very best to take. The reason is simple. We are losing more than 500 fellow Americans on that hill every year. Those more than 500 people aren't just mere numbers on a statistical report . . . on the contrary; they are our friends, family, and colleagues. They have faces, names, families, jobs, and something to contribute to our society." He acknowledged that the solution might be painfully slow, so any effort aimed at delaying progress would only lead to more lives needlessly lost. He said they needed to start moving forward now. He said he had talked to a wide variety of people about this issue since January. Nearly all concluded that this effort would ultimately succeed. Picking up on the Marine Corps analogy again, he said: "I believe we are standing at the base of a hill that is very much worth taking, but I submit to you that taking hills is probably not a major strength of our U.S. Coast Guard." He stressed that the Coast Guard should not be asked to take this on alone—that each person in the room brought expertise and resources to the table, and could collectively "dodge the bullets, reach the top, and gain the prize." As someone who had experienced a bullet zinging past his head, he said it was easy to take one's eyes off the goal in the face of that kind of pressure. He said there would undoubtedly be plenty of bullets and even some artillery ahead, but "you don't stop taking a hill that is worth taking just because someone is shooting at you. To be successful, we must assemble our forces, engage the appropriate resources, calculate a strategy, and execute with precision. I believe we face a hill worth taking." Mr. Moore stressed that failure was not an option, and he urged everyone to join him in support of the Coast Guard as "they, and we, press toward the prize that's before us. It's sure that the path won't be easy nor the burden light, but we can succeed if we do it right . . . folks, I urge you, let's take the hill."

Mr. Muldoon then requested public input from the audience.

Mr. Snyder said he was all for "biting off another chunk"—that the chunk they had bitten off so far had been the 12 and under population of boaters. He said the next chunk should be the "get-wet parts of boating," which included paddlesports, PWCs, people being towed, and so

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on. He said that sports like canoeing and kayaking, with their risk of capsizing and falls overboard, were potentially "wet sports," and noted that many from this group of boaters had already gotten the message about wearing a life jacket.

Ms. Belmore praised Mr. Moore and Ms. Kull for their excellent job with the work group. She said she had taught thousands of students in the Coast Guard Auxiliary, at least two of whom had died because they weren't wearing a life jacket. She felt that certain people had not been listening to the education the Auxiliary had been sharing for years. She said she had gone on missions where she had to search for bodies in the water, and that it was grim. She said that, with the proliferation of canoes, PWCs, and kayaks, more and more people were putting themselves at risk on the water. She expressed her unconditional support for the group's effort, and pledged the Auxiliary's support of that effort.

Ms. Kulp said she used to be a fifth grade math teacher. Though her students were always supposed to be ready for algebra, she did not start the year with algebra because some of her students didn't know basic math. They had to start incrementally; had she began with algebra, her students would have failed. She had to get them to the point where they were ready. That, she said, was the way she felt about life jackets—that everybody should wear them, but "if we try to go all the way for mandatory wear, I think we'll fail; just like my fifth graders would have." She felt it was important to start incrementally—first with paddlesports and PWCs, and mandatory wear after sunset and during cold weather months. But mandatory wear for all times, she predicted, would fail because of public resistance. In addition, she reiterated her earlier argument that it was not correct to compare the U.S. to Tasmania because of its small size and population.

Mr. Chris Stec of the American Canoe Association (ACA) said his group had been requiring life jacket wear at their events for almost 30 years, so they didn't oppose mandatory wear for paddlesports; it was logical and most people are already doing it. However, he felt it was important for the Council to understand that there would be public opposition. He predicted there would be very little resistance from the ACA membership, and that the general public might resist the idea but would probably come around provided education on the topic was adequate. He felt that one area of the most resistance would be certain liveries whose owners themselves do not always practice safe boating. The other area would be the stand-up paddleboard community, particularly surfers.

Ms. Squires with the National Marine Manufacturers Association (NMMA) said that her organization has a long history of supporting safety, and also supports mandatory education for boaters; indeed, it has tried to enact mandatory education as law. She added that the Personal Watercraft Industry Association also supports mandatory life jacket wear. However, she said her group believes that it is ultimately up to the boater to decide whether or not wearing a life jacket is appropriate for their conditions. She said it was an issue of personal choice, and that manufacturers care about what their customers care about. She commented that so far she had not heard anyone ask the general public for its input. She argued that while the group had moved ahead quickly and felt the issue was gaining momentum, "You have only been talking to yourselves." There had been no public debate whatever, and no members of the general public were attending the meeting. She warned that before the panel moved forward on any recommendation, they needed to obtain feedback from the public. She

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stressed that boating was a safe activity, which according to statistics was becoming safer. She advised the group that they had a huge job ahead in educating the public, and urged them to do so as a first step.

Mr. Larry Innis, a former member of NBSAC, also urged members to obtain public feedback before moving forward with the resolution.

Mr. Chambers of the National Safe Boating Council said his group was divided in its views about mandatory wear. He said he thought that most people would wear a life jacket if it felt comfortable. He hoped the industry would continue to develop wearable life jackets and that the effort to educate the public would continue, especially about the new designs that differ radically from the "orange horse collar." He said his group would support the Coast Guard in the pursuit of more safety.

Mr. Matthew Long of NASBLA said his group officially endorses mandatory life jacket wear for children 13 and under, people engaged in watersports, and PWC users. He pledged his support of the resolution, and looked forward to continued conversations about the issue.

Mr. Tom Dogan of the National Boating Federation, which represents more than two million U.S. boaters, had a few minor concerns. He noted that on the Great Lakes, people love to jump out of their boats to swim and he feared that the proposed legislation might be outlawing some forms of swimming. He remarked that with the 18-foot cutoff, "The rich guy gets to swim off his boat; the poor guy does not." Further, he thought there are many boats of 18 feet and less that have cabins, and that the proposal should be re-drafted to exclude mandatory wear when in a cabin on those craft. He also commented that many life jackets that are not Coast Guard approved are superior to those that are.

Mr. Bill Gossard of the National Transportation Safety Board (NTSB) thanked the Council for taking on such a tough issue. He felt that this was an historic and courageous day, and thanked Doctor Maxim for providing the statistics for the work group. He said that though the figure of 70 lives per year might be more modest than expected, search and rescue personnel also put their lives at risk every day to help save boaters. He said, "They'd like to find a person in a life jacket instead of a dead body." He said NTSB felt the same way, noting that one death was one too many and any number of people saved by life jackets was "critical to this nation." He warned this would be an expensive proposition that would take time and resources, and he congratulated the group for taking on a monumental task. He called on all members of NBSAC to vote in favor of the resolution.

Ms. Roxanne Standefer with the Cook-Rees Memorial Foundation in Canada shared a link to her website: wearalifejacket.com. She stated that she fully supported mandatory wear of life jackets, and urged members to vote unanimously. She said she was on the PFD task force of the Canadian Safe Boating Council (CSBC) in 2001, a working group similar to NBSAC, which had come to the same conclusion. A research group had then studied their findings and concurred. She remembered the Miami boat show in 2004 where there was a great deal of public discussion on the issue. She believed that all people should wear a life jacket in a small boat, and urged members to be clear on this point, so the regulatory process could move forward with fewer impediments. She felt that industry would respond with innovation,

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and education would be a key factor. In her view, public uproar would be a good thing—it would mean the media and the general public were paying attention to the issue, and would ultimately give safety groups a chance to explain why life jacket wear is so important.

Mr. Muldoon asked if anyone on the Council wished to add anything.

Mr. Johnson said he had taken this issue to 33 US Power Squadrons District Meetings. Twenty-seven Districts provided feedback by answering three survey questions. The first concerned mandatory education, and 85% of those surveyed responded that it was a positive thing. The second, concerning mandatory life jacket wear for boats 18 feet and less, received an 83% positive vote. The third question was, "If you are in a smaller boat or you launch your dinghy, do you actually wear a life jacket?" Over 75% of the respondents said they did. He mentioned that some people spoke against it, but the majority had a positive opinion about the proposed legislation.

Mr. Fetterman reiterated the importance of finding the "sweet spot," and stressed the proposed legislation targeted boaters in a high-risk group. He reminded members that the Coast Guard had been asked to exempt cabin spaces, and to engage the public in an aggressive education outreach program. He stressed the importance of innovative new products as part of the process. He urged members not to "defeat ourselves by the fear of mandatory wear," to embrace the Strategic Plan and public outreach and education, and to do so as one Council.

Mr. Marie proposed a work group to anticipate all possible public objections and develop answers to those objections. He predicted that one objection would be the cost factor.

Chairman Muldoon thought it would be a good idea for the Council to consider what role it would like to have in continuing the effort. He then said they had a resolution, which Mr. Moore displayed on the screen and made a motion to bring it forward and pass it as presented. The motion was seconded. Mr. Moore then read the resolution aloud.

Chairman Muldoon announced they would take a break to obtain hard copies of the resolution for everyone. After the break they would discuss the document.

Council members took some time to read through the document. Chairman Muldoon announced that the resolution had been moved and seconded, and said members would now talk about it.

The Council then took some time to discuss some details about the document's wording of item #1, regarding exemptions for different types of vessels and scenarios. Numerous questions arose about sailboats, swimmers, and towed watersports. Various members made suggestions, and a tentative agreement was reached.

Members continued to discuss other suggestions for wording changes on the other items in the resolution, including issues about the possible acceptance of life jackets that have as yet not been approved by the Coast Guard (e.g., Level 50 Devices), wear and carriage requirements, and harmonizing with ISO Standards. There was also considerable discussion

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about terminology such as 'life jacket,' 'buoyancy device,' and 'PFD.' Chairman Muldoon called for another ten-minute break so that the Council could resolve some of those issues and an updated copy of the resolution could be produced.

The Council had some remaining problems with the updated resolution. Ms. Dillon had issues with whether the wording adequately conveyed the importance of public input. There was some debate about the general tone of the document; some members felt it might sound too authoritative. Mr. Meddock was concerned the group was "underestimating pushback" from the general public, and that this was reflected in the document. Chairman Muldoon stressed that the document was not cast in stone, that it allowed for public feedback as currently worded, and that further wordsmithing was unnecessary. Ms. Kull accepted a friendly amendment and added some clarifying language to the resolution about how to engage the public. Mr. Tsuneyoshi stated he was still concerned about funding for the public education effort, and then asked for a motion to call for the question and end debate on the resolution. The motion was seconded by Mr. Underwood and passed.

Chairman Muldoon requested a roll call vote on the proposed resolution. There were sixteen ayes and five nays; the resolution passed.

Chairman Muldoon praised the group for their hard work and dedication.

New Business

Chairman James P. Muldoon

Mr. Chisholm suggested language on a resolution that Council members had reviewed last night. He made a motion that the resolution be considered. The motion was seconded by Ms. Kull.

CAPT Rizzo commented that there was nothing specific to address in the resolution. He pointed out that typically, when the Coast Guard funds grant projects, it addresses a specific problem. He said, "The way this is written up, it looks like we're just opening a checkbook for potential issues down the road," and noted that this wasn't the way the Coast Guard funded projects.

Ms. Kull said there was no requirement for the Coast Guard to fund anything. She explained that this was a statement that voluntary standards need to be included as areas of interest in the annual non-profit grant notice. She noted that the Coast Guard had included voluntary standards for at least 15 years. For the first time, in 2010, it fell off the list; at the same time, voluntary standards were included as part of the Strategic Plan. She argued that it would continue the good effort that had been in place for many years.

Mr. Hoedt said the decision had been made not to post it because "there is no known problem." He pointed out that the Council had told the Coast Guard to focus on effective use of grant funds. When no problem was defined, how could they accomplish that goal? He said there were no solid figures on how many casualties would be avoided if voluntary standards continued to be included in grant funding. He gave kudos to ABYC for their work in writing

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great grant applications and projects, but he felt in this instance there was nothing explicit enough to address.

Drawing an analogy, Mr. Chisholm argued that it was difficult to measure the effectiveness of a fire prevention program. How, he asked, do you judge the success of a program that is working? He said that it was difficult to create standards in a vacuum, and that the Coast Guard's support was needed in order to do that. He noted that the people who had been involved in voluntary standards were all retiring or retired, and that it would take additional support to continue to engage people who are no longer in the industry.

Mr. Marie agreed with Mr. Chisholm. He questioned what had "changed all of a sudden to take the language on standards development out of the non-profit grant notice of funds availability." He said they all knew that problems could arise—he recalled that when the carbon monoxide issue came out of nowhere, ABYC had rapidly furnished a standard for that. He did not see a downside to keeping that language in, and felt that a dangerous precedent would be set in removing it.

CAPT Rizzo said that the Coast Guard considered every project equally, but more emphasis was given to some. At this point he did not see an industry issue to justify that additional emphasis.

Mr. Fetterman said that in the 2012 Strategic Plan, a new objective had been added that addressed the effectiveness of non-profit grants. He remembered that in discussing this objective, they had asked the Coast Guard to set priorities for non-profit grants based on risk of accidents, injuries, and fatalities. He said he had been pleased when the Council passed Objective 7.4 to conduct and support research, and was confused about how this resolution would enhance anyone's ability to submit an idea for a grant project. He wondered why, if this was a good idea and targeted an objective within the Strategic Plan, it would be penalized.

Mr. Hoedt observed that the competition was so stiff among the grant programs that the Coast Guard saw its responsibility as one of addressing and prioritizing known problems. He stated that, if priority was given to "unknowns," then they were taking money from "knowns." He called on members to help the Coast Guard to identify the priorities. He reminded the Council that they would see the number of funded projects substantially decrease because of the size of projects submitted this year. He said that when an item became included in the Coast Guard's Areas of Emphasis, it impacted the scoring of all projects.

Ms. Podlich asked what the Coast Guard's Areas of Emphasis were last year.

Mr. Hoedt said nine Areas of Emphasis had been published this year, but could not list them offhand. Ms. Kull said she had a list of them, which she read:

1. Develop and conduct a national year round safe boating campaign.
2. Develop and conduct localized outreach strategies that support the Coast Guard's Don't Wreck Your Summer campaign.

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3. Develop and conduct a national recreational boating safety outreach and awareness conference.
4. Develop and design federal and state cooperative activities to enhance uniformity and effectiveness.
5. Develop and conduct boating accident investigation seminars.
6. Develop and conduct national estimate of life jacket wear rate.
7. Develop, design, produce, and distribute a safety equipment checklist.
8. Conduct on-water boat handling instruction for recreational boat operators.
9. Develop and design a course template for on-water instruction for recreational boat operators.

Ms. Podlich admitted that she was now more confused than ever. She reminded members that in Objective 8 of the Strategic Plan, the Council had been asked to consider what difference having a fire extinguisher or safety equipment other than life jackets made to lives saved. The answer they came up with was zero. She did not understand why they were discussing something not even on that list.

Mr. Hoedt pointed out that the Strategic Plan was very specific about compliance with equipment carriage requirements.

Mr. Underwood said he was in favor of continuing the Coast Guard's support for voluntary compliance issues because of how quickly the CO problem had been addressed. He thought that changes in the way boats were manufactured could be accomplished much more quickly than rulemaking in the Coast Guard.

Mr. Hoedt stated that it took a long time for such changes to take place. Mr. Fetterman stated that the sooner a problem was addressed, the sooner it could be resolved, and that when he was on the board at ABYC he observed, "Things went through pretty quickly."

Mr. Adey cited the example of steering issues on triple-, quadruple-, and quintuple-outboard engines. He observed that these were everywhere, but how were they being addressed? The best-case scenario was that the subject would be brought to ABYC's attention as an issue affecting multiple manufacturers. He said the funding through this grant allowed his group to perform three days of testing. He then talked about what would follow—data gathering, conference calls, and then the committee would write the standard to dictate what loads these boats must test for. He concluded that the entire process—from statement of a problem to publishing of a standard—would normally take one year.

Mr. Hoedt asked if Mr. Adey knew of any casualties associated with multiple outboard engines. Mr. Adey said he was dealing with different challenges than the Coast Guard, e.g. insurance companies that wanted improvements made to boats. He said he knew of no casualties associated with that particular issue.

Mr. Hoedt wondered what the impact would be if ABYC waited to apply for a grant the next year, through the competitive process, on a project after it had identified a problem.

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Mr. Adey said that work on such a project would have to stop until they had applied for a grant, or "do the \$20,000 quick grant."

Mr. Messmann asked Mr. Hoedt and CAPT Rizzo if they intended to not allow Coast Guard staff to participate in voluntary standard development as identified in the Strategic Plan.

CAPT Rizzo said that Mr. Cappel and his staff were always ready to work with industry on any issue. With the fast track grant process, he noted, the Coast Guard could fund something very quickly if there were an imminent problem.

Mr. Messmann still wondered if voluntary standards would be eligible for non-profit organization grants. He could not see where the Coast Guard had identified enough of a problem to stop funding these projects in this case. He read from the "Whereas" section of Objective 7.4 of the Strategic Plan to support his point. He thought they had already had this dialogue during the development of the Strategic Plan, and was confused as to why the subject was being raised again.

Chairman Muldoon agreed with Mr. Messmann. He said it bothered him that they hadn't had sufficient time to explore the issue. He felt it should go through the normal process of a subcommittee.

Ms. Kull said that when she drafted Objective 7.4 of the Strategic Plan, voluntary standards had been included among the Areas of Interest in non-profit granting for well over 15 years. She said this was a commitment by the Coast Guard and that it was appropriate to include it as part of the Plan. It was only after the Strategic Plan was drafted that, for the first time, voluntary standards had not appeared within the Coast Guard's non-profit organization grants areas of emphasis. She said it was important to realize that, in the grading system, Areas of Emphasis always receives a higher score in evaluation. She said they would like to have brought this up in the Boats and Associated Equipment Subcommittee, but one had not been scheduled for this meeting because of time constraints. She pointed out that "voluntary standards do not take a holiday," but are under continuous review because of constantly evolving technology.

Mr. Fetterman thought it sounded like they were asking to support the awarding of a pool of money without a defined project.

Ms. Kull disagreed. She said all they wanted was for voluntary standards to be included in the Areas of Emphasis. The Coast Guard would still have the authority to evaluate and award a project. She reiterated the importance of voluntary standards to boating safety as a whole.

Mr. Fetterman asked if previous grants had requested funds as a non-profit organization grant for voluntary standards, and if those grants had been submitted for specific projects.

Mr. Adey made it clear that if this resolution were not passed, it would not take away his right to apply for a grant. He said he looked on it as a challenge every year to prove what ABYC does. He argued that ABYC offered the Coast Guard a "pre-emptive strike—where they are bound by the shackles of how many people die, I . . . have my ear to the railroad

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track." He said he could find out about manufacturing problems and correct them *before* anyone died.

Mr. Hoedt said the Coast Guard had funded many ABYC projects that had been very successful; some fast track, some competitive. He said that if an organization showed the Coast Guard that something was a "hot button" issue, it could then come back to the Council and the Council could then recommend that the Coast Guard add it as an Area of Emphasis. He stated that this would mean a delay of months, not years.

Ms. Podlich said it was her understanding from this discussion that ABYC was able to offer flexibility and timeliness in terms of responding to a new product or a potential new problem, without having the necessary time delay of the next NBSAC meeting or grant application. She asked if her impression was correct.

Mr. Adey said yes—that every year he updated the grant to focus on the issues that ABYC was addressing in that cycle, to give the Coast Guard an opportunity to examine a potential problem before it began to harm or kill people.

Mr. Messmann said he wholeheartedly supported voluntary standards, adding that a few more "whereases" in the resolution might have fixed the problem they were facing at present. He offered his help to Mr. Adey and his group, but he said that the "way it's written now, I can't support it."

Mr. Chisholm pointed out that the resolution was simply requesting that voluntary standards be re-added to the areas of emphasis in the fall.

Chairman Muldoon stated, "The bottom line of any resolution is words."

Referring to Mr. Hoedt's comment about voluntary standards not having direct impact out in the field, Ms. Squires directed them to the CO problem, where teak surfing had become a fad. Her group, National Marine Manufacturers Association (NMMA), had been able to create a focus group to address the issue, furnish a label that would actually communicate to the boater, and put it through an American Standards Institute (ANSI) approved process critical for a warning label. They had then added that to the NMMA standards. California and Washington states then enacted laws requiring that label be put on all boats. She said that NMMA "gave them that art for free." That label was mailed to every boater during the registration process. She noted it had been an immediate way to educate boaters about an issue and address it quickly. She argued that this was why Congress had passed a statute to say "standards matter," and why there was a website called standards.gov. In addition, Ms. Squires wondered how the Coast Guard could be ready to act on an issue if they weren't continually ensuring that standards be upheld. She stressed that this should be part of their prevention mission.

CAPT Rizzo noted that the Coast Guard received about 80 grant applications per year, and could only afford to fund about 20 of them. He said they always examined every one and scored it. He felt the Coast Guard could do a better job with its scoring process—that some things went through that probably should not. He said they were currently revamping the

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process. He said he would very much like to fund more projects, but the Coast Guard had to pick the ones they think would serve the program best in the upcoming year. He asked Council members to bear with them so that they could re-address the issue down the road. He added that the process was already under way, and there was nothing they could do about it now.

Mr. Chisholm called the Council to vote on the resolution. The resolution passed, with a vote of 11-9 in favor, with the Chairman abstaining.

Ms. Podlich mentioned that the EPA Clean Boating Act was now out for public comment. She said that EPA was currently thinking about what it should require every recreational boat to do to operate a cleaner boat. They were developing these recommendations and were having public comment Webinars in April. She said she would pass around a sheet about the topic, and encouraged anyone who talked to or worked with recreational boaters to ask them to become involved and to help EPA understand what would be reasonable and what would not.

Chairman Muldoon called a motion to adjourn the meeting. Mr. Tsuneyoshi made the motion, which was seconded by Mr. Clarke. The motion carried unanimously, and the 87th meeting of the National Boating Safety Council was adjourned at 12:11pm

The 87th Meeting of the National Boating Safety Advisory Council is adjourned.

Attachments:

1. Member Items
2. NBSAC Resolutions 2011-87-01 & 2011-87-02


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



James P. Muldoon, Chairman
National Boating Safety Advisory Council



Date



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



Date

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MEMBER ITEMS – USCG RESPONSE

The following is the USCG Office of Auxiliary and Boating Safety response to the NBSAC member questions brought up in advance of the 87th NBSAC meeting held on April 1-2, 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 – Ms. Dillon had three questions:

1. What authority does the USCG have to require that any agency receiving funding from the Boat Safety Account have an approved policy of life jacket wear as a condition of funding?
2. What authority does the USCG have to require that any agency receiving Sport Fish Restoration and Boating Trust Fund support have an approved policy of life jacket wear as a condition of funding?
3. I understand the requirement for a power boat Instructor to have a USCG Captain's license if a student is coming aboard a boat owned by the instructor and paying the instructor for the instruction. What if the boat is not personally owned by the Instructor, such as a rental? Also, please confirm that a USCG Captain's license is NOT required if the Instructor goes aboard the student's boat, even if the Instructor is getting paid.

RESPONSE – Please see below for answers to each question:

1. Concerning state agencies receiving Boat Safety Grants, the Coast Guard does have the authority to define what an approved law enforcement program includes for a state to be eligible to receive these grant funds. If so chosen, the Coast Guard could make such a PFD wear requirement of the state/local officers a

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requirement under this approval to be eligible to receive the grant funds. To date, no such action has been taken.

2. Concerning national non-profit organizations receiving Boat Safety Grants, the Coast Guard may (conceptually) have the authority to require that all members of such organizations wear a PFD when boating (perhaps on certain sized or types of boats) in order to receive approved grant funds. However, this would need to be confirmed through the Coast Guard's legal staff.
3. The fees paid by the students still constitute consideration and the manner in which the vessel is obtained by the instructor does not change the fact that a passenger for hire situation exists.

Even if the instructor chartered the vessel such that there were no crew provided (chartered w/o crew), the fact that the students still paid consideration for their instruction, seemingly means a passenger for hire situation exists. While some money paid would seemingly cover the cost of the rental, some funds likely would be going to the instructor. In either case, consideration appears to be provided to the "owner, charterer, or operator" of the vessel and that, by definition, is a passenger for hire situation.

Each case needs to be evaluated on its own merits, but this sounds like a passenger for hire situation and the nature of the license required would depend upon the number of passengers carried, assuming the vessel measures less than 100 grt. If six or fewer students were carried, the instructor (or operator of the boat) would need an OUPV license; seven or more students would warrant inspection as a small passenger vessel and that operator would need a Master's license.

With regard to the question about a USCG Captain's license NOT being required if the Instructor goes aboard the student's boat, even if the Instructor is getting paid. In this case, the owner of the vessel is paying a fee (consideration) to someone else (not otherwise connected with the vessel) to provide the owner/operator with the training. While there is consideration, it is flowing to a person other than the owner/operator, so there is no "passenger for hire" situation. In addition, there does not appear to be a "condition of carriage" aspect. No matter, if not all elements are present, there is no passenger for hire situation, so a license is not required.

For Coast Guard guidance on specific scenarios, please contact Mr. Scott Kuhaneck of the Office of Vessel Activities (CG-543) for more information. He can be reached at Thomas.s.kuhaneck@uscg.mil or 202-372-1221.

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CECILIA DUER – Had no questions for the U.S. Coast Guard at this time.

RESPONSE – None required.

RANDY EDWARDS – Had no questions for the U.S. Coast Guard at this time.

RESPONSE – None required.

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

RESPONSE – None required.

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

RESPONSE – None required.

MARCIA KULL – Had no questions for the U.S. Coast Guard at this time.

RESPONSE – None required.

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

RESPONSE – None required.

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

RESPONSE – None required.

MARGARET PODLICH – The current proposal under consideration for mandatory life jacket wear includes “paddlecraft of any length.” If this proposal were to go into effect, would operators of stand up paddleboards need to wear lifejackets when paddleboards are considered vessels (when they are used outside of a swimming, surfing or bathing area)?

RESPONSE – Since stand up paddleboards are considered to be vessels when used outside of a swimming, surfing or bathing area, the answer to your question would be “yes” if a mandatory life jacket wear requirement was implemented.

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.

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DOROTHY TAKASHINA – Ms. Takashina had two questions.

1. Regarding "intended use" labeling on PFDs, is a USCG approved Type II, III or Type V with Type III performance PFD suitable for use on any recreational vessel unless there is specific text in the USCG label proscribing use on certain vessels (for example high speed water sports and towed vessels)?
2. Does the Coast Guard have statistics on the number of inflatable life jackets that failed to inflate?

RESPONSE – Please see below for answers to each question:

1. In general, a PFD approved for recreational vessels is as a Type II, Type III or Type V (with Type III performance), provided there are no specifically excluded uses or activities, and may be used to meet the carriage requirements in 33 CFR 175.

The example of exclusions -- “for example high speed water sports and towed vessels” -- would typically be shown on a label as -- “Not approved for use on personal watercraft, for water-skiing, knee boarding, or similar towed uses.” There are guidelines and text provided in the UL standards for label content which was developed over time based on experience, label area, and specific PFD design issues. A suggested change may be submitted to the UL STP for consideration.

2. The Coast Guard does not have statistics on the number of life jackets that fail to inflate.

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.

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**April 1-2, 2011
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Resolution Number 2011-87-01

**APPROPRIATE REGULATIONS FOR LIFE JACKET WEAR BY
RECREATIONAL BOATERS**

WHEREAS, recreational boating is a premier outdoor pastime for over 70 million Americans and untold numbers of visitors to our nation's waters each year; **AND**

WHEREAS, in spite of the fact that boating is highly regarded as a safe and enjoyable recreational activity, this Council recognizes the need to be mindful that the reduction in annual fatalities associated with recreational boating is of great importance; **AND**

WHEREAS, thorough analysis of available boating accident data has been performed and used as a basis for this recommendation; **AND**

WHEREAS, given the fact that, on average, approximately 500 people die in recreational boating accidents each year in the United States as a result of non-swimming-related drowning and very few of them were wearing a life jacket, consequently the National Boating Safety Advisory Council agrees that mandatory life jacket wear is appropriate for certain segments of the boating community;

NOW, THEREFORE, BE IT RESOLVED that the National Boating Safety Advisory Council, meeting in regular session in Arlington, Virginia, on April 2, 2011, recommends that the U. S. Coast Guard:

1. Initiate efforts which target a future regulatory project to pursue requirements for life jacket wear for recreational boaters while underway and riding in or upon (with consideration given to appropriate exemptions):
 - a. personal watercraft regardless of length
 - b. human-powered vessels (such as canoes, kayaks, rowboats, etc.) regardless of length
 - c. any vessel less than 18-feet in length
 - d. for any person towed while engaged in watersports
2. Work with its partners to design a strategy to engage the boating public through in-person and electronic dialogue on this topic through pre-rulemaking consultation aimed at informing the public about the potential benefits of such a regulation, gauging public opinion about life jacket wear based on boating type and activity, and making decisions on this topic based on a thorough understanding of both public sentiment and potential benefits.

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3. Make initiatives aimed at streamlining the life jacket testing and approval processes a high priority in order to reduce the overall cost of highly comfortable life jackets, support innovation and creativity in life jacket design and technology, and allow improved life jacket models to reach the consumer quicker and easier.
4. Give proper consideration to the acceptance (US Coast Guard approval for wear requirements and carriage requirements) of alternative life jackets and other buoyant devices (i.e., Level 50 devices) by completing and accepting a harmonized North American standard, and report back to this Council on the potential benefits and drawbacks of allowing these devices to be worn as a means of compliance with a proposed life jacket wear regulation.



James P. Muldoon, Chairman
National Boating Safety Advisory Council

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Resolution Number 2011-87-02

SUPPORT FOR VOLUNTARY SAFETY STANDARDS

WHEREAS, for over 50 years, the marine industry, through standards development groups like the American Boat and Yacht Council (ABYC), has engaged in the research and development of voluntary safety standards for recreational boats. These voluntary standards are more quickly developed, complement and, in many cases, supplement the mandatory regulations promulgated by the United States Coast Guard. For example, ABYC has developed voluntary standards governing electrical wiring and ignition protection on outboard and diesel powered boats while similar USCG regulations are limited to gasoline inboard boats only. Similarly, the ABYC voluntary standard governing occupant capacity is more conservative and inclusive than its USCG regulation counterpart; AND

WHEREAS, federal regulations pertaining to manufacture of recreational boats address only twelve limited areas including manufacturer certification, identification of boats, display of capacity information, safe loading, safe powering, flotation, electrical systems, fuel systems, ventilation, start-in-gear protection, navigation lights and backfire flame control. Regulatory experts estimate it takes a minimum of five years for a proposed boating safety regulation to become federal law; AND

WHEREAS, voluntary standards development address issues of strategic concern to the USCG, and outside the areas covered by existing regulation. These areas include those that address falls overboard prevention, steering, shift and throttle improvements, collision avoidance technologies, propeller strike avoidance, and emerging electrical and electronic systems. Voluntary standards have been enacted in less than one year; AND

WHEREAS, the National Marine Manufacturers Association estimates that approximately 90% of boats sold in the United States are designed and constructed in accordance to voluntary standards in addition to the federal regulations; AND

WHEREAS, the Strategic Plan of the National Recreational Boating Safety Program for 2012-16, for the first time recognized the valuable role filled by voluntary standards to enhance and accelerate boating safety through the inclusion of Objective 7.4, *Conduct and Support Research to Identify New Products, New Designs or New Safety Standards that would Reduce Boating Injuries and Deaths*; AND

WHEREAS, in 1995, the Congress in enacting the National Technology Transfer and Advancement Act of 1995, (public law 104-113, 15 U.S.C. 272 note) recognized the importance of technical standards developed by voluntary consensus standards bodies and required the use of such standards to the extent practicable by Federal agencies and encouraged Federal agency representatives to participate in ongoing standards

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development activities. On February 18, 1998, the Office of Management and Budget revised Circular A-119 to reflect these changes made in law.

NOW, THEREFORE, BE IT RESOLVED that the National Boating Safety Advisory Council, meeting in regular session in Arlington, VA, on April 2, 2011, recommends the USCG continue to support voluntary safety standard development through participation by USCG staff in standard development activities and inclusion of Voluntary Standards Development Support as a specifically identified Area of Interest in its annual non-profit Grant Announcement at least through FY 2016, the final year of the current Strategic Plan.

James P. Muldoon, Chairman
National Boating Safety Advisory Council