

*90th Meeting
of the
National Boating Safety Advisory Committee
West Marine Watsonville Support Center
Watsonville, CA
November 9-12, 2012*

MEMBERS PRESENT:

JAMES P. MULDOON	Chairman, National Boating Organization Member
HERB ANGELL	State Member
SCOTT BREWEN	State Member
TOM DOGAN	National Boating Organization Member
CECELIA DUER	National Boating Organization Member
PHIL DYSKOW	Manufacturer Member
MIKE FIELDS	State Member
CHUCK HAWLEY	Manufacturer Member
JEFF JOHNSON	State Member
LES JOHNSON	National Boating Organization Member
BRIAN KEMPF	State Member
DAVE MARLOW	Manufacturer Member
DAN MAXIM	Public Member
RICHARD MOORE	State Member
ROB RIPPY	Manufacturer Member
CHRIS STEC	National Boating Organization Member
DOROTHY TAKASHINA	Manufacturer Member
TERRY WEST	State Member

MEMBERS ABSENT:

DEAN CLARKE	Public Member
MARCIA KULL	Manufacturer Member
DICK ROWE	Manufacturer Member

USCG STAFF:

RDML KARL SCHULTZ	Commander, 11 th Coast Guard District
CAPT DAVE ROKES	Chief, Office of Auxiliary and Boating Safety
JEFF HOEDT	Chief, Boating Safety Division, Office of Auxiliary and Boating Safety
FN RENEE BROWN	11 th Coast Guard District
VANN BURGESS (via phone)	Program Operations Branch, Boating Safety Division
PHIL CAPPEL (via phone)	Chief, Product Assurance Branch, Boating Safety Division
PHILIPPE GWET (via phone)	Program Management Branch, Boating Safety Division
KURT HEINZ	Chief, Lifesaving and Fire Safety Division
DON KERLIN (via phone)	Chief, Program Management Branch, Boating Safety Division
JEFF LUDWIG	Program Management Branch, Boating Safety Division
CAPT PETER MARTIN	Chief, Office of Search and Rescue
PAUL NEWMAN	11 th Coast Guard District Recreational Boating Safety Specialist
LT ELIZABETH TUFTS	11 th Coast Guard District
RACHEL WARNER	Program Management Branch, Boating Safety Division

MEETING ATTENDEES:

JOHN ADEY (via phone)	American Boat and Yacht Council (ABYC)
LUCIA BECERRA	California Department of Boating and Waterways

NATIONAL BOATING SAFETY ADVISORY COUNCIL

**November 11, 2012
Watsonville, CA**

Resolution Number 2012-90-01

Emergency Locator Beacons

WHEREAS, Section 618 of the Coast Guard Authorization Act of 2010 redefined “associated equipment to include emergency locator beacons for recreational vessels operating more than 3 nautical miles from shore”, which provided the USCG with the authority under 46 USC 43 to require the carriage of emergency locator beacons; AND

WHEREAS, The United States Coast Guard requested the advice of the National Boating Safety Advisory Council on this new authority; AND

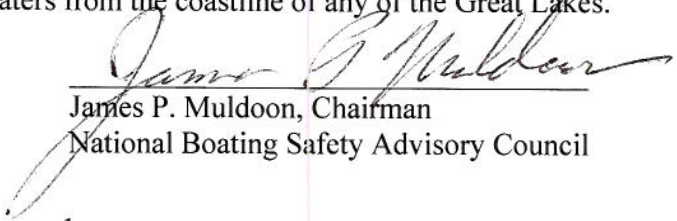
WHEREAS, The National Boating Safety Advisory Council assigned this task to its Boats and Associated Equipment subcommittee; AND

WHEREAS, The National Boating Safety Advisory Council’s Boats and Associated Equipment Subcommittee consulted with national experts, interested parties and search and rescue authorities;

NOW, THEREFORE, BE IT RESOLVED that the National Boating Safety Advisory Council, meeting in regular session in Watsonville, California, on November 11, 2012, recommends that the U. S. Coast Guard require effective 7/1/2015, all U.S. recreational vessels operating more than three nautical miles offshore from the coastline of the United States carry a properly registered emergency locator beacon. The requirement to carry an emergency locator beacon is waived for US recreational vessels operating between 3 to 20 nautical miles offshore in waters to be determined by the Commandant provided the vessel carries a VHF-DSC Marine radiotelephone (fixed mount or handheld) with connected or integral GPS positioning capability and a programmed Maritime Mobile Service Identity (MMSI) number.

For the purposes of this resolution, the definition of an Emergency Locator Beacon shall be “a radio beacon that can be used for emergency locating purposes for a recreational boater. The term includes a Coast Guard approved Emergency Position Indicating Radio Beacon (EPIRB), Personal Locator Beacon (PLB), or other device accepted by the Coast Guard for this purpose.”

Note: This definition would apply to vessels operating beyond three nautical miles from the baselines from which the territorial sea of the United States is measured or beyond three nautical miles in United States Waters from the coastline of any of the Great Lakes.


James P. Muldoon, Chairman
National Boating Safety Advisory Council

NATIONAL BOATING SAFETY ADVISORY COUNCIL

**November 11, 2012
Watsonville, CA**

Resolution Number 2012-90-02

MODEL YEAR DESIGNATION IN HULL IDENTIFICATION NUMBER

WHEREAS, boat manufacturers have raised concerns that the U.S. Coast Guard enforcement of model year regulations impedes commerce; AND

WHEREAS, the current U.S. Coast Guard definition of model year defines it as the period beginning August 1 of any year and ending on July 31 of the following year. Each model year is designated by the year in which it ends; AND

WHEREAS, the U.S. Coast Guard specified its desire to receive input from the entire boating community on the topic at a meeting with National Marine Manufacturers Association (NMMA) members, and in response NMMA and the Marine Retailers Association of the Americas (MRAA) met to discuss and prepare a recommendation on the matter; AND

WHEREAS, at their June 7, 2012, meeting, NMMA and MRAA were able to reach a unanimous consensus on a path forward for model year definition and enforcement, and formally transmitted this *Model Year Enforcement Solution Recommendation* to the USCG on October 15, 2012; AND

WHEREAS, the Coast Guard announced a request for comments on September 28, 2012, asking whether it should make a change to the existing regulatory requirement to indicate a boat's model year as part of the 12-character Hull Identification Number (HIN). See "Hull Identification Numbers for Recreational Vessels" 77 Fed. Reg. 58,575; AND

WHEREAS, the U.S. HIN format is in use by the states and supported by the marine industry and it has been adopted by a number of important U.S. trading partners including the European Union, Canada, and Australia and a change to the HIN format would cause disruption for U.S. companies exporting boats to these markets;

NOW, THEREFORE, BE IT RESOLVED that the National Boating Safety Advisory Council, meeting in regular session in Watsonville, California, on November 11, 2012, recommends based on information before the Council that the U. S. Coast Guard implement the NMMA / MRAA *Model Year Enforcement Solution Recommendation* in the short term as an exemption to current definition and in the longer term as an amendment to the definition of model year.

In amending the definition of model year in accordance with the NMMA/MRAA agreement, NBSAC recommends that the U.S. Coast Guard change 33 C.F.R. 181.3 to replace the definition in the following manner:

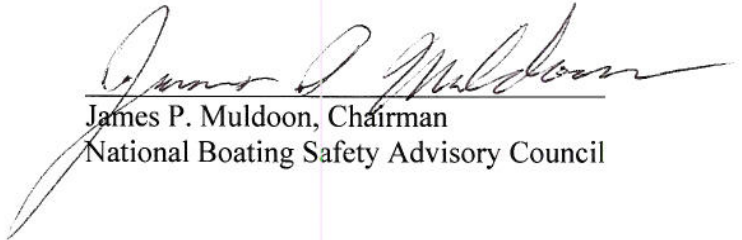
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1. For boats less than 30 feet in length –
 - a. Delete the current definition start date of August 1 and replace it with June 1.
 - b. Allow for the manufacturer to designate a “new model for mid-year introduction” that provides the manufacturer the freedom to designate model year, but it can be no earlier than January 2 of the calendar year preceding the year in which the model year ends.

2. For boats 30 feet in length or more –
 - a. Allow the manufacturer the freedom to designate model year, but it can be no earlier than January 2 of the calendar year preceding the year in which the model year ends.

BE IT FURTHER RESOLVED, the NBSAC supports the U.S. Coast Guard enforcement posture as articulated in Rear Admiral Lee’s letter to NMMA on October 17, 2012.



James P. Muldoon, Chairman
National Boating Safety Advisory Council

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Resolution Number 2012-90-03

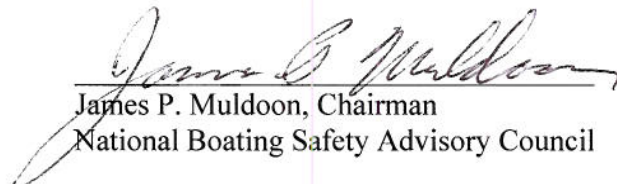
On-Water Instructor Licensing

WHEREAS, recreational boating safety on-water Instruction is apparently being hindered by the current United States Coast Guard OUPV and Master Operator Licensing Laws and Regulations; AND

WHEREAS, such hindrance abrogates many of the intents, purposes and goals of the National RBS Strategic Plan involving on-water boating safety instruction, which is a matter of great current urgency;

NOW, THEREFORE, BE IT RESOLVED THAT the National Boating Safety Advisory Council, meeting in regular session in Watsonville California on November 11, 2012, recommends that the United States Coast Guard shall conduct a comprehensive review of the current instructor licensing requirements and procedures for recreational boating on-water safe boating instructors and that consideration be given to modification of these requirements by the United States Coast Guard by modifying the current applicable regulations and requirements to further and encourage the boating safety instruction goals of the Recreational Boating Safety Strategic Plan. A matrix shall be created with several various situational parameters affecting the licensing of safety instruction providers. Polling shall take place of the various major organizations currently conducting on-water recreational boating safety instruction and their needs and concerns shall be addressed within the matrix so as to further the educational goals of the Strategic plan, specifically addressing the facilitation of United States Coast Guard licensing or permitting for on-water safety instructors. Attention shall also be addressed to any other regulations or rules of other United States entities affecting the attainment of on-water instructor licensing.

BE IT FUTHER RESOLVED THAT this resolution will be forwarded to the Commandant of the Coast Guard and an update be provided at the next NBSAC meeting.


James P. Muldoon, Chairman
National Boating Safety Advisory Council

NATIONAL BOATING SAFETY ADVISORY COUNCIL

**November 11, 2012
Watsonville, CA**

Resolution Number 2012-90-04

**SCOPE AND FREQUENCY OF THE NATIONAL RECREATIONAL BOATING
SURVEY**

WHEREAS, the U. S. Coast Guard, acting under its authority as the National Coordinator of the Recreational Boating Safety Program, has worked for many years to develop and implement the National Recreational Boating Survey; AND

WHEREAS, portions of the data obtained from this survey are necessary to establish estimates of exposure hours, the population of non-registered boats in the U. S., and to set goals and measures within the Strategic Plan for the National Boating Safety Program, while other portions of the data being obtained are less important to the Program; AND

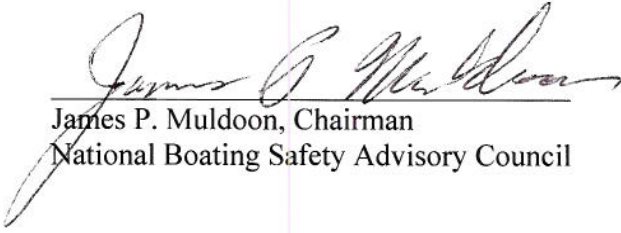
WHEREAS, the economic conditions currently facing the Federal government, specifically the U. S. Coast Guard and its Division of Auxiliary and Boating Safety, suggest that continued gathering of non-essential data during future survey samplings is unreasonable; AND

WHEREAS, the current schedule of every-other-year survey intervals is more frequent than necessary to ensure the Program's future ability to identify trends in recreational boating; AND

WHEREAS, the data collected during the first two years of samplings is deemed to be sufficient to provide this other informative, but not critical, data for use within the Program, as needed;

NOW, THEREFORE, BE IT RESOLVED that the National Boating Safety Advisory Council, meeting in regular session in Watsonville, California, on November 11, 2012, recommends that the U. S. Coast Guard take action to reduce the scope of the National Recreational Boating Survey to ensure that the essential elements required for the establishment of reliable estimates of exposure hours, the population of non-registered boats in the U. S., and to provide critical information relative to goals and measures within the Program's Strategic Plan are gathered and that the survey be conducted less frequently than once every two years.

BE IT FURTHER RESOLVED that this resolution be forwarded to the Commandant of the Coast Guard.


James P. Muldoon, Chairman
National Boating Safety Advisory Council

NATIONAL BOATING SAFETY ADVISORY COUNCIL

**November 11, 2012
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Resolution Number 2012-90-05

Terminology Update for Life Jacket Carriage Requirements

WHEREAS, NBSAC Resolution 2009-83-01 recommended in part that the USCG “transition to a new consolidated North American [life jacket] standard...”; AND

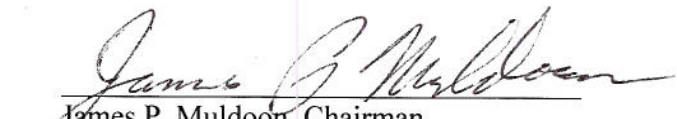
WHEREAS, the USCG Lifesaving and Fire Safety Division has been diligently working towards achieving a transition to new life jacket standards, which will happen in the next year or two; AND

WHEREAS, those new life jacket standards will use different terminology than the current standards, including no longer using the familiar Type I, II, III, IV and V codes; AND

WHEREAS, existing life jacket carriage requirements currently found in 33 CFR Subpart B, Personal Flotation Devices specify that boaters carry and/or use Type I, II, III, IV and V personal flotation devices in the various requirements; AND

WHEREAS, replacing the instances of Type I, II, III, IV and V with “U.S. Coast Guard approved” would not change the intent and effect of the regulations.

NOW, THEREFORE, BE IT RESOLVED that the National Boating Safety Advisory Council, meeting in regular session in Watsonville, California, on November 11, 2012, recommends that the U. S. Coast Guard update its regulations found in 33 CFR 175 Subpart B by replacing every instance of Type I, II, III, IV and V with “U.S. Coast Guard approved” or other appropriate language to ensure that boaters do not run afoul of obsolete regulations upon the introduction of life jackets manufactured under new standards.


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CAROLYN BELMORE	US Coast Guard Auxiliary
MARCIA CARLOCK	California Department of Boating and Waterways
JOANNE DORVAL	METCOR
GORDON GARRETT	Bayfirst Solutions
JACK HANNA	Human Powered Watercraft Association (HPWA)
MARION IRVING deCRUZ	Stop Propeller Injuries Now (SPIN)
DAVE LUMIAN	American Sailing Association (ASA)
LARRY MEDDOCK	Water Sports Industry Association (WSIA)
FRED MESSMANN	National Safe Boating Council (NSBC)
RUDY PESCHEL	U.S. Coast Guard (Retired)
MARGARET PODLICH	BoatU.S.
DICK SNYDER	Retired Engineer, Mercury Marine
KAREN STEELY	Aaron Foundation
CINDY SQUIRES	National Marine Manufacturers Association (NMMA)
RAY TSUNEYOSHI	U.S. Power Squadrons (USPS)

FRIDAY, NOVEMBER 9, 2012

Call to Order and Introductory Remarks
Chairman James P. Muldoon

Chairman James Muldoon called the 90th meeting of the National Boating Safety Advisory Council to order. He welcomed RDML Karl Schultz; CAPT Dave Rokes; CAPT Peter Martin; the members of NBSAC, especially three new members attending their first meeting, Phil Dyskow, Scott Brewen and Terry West; and members of the audience.

Chairman Muldoon mentioned that the Council members were awaiting the new appointments and there was some movement on these the day before the meeting began; if the process is incomplete by the time terms expire in December, the Secretary of the Department of Homeland Security has the ability to extend the terms of the council members. He extended thanks to Fred Messmann for his work on the Strategic Planning Subcommittee and expressed his thanks to the members for their commitment, hard work, and counsel. He also thanked Chuck Hawley and West Marine for their hospitality in hosting the meeting.

He then asked the Council members and members of the audience to introduce themselves and reminded everyone in attendance that the meetings have to be objective, requesting they leave their other hats at the door.

Chairman Muldoon introduced RDML Karl Schultz, Commander, U.S. Coast Guard 11th District. His previous assignments included U.S. Coast Guard Headquarters in Washington, D.C. as Director of Governmental and Public Affairs, where he was responsible for Coast Guard external affairs with Congress. Before becoming a Flag Officer, he served as Chief of the Office of Congressional and Governmental Affairs and in many field command assignments. A 1983 Coast Guard Academy graduate, RDML Schultz was awarded a Masters of Public Administration Degree from the University of Connecticut in 1992 and completed a one-year National Security Fellowship in 2006 at Harvard University's Kennedy School of Government.

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**Welcoming Remarks, Swearing-In of New Members, Presentation of Awards to Outgoing Members
RDML Karl Schultz, Commander, U.S. Coast Guard District Eleven**

Mr. Jeff Hoedt introduced the new members of the Council:

Mr. Herb Angell

Herb Angell was born in Chicago, IL. With his dad in the military, Herb's family moved around a lot. His dad eventually retired in Omaha, NE. After high school Herb tried college for a year and then joined the Marine Corps. He was sent to Vietnam in the 1960s, and after getting wounded a second time, he was sent home.

After getting married and starting a family, Herb sought a more stable career and was soon recruited to the Niobrara community's police force. He was later recruited by the sheriff's department and moved on. He later transferred to the city of Norfolk's (NE) police department. He worked there for 19 years, 10 of which as a detective. He was promoted and supervised a shift of officers and went to college part-time, earning a bachelor's degree in criminal justice and a master's degree in sociology.

The Nebraska Game and Parks Commission offered him the state's Boating Law Administrator (BLA) position in August 1997. Following his first NASBLA conference in Charleston, S.C., he was assigned to the Education Committee where he served for two years. He also served on the Law Enforcement Committee and then co-chaired that Committee several times. He ascended through the Executive Board of the Northern Association of Boating Administrators (NABA), serving as its president in 2003, during which time he also served on the NASBLA Executive Board.

Herb was elected to NASBLA's Executive Board in September 2009, and currently serves as NASBLA's Vice President.

Mr. Scott Brewen

Scott Brewen is the Director of the Oregon State Marine Board, with direct responsibility for all recreational boating programs in the State of Oregon. He serves under the direction of a five-member Governor-appointed board and directly oversees vessel titling and registration; facility access grants; state boating laws and regulation; state boating enforcement; education; public information; aquatic invasive species prevention; and clean marinas. He also serves on the Governor's Natural Resources Cabinet.

His maritime background includes nine years of active duty service with the Coast Guard on three afloat units and one training command, with service as a patrol boat commanding officer, navigator, boarding officer, and maritime law enforcement instructor. He currently serves as an officer in the U.S. Navy Strategic Sealift Officer Program and has active licenses as Chief Mate, unlimited GT (gross ton) and Master, 1600 GT.

His non-maritime employment includes working at the Department of Public Safety Standards and Training overseeing basic law enforcement training for the state, and for the Department of Corrections in various human resources and training related roles. He holds a B.S. Degree in Mathematics from the Coast Guard Academy and a MBA Degree from Portland State University.

His motivation for applying to NBSAC is to play a part in helping to shape the direction of boating safety within the nation, while also ensuring a voice to represent Pacific Northwest boating interests. Most issues in the Pacific Northwest are not unique to our boating population; however, they are a higher priority for our states due to our unique boating environment. In particular, cold water, whitewater, and

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treacherous coastal bars have a large impact on boating law administration in Oregon. Additionally, he is very interested in shaping national boating laws with respect to life jacket wear, boating under the influence standards, and reducing causal factors in accidents.

Ms. Cecelia Duer

An avid sailor, Cecilia stepped aboard the Spirit of America Foundation Youth Education programs in 1995 as a volunteer sailing instructor and volunteer for the Ohio Department of Natural Resources Division of Watercraft. In 1996 she was named the Executive Director of the Spirit of America Foundation. In 1999 she was nominated and elected to the National Water Safety Congress (NWSC) Board of Directors, and asked to become the first Executive Director of the NWSC in December 2002.

Ms. Duer is an instructor for all curriculums of the Spirit of America programs, a volunteer instructor for other instructor certificate programs, a member of the NASBLA Education, Paddlesports, and Water Way Management Committees, an instructor of Cold Water Immersion Prevention for the NWSC, and a volunteer instructor for the Ohio Division of Watercraft.

Ms. Duer, a native of Bristol, CT, has lived on the water all of her life, and currently lives on the U.S.'s north coast in Mentor on the Lake, OH, on the shores of Lake Erie, where the NWSC and Spirit of America Foundation are headquartered. She and her husband of 29 years have raised four children, all of whom are sailing champions and very active in professional and personal boating and water safety industry and education fields.

Ms. Duer has always felt that "work" is easy when you are privileged enough to share your passion, every day, with others dedicated to boating and water safety.

Mr. Phil Dyskow

Mr. Dyskow is Immediate Past President of the Yamaha Marine Group Company, the unit of Yamaha that markets, sells and distributes Yamaha Outboards in the United States, and operates G3 Boats®, Skeeter Boats® and Performance Propeller Industries, Inc. His career is characterized by successful efforts to increase customer satisfaction while driving remarkable sales growth.

His relationship with Yamaha began in 1975 when he became the first Yamaha boat dealer in the U.S. Throughout the 1970s, his dealership grew to become the largest Yamaha boat dealer outside of Japan, offering both Yamaha sail and powerboats. He then joined Yamaha Motor Corporation U.S.A. in 1981 as one of the first employees involved in the initial research, planning, and introduction of Yamaha Outboards into the U.S. market.

Mr. Dyskow left Yamaha briefly in 1990 to serve as Vice President of Outdoor Technologies Group where he had overall management responsibility over its Fenwick Corporation subsidiary in Huntington Beach, CA. Under his direction, Fenwick, a world leader in top-quality fishing equipment, won eight different awards for product innovations.

On Nov 1, 1997, he was appointed President of Yamaha Marine. During his tenure, Yamaha's share of the market has grown dramatically, and the company now supplies more than one third of all the outboards sold in the United States. Mr. Dyskow retired from the position of President on May 1, 2010. He continues to serve Yamaha as senior advisor to the current Yamaha Marine Group President, Ben Speciale. In addition to the advisory capacity, Mr. Dyskow serves on the Board of Directors for the Center for Coastal Conservation. Most recently, the U.S. Secretary of Commerce appointed him to the

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Marine Fisheries Advisory Committee, which advises NOAA on fisheries issues. He is also Vice Chairman of the NMMA Engine Committee.

Active in the community and the marine industry, Mr. Dyskow previously served as a member of the Board of Directors of Golden West College in Huntington Beach, CA, the Recreational Boating and Fishing Foundation (RBFF), the American Boat and Yacht Council (ABYC), and the Southern Museum of Civil War and Locomotive History in Kennesaw, GA. He is an avid sport fisherman.

Born in Milwaukee, Wisconsin, Mr. Dyskow is a 1976 graduate of the University of Hawaii.

Ms. Dorothy Takashina

Ms. Takashina is the Director of Standards & Compliance for Takashina USA and Marine Technologies International (MTI)

Ms. Takashina's experience in the personal flotation device (PFD) industry began in 1990 with the development, testing, and Coast Guard approval of recreational personal flotation devices for Marine Technologies International (MTI) of Plympton, Massachusetts. She acted as consultant for development of PFDs for both MTI and Takashina until 2008. She has been a member of the Standards Technical Panel for UL 1123 (PFDs) since 2002. She participated in the combined CEN/ISO meetings working toward global harmonization of standards for life jackets until 2008. She is also a long-time member of Personal Flotation Device Manufacturer's Association (PFDMA) Board of Directors and currently serves as Chairman of the Board and President of PFDMA.

Mr. Terry West

Terry West has been the Assistant Director of the Georgia DNR Wildlife Resources Division since August 2009. He began his career with Georgia DNR in March 1985 as a Conservation Ranger (Game Warden). He served as the Georgia BLA from 2000 to 2012, Chairman of NASBLA's Law Enforcement Committee 2002-2004, and Conference Committee 2004-2008. From 2006-2011 he served on NASBLA's Executive Board, including the Presidency in 2009-10.

Colonel West is a Graduate of the Georgia Law Enforcement Command College in 2003; received a Bachelor's Degree in Business Administration, with a major in Accounting from Oglethorpe University, Atlanta, GA in 1979; and received a Masters Degree in Public Administration from Columbus State University, Columbus, GA in 2004. He was also named the Georgia Conservation Ranger of the Year in 1990.

After their introductions, RDML Schultz swore in these new members of the National Boating Safety Advisory Council.

RDML Schultz, on behalf of the Coast Guard, presented Public Service Commendation awards to the following members of the Council:

Mr. Chuck Hawley
Mr. Jeff Johnson
Mr. Les Johnson
Dr. Dan Maxim
Mr. James Muldoon

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Mr. Richard Moore was presented with a Meritorious Public Service award by RDML Schultz on behalf of the Coast Guard as his appointment to the Council is expiring and he will not be seeking another term.

RDML Schultz welcomed the new members, stating that the Council would be well served. He also welcomed the Council as a whole, saying that they hold the course and goal to prevent all accidents on the water. After thanking everyone for their time and commitment to boating safety, he commented on the diversity of the membership and how the Council has been effective in lending expertise and recommendations on boating safety. He introduced Capt Rokes, Jeff Hoedt, and Jeff Ludwig as the subject matter experts for the meeting. He assured those present that RDML Servidio is working hard to make sure appointments are made by the spring meeting, but made no promises other than staying committed to working on the issue.

RDML Schultz made note of three issues that remain important beginning with life jacket wear, which remains a key component of recreational boating safety and the Strategic Plan. Any efforts to increase boating safety have to include increasing life jacket wear on the water. The Coast Guard recognizes the importance of life jacket wear; they do save lives. He noted that in his capacity at the 11th Coast Guard District, he frequently see the tragic results of lives lost probably unnecessarily; lives that were preventable losses due to a lack of life jacket wear. He also mentioned that Oregon, as well as the Great Lakes and the Northeast, present a unique challenge due to the cold weather. He stated that the efforts to encourage voluntary wear have not been as successful as hoped. Significant resources have been poured into that and devoted to it by NBSAC, many other organizations, and the Coast Guard. He stated that he understands the Council was anxious to hear the status on its recommendation for life jacket wear; he could only say that is still under serious consideration by the policy folks at Coast Guard Headquarters. He noted that it is a difficult matter, as there are many sides to the issue, but it is under thoughtful consideration. He noted that with the Strategic Plan underway, the Coast Guard sincerely believes that the waterways will be safer through the planning process. He thanked NBSAC for the recommendation they provided. He hoped, after careful consideration of all the sides of the issue, that the outcome would be something to benefit the recreational boating community. Moving on to the Strategic Plan and the International Boating and Waterways Safety Summit (IBWSS), RDML Schultz said that several great programs have stemmed from this effort. He said the Coast Guard is pleased with the actions of the implementing partners and they feel that the nation's waterways are safer through the efforts of the planning process and strategic focus, which aids the Coast Guard in identifying the most effective safety initiatives.

Shifting focus to Stand Up Paddleboards (SUP), RDML Shultz informed the audience that Mr. Paul Newman just returned from the largest paddleboard event in the nation, which takes place in Southern California and he would later share his perspective on it. He stated that he was pleased to see NBSAC looking at the newest element of recreational boating and emphasized the importance of complying with carriage requirements when operating outside swimming, surfing, and bathing areas. He said some of the "loudest voices" lobbying the use of a leash instead of a PFD come from California and mentioned that state BLAs are looking for clear direction in how to treat paddleboards. He then opened the floor to questions. As there were no questions from the audience, he expressed his thanks for giving him the chance to be at the meeting.

Chairman Muldoon then introduced CAPT Dave Rokes.

CAPT Rokes is a native of North Andover, Massachusetts. He enlisted in the Coast Guard in 1976 and has 18 years of sea time. Prior to his current position, he served as Chief of the Western Rivers for the 8th

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Coast Guard District in New Orleans. He attended Officer Candidate School in 1988 and has a Masters of Business Administration Degree from American Public University.

Recreational Boating Safety (RBS) Program Report

CAPT Dave Rokes, Chief, Office of Auxiliary and Boating Safety

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

CAPT Rokes welcomed RDML Schultz and RADM Peschel (Ret.), Chairman Muldoon and thanked Mr. Chuck Hawley for the hospitality of West Marine. He then welcomed the new members of the Council and congratulated all of the outgoing members. He laughingly observed that he had spent most of his life at sea and the rest of the time he wasted. Having been in the Coast Guard for 36 years, he is currently serving in his first staff job. CAPT Rokes states that he was there to challenge the Council on issues such as EPIRB use, stand up paddleboards, and life jacket wear, and he was looking forward to their advice. He mentioned that the spring meeting was still being decided upon, as the funding is not in the budget. He advised that meetings might have to go in a different direction such as webinars or conference calls; however, he believes that face time is very important, and as the Council is making a difference, he would like to see the momentum continue.

Recreational Boating Safety (RBS) Program Report

Jeff Hoedt, Office of Auxiliary and Boating Safety

Mr. Hoedt began by reminding everyone that RDML Schultz had been a member of the Marine Safety and Security Council (MSSC) and has a background with NBSAC as well as with life jacket wear. He also commented on the great benefit that CAPT Rokes provides to the program, and thanked Mr. Hawley for his company's hospitality.

He stated that he would be giving a standard presentation on the Program, including the usual program updates, resolution updates from the Council, legislative, regulatory and project updates, and challenges before the Council for the current meeting.

Mr. Hoedt provided updates on Coast Guard rotations and reorganization. He advised that Coast Guard headquarters would be moving to the St. Elizabeth's facility near Bolling Air Force Base and said that the intent was for the entire Department of Homeland Security to move to that campus in the future.

He then presented the 2011 statistics on registered recreational boats (12.1 million), which showed a decline of 2.1% since 2010; which is part of an overall declining trend in registered boats since the high in 2005. He mentioned that the number of deaths was the highest in 13 years, but the number of injuries was the lowest on record. While he expressed satisfaction with the decrease in injuries, he was concerned about the increase in deaths. He thanked the states and Ms. Susan Tomczuk for their part in providing the earliest release of these statistics in 29 years.

With his update on the 2011 RBS Strategic Plan, Mr. Hoedt reported that the five-year average targets show a higher number of deaths but a lower number of injuries, therefore the casualties successfully met the performance goal.

Mr. Hoedt continued with a discussion of the Performance Report Part II data from the states. He explained that Coast Guard headquarters combines the statistics provided by the states, then assembles the

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report. There were over 4 million law enforcement/SAR hours, a big number. The states on the recreational boating side are doing exactly what Congress and the Coast Guard had hoped; they have assumed the largest share of law enforcement and education taking place around the country. States are conducting significantly more boardings than the Coast Guard does. regarding Vessel Safety Checks (VSCs), the Coast Guard is elated with the support from the USCGAUX and the Power Squadrons, but the states still conduct the majority of VSCs. In addition, the states responded to over 10,000 SAR cases. The states issued a large number of boating education certificates and that is making a difference as well. Mr. Hoedt thanked the states, the Coast Guard, and the recreational boating community. He noted that the public is the number one rescuer on the water, though they do not get the recognition they deserve.

Moving on to Operation DryWater, Mr. Hoedt reported that 501 agencies and 4,400 officers participated in the last event. As the objective is to decrease drunk boating, public awareness becomes the number one priority. He stressed that this was not a secret event in which officers were trying to trap boaters. With contacts made to the media as well as 48,757 vessels (and 335 OUI arrests), it is making a difference as the number of fatal accidents that are alcohol-involved has dropped to 16% in 2011.

Mr. Hoedt did not go into any detail on the Strategic Plan, but mentioned that Mr. Messmann would give a more detailed report on the Plan later in the meeting.

In a discussion on the budget, Mr. Hoedt explained that the belt is tightening and the Coast Guard experienced a 15% cut in the program budget, a 40% cut in the travel budget, and had travel caps established. These cuts are now impacting the Sport Fish Restoration and Boating Trust Fund (SFRBTF) within the Coast Guard, which will have an effect on travel for factory inspections, conferences, holding meetings and state visits. As NBSAC is part of the travel budget, he expects to see a lot more oversight and less opportunity to justify travel expenses. Due to the cutback on all travel, it is unlikely that NBSAC will see as many meetings and may have to consider other avenues such as electronic meetings. He advised the Council that other entities in headquarters are being explored to find out if there may be one that isn't using its travel cap and may be able to contribute some money toward the NBSAC spring meeting. He said the Coast Guard staff will keep the Council updated as they work through these travel budget issues.

Mr. Hoedt then spoke about the Sport Fish Restoration and Boating Trust Fund (SFRBTF), informing the Council that the long term authorization has been extended by Congress and is now authorized through the end of FY14. He advised that the new administration proposal is going through the approval process now, and, as the Coast Guard didn't get what they had asked for in the last authorization, they will be looking for alternatives in the next proposal. He mentioned that with a straight reauthorization, there was not enough money from the Trust Fund to continue the National Recreational Boating Survey to provide data required by Office of Management and Budget (OMB). The Coast Guard is considering transferring the cost of the survey to the non-profit organization grants, which is similar to the process used by the U.S. Fish and Wildlife Service. He explained that though the cost of the survey is high, he hopes it will be reduced by converting it to the grant process instead of as a contract. Since it will be conducted every other year, the cost may be split over a two-year period so as not to decimate the funds available to other non-profit organizations on an annual basis. He said the reauthorization request is for Congress to consider changing the percentage of money available to non-profit organizations, from up to 5% to up to 7%, to make up the cost of the survey. While this will make up the cost of the survey, it will take money away from the states. He advised that there are still numerous clearances to get through and nothing is set at this point.

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Speaking to the short term expectations for the Trust Fund, Mr. Hoedt explained the method for calculating how much money is put into the Trust Fund, which is calculated based on the number of registered motorboats provided by the Coast Guard. Mr. Hoedt mentioned the money that was put into the Trust Fund for last year's spending was about \$60M less than it has been in past years – the primary source being from motorboat fuel tax. Because of timing, the interest from FY11 year was delayed, so it wasn't entered for spending. The interest looks to be around \$26M for this year and it appears there will be a slight increase in funding overall for FY13 as well.

Mr. Hoedt went on to discuss sequestration and advised that Congress had enacted a law that would initiate automatic budget cuts next year if Congress doesn't act on it. This would impact the Trust Fund by affecting only the money coming out of it, as the money going in would not be impacted. There would be a build up of money in the Trust Fund, resulting in a rush of extra dollars when the Coast Guard was allowed to distribute the funds. He explained that smaller entities that couldn't match the grant dollars now wouldn't benefit from this, but that those states that can match it will get more. He advised that the OMB report found about a \$34M impact on the Trust Fund overall and an estimated \$9M would go to boating safety. Sequestration would also impact the Coast Guard operating budget with an estimated cut of 15%; however, military staff are exempt from sequestration so the impact would fall on other programs.

In his report on non-profit organization grants, Mr. Hoedt advised that the announcements for the FY13 grants have been prepared and will be announced soon. He stated that this year there will be two distinct announcements; one announcement is solely for the survey and will not compete with other projects. The general announcement is for all other projects – this will most likely include areas to reduce boating deaths and injuries. He informed the Council that both announcements are at OMB and are going through clearance with an expected due date of the last Friday in January. Mr. Hoedt stated that the last objective within the Strategic Plan concerns non-profit organization grants, and the Coast Guard will be providing a handout containing a portion of the abstracts for the 2010 and 2011 completed projects to illustrate what has been done with the grant dollars.

Mr. Hoedt then discussed the 87th meeting resolutions, beginning with mandatory life jacket wear. The issue had gone before the MSSC and it was decided to wait until the elections were complete before a decision would be made. The resolution will be brought back before the MSSC and with any luck, there will be a final determination on whether to move forward on the project. He said that should the Council provide a resolution requiring emergency locator beacons on vessels that resolution would be simultaneously provided to the MSSC.

He said that the federal proposal for mandatory boat operator education did not succeed in Congress; while Congress is currently developing the Coast Guard Authorization Act, mandatory education will not be part of it. He reassured members that the Coast Guard will continue to be persistent on this matter.

Mr. Hoedt mentioned that 49 out of 56 states and territories have some form of mandatory education, though no two states are the same and there is a total lack of uniformity. This leads to the problem of reciprocity between the states in acceptance of their laws. Mr. Hoedt stated that the Coast Guard has started to look in depth at the state laws, and found that only 23.5% of powerboat operators are required to be educated. The question remains – does mandatory education work? He discussed the Canadian 10-year phase-in, taking place between 1999 and 2009 requiring all motorboat operators to have an education certificate. This has resulted in a dramatic decrease in deaths, which now puts the Canadian death rate well below that of the United States.

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In a discussion of the Coast Guard Authorization Act of 2010, Mr. Hoedt mentioned that emergency locator beacons (undefined) had been added to Section 618 of the Act, associated equipment on recreation vessels operating more than three nautical miles (NM) offshore. He advised the Council that they have this issue before them and the Coast Guard would appreciate their advice on how to proceed.

He advised that Section 620 of the Act required a report on blended fuels and that non-scientific research had been done previously. He said that \$1M had been authorized for a scientific study on blended fuels in marine engines to be tested through the cycle of running and storing that most boaters go through, but the money was never appropriated. As there is no funding for the study, it has been requested that Congress repeal the requirement.

Mr. Hoedt made mention of the U.S. Army Corps of Engineers study on the life jacket mandate in which they found that Mississippi had the best numbers in the country, with California close behind. He stated that the commanding general of the Corps instructed his district commanders to reduce deaths by 50% by the end of FY14, which is a drastic reduction in deaths. He reiterated that there is still no movement toward an international standard but did inquire as to whether there would be support for a North American standard to move toward 'approved' life jackets rather than using 'types.' He asked the Council to consider whether they would support the Coast Guard moving forward with removing the 'type' designations currently in use. He suggested a fast track regulatory process toward achieving this standard.

Moving on to discuss propeller strike avoidance, Mr. Hoedt stated that there is still work being done on a proposal for an engine cut-off switch requirement on new boats and that it must be owner/operator maintained and used. This will not be a retroactive requirement to install an engine cut-off switch. He also stated that most manufacturers have these cut-off switches installed already. He informed the Council that the initial data gathering was not adequate and OMB required more answers. The necessary responses had not yet come from the states and a contractor was also brought in to complete the research, which should be done within weeks. From there it will be determined whether or not to move forward with the regulatory process. He also advised that the proposed rule for the engine to be shut off while someone is in close proximity to the propeller has been put on hold pending the outcome of the first project on engine cut-off switches. In addition, the accident reporting rule which is based on the 15 recommendations from NBSAC is now moving through the rulemaking process following an overwhelming level of support during the comment period.

Mr. Hoedt continued by informing the Council that the National Conference of Commissioners on Uniform State Laws (NCCUSL) adopted the Uniform Certificate of Title Act for Vessels (UCOTA-V) in July. He mentioned that the current titling regulations are not close to what NCCUSL adopted, and that enhancing uniformity is an issue that needs quick and close attention.

Mr. Hoedt requested recommendations during the course of the meeting on the associated equipment emergency locator beacons. He also asked for ideas on how to fix the issue of the vessel model year in the Hull Identification Number (HIN). He explained that the issue came up in the early 1970s and current regulations require the model year begin with an August 1 start date. Though it is illegal to put a new model year in a HIN before the start date, the Coast Guard does not have strict enforcement efforts that are conducive to discovering this problem. Multiple boats were found to have violated the law during the Miami Boat Show in January 2012. While no fines were issued, it caused some anxiety among manufacturers who have consequently spoken out against the model year restriction. Executive Order 13579 has instructed the Coast Guard to review the regulations and, if they are ineffective or inappropriate, they must be repealed, amended or otherwise corrected to fix the issue. Mr. Hoedt requested input from the Council on this as quickly as possible.

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With regard to the National Recreational Boating Survey, Mr. Hoedt announced that the 2011 numbers have been validated. He described the six-year process to put the survey together, starting with obtaining OMB clearance that began in 2009 and was attained in 2011. The survey began in August 2011. He explained that the 2011 survey data is valid at a regional level, but the 2012 survey will provide valid state-by-state data. He stated that the Coast Guard does intend to conduct the survey every other year, though it is expensive, it will provide trend analysis. By doing it every other year and monitoring the economy, it will shed light on whether the economic changes impacted participation rates, and if those participation rates may impact casualty rates. They will also compare the survey results to other uncontrollable factors like weather. Mr. Hoedt announced that over 54,000 surveys had been completed of which almost 30,000 were phone surveys. He noted the effort necessary to gather these responses, stating that over a million phone calls were made to get to the 30,000 phone completed surveys. He then went through several of the statistics that had been established by the survey, such as 25.5 deaths per 100M exposure hours and nearly 3 billion exposure hours.

He then stated his challenges for the Council and requested their input on them:

1. Should the Coast Guard mandate the carriage of emergency locator beacons on recreational vessels operating more than 3 nm offshore;
2. Should stand up paddleboards be exempted from life jacket requirements, or be allowed to use a tether instead of a life jacket or a combination of both. Additionally, the Council was asked whether it has any recommendations concerning the current life jacket carriage exemptions for various sail and paddle vessels; and whether forward movement on the North America standard of doing away with life jacket types should be achieved.
3. Should the Coast Guard repeal or amend the model year indicator in the HIN (with the note that there is a request for comments currently in the Federal Register.)

With the conclusion of his remarks, Mr. Hoedt opened the floor to questions.

Mr. Moore inquired whether there would be more discussion on sequestration or the national survey during the course of the meeting. He mentioned that the President had promised that sequestration wouldn't happen, though this didn't seem to be the case. He commented that the primary interpretation of the current law indicates that it will affect the trust funds, but historically that has not been the case.

Mr. Hoedt observed that this type of sequestration has not occurred before.

Mr. Moore noted that it will not just be recreational boating safety that is at stake at the state level, but also fishing and shooting sports; the Association of Fish and Wildlife Agencies has worked with the U.S. Fish and Wildlife Service to seek a change to ensure that the Trust Fund will not be affected should sequestration take place. He asked whether the Coast Guard is in the position to stand with the states to ensure that kind of change, in order to avoid having money pulled from the Trust Fund. He saw this as having a significant impact on programs and inquired as to whether or not the Coast Guard will consider assisting states in approaching Congress about making minimal changes with regards to trust funds.

Mr. Hoedt said the administration that manages the agencies and the agencies themselves have instructed the Coast Guard as to which direction this will go. The report came out stating the sequestration law and direction was given on the financial impact. He said that the Coast Guard has tried to express their concerns and requested a waiver for the Trust Fund that was not supported. He explained that the Coast Guard is doing what the administration tells them to do.

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RDML Schultz stated that the adverse impacts are almost too hard to think about, with a 4% cut already in effect and a potential 7%-8% cut across the board for the Coast Guard. He stated that a supercommittee had spent months trying to fix it, as had the Senate. The lame duck session in Congress would be unlikely to move anything right now as there are additional pressures that they face; it is also unlikely that there will be an opportunity to tease out the boating safety issue and bring it forward as there likely won't be anyone who will be receptive to it at this time. And therefore it is not likely this issue will be fixed soon.

Mr. Hoedt stated that the Trust Fund numbers are accurate and the states won't see a lot of cutback even if sequestration does go into effect.

Chairman Muldoon commented that Congress might "play kick the can down the road."

Mr. Herb Angell said the states are selfish because it hits home very hard. He referred to the Rudman-Hollings Act of 1985 (Gramm-Rudman-Hollings Act) that protects trust funds, asking whether a review process exists where the Coast Guard can challenge sequestration.

Mr. Hoedt explained that the Coast Guard is not an optimistic venue for a challenge as they tried to put the waiver upfront but Congress was set in their determination, and the Coast Guard had to accept that determination. He assured that revenues will continue to go into the trust fund as that is what the act protects. Mr. Angell stated a huge influx of money farther down the road kills small states. Mr. Hoedt assured Mr. Angell that the Coast Guard has made that point known and advised Congress that giving a large infusion at one time doesn't help.

Mr. Hawley said he was impressed by the Canadian reduction in fatalities due to mandatory boater education and wondered whether there were other measures of boater activity, besides or in addition to education that could have contributed to the drop in fatalities.

Mr. Hoedt expressed his pride in the Coast Guard, states, and non-profit partners for measurements that so far exceed anywhere else in the world. Unfortunately Canada doesn't have the measurements such as injury numbers and number of registered boats. Over the last two years they have developed a more formalized boat registration process that is just now contributing to their data. They have used estimates from the past to reveal the rates of deaths per registered boats, but they do not measure exposure hours. He commented that the Lifesaving Service is collecting the data, not the Canadian Coast Guard or another federal agency. Mr. Hoedt mentioned an international effort, between many English speaking nations, to form a plan for the future of boating safety programs where standard measures/data would be collected.

Mr. Hawley asked how California's success in mandatory wear was measured by the USACE experiments; by number of deaths or the wear rate. Mr. Hoedt replied that there were not enough deaths on the body of water on which the testing was conducted and there was no control lake so it was based strictly on wear rate, which was over 40%. He commented that the testing was less controversial in Northern Mississippi than in California, where they faced massive opposition, including setting loaner life jackets on fire and throwing them into patrol boats.

Mr. Hawley inquired as to whether there would be more information on the tests provided during the meeting. Mr. Hoedt answered that though it would not be provided during the meeting, the information is available.

Ms. Marion Irving deCruz stated that she had taken flip charts to the USACE during the time when they were trying to get rental agencies to make people wear life jackets. She said that, in the end, they met with

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local vendors who refused to use the rental education module, which was then returned. She explained that she had copies of the rental education module if anyone wanted it for rental agencies in their states.

Ms. Belmore asked whether the numbers from the survey were available on Homeport for access by the public. Mr. Hoedt said they would be made available.

Dr. Maxim requested guidance on the survey data. He asked if the data is seen as being preliminary and should be used for exploratory analysis only as opposed to adjudicatory analysis. He then asked about the material that was sent out and the level of comfort in the data. Mr. Hoedt explained that they are comfortable with the numbers provided based on three sources giving concurrence. He said that there was less comfort with some of the numbers so those were held back. He also mentioned that the sample sizes aren't large enough to do a state-by-state analysis though some numbers are state specific.

Following the conclusion, the Chairman called for a 15 minute break.

Alternate Designated Federal Officer's Report

Jeff Ludwig, Office of Auxiliary and Boating Safety

Mr. Jeff Ludwig presented the administrative and logistical notes and offered the opportunity for Mr. Hawley to make any important announcements.

Mr. Hawley welcomed everyone to West Marine's Watsonville Support Center, the central office and support center for their 300 stores across the U.S. and in Canada, Turkey, and Puerto Rico.

Mr. Ludwig advised that travel vouchers had been provided and asked that they be completed in blue ink before the conclusion of the meeting. He expressed his hope that the 2013 appointments would be made early in the year and said that the presentations and handouts would be made available on Homeport by the end of the following week. He then mentioned that the spring meeting is tentatively scheduled for April 12-14, 2013 in the Washington, D.C. area. He also thanked everyone for their well wishes and support following his back surgery last spring.

Call for New Business

Chairman Muldoon

Chairman Muldoon asked if there was any new business and invited Ms. Marion Irving deCruz to speak to the Council.

Ms. Irving deCruz read from the following:

LOOKING BACK AND LOOKING FORWARD – COMMENTS TO NBSAC NOV 2012

Two years after the propeller death of my son, Emilio, I appeared with three survivors of propeller strikes to request that NBSAC reopen the issue of prop guarding on recreational boats – an issue muted by a negative decision of the NBSAC committee in 1989.

My friend in attendance overheard “Where did she come from? I thought we had killed this issue.” He will forever remain anonymous and surely repentant. Happily we were heard and it has been now a 10-year conversation. I appeared as “Emilio’s Mom” and as we began to find our voice, Captain Stimatz came up with the SPIN acronym for Stop Propeller Injuries Now. To this conversation four women brought enormous energy:

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1. Phyllis Kopytko, who lost her husband Bob and the fishing guide as the boat circled and the propeller struck each one. As you know she survived, much to the amazement of the doctors, and today lives nurturing her many disabilities with great will and character and zest for life. This despite the fact that sometimes what we take as the simplest of tasks is a challenge for her.
2. Karen Steeley, whose son Aaron died when his PWC collided with a propeller in the absence of off-throttle steering.
3. Shirl Koop, whose daughter Shirley Kaye was shredded by the propeller as she attempted to reboard a houseboat.
4. Nita Boles who, following the loss of her beautiful daughter Deborah, focused much of her energy on the PWC off-throttle steering issue. Without effective steering, she argued that the PWC was little more than rapid transit to disaster.

In 1994 we asked NBSAC to reopen this subject of propeller protection and to:

- find a solution in the existing technology;
- foster new and novel solutions;
- collect more accurate statistics using some of the existing data bases such as NEISS recommended by the Coast Guard grantee GW University 20 years ago;
- build a case to protect the boating public most at risk – the renter – those with little or no experience coming to rent a vessel for a friendly family outing;
- regulate mandatory education across the board; and
- reach out to your marine manufacturer partners to convince them that safety sells.

Together with these four women, I calculate that we collectively spent 83 years on this issue, joined along the way by a cadre of other participants and, yet today, we still have no effective comprehensive and legally mandated solution.

Now, frankly, we are tired out – except the younger Karen! This August, when my son and I celebrated our birthdays, I heard him give me permission to let it go. “Almost but not yet,” I said. I did pack up 50 lineal feet of SPIN archives, put them on a pallet and shipped them off to Oklahoma to the office of Gary Polson, of Propeller Guard Information Center (www.propellersafety.com). I just drove out there to meet with Gary.

He brings a wider voice than the “victim” voice that so easily gets dismissed. He is an engineer, having worked previously at a very major marine manufacturer, and is a very diligent tenacious researcher.

SPIN will operate under this umbrella in the future and always be there for the victims and their families.

Some things will change. Some things will stay the same. We will continue to raise our voice to ask why in 18 years so little has changed to protect a human being from the exposed propeller.

So I am here today, as I was in 1994, to once again ask this committee to reconsider the need for a federal regulation to require very specific propeller accident interventions including, but not limited to

1. factory standard guards and interlocks from manufacturer to marketplace;
2. mandatory kill switch equipment and wear; and

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3. mandatory education.

To this end, Gary Polson, with the support of SPIN, thoroughly critiques in a 200 page analysis the US Coast Guard withdrawal of the Coast Guard 2001-10163 Notice of Proposed Rule Making. This report was submitted in 2010 to the Coast Guard for comment. There has been no response. We would like NBSAC to take as a task the several hours to go through and respond to the Action Items beginning on page 161, using the original data for that time period. This critique deals with all manner of erroneous data and funny math that formed the basis for the withdrawal. I am giving Chairman Muldoon a copy and hope he will make this a priority assignment to one of the committees for the next session.

NBSAC has new tools not available in 1994.

1. NBSAC now has the advantage of slightly better data, all of which points to NO IMPROVEMENT and a decided increase in propeller accidents (up 10%) and propeller fatalities (up 30%) in 2011.
2. NBSAC has the nearly completed guard testing protocol & pending engine cutoff lanyard project.
3. NBSAC has the technologies of Keith Jackson and Guy Taylor – they need support – we have already lost at least 6 other garage type operations and inventors.
4. NBSAC has the Coast Guard outreach:
 - a. yearly CO & Propeller Guard meetings at the Miami Boat Show;
 - b. a website on the subject of “Propeller Injury Awareness and Avoidance Technology” which is much in need of an update. We would like to submit some suggestions, not the least of which is to add the address for the Propeller Guard Information Center (www.propellersafety.com);
 - c. the brochure “Beware Boat Propellers – A Hidden Danger;” and
 - d. the flip chart education module for rental companies. By the way I have four flip charts that need homes and an audience.
5. We had what looked like a very effective PSA until it was bullied off the screen. Now we have “Grandpa”.
6. NBSAC has technology in the marketplace and the field experience of those various state rescue operations, BLAs, wake surfing operations, some competitive water sport performances that are all currently using propeller protection technologies. If we fail to promote existing technologies, if we lose Keith and Guy through lack of support, we have killed the solutions in the marketplace.
7. NBSAC has a wider network of public interest groups supporting recreational boating than in 1994 – witness the public comment in support of the mandatory engine cut off switch. We are interested to hear from Jeff how that project is moving along. And, there is one new development. It just may become NOT cost effective for manufacturers to continue to avoid the solutions. The cost-benefit analysis is favoring a solution.

In March of 2012, Yamaha UK tested and offered a “guard”. As in previous guards from the 70’s to the Handler of the 90’s – now deposited in some archives but not in the marketplace. This Yamaha guard (probably from Propeller Solutions) promotes the enhancements of maneuverability and power. The guard “protects the propeller from foreign objects” – I guess like humans. But it even reads “when operating in a flooded environment there is also the possibility of casualties in the water, which means a propeller guard is essential to reduce the risk of injury.” There it is; do we need more definite language?

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Now, has this guard come to the U.S.? Is it on the way as Yamaha attempts to appeal the June 2011 jury award of \$39 million dollars in the Daniel Perez case? Is this what it takes? Enormous defective product judgments to finally force a partnership? And to bring existing safer products to market? Lawyers and accountants have figured out it is more cost effective to pay off the victim than to admit liability and to retrofit with proper safety devices. At some point it will become more cost effective to do the safe and moral thing in the name of public safety. Cost effective and heroic.

SPIN believes it is time for the marine manufacturers to pull up to the table and realize 'safety sells boats'. Stop being obstructionists. I wish I could tear up this list of 100 ways the obvious solution has been obstructed since 1970. Instead I reduced Gary's long paper to 4 pages. It took 6 hours. I wish it were so easy to put this history in the past and agree on a solution here in the present.

It is time for NBSAC to reopen the discussion of regulatory action on this issue. It is time for a solution. Lives are at stake. Safe operation on the water ways is the business of this committee.

We hope that NBSAC will look favorably on our request and make a forceful recommendation for an intelligent and comprehensive propeller safety regulation. It was 1989, then 1994, and now we are on the way to 2013 and it is time to finish this. I thank the NBSAC committee for this opportunity to present yet again our urgent concerns and hope that you will take up this challenge.

Marion Irving deCruz for STOP PROPELLER INJURIES NOW! November 9, 2012
marioncruz@att.net

Chairman Muldoon thanked Ms. Irving deCruz, and asked if there were comments or questions. Receiving no questions, Chairman Muldoon asked for additional new business.

Mr. Jeff Johnson mentioned that NASBLA requested he announce that the Education Standards Panel, who owns the national education standards, expects to open a call for proposed revisions on November 15 and it will remain open for 90 days. All comments will be filed online and all comments will be considered in a process explained on the website. He said that it will follow ABYC's approach to calling for revisions and adjudicating those revisions, which he hoped would grant them an ANSI credential. He invited questions on the process.

Mr. Stec asked whether the national education standards include the paddlesports standards, or was that separate? Mr. Jeff Johnson explained that NASBLA has two education standards: one is basic level boating course and the other, the paddle sports standards call will be coming out sometime in the future.

Ms. Duer inquired as to whether this was for classroom standards or on-water standards. Mr. Jeff Johnson said it would be just the classroom component of boating education.

Chairman Muldoon took a moment before asking for member items to talk about Mr. Richard H. Snyder who started at Mercury Marine in February of 1959. Mr. Snyder became involved in boating safety in 1987 when he became the principle engineer for product evaluation. It was then that he began the tradition of attending National Boating Safety Advisory Council meetings. He retired from Mercury over 10 years ago, but continues to consult for them on matters relating to boating safety. Mr. Snyder has been

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an active participant in the ABYC, the National Safe Boating Council and has participated with NASBLA, boating accident investigations and other committees. He received the NASBLA lifetime achievement award in 2002 and was inducted into the National Safe Boating Council's Boating Safety Hall of Fame in 2004. Although he was never a member of NBSAC, he has never missed a meeting – this was his 50th consecutive meeting.

Members' Items

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

Mr. Hoedt began by stating that member items are requested in advance in order to provide better responses ahead of the meeting. He advised that these questions and answers had been provided in a handout to the members and copies are available to the public. He requested that members read through the document and speak up if they had any issues with the responses. He then asked each member with a question to tell him if the response had been adequate.

The following members had no member items and no new items were requested by them during this time: Chairman Muldoon; Mr. Angell; Mr. Brewen; Mr. Dogan; Ms. Duer; Mr. Dyskow; Mr. Fields; Mr. Jeff Johnson; Mr. Les Johnson; Mr. Kempf; Dr. Maxim; Mr. Moore; Mr. Rippy; Ms. Takashina; Mr. West; D. Clarke, M. Kull, D. Rowe – Absent

Mr. Hawley had asked for an update on the disposal of pyrotechnics, as well as, four other questions, and the responses had been provided. Mr. Hawley requested the option to raise questions that had not been answered during the course of the meeting.

Mr. Stec had two questions and raised an additional question regarding the survey funds, saying that he understands the value of the OMB request and though data is important to non-profits, it should not come at a cost to the grant funding component. He asked why, at the recent NASBLA conference, the decision was made to take money from the non-profit pool and not the state pool. He felt that states could benefit more from the data than would the non-profits.

Mr. Hoedt explained that pots of money cannot be blended and there is no legal mechanism for the Coast Guard to take money from the state pot. If anything, they would have to ask the states to contribute on their own accord but there is no fiscal process for that, unless the states want to run the survey themselves making sure specific standards are met. He said that a legislative change proposal would be the only fix. He was optimistic that a fix would be made in the next authorization.

Mr. Stec spoke in support of a legislative change proposal. He said it had been stated in the report that the Coast Guard would be pushing for a 5% to 7% increase, and asked for the best mechanism to help follow up with that.

Mr. Hoedt advised that the Coast Guard is not able to solicit support, but that they were in the process of drafting the proposal and it would go through the standard OMB clearance process. He said that there was an understanding that states would get an increase because the administrative costs would come off the top before the percentage distribution; however, that didn't happen and options became more restricted.

Mr. Moore asked if anyone else had been on the team that had worked on the survey at the beginning in 2005. As there were none, he stated that he recalled there was a team called the Collaboratory of Partners (COP) that tried to figure out what needed to be asked in the national boating survey. Their results showed there some fundamental components that were absolute must-haves; other things like state-by-state breakdowns would be nice to have but the fundamental item was exposure data. He commented that

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instead of building the survey on a modular basis, it appears that there is one huge survey that can't be broken down by modules. He mentioned that the survey is costing a lot of money and, in order to answer OMB's questions, the exposure data is critical. He suggested going back to examine the questions since the survey will be conducted through a non-profit instead of a contractor, and determine whether it could be pared down to the must-haves in order to do what makes sense in the current economy. He also suggested that conducting the survey every 3 or 4 years instead of every other year be considered. He admits that every other year would be ideal, but commented that that isn't the world we live in. He asked how this could be reasonably achieved at present. He also noted that being a part of a state, if they wanted state-by-state data they could work with the contractor to collect this data as part of the survey with funding provided by his state.

Mr. Hoedt referenced the hearing notes from 41–44 years ago in which Congress deemed that state-by-state analysis be done; only now has there been any movement in that direction. He suggested that cut backs could be made, but the survey is intended to help the whole boating community, as well as maintain some political value. He mentioned that if the costs for the survey stay the same it could conceivably return the Coast Guard to a funding level of 2005 for the non-profit grants. He said they would continue to examine the system to select grant projects that would directly or indirectly bring down casualties in the near term. Mr. Hoedt commented that some projects stand out, such as the field sobriety test project. He stated that the intent of the grant program is not to support organizations, but to fund projects that will reduce casualties. He said the Coast Guard would need to see the survey proposals and then consider whether a cutback on frequency or size could be made.

Mr. Moore asked if the survey proposal was designed to allow for picking and choosing modules to implement or if it was likely that they were going to see a proposal that covers everything, which might not be ideal now. He said he is seeing a trend toward taking non-profit funding and using it for surveys. He suggested that one example, the JSI survey, should be done on a less frequent basis to save money. He felt there was a need to make sure that projects funded by non-profit grants have a purpose; the Council wants the best for the programs, but also wants to make sure that what is being done is necessary and is being handled efficiently and effectively.

Mr. Hoedt asked that if grants aren't having the intended impact, should the Coast Guard continue to fund them? For example, he wondered if funding projects for life jacket wear should continue if the wear rates they are intended to increase are not increasing. He said numerous projects were being funded without clear results and that it was "our responsibility to manage decisions." He said they are looking at identifying other cost saving measures, such as using the USCGAUX for life jacket monitoring. He mentioned that some of the funding has been pulled back from the JSI study, and pledged that the Coast Guard would do their best to fund the best projects.

Mr. Jeff Johnson informed the Council that a comprehensive boater survey had been put together for about \$4,000 in Alaska in 2000, which is repeated every five years because of the cost. He stated that surveys are good for measuring some areas of performance, but not all. Since the inception of their survey, the costs for phone surveys have doubled, so they have reduced the number of questions. In addition, they have eliminated a great many of the economic data questions in favor of more behaviorally-based questions. They refer to the 2000 baseline to determine any changes. He questioned the validity of telephone surveys, wondering if they were the best method for the future.

Dr. Maxim commented that, as a member of the public and an individual who was part of the initial COP survey team, he saw many questions cut from the 'nice to have' list. He mentioned prior attempts made by the Coast Guard to conduct a national recreational boating survey, pointing out that these attempts

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were unsuccessful. He stressed the importance of setting a baseline on key issues such as the balance between registered and unregistered boats. Collected data that is important now may not be important to collect every time and it is beneficial to focus on key measures of effectiveness.

Ms. Irving deCruz stated that it appears to her as though the Coast Guard continues to give money to programs that aren't changing behavior. She asked what it would take for the Coast Guard to get the authority to create a model program of its own if the surveys continue turn up the same results without impact.

Mr. Hoedt said that the testing being done with the USACE will be a good indicator of what the Coast Guard will or won't be able to do. Results will dictate what should be funded. He also reminded everyone that they need to be aware of potential conflicts of interest related to the non-profit organization grant program.

Chairman Muldoon then introduced Mr. Kurt Heinz, Chief, Lifesaving and Fire Safety Division, Office of Design and Engineering Standards.

**Progress Report on Development of Harmonized North American Life jacket Standards
Kurt Heinz, Chief, Lifesaving and Fire Safety Division, Office of Design and Engineering Standards**

Mr. Heinz first thanked Mr. Hawley for the hospitality of West Marine. He began by discussing the status of the 2009 resolution on PFD approval reform, including labeling and types. He said the organizational separation between UL standards and UL certification was reinforced by a recent reorganization of UL. He commented on the flexibility in laboratory recognition now that there are three accepted laboratories, with other laboratories being contacted. He hoped that people would see that the economy is available and will make improvements. He mentioned that as a part of the regulation, a sample of PFDs must be subjected to certain tests and inspections to ensure that subsequent production units meet the same standards as approved ones; the requirements vary from one approval series to another but they all stem from 50 year old regulations. He explained that, with multiple labs now in the market, each must have equivalent oversight without becoming a UL clone as UL's follow-up methods for quality control are proprietary. This same dilemma was seen in fire protection when they went to multiple labs and the initial laboratory saw the follow-up as a cost-cutting opportunity; a Navigational and Vessel Inspection Circular (NVIC) was published in 2006 to ensure that all followed equivalent follow-up procedures.

Mr. Heinz said they were trying, through UL, to develop a standard for PFDs consistent with the structure of the current regulations. In November 2010, the Standards Technical Panel (STP) established a task group, chaired by the Coast Guard and included representatives from manufacturers, the three labs, the Coast Guard and Transport Canada, to develop the standard. The draft standard has been circulated to the task group for comment. They are trying to use the same quality control test methods and make them consistent with those used for approval testing and make them suitable for production testing. He anticipated that the preliminary review will come out by February 2013.

Moving on to the Harmonized North American Standard development, he referred to the International Harmonization Committee (IHC) and the U.S./Canada Regulatory Cooperation Council (RCC). IHC is a group of impacted bodies in the U.S., Canada, and Mexico that are working to develop a standard for wearable PFDs, based on ISO standards, with mutually agreeable national deviation. The RCC is striving to break down the regulatory barriers that would adversely affect trade between the U.S. and Canada. They are making good progress in that direction, which he hoped would improve wear rates.

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He said the ballot on the Harmonized North American Standard failed to achieve the required two-thirds vote during its first initiative in spring 2012. Concerns included test subject selection, the use of test subjects, and in-water weight as well as clarification of language for test methods to ensure a more consistent interpretation and application of test results from multiple labs. Other comments referred to youth inflatables for those under 16, as the ISO standard doesn't have an age limit.

He advised that, once completed, the standard would be considered an ANSI recognized national standard. If a satisfactory resolution to comments is achieved, they are hoping to publish it in mid-2013. Following the initiation and adoption of the standard, the regulatory process will begin, though it may take a few years. He mentioned that the industry standard can be adopted without rulemaking as long as the standard is equivalent to existing rules. He noted that youth inflatables would require a change in regulation. He also noted that throwable PFDs are being tested along with other new products and the STP assigned a task group to consider these issues. He added that they are trying to take a performance based approach to throwables.

Mr. Heinz continued by advising that they are working on the consolidated standard on PFD label reform with the primary objective being communication to the user as well as to the enforcement community and for cases of recall. Displaying a slide showing a standard PFD label, he commented that the current labels, which contain a jumble of information, are the result of slow "label creep" as new details are added on. In 2004 there was an applied safety and ergonomics study, which recommended a number of improvements but did not accomplish much; this study would be re-examined. He explained that in trying to come up with new labels, several focus groups reviewed a number of sample label concepts. In October 2012, a proposal that would revise existing standards and incorporate them into the harmonized standard was submitted to the full STP for comment on the ongoing work on the labels. He advised that this is an ongoing project as labels on devices already owned can't be revised and there can't be two different labels on the market.

He then showed a slide depicting the different panels including the selection and warning panels, which include pictograms; each panel would contain information relevant to use and care, selection, and certification and approval. He pointed out that the certification and approval panel are helpful for enforcement and the care and maintenance panels are less immediately necessary. The goal is to eliminate type codes, and some labels without type codes may be available by the end of the year. This is made more difficult because type codes have been interwoven into carriage and equipment requirements. The Coast Guard has been working closely with the State Boating Law Administrators (BLAs) as this will require a lot of work at the state level. In addition to type codes, Mr. Heinz mentioned the 'Think Safe' pamphlet that is attached to all PFDs sold; the first page provides some general information but they are considering changing the rest of the pamphlet and making the information available online, using a QR code, or via phone or mail. There has been no significant change on youth inflatables but the words "for adult use only" have been eliminated from regulation – this has had no impact on sales. Removing the words from existing regulation has removed the perceived obstacle to moving forward toward a new standard. Mr. Heinz closed by assuring the Council that the Coast Guard is making steady progress. He then invited questions.

Ms. Duer commented that she is struggling with the idea of going back to life jacket instead of using 'PFD' and asked what term will be on the labeling.

Mr. Heinz explained that the standard is under development and many standards are moving to 'life jacket' while a lot of legacy regulations still say 'PFD.' He stated that there may be a mix of both during

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the transitional period and they are working with boating safety programs and other stakeholders to resolve that. He also noted that in Europe they use the amount of buoyancy to define some of the devices.

Mr. Hawley said that he is a fan of getting rid of the type designation stating that, before inflatables it was easy to visualize Type 1-4, though not Type 5, which is a catchall. He commented that the introduction of inflatables made types confusing and the identification of a wearable or throwable would make it easier for consumers. He also mentioned that icons are more informative than going through a verbal list of activities, though he felt the ISO 70 and 150 pictograms that Mr. Heinz showed in his presentation were awful. He proposed that even if ISO made a bad choice, we shouldn't go along with it.

Mr. Heinz said he would bring Mr. Hawley's suggestion back to his team, but the improved relationship with Europe dictates that we have to use some of the pictograms. However, there is room to improve on them.

Mr. Tsuneyoshi asked how additional information will be listed and whether they are considering using smart phone app codes.

Mr. Heinz answered that they are hoping to get both the regulation and app completed before apps are out of date. He also inquired as to whether using QR codes was an option for the public.

Mr. Meddock commented on a resolution that had been passed by the Council, recommending that on a marketing level, PFDs should be referred to as life jackets, but on the production level they need to be referred to as PFD.

Mr. Heinz replied that the more practical matter is wearable PFD versus throwable PFD.

Mr. Meddock accepted that, but suggested the need to distinguish the difference.

Ms. Podlich felt that the improvement to the label is substantial. She asked whether there was any coordination with NASBLA and state laws with reference to Types I to IV, especially when state laws use types to distinguish use for children. She also wondered whether the changes would be effected at the state level so there is no difference in state laws.

Mr. Heinz said yes; they have been working closely to let the states know this is coming. He said that states are hesitant to change their model act until they know they have to. The Coast Guard acknowledges the importance of reaching out to the state stakeholders.

With no further questions, Chairman Muldoon called to adjourn for an hour and a half for lunch.

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

Mr. Dave Marlow advised that Mr. Dick Rowe and Mr. Dean Clarke were not present.

Mr. Marlow spoke on the Coast Guard regulatory project requiring engine cutoff lanyards, commenting that the Coast Guard continued to seek data especially with regards to the ANPRM. At present there are several projects in the works and five states have been contacted to provide information; however, there was not enough hard data from states, so a contract has been developed for further research.

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Mr. Ludwig mentioned that a contract was awarded after the NBSAC meeting last April and a report is expected by early December.

Mr. Marlow commented that the ANPRM was a real step forward in propeller strike mitigation efforts and they are looking forward to the results of the contract. He then invited questions.

Mr. Snyder said Mercury Marine had developed a kill switch in a control box in 1979, but the steel switch was too hard to operate, which discouraged people from using it; also the red spiral cord stretched out over time, causing it to become too long. He described a new, user-friendly device that has been ergonomically designed, which includes a plastic clip and a red spiral cord that won't stretch out. The question remained how quickly and broadly it could be distributed.

Mr. Hawley asked whether Mercury would be making the design available to others or if it is proprietary.

Mr. Snyder replied that he had not heard about a patent on the clip and explained that Mercury Marine has a policy of not holding back on devices related to safety.

Ms. Irving deCruz asked about gaps; her understanding was that the consensus was positive during the comment period. If manufacturers already equip 80% of the boats but the problem is getting people to use it, what are the gaps to proceed with the regulation?

Mr. Ludwig explained that the engine cutoff switch proposal requires the technology to be installed on a new boat, but there is the problem of getting people to use them. There are five states with a requirement for engine cutoff use and each is different, so it is necessary to look at what the states have done, the cost for them to implement it, and whether it was effective. The cost of using the engine cutoff switch and impacts to the manufacturers need to be quantified, even though the switch seems to be universally in play. In addition to costs, the current casualty data needs to be examined, to see which cases might have benefited from engine cutoff switch use. He mentioned it is sometimes hard to make a definitive determination as to whether a cutoff switch would have made a difference. He hoped that the additional research done this summer and the ANPRM would assist the Coast Guard in moving forward. He advised that the final report will be shared with the Council when it has been received.

With no more questions on engine cutoff switches, Mr. Marlow gave a quick update on the issue of propeller strike avoidance, advising that ABYC will be placing the requirement for ladders to go from a 12 to 20 inch depth below the waterline into their H41 standard, which will help mitigate strikes, as studies have shown people to be more secure when swimming up to a longer length ladder. He said that a test protocol on propeller strikes is close to complete, and a brief update from the Coast Guard will help determine where the protocol project and report stands. He then invited Phil Cappel to provide an update.

Propeller Guard Test Protocol Projects

**Phil Cappel, Chief, Product Assurance Branch, Office of Auxiliary & Boating Safety
John Adey, President, American Boat & Yacht Council**

Mr. Cappel, via phone, stated that the final report has not yet been approved but they are working to get a good proposal together. The draft from ABYC had too much background and explanatory information and a final is expected by the beginning of the year.

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Mr. John Adey, also via phone, commented that he thought they had a final protocol; however, running through test scenarios caused them to make some adjustments. They will produce a test document that contains no narrative, suggestions, or background, which will contain a step-by-step protocol that will describe how to get the item out of the box, evaluate it, install it on a test boat, determine what tools are needed, evaluate the ease of installation, information for on-water testing, and what kind of instrumentation is needed. After the installation, the data will be gathered and rated. He mentioned that if it is determined that cage guard is more effective than a ring guard, criteria can be adopted based on the number of strikes and effect on the gel. The testing can either be conducted using the criteria determined with the testing performed at the University of Buffalo's facility, or testing can be done individually.

**Review of Flare Disposal Issue and Ongoing Alternatives to Pyrotechnic Distress Signals Project
Phil Cappel, Chief, Product Assurance Branch, Office of Auxiliary & Boating Safety
John Adey, President, American Boat & Yacht Council**

Mr. Marlow reported that the review of flare disposal had been conducted per the questions at the last meeting. He commented that there have been discussions with various manufacturers that are making different types of flares, and a variety of non-pyrotechnic alternatives were available and would be passed around.

Mr. Adey began with a review of a flare presentation from 2005, which concluded that flares are a hazardous substance and, no matter what means you have to dispose of them, the transportation of these flares by a private citizen is still an issue. He mentioned that mobile disposal units can be brought into marinas, but this again leaves the dilemma of transportation. He said that some areas do provide curbside toxic waste pickup days and others provide a burn day where the USCGAUX provides guidance on burning old flares.

Mr. Cappel advised that in California flares, which are explosive, are considered toxic waste, meaning that they can only be disposed of at a hazardous waste facility. There are only 14 of these, and use is limited to people living in the county where they are located. He hoped non-pyrotechnic flares would be the new standard.

Mr. Marlow felt the issue was that hazardous materials cannot be disposed of easily, especially in California where they are considered toxic. There are a limited number of disposal places, so people throw them away to end up in landfills or in the water. He asked for expertise or comments to help move the topic forward.

Mr. Hawley noted that problem of waste was being treated as an inevitable issue of boating, and he questioned the use of pyrotechnics on vessels. He argued that there is a wider use of VHF radios and cell phones on boats and there are other technologies that can largely replace the use of visual distress signals. He felt that the problem is being treated in the wrong way: how to treat the disposal of flares rather than considering using another approach such as another device or VHF radios. He mentioned a project to rewrite the rules on offshore sailboats, which includes a reduction in the number of required flares in order to help reduce the cost to the consumer. The question needed to be revisited and alternative technologies considered.

Mr. Marlow agreed that there was a better way to solve the problem and that pyrotechnic flares had exceeded their usefulness.

Dr. Maxim agreed, but that did not solve the problem of existing flare disposal.

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Mr. Marlow wondered about legacy issues and what should be done with the pyrotechnic flares that continue to be sold because they are less expensive.

Ms. Takashina said that this is not a problem that can be solved easily, as flares cannot be disposed of in a safe way, people will continue to throw them away presenting a problem for the environment. She asked whether pushback from the industry would be expected if flares were deemed unnecessary.

Ms. Belmore asked that old flares not be given to the Auxiliary as they cannot collect them or demonstrate them to the public. She hoped new technology that wouldn't require disposal or affect the environment would replace the old flares, though this still did not solve the problem of the ones that were already in circulation.

Mr. Dogan suggested that maybe a disposal fee, like that of the tire and car battery industry can be collected. He inquired as to whether old flares can be kept on board as long as in-date flares are also present.

Ms. Belmore shared that this was not the case in all states. She explained that Rhode Island fines people who are found to have out of date flares on board.

Mr. Jeff Johnson commented that Alaska encourages people to keep their old flares. He further explained that the only reason that people carry flares is because there is no equivalent for nighttime signaling. He said that transportation requirements and restrictions disallow nighttime signaling and flares are the only practical alternative. While a nighttime SOS signal used to be available, they are no longer made. He stated that signal mirrors are given out free to enable people to have a practical signaling device; while these are not Coast Guard approved, they are used in Nome to signal the Coast Guard when in distress.

Mr. Marlow asked what the federal requirement is and whether there is room for an alternative device.

Mr. Jeff Johnson said federal law requires a Coast Guard approved day and night signaling device.

Mr. Hawley thought they might be mistaking lights used for different purposes such as a personal light used on a PFD. He noted that roughly three day signals and three night signals or a variety of options such as an SOS light/flag are required on vessels operating on the coast and Great Lakes where the land masses are two miles apart. Referring to the list of approved devices, he said that if it is not Coast Guard approved, it doesn't count.

Mr. Jeff Johnson pointed out that commercial fishing has a different set of requirements; while he didn't know what the signals are approved for, it had nothing to do with recreational boating. He mentioned that states have adopted, at least by reference, the Coast Guard laws and carriage requirements for a Coast Guard approved visual distress device.

Ms. Belmore said that the small lights are PPIRBS – personal beacons worn on a life jacket or carried off the boat, but she hadn't seen the red signals before. She reminded the Council of a device that looked like a hockey puck wrapped in a red web that could be run up the mast and provided an SOS requirement as well as other light combinations. It was never approved because the manufacturer would not accommodate the Coast Guard requirements.

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Mr. Jeff Johnson said that if it isn't a flare, it has to be a light that *only* gives an SOS signal and doesn't toggle between codes. Manufacturers don't want to accommodate that.

Ms. Podlich reminded everyone that slag from a vertically held torch is also an issue. She asked whether NBSAC and the Coast Guard are ready to consider a modern alternative that doesn't include holding a rod of fire in your hand.

Mr. Marlow commented that there are Coast Guard approved visual distress signals, but the list is limited to one, pyrotechnic device. He said that there are alternatives out there but people won't stop buying flares unless a cheaper alternative is offered or the Coast Guard puts them on the list. He was encouraged by the opening market for the devices. He sees the opportunity to go to the Coast Guard to seek an amendment to the approved list for some of the devices and offered that the alternative may be to remove flares from the list.

Dr. Maxim felt this information should be shared with people and asked Ms. Podlich if the information had been made available via the BoatU.S. website. She said yes.

Mr. Marlow observed that most people probably didn't know about disposal or other requirements for flares.

Mr. Dogan added that flares, life jackets and registration are the three big issues on the Great Lakes; tickets are issued every day for these items.

Mr. Heinz conceded that there is no magic solution nor a consistent answer for how to dispose of old flares. Some states collect them or have hazardous waste days but there is always a risk that they will leak into the groundwater. He said that police departments and arson or bomb squads will take them, but only in some areas. Lithium batteries also presented disposal issues; he singled out Alaska, where the only option is to fly out old batteries, which brings up a concern about carrying them on aircraft. He spoke of the difficulties being examined in using different types of distress signals including user perception as a distress signal; people know that flares mean distress and this may not hold true with new devices. It was difficult to determine whether an LED light is a distress signal or someone simply having a party on their boat. Field testing is being conducted to gauge visibility and perception.

He then talked about using directional laser pointers as distress signals, mentioning the dilemma of having a laser pointed at an aircraft, which is prohibited by federal law. In such cases, pilots are taught to land as soon as possible and seek medical attention. This presents an even greater problem should the pilot be wearing night vision goggles; while some lasers are eye safe in general, none are safe with night vision and a pilot would not be able to tell the difference.

Mr. Heinz discussed the issues with safety and health hazards and the short service life of pyrotechnics; once they have been tested they are destroyed, while LEDs can be checked without rendering them useless. Returning to the issue of laser based devices, Mr. Heinz advised that some countries in Europe are looking to ban laser pointers as a distress signal. He mentioned that performance issues in altitude, brightness, and time requirements of non-pyrotechnic devices have to be evaluated before moving forward to compare options. Colors and combinations of colors for signals are also an important factor; flares are typically red but green is more visible, though not recognized as distress. He said that it would probably take several years for enough data to be gathered and a standard put together for recreational use. He concluded his presentation by stressing the need to improve alternate distress signals, then invited questions.

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Mr. Marlow expressed his appreciation for Mr. Heinz's attention to the matter. He suggested he take on the issues of disposal, approval of the devices, and subsequent rewriting of the standard because of his familiarity with the subject.

Mr. Heinz agreed and commented that seafarers—and the “glacial pace” of the IMO—would ensure an international market for pyrotechnics for a long time to come. He noticed more concern about the dumping of chemicals in the U.S. than in many other countries. This presented a challenge.

Mr. Kempf asked if there was any consideration given to lengthening the life span of pyrotechnics through either packaging or reformulating.

Mr. Heinz explained that the same chemical principle had been used for centuries. He mentioned some studies that have been conducted by UL over the last approximately 15 years in which expired flares were collected to see how they performed 42 months past expiration. Flares were fairly reliable to perform as advertised until their expiration date, but their chemical composition made them unpredictable after the expiration date.

Mr. Marlow asked whether anyone objected to seeing where the issue of pyrotechnic disposal is going. With no objections, he moved on to updates on two grant projects: capsizing and swamping and the boating safety checklist.

Grants Projects related to Boats & Associated Equipment

Capsizing and Swamping Final Report

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

John Adey, President, American Boat & Yacht Council

Mr. Adey began with the capsizing and swamping grant that dealt with small boats, which are high on the list of accidents that occurred. He said that they are trying to determine how best to mitigate capsizing and swamping activities. The contractor went through the accident reports and they found cases where a sinking was labeled a swamping and a swamping was labeled as a sinking. The tasks were to universally define the differences between sinking and swamping and make sure the accident investigation courses were providing the proper training.

Mr. Adey said that 12 accidents didn't include gross negligence. After arriving at the accident site and finding the boat, measurements were taken, and the data was applied to a flatline drawing to obtain measurements. Using computer simulations graphs were then produced to examine the heeling angle in relation to different factors.

A couple of recommendations were made based on the results of this analysis. The first recommendation made was to provide more education on the wave effect on small boats, as the biggest problem found was taking waves at an angle to the bow. The second recommendation was design consideration, as boats less than 20 feet have a recommended placement of foam, which has an effect on whether the boat goes over when it starts to heel. He then discussed how the placement of foam is determined. He asked whether or not there should be a test to determine what happens when people are moved to one side of the boat. He said that they are looking at significant design changes in new boats and within the next year or two, a stability test may be required. He expects that about 85% of boat manufacturers will have to physically test their product for flotation by next July, in accordance with the NMMA use of the ABYC standard.

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Mr. Marlow reiterated that there is a lot of consternation in ABYC from boat manufacturers regarding the testing of the boats. In the application of foam and the calculation of determining the amount of foam for floatation of boats, it was long held that manufacturers conducted tests in the field and though they had enough foam, they did not maintain the level of buoyancy that they were supposed to have. He said it would have become apparent had the manufacturers tested the boats. He hopes that it will stay in the standard for a long time. He then invited questions.

Mr. Messmann clarified the three different definitions to avoid confusion with investigators: Capsizing is overturning of a vessel; Sinking takes place after swamping, flooding, or capsizing when a vessel settles below the surface of the water; Swamping happens when there is ingress of water over the sides but the vessel retains enough buoyancy to remain above the water.

Mr. Tsuneyoshi asked whether it is possible to determine whether the foam is in the right place when buying a boat.

Mr. Marlow advised that the difference between basic floatation and level floatation is the placement of the foam as the foam is needed to maintain buoyancy following the heeling moment. The issue becomes more aggravated by putting too much weight high atop the center of gravity, which can eclipse the righting capability and cause a boat to lose stability.

Mr. Tsuneyoshi wondered what percentage of boats being manufactured fall into that category.

Mr. Marlow mentioned that there were several recalls because the boats, while foamed properly, didn't have the foam in the right place and didn't pass the test.

Boating Safety Checklist

**Phil Cappel, Chief, Product Assurance Branch, Office of Auxiliary & Boating Safety
John Adey, President, American Boat & Yacht Council**

Mr. Adey discussed the grant issued to gather all available information on boating safety in which they checked with every group possible and then came up with a matrix. After gathering information, they began to work on the smart phone app. He commented that there are so many things to do with apps that testing can go way off course, so they are trying to keep it to the bare minimum. He showed slides depicting the app, available in both iPhone and Android platforms that would allow boaters to choose their boat, type of water, and other conditions, then pop up the needed equipment. He mentioned that this goes way beyond the basic safety checklist; it will remind you to replace flares, fire extinguishers, and may include an accident diagramming capability. Mr. Adey advised that the app is being created by the company that puts together owners' manuals for Brunswick. He said waterproof checklist tear-out cards are being inserted into manufacturers' manuals as well as into the New York state registration for the next two years, courtesy of Mr. Brian Kempf. He then asked if there were questions.

Mr. Marlow said he was excited about the progress on the grant, believing the idea to be long overdue. He mentioned that more apps are being developed including one by Mercury Marine for a ship's log. He hoped that the agencies that partner with the Coast Guard could help distribute the finished product.

Dr. Maxim warned that designing a checklist is serious and lots of people have spent a great deal of time determining how to ensure that a checklist is correct. He offered to share the information that he has on designing a checklist.

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Mr. Marlow felt that a checklist should mirror the questions that Search and Rescue must ask upon receiving a distress call.

Mr. Hawley mentioned that West Marine had produced a checklist in the 1990s but it has since faded from the inventory. They recently made a checklist and distributed 10,000 copies during National Safe Boating Week as something that could be helpful to have on hand all the time.

Ms. Belmore spoke as a boating safety educator, noting that showing an app to children would get their attention quickly and could be a great education tool.

Ms. Duer commented that the National Water Safety Congress and the National Safe Boating Council both have a grant working on point of sale information on required safety equipment that will tie perfectly to the app, and it can be taken with them on their phones.

Mr. Marlow gave a brief update on the progress for updating the federal standards on engine weight tables, ballast bags, country codes for HINS, and persons capacity. He noted that a recommendation had been made by the Council to the Subcommittee to choose a group of experts to evaluate the 2008 recommendations made by industry through ABYC to the Coast Guard. Because the Subcommittee has worked extensively on EPIRBs, this project has been pushed back and will be addressed later.

Model Year Requirement in Hull Identification Numbers

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

Mr. Cappel gave a presentation he had given in 2007 that has now seen some improvements. He stated that the original regulations included two ways of showing and dating certifications: the HIN consists of 12 characters, and the model year is shown in either a straight month and year format, or uses the more complex method of using the letter 'M' and putting the model year in the middle. Manufacturers found the model year definition too restrictive and wanted the flexibility to introduce the model year earlier. He discussed a change in regulation that allows flexibility to show model year while still showing the month and year of certification. He pointed out that a drafting error allowed the definition of model year to remain in the regulation, which didn't provide the flexibility needed. He went on to explain an NPRM, which deleted the model year definition and the Supplementary NPRM that came three years later, which revised the definition to model year. However, a dealer was on NBSAC at that time and did not like allowing manufacturers that much flexibility to determine model year. That NBSAC member made a motion, which passed, to withdraw the change to model year and the Coast Guard took no further action on model year. He then discussed how the economy had affected the model year issue as dealers did not want to order older models just before the start of a new year, but manufacturers were required to stay within the model year of 1 August. NMMA presented its concerns to the Coast Guard and it was decided that the Coast Guard would publish a request for public comments regarding the model year; the request for comment ends on 27 November 2012. Next step will be for the Coast Guard to take the comments received and the input from the Council and then decide what to do.

Mr. Marlow commented on the contentious nature of the topic; it was difficult because of economic issues with dealers wanting to put boats out earlier. He mentioned that the HIN can be affixed as early as keel lay or as late as the boat leaving the facility for distribution. As affixing the HIN is time consuming, most manufacturers do this during initial construction, which leads to the issue at hand. A group of concerned representatives and a representative from MRAA met to discuss the issue and decide how best to deal with the issue. He hoped that a solution could be worked out.

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Ms. Squires explained that the downturn in the economy led to a situation where people were left with inventory. This has led to a rapid change in the way business is done because financing to get boats on the lot isn't easy to obtain anymore. She noted that the economy has started to tip back up and with sales increasing, dealers were requesting more inventory, but financing was still a difficult issue and no one wanted to risk ordering older model years. A problem arose for some manufacturers who received 'ding' letters during plant inspections as they were building boats with new model years that hadn't left the plant yet. The manufacturers faced difficulties when they made this mistake because there is no easy fix for this mistake as they can't re-HIN the boat due to fraud issues. She said that a discussion with the Coast Guard showed that they hadn't realized the full extent of the impact, and requested an internal agreement. An all day meeting in Chicago with GE Finance, marine dealers, MRAA, and NMMA produced a deal. The agreement was provided in the members' packets.

She went on to say that the deal was intended to provide some parameters around model year for the dealers and additional flexibility around boats for the manufacturers, especially in cases like the Miami Boat Show, which is intended to create a buzz about new models. She mentioned that there is no interest in changing the format of the HIN as that would create too many problems. Their trading partners have adopted the HIN. As more boats are sold outside the U.S. than inside, the EU and Australia have adopted the HIN format. Ms. Squires asked if anyone had questions.

Mr. Dogan asked whether it was also an issue for builders of custom boats that may take more than a year to build.

Ms. Squires replied that larger vessels are more custom and therefore have a different lead time. She noted how different manufacturers do things differently, with some deciding to generate the HIN when the order comes in before anything has been built and others when they decide to build the boat. The manufacturer's process would need to be changed to create a unique code for their build that will be replaced by the HIN. She mentioned that the HIN is valuable when it comes to recalls and safety, but that whether a manufacturer goes to market on day one or day two isn't relevant to safety. She stressed the importance of honoring the agreement made with MRAA, as it was carefully crafted to address their concerns as well.

Mr. Hoedt shared some additional background information, stating that there is a federal regulation that the Coast Guard has been asked not to enforce. When it is noted that a federal regulation is not effective, the Coast Guard is under a mandate from the administration to modify, delete, or expand them. He said he was not aware of it being a safety issue; that raised additional questions. He posed the question, "If a buyer is trying to determine when a boat was built and it is harder to determine when it was built, is it a safety issue or not a safety issue?"

Ms. Squires said that she could appreciate that. She mentioned that Admiral Lee came to IBEX and has since issued a letter, which acknowledges the issue and the confusion a change will cause. She commented that there are several ways to deal with the issue and either a regulatory change can be issued or, in the short term, an exemption can be made pending the long term regulatory change.

Mr. Jeff Johnson asked whether information on model year and the improvements in technology for that year would be available from the manufacturer to the consumer; it could be important to boating safety improvements.

Mr. Marlow replied that safety issues, including recalls is a worthy topic of discussion.

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Mr. Dyskow advised that most boat manufacturers execute modifications on a running basis not a model year basis and it is more important to know the build number than the model year, since changes may occur in the middle of a year. It is not a safety or a regulatory issue, it is a marketing issue. The manufacturer needs to know the identification number rather than the model year in order to determine what actions are necessary.

Mr. Marlow agreed that significant changes can be made during the course of the model year.

Mr. Dyskow mentioned that changes are not initiated on August 1, allowing plenty of lead time to know when changes will be made. It was wrong to assume that model year would indicate changes made.

Mr. Rob Rippy commented that a HIN covers many products, including the inflatable boat or kayak that sits on a shelf in Wal-Mart.

Ms. Squires referred to the agreement that was made, noting the allowances for that environment and the date being pushed to June 1, while larger vessels are provided a longer period of time, which is more in line with the auto industry.

Mr. Moore asked Ms. Squires whether there was a consensus between MRAA and NMMA and if that was the case, would the comments be submitted. She said yes; some organizations have already endorsed the proposal. Mr. Moore then inquired whether the lenders' considerations were taken into account. Ms. Squires advised that for lenders both in floor plan financing and retail financing, it is a big part of the evaluation process.

Mr. Moore said that it is not really a boating safety issue as long as the consumer is protected, though it is hard to evaluate that and he wasn't sure what stake the Council had in the issue.

Ms. Squires said guidance from the Council is needed, as the proposal developed was for a regulatory change. She noted that some people don't like what the regulation says and don't want to see it enforced, and suggested allowing the manufacturer to add information outside the HIN—for example, like the provision for a country code. She remarked that having a regulation that isn't enforced creates a situation where the Council has to be involved to make a recommendation.

Mr. Hoedt pointed out that this was an antiquated regulation, and requested guidance from the Council. He mentioned that the Coast Guard has provided some options for consideration, but to have a regulation that is enforced at some times but not others creates confusion. The Coast Guard is requesting the Council to advise how best to amend or revise the regulation and how to make it work for the majority.

Ms. Takashina asked if there was a brief statement on how it would be worded.

Ms. Squires stated the boat manufacturer should be able to maintain consistent production the whole time and not have to shut down a plant in order to meet an August 1 date. She said it would allow the distribution of new boats designated with the upcoming model year up to a 61 day period—June 1 is when they would be looking for the model year to begin, which would allow extra time. She said that it should provide an express exemption allowing them to go to market on January 2, of the year prior to the model year.

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Ms. Takashina asked whether the solution would clarify that the HIN would not have to be changed or the way it is designated and enforcement would be possible.

Ms. Squires replied that one of two options would be necessary:

1. An express guidance document that states the definition in this manner, which will utilize the exception process that the Coast Guard has; or
2. A change to the definition of the model year, a more long term proposition.

Ms. Takashina said that solution would be less costly to industry and less confusing to everyone if they understood the clarified definition.

Mr. Marlow reminded everyone that the request for comments comes to a close on 27 November. He mentioned that the dealers and industry have a response to the Coast Guard options that mimics the information from NMMA and MRAA recommendations. He felt that the Council and the Coast Guard were at an impasse on the issue, and that it might be too early to make a determination before the comments come in.

Mr. Dyskow said that he thinks the Coast Guard is looking for direction. NBSAC is one of many groups providing information. He asked whether it would be appropriate to vote on a motion to approve the collaborative MRAA and NMMA recommendation, which meets the requirements of the Coast Guard.

Mr. Marlow advised that the motion would have to come out of the Subcommittee. He recommended testing it and determining whether it is something that should be brought to the Council. He opened it up to members of the Subcommittee.

Mr. Moore, though not a part of the Subcommittee, thought that the comments submitted would open a new realm of thinking. He suggested waiting for the comments and coming back to the Council with lessons learned before making a determination about where to go.

Dr. Maxim agreed with Mr. Moore and said the alternative was to preface it with “based on the information available as of blank,” to give the Coast Guard flexibility to act reasonably on the resolution, and ensure the comments were considered.

Mr. Scott Brewen asked why the August 1 date is used for model year designation.

Mr. Marlow explained that from a market perspective, the selling season happens through the end of summer. The auto industry operates in the same manner and it was transferred to boating. The idea was to sell inventory from the time a new year starts through the season.

Ms. Squires advised that a change in the marketing practice has been seen. Some dealers who have been in business for a long time are concerned that turning out the new model year will cause new product to devalue older product; however, new dealers see it as an opportunity to use the new model as an incentive to draw people in and generate excitement, though customers may opt to buy an older model over the newer, more expensive model. She added that there have been changes in the way boats are marketed but people have become used to the August 1 date, suggesting that flexibility in the international market may also play a part.

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Ms. Takashina agreed with Dr. Maxim's proposed wording of the motion so that when the comments come in the Coast Guard can review it and make an appropriate decision. She suggested that, if it isn't a safety issue, bring a motion forward instead of letting it rest and spending more time on it.

Mr. Jeff Johnson agreed.

Ms. Takashina said the consideration should be given to the input provided by NMMA and MRAA and the Subcommittee could come up with a motion to the Council so as not to revisit the matter later.

Mr. Hoedt said the Coast Guard was hoping to get a recommendation now because they have been enforcing the regulation for over five years, though the issue just came to light this year. They did not want to see a prolonged period of non-enforcement of the regulation. He was concerned that the Council might advise the Coast Guard to retain the regulation but not enforce it. He asked whether it should be: 1. kept as-is and enforced; 2. changed to deal with concerns and enforced; or 3. repealed because it's not a safety issue, and allow manufacturers to do as they will with model years. Regardless, the regulations should be clean, and the Coast Guard needs the Council's assistance to make it clean.

Mr. Marlow tabled the issue and remanded it to the Subcommittee to take the collective input and create a draft resolution to present to the Council at an appropriate time during the meeting.

Ms. Takashina agreed to take responsibility for taking the lead on the draft resolution and requested the input of Ms. Squires and Dr. Maxim to which both agreed.

Chairman Muldoon called for a 15 minute break

**New Regulatory Authority for Emergency Locator Beacons (ELBs) Update
Dave Marlow, Subcommittee Chairman**

Mr. Marlow opened the discussion on the regulatory authority for Emergency Locator Beacons (ELBs) update by explaining that three discussions, between the April meeting and the current meeting, had led to a draft recommendation. He asked whether the Coast Guard should require the use of ELBs on vessels more than three nautical miles offshore. He mentioned that the high cost of SAR operations point to the need for an in-depth review and carriage requirements should also be looked at. NBSAC asked for advice on any potential rulemaking should the Subcommittee find that necessary. He pointed out that the potential benefits outweigh the costs, as an ELB would enable the Coast Guard to go directly to the known location rather than incurring the cost of an extended search. He discussed the cost potential surrounding searches, especially when multiple teams and equipment are involved.

He began by outlining five main objectives of the groups work:

1. Define an ELB;
2. Understand the devices and their capabilities;
3. Illustrate the system capabilities;
4. Ensure compliance and registration (as it is important to know to whom the device is registered);
and
5. Compile the data and evaluate the return on investment.

A slide illustrating the Rescue 21 (R21) system was displayed, and Mr. Marlow explained that recently, every portion of the U.S. coastline has been incorporated into the system. The system allows triangulation of the VHF/GPS signal to provide a better location for the distress signal where, in the past, a singular

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notification may have received a voice or signal mayday. He said that R21 enabled the right assets to move to the rescue scenario in a more efficient manner but it was still being judged on its effectiveness. He praised Mr. Hawley for his valuable input on the devices and analysis, and then he asked Mr. Hawley to speak on those devices.

Mr. Hawley mentioned some competing technologies that seem similar. He pointed out that people use CB radios, cell phones, and Inmarsat C as well as devices with AIS technology that transfers back to the vessel. He displayed three devices, each of which represented different new technology. He commented that the technology was changing very quickly. He said he had compiled information on 25 devices, and referred to a chart that organized the most important elements by priority.

He went on to say that it was important to meet a maritime standard. He said that relying on the Coast Guard and an international network means trying to work with potential rescuers, not in spite of them. Mr. Hawley pointed out that it is fine to send off a code that can only be heard by a satellite, but it would be nice to be able to have an aircraft hear you and respond. He spoke to affordability, saying that wide spread use of the technology would require a lower cost.

Mr. Marlow commented that a significant amount of information was being brought to the table and the focus needed to be on the device on which rescuers were most likely to be called. A variety of input was required to determine how far offshore they can go, trips per year offshore, how many people are on the boats, which are equipped with Emergency Position Indicating Radio Beacons (EPIRBs), how many lives are lost in known or unknown locations, the false positive probability for ELBs, and the possibility that a false positive would lead to a search. He advised that Dr. Maxim had spent a great deal of time working with the Subcommittee working through the data and creating a cost model.

Dr. Maxim pointed out that in data reviewed so far, searches for boats with an EPIRB on board averaged \$153,000, while a search without an EPIRB averaged almost \$240,000. He said there is a strong data supported belief that getting there sooner will save more lives. The Coast Guard's cost/benefit equation values a life at \$6.3 million. It was the job of the Council to ask 'does this have merit?' rather than focus on Coast Guard's cost/benefit analysis. He commented that the model is conservative in the sense that it considered a subset of cases and does not include the potential benefits associated with property saved. He felt the benefits substantially outweighed the costs.

Chairman Muldoon asked if the estimates were based on the assumption of three nautical miles. Dr. Maxim said yes.

Chairman Muldoon then inquired as to whether the Hawaii experience with mandatory EPIRB carriage requirements was included? Dr. Maxim assured him that the data from Hawaii would be included. He mentioned that more data was being sorted, which would most likely include data from Hawaii.

Mr. Marlow remarked that the data from MISLE was used to evaluate content and applicability for the continued study. He said that additional questions on the National Recreational Boating Survey associated with emergency locator beacons and trips offshore were being considered, and asked Mr. Ludwig for additional input.

Mr. Ludwig said he hoped the questions in the survey asking about EPIRB carriage would broaden to include all types of emergency locator beacon devices in the next survey. Other questions they hope to see will focus on population and the number of vessels that travel more than three nautical miles offshore, all of which will assist with the cost/benefit analysis.

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Mr. Marlow pointed out that lives saved are the premium. He said they made a very low calculation on the suggested number of lives saved to help make the case. By picking a low number of 10 lives at \$6.3M he believes they will have made their case for justifying emergency locator beacons on trips offshore. Adjudicatory data is likely to show the number to be much higher, but using a low number would make the case for moving forward with the exploration to provide advice about ELBs on boats three nautical miles, or more, offshore.

Mr. Les Johnson commented that the Coast Guard would have a safer work environment if SAR is performed with a known entity, which provides a gain.

Dr. Maxim said that was not considered in the benefits but it is an advantage and another reason why the benefits have been understated.

Mr. Marlow restated the importance of lives saved.

Ms. Duer asked whether the three nautical miles offshore is specific to oceans or inland lakes.

Mr. Marlow replied that the answer to that would be addressed later. He went on to say that plausible values must be used and the data gathering continues. He remarked on the work of the Subcommittee and discussions that have led to a recommendation to the Council stating that effective 1 July 2015, all U.S. recreational vessels operating more than three nautical miles offshore from the coastline of the United States shall carry an emergency locator beacon that shall be properly registered. He noted that the recommendation was attached.

Chairman Muldoon asked about the question of registration on rental EPIRBs.

Ms. Podlich explained that all of their EPIRBs are registered to BoatU.S., which keeps a database with rental contact information that is maintained in their 24/7 towing response office. She revealed that they are losing money on every EPIRB rental, as they are rented out for an inexpensive fee.

Mr. Hoedt referred to the recommendation displayed and asked whether its intention was for the Coast Guard to approve devices in the same way they approve life jackets; or would there be a list of types of devices?

Mr. Marlow responded that they are requesting ELBs be part of the list of approved devices.

Mr. Stec said that BoatU.S. has worked with the American Canoe Association for kayakers to offer a smaller version for them when traveling offshore.

Mr. Dogan inquired about the definition of recreational vessel. He mentioned a discussion with CAPT McBride on PLBs in which the captain said that, while not certified by the Coast Guard, PLBs were valuable in assisting with the location of people, whereas EPIRBs only provide a location for the vessel. Mr. Dogan asked whether the Coast Guard wanted to take on the certification issue.

Mr. Marlow remarked that no certification by the Coast Guard is being requested. They only want the Coast Guard to accept these types of devices as an alternative.

Mr. Dogan asked whether they were equipped to approve devices that they have not certified.

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Ms. Takashina suggested changing the language to “or other device accepted by the Coast Guard for this purpose.”

Mr. Marlow said that they would work on crafting language.

Remarking that PLB is a RTCM and an internationally defined item, Mr. Hawley said there is a slight difference in the requirements when compared with EPIRB, although the PLB is designed to be used by a person instead of a vessel. He went on to say that with the current definition of PLB and EPIRB, there may be a requirement for an individual specification. He also said they want to be able to consider future technologies as they don’t know where devices are headed at this time.

Dr. Maxim mentioned that the clear intent of the wording was to anticipate technological change and allow the Coast Guard the opportunity to incorporate those changes. He said if an exact definition is utilized, tomorrow it will change because people are always inventing something new.

Mr. Tsuneyoshi pointed out that part of the language says the possessor must have a registered Maritime Mobile Service Identity (MMSI) number and, while the USCGAUX and US Power Squadrons have been trying to get boaters to register their MMSI, it has been unsuccessful. He asked how to circumvent that problem.

Mr. Hawley acknowledged that is a problem, and said estimates show only 10%-30% have MMSI numbers programmed in. He pointed out that a VHF radio works well with Rescue 21 and, while that was not how it was designed, it does have accuracy from 3-20 miles even if the boater doesn’t follow the registration recommendations. He couldn’t think of a reason for someone to register their MMSI unless they were part of a race; this was the first time there will be a requirement or ability to choose a path instead of an unregulated environment.

Mr. Marlow said that compliance would rise if this moved forward.

Mr. Stec advised that as standup paddleboards are considered vessels, there needs to be consideration for that community as well.

Mr. Jeff Johnson pointed out that the ability to use a radio telephone as an option to buying a PLB is irrelevant, as Rescue 21 doesn’t serve Alaska. So in that state it makes no sense to allow a DSC-enabled VHF as an alternative. He pointed out that the Coast Guard couldn’t reach many corners of that state.

RADM Rudy Peschel (USCG, Ret.) commented that Alaska is missing from the category of waivers, and the populated panhandle and Arctic is where Native Americans proceed more than three nautical miles offshore in kayaks. He inquired whether those can be considered recreational vessels, fishing vessels, or something else. He felt the subject of Alaska, where there is no Rescue 21, needed to be discussed.

Mr. Marlow assured all that that issue will be addressed.

Ms. Podlich asked about enforcement, as there is not a lot of state or federal presence more than three miles offshore.

Mr. Marlow brought the conversation back to the five main objectives of this project. He then spelled out three points that the Subcommittee was recommending to the Council: the Coast Guard conduct

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additional analysis to develop an accurate measure of cost and benefits, beyond the illustrated system capabilities, and ensuring compliance and registration return on investment already done; the Coast Guard continue outreach campaigns; and the Coast Guard publish device characteristics to educate the public. He said there is a lot of opportunity before the group on this topic, but there is still much work to be done. He then offered a resolution for the Council's consideration, commenting that it seemed time to give the Coast Guard a recommendation to provide them the means to move forward.

Mr. Hoedt pointed out that the recommendation would put a new requirement on the recreational boating public. The Coast Guard needed to know what to do regarding getting more extensive public input, not just a recommendation for change. This could be a controversial issue; he asked whether the members expected there would be pushback from the boating community. He said that with the life jacket issue, knowing it could be a controversial issue, the Council strongly encouraged the Coast Guard to get extensive public input on the topic. He has not heard the same approach here with what could be considered controversial and asked whether the Council had considered that as well.

Ms. Takashina remarked that it was a hard sell to get people to put life jackets on, but what they are talking about here is new technology. It is her impression that men love new technology and will want to get their hands on the latest gadget. Therefore she doesn't expect there would be as much pushback as was seen with life jackets.

Dr. Maxim disagreed with Mr. Hoedt about whether it was the Council's responsibility to estimate the response rate. He said that it would be cost effective if there were a 30%-40% response. Referring to the discussion on the limits of applicability on what seas are covered, he suggested that the language be changed to "geographic areas to be determined by the Coast Guard in their analysis." He argued that it was not the Council's place to do cost analysis, but rather to ask whether or not it would be cost effective.

Inquiring as to how the public would respond, Mr. Hoedt pointed out that it was the Council's job to determine the public's potential response. He asked whether the same recommendation to request comments that was made for life jackets should be applied to this issue; does the Council think this could be a controversial issue.

Mr. Marlow asked whether people who go offshore might already carry these devices. He started off thinking this was over-regulation, but after learning more about the issue found it makes perfect sense. What they tried to do was to give people who already go offshore and likely carry these devices an out. They are not requiring an EPIRB, an expensive device, to be carried unless you are more than 20 nautical miles offshore if you have a capable DSC-enabled VHF radio (fixed mount or handheld). The cost of these devices is no more expensive than all of the other gear on the vessel and would certainly allow the boaters to be found when in trouble. He has raised the topic in multiple settings and gathered feedback; people fell into two camps of either agreeing that it was a good idea or "don't tread on me" camp. He felt it was foolish to use taxpayer money when the search element can be removed from search and rescue.

Chairman Muldoon asked how many people who don't already have the equipment travel more than three miles offshore.

Mr. Marlow answered that that information was not yet available. They are awaiting the survey data and additional information from Mr. Ludwig who is reviewing the SAR data.

Mr. Dogan suggested that there would be far less public pushback if the language was left as written. He expressed concern about kayakers' reactions if the '3 nautical miles' is removed.

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Mr. Stec, speaking from a paddlecraft standpoint, mentioned that kayakers who venture out that far already have the equipment. He did feel that the kayak fishing community would push back but they were included in the group that would buy the latest technology. Where there will be some pushback would be the stand up paddleboarders in Hawaii who go way offshore, as "they are rarely equipped with anything."

Chairman Muldoon asked if they were exempted from the current one-mile rule in Hawaii.

Mr. Stec commented that there is a difference between what is in the regulation from what is actually occurring out in the Hawaiian Islands. He reiterated that the pushback could be expected from the more extreme paddleboard community.

Dr. Maxim said the Coast Guard recreational boating program is trying to build a safety culture in which people have regulations, but the regulations codify common sense. Commenting that the regulations have to be justified by both cost-benefit terms and in terms of appealing to the public, he said that material is being generated to inform people why it makes sense. He commented that omission is not a fatal flaw as a regulation cannot be generated when there is no basis for it.

Mr. Hoedt said that he is gathering from the group is that they see this mandate differently from the life jacket mandate, where the Coast Guard was advised that it should try to get more input from the public. He said that this recommendation might not be well received, but would impact a smaller portion of the community.

Mr. Marlow proposed a motion for the Subcommittee's recommendation with a second by Mr. Fields. Mr. Marlow then requested to read the first portion of the recommendation; and some technical amendments were made to the language.

Regarding the question of the 3-20 miles, Ms. Duer asked whether that confused the issue.

Mr. Marlow explained that the requirement was to carry an ELB, but between 3 and 20 miles you can carry a VHF radio, which provides an exemption. He commented that demarcation lines are very important and, while they may not pan out on the enforcement side, they are important for the use pattern.

Mr. Jeff Johnson asked what wording would be used to indicate to what waters this applied.

While he appreciated the recommendations that the Subcommittee made, Mr. Hoedt pointed out that it would not be possible to promulgate a regulation by 1 July 2015.

Mr. Marlow said he understood that, but requested that all efforts be made for it to happen.

Mr. Dogan asked whether vessels traveling over 20 miles would be required to carry an ELB.

Mr. Marlow said yes, if there was not VHF or handheld on board.

Mr. Marlow called for a vote on the resolution as amended, and it passed unanimously. He noted it would be presented to the Council on the last day of the meeting.

CAPT. Rokes thanked the Subcommittee for all their work and commented that this was more than he had anticipated from NBSAC.

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Mr. Marlow commented that it took great participation and tireless work to move the resolution out of the Subcommittee but hoped it would be passed. With that he made a motion to adjourn.

Ms. Belmore mentioned that the National Boating Federation website has a trifold brochure on proper registration for DFC radios that is available for anyone to put their logo on and distribute.

Ms. Duer reiterated the importance of retailers teaching the consumer the importance of registering radios.

Chairman Muldoon accepted a motion from Mr. Jeff Johnson to recess the meeting with a second by Ms. Takashina. The meeting was recessed at 5:27pm.

SATURDAY, NOVEMBER 10, 2012

Prevention through People Subcommittee

Welcome and Introduction

Richard Moore, Subcommittee Chairman

Mr. Moore called the meeting to order at 9:00am and introduced himself. He began the day by reminding everyone of the importance of the day, which was the 237th birthday of the United States Marine Corps.

Mr. Stec called roll; all members of the Subcommittee were present: Mr. Moore, Mr. Stec, Mr. Les Johnson, Mr. Angell, Mr. Hawley, Mr. Dogan, and Mr. Dyskow.

Mr. Moore informed the Subcommittee that they would begin with a continuation of the discussion from the last meeting, regarding what type of licensing should be required for people providing on-the-water instruction to boaters. The boating safety staff has looked further into the matter; he asked Mr. Ludwig to talk about their progress.

Provider of On-Water Instruction Licensing Issues

Jeff Ludwig, Program Management Branch, Boating Safety Division

Mr. Ludwig discussed his office's investigation of on-the-water education licensing and advised the Subcommittee that there was no way around the Coast Guard's regulations: in order to be remunerated as an on-the-water instructor, you must have a license. The licensing policy staff is working on a document to clearly outline what type of license will be needed and what fees will be involved. He noted that in some situations a license is not necessary, e.g., if no money changes hands, if you are not on navigable waters, or if the vessel involved is not a powerboat. The policy document on this issue should be complete by the next NBSAC meeting. Mr. Ludwig then opened the floor to questions.

Mr. Moore asked for clarification on when a license would be needed, what type might be required, and how to acquire the license.

Mr. Dogan had been under the impression that paid sailing instructors would need an operator's license.

Mr. Ludwig understood that if it were just a sailing vessel, there would be no license requirement.

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Mr. Hawley asked whether an auxiliary sailboat was a motorized or sailing vessel. He also wondered why there is an OUPV sailing endorsement; if passengers are taken on a sailing trip, certainly a license is needed.

Mr. Hoedt noted that a review showed the regulations pertain to boats with a motor on navigable waters; no exceptions would be made in the case of Olympic events. Mr. Hoedt advised the Council that a matrix would be created to make it easy to find the requirements and fees. He stated that there was still a need to apply for a license, get a background check, get a physical, and apply for a TWIC card, though there is not a need to carry a TWIC. All of this could cost between \$200 and \$300. Options are being considered to remove the TWIC requirement.

Mr. Dogan couldn't understand why there was a sailing endorsement, just like the towing endorsement, on the OUPV license—particularly when excursion boats require licensing.

Mr. Hoedt said he would check into that and get back to Mr. Dogan.

Mr. Moore reminded the group that ground had been broken by involving the Coast Guard in discussions with maritime licensers. Now questions that need to be in the matrix must be identified and brought to the Coast Guard's attention.

Mr. Hawley felt a model act was needed. He suggested consulting with four or five different on-the-water classroom training groups who knew what they are trying to accomplish. Specific proposals were needed in order not to appear to be a reversal of prior policy.

Referencing the Strategic Plan, Dr. Maxim pointed out that there is a clear intent to encourage on-the-water education. Requiring TWIC cards and formal Coast Guard qualification presents a significant barrier to that goal. He suggested that the answer was to change the goal or reduce the barrier.

Mr. Hoedt requested that all questions be formalized, as that would help the Coast Guard provide a clear response. He then questioned the possible option of charging only for the class time and allowing on-the-water training to be optional.

Mr. Jeff Johnson referred to drivers' education class, commenting that if an on-the-water instructor boards a person's boat and instructs him, the instructor is not the master or in control because he is providing training to someone else.

Chairman Muldoon pointed out that there had been clear instruction from Congress and the USOC that sailboats have a waiver from passenger rules. He requested clarification from the Coast Guard.

Observing that it all came down to remuneration, Mr. Dogan said that the process should be less onerous for people who wish to volunteer their time to teach.

Mr. Hawley suggested that an instructor might be modestly compensated.

As the Coast Guard's legal responsibility is to ensure safety, Mr. Hoedt remarked that an instructor must qualify under federal statutes. He requested that the Subcommittee present an action item or specific questions that the Coast Guard can address. He said the leadership in the office that oversees this issue is receptive to discussing this issue.

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Ms. Duer said she was glad to hear those positive comments from Mr. Ludwig, but that there were still barriers to the folks who are teaching on the water and it is a huge part of the Strategic Plan. For the hundreds and thousands of volunteers out there, another big issue is that of having to be experienced in an area for 60- to 90-days. Need to consider some of these other issues so that seasonal volunteers and instructors from national organizations can go out and instruct anywhere in the country.

Mr. Ludwig reassured Ms. Duer that her point of view had been discussed, and that it might be possible to issue limited licenses in such a way that volunteers wouldn't be limited to a certain area but could instead be restricted to a specific distance from shore.

Chairman Muldoon asked whether TWIC costs could be reduced, as most instructors are college students.

Mr. Hoedt said Coast Guard was considering that; however, he was unsure of the particulars.

Mr. Dogan mentioned that TWIC is outsourced to a private firm to do background checks. That was quite expensive; in addition, applicants are currently required to put in a great many hours on the water and make two office visits to complete the process.

Mr. Kempf wondered about the rules regarding teaching on a boat that doesn't belong to the instructor.

Mr. Dogan advised that in that case a license would still be required.

Ms. Podlich felt that all the emphasis on on-the-water training and boosting existing boaters' training levels did not take into consideration entry-level boaters. She explained that BoatU.S. tries to involve young people, but if people who want to teach junior sailing might need a TWIC card, have to put in a lot of sea time, and invest about \$1000, it might be unreasonable. Regarding those who volunteer and do not receive money but rather donate to a non-profit, she asked if there could be a way around the process that did not create additional barriers. She then asked two hypothetical questions:

1. If a child is in trouble and pulled onto someone's powerboat, is a TWIC card required?
2. If a small fee is charged for gas, is a TWIC card required?

Mr. Ludwig said he would address her comments and questions with those in the licensing policy office. Providing a brief background on TWIC, he explained that the program came into effect after 9/11 as a blanket requirement for all those with a captain's license. Congress later realized the limitations and repealed part of the TWIC requirement, which meant the Coast Guard lost its ability to do a background check on those who didn't need a TWIC card. Those people are still required to go through the application process in order to get a background check.

Mr. Dogan observed that TWIC is just another requirement to obtaining a captain's license.

Mr. Jeff Johnson said that an exchange of money detracts from recreational boating; it creates a commercial boating operation.

Ms. Squires mentioned the Jones Act, which states that if instructors receive remuneration, they must either be operating a U.S. built boat or have a Jones Act waiver. That can have an impact in terms of insurance.

Mr. Dogan said that a boat is required to have a U.S. laid keel when it is inspected for use in charter services.

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Reminding everyone that the Strategic Plan is a living document, Mr. Messmann said that, while there seemed to be some problems about changing the on-the-water training, the idea of a matrix was a good one. However, it needed input from the Council in terms of content. He reminded the Council that a work group was already created to work on this issue, which was done at the request of this Subcommittee during the last NBSAC meeting. He suggested that the concerns raised be taken back to the work group and asked that Mr. Dogan and Ms. Podlich be added to that work group. Perhaps the Strategic Plan needed to be modified. He thanked Mr. Hoedt and Mr. Ludwig for opening the doors to discussion.

Mr. Moore asked if Mr. Dogan and Mr. Hawley would act as advisors. They agreed to be part of the group, and Mr. Ludwig agreed to include them in the discussion.

Chairman Muldoon argued that making it too hard for people to become instructors might itself become a barrier to safety.

Mr. Moore stated that the current federal regulations applicable to licensing requirements have been laid out in an unclear way. He said that the Coast Guard was trying to answer questions and resolve the language of the current law. However, a regulatory change takes time and would not provide a "quick fix."

Mr. Dogan stated that he did not think it would be smart to throw out anything to do with on-the-water safety—particularly boater safety education—as it is one of the goals of the Strategic Plan. He insisted that volunteers should not be required to hold a captain's license.

Mr. Fields stated they have talked about the federal navigable waters and mentioned that they are likely to run into an additional set of issues when start looking at state level, and sole state waters.

Mr. Les Johnson said that there are numerous small groups that provide on-the-water training, all in different locations with different resources. These groups would work on a reasonable plan if one were provided, but at present they are solving their own problems separately, based on encouragement to provide on-the-water training. They are "out there doing the best thing with what they've got to work with."

Mr. Dogan remarked that the major issue is insurance. Insurance carriers would drop someone if they learned that an instructor should be licensed.

Mr. Messmann said that the Coast Guard supports the Strategic Plan and recognizes the importance of on-the-water training as part of the Strategic Plan. While this issue wouldn't be solved immediately, the Coast Guard's cooperation was appreciated.

Ms. Belmore asked that organizations with hundreds of people who are qualified, but are currently prohibited from getting out on the water by lawyers, be worked into the matrix.

Mr. Lumian, of the American Sailing Association, said that his network of 300 sailing schools require all instructors to be Coast Guard licensed, which creates a substantial barrier. He said that in his research he has found that a disagreement exists between the Coast Guard and Customs—each regards 46 CFR differently. Customs considers students to be active crew, not passengers. He suggested that streamlining the limited licensing approach might provide a solution.

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Mr. Hoedt said it was important for the Council to identify specific issues to enhance the matrix. When the Council has decided on changes it would like to see enacted, a recommendation or resolution would be appropriate. The Coast Guard Office of Vessel Activities will then be able to consider changing the status quo.

Mr. Tsuneyoshi suggested canvassing all affected organizations to gauge the magnitude of the barrier and how it will impact boating and safety.

Dr. Maxim thought that there was a "risk/risk tradeoff." Boating education incurs certain risks, but there are benefits associated with on-the-water training that will help eliminate some of those risks.

Mr. Dogan remained optimistic because of the Coast Guard's flexibility. He believed that changing the parameters could help realize the goals of the Strategic Plan.

Mr. Moore felt that satisfactory action from the Council could not be taken until the Coast Guard could answer certain questions and provide a draft matrix.

Mr. Hoedt replied that it was truly a Council and Subcommittee decision. A proposal must be formalized to obtain the Coast Guard's attention and move up the chain of command.

Mr. Moore asked Mr. Hoedt if the resources were available at the lower level to work this out and develop a working draft of the matrix, or whether it needed to be moved up the ranks.

Mr. Hoedt said that Council must decide whether it wanted the issue to move to higher levels within the Coast Guard.

Mr. Moore asked the Subcommittee if there was enough information to press ahead with the issue or if should they take a "wait and see" approach once the matrix was completed.

Mr. Dogan suggested that the Subcommittee ask for a review of the licensing procedures for on-the-water safety instructors, and then make the necessary modifications so that they are consistent with the Strategic Plan.

Ms. Duer agreed with Mr. Dogan, and recommended sending the question to the implementing partners to inquire into their requirements for instructors.

Chairman Muldoon said there might be interagency problems, and it would be necessary for agencies to communicate.

Mr. Stec also agreed with Mr. Dogan's solution but thought it would be wise to have the matrix available.

Mr. Moore asked Mr. Dogan to put together a statement outlining the various problems in order for the group to take action at the end of the meeting.

Best Practices in Boating Safety Outreach Research
Rachel Warner, Office of Auxiliary and Boating Safety

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Mr. Moore reminded members that, at the previous meeting, the Coast Guard staff had been requested to determine how best to conduct effective boating safety outreach to the states. Coast Guard staff had decided to further examine Minnesota as a model state, because its record shows an unusually low fatality rate. The Council had recommended looking at other states around the country to determine whether any others could serve as additional models.

Mr. Hoedt commended those who worked on the project. They had divided the country by region based on climate, terrain, and type of waterway, which he acknowledged put some states into multiple regions. The states with the lowest casualty rates per region were then identified. He cautioned that this study had only scratched the surface of what needed to be accomplished, and it hadn't identified specific numbers.

Members then viewed a video presentation by Mr. Harry Hogan and Mr. Mark Mancuso, showing Best Practices for states' boating safety outreach programs.

At the conclusion of the video presentation Mr. Moore asked if there were questions from the Subcommittee.

Mr. Jeff Johnson remarked on the many different programs and tools, yet still there was no definite answer for which ones worked. He talked about a \$600,000 social marketing campaign in Alaska, the results of which were inconclusive. He questioned whether PSAs on TV actually create change.

Mr. Hoedt said that they had tried more formalized testing with the U.S. Army Corps of Engineers (USACE). Awareness campaigns were a longer-term fix; as it takes much time to alter the safety culture. Minnesota had been running PSAs for 35–40 years, but more testing was needed to determine what was so different in that state.

Mr. Jeff Johnson pointed out the need for school programs; e.g., Minnesota has boating safety integrated into its health curriculum. He said that he is seeing such a shift in education programs in Alaska, resulting in double the life jacket wear rate for children under 13 and a 60% wear rate for teenagers.

Ms. Takashina wondered if low fatality rates could be tied into other measures in the states, such as literacy and education.

Dr. Maxim encouraged the Coast Guard to continue such efforts. Regarding boater education in schools, he said that it was a variable that could factor into the equation, and that further testing should be conducted to determine other variables. He cautioned that the analysis might not be easy, because “states that do one thing well tend to do a bunch of things well,” and therefore it would be hard to determine which factors have the most leverage. However, this additional analysis needed be done to establish a basis for the next Strategic Plan.

Mr. Hawley commended the Coast Guard for delving deeper into the issue than originally expected. He noted that some campaigns are based on the fear of enforcement, while others are more education based. He felt it would be interesting to see which approach was more effective. He liked the idea of using the number of total vessels (roughly 20 million), both registered and unregistered, as a denominator.

Mr. Hoedt said that they intended to do just that, but the survey data was not validated by the time the presentation was put together. He noted that a third of vessels sit idle every year. And he added that there was a focus on mechanized vessels because they were more of a known quantity.

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Ms. Podlich said it would be interesting to look at the states with lower fatality rates, and wondered whether the top three reasons for fatalities were the same as those states with higher rates.

Mr. Snyder pointed out the difference between Wisconsin and Minnesota, considering their similar size, location, and boating population. He thought it might be interesting to look into why their fatality rates are so different. He wondered whether it was possible that Wisconsin was “drinking itself until its brain is soft” (being the leading state for beer consumption).

Mr. Moore agreed that such a comparison of the two states would be useful.

Ms. Irving deCruz remarked that she had not heard mention of which states had mandatory education programs. She said boating safety education is supposed to be part of the curriculum in California elementary schools, but that teachers are too overburdened. She wondered which of the eight states with the lowest fatality rates had mandatory education.

Mr. Hoedt believed that seven of those states had mandatory education, but that every state was different. He said a comparison would be done.

Ms. Podlich said all kids in fifth grade in Maryland go through a drowning prevention program; however, Maryland was not one of those eight states.

Mr. Tsuneyoshi requested that exposure hours be examined.

Mr. Moore said that, as the Coast Guard is committed to continuing this project per a statement from Mr. Hoedt to that effect, the Subcommittee did not need to take additional action.

Safety Equipment Carriage Requirements: Stand Up Paddleboards and Other Vessels
Richard Moore, Subcommittee Chairman
Jeff Hoedt, Chief, Boating Safety Division, Office of Auxiliary and Boating Safety

Mr. Moore said the Coast Guard was formally asked to research the use of Stand Up Paddleboards (SUPs), their carriage requirements, and the definition of a vessel in federal law. He asked Mr. Hoedt to provide an overview.

Mr. Hoedt began by talking about the many different types of watercraft, and how to determine which should be considered a vessel. The Coast Guard deemed that anything used for water transportation was a vessel, and while some vessels might have life jacket requirements, others do not. He explained that state and local officers could be confused about the requirements, and that state laws might differ from Coast Guard laws.

He said that every year new types of watercraft are developed, and the Coast Guard has a difficult time keeping up with all the changes. To classify a watercraft, the Coast Guard turns first to the definition outlined in 1 U.S.C. 3—namely if it is able to be used on the water, it may be deemed to be a vessel—then the Coast Guard applies further tests. He explained that this process could become quite complicated with all the various types of vessels in use today. But, he pointed out, once an item is deemed to be a vessel, it becomes subject to statutes and regulations.

Mr. Hoedt acknowledged that the Coast Guard often does not adequately define certain vessels that might be exempt from requirements, which could be confusing. In addition, laws might differ among the states.

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He mentioned 33 CFR 175, Personal Flotation Device Requirements, which applies to all recreational vessels propelled by machinery, sails, or as paddles, poles, or another vessel.

He then discussed the confusion surrounding life jacket exemptions on vessels such as racing shells, kayaks, and canoes that are recognized by national or international racing associations, and are not designed to carry equipment that is not solely used for competitive racing. He posed some questions—What is required for competitive racing? Do all associations agree? What constitutes racing? What constitutes equipment solely used for competitive racing? He talked about similar vessels with different Coast Guard life jacket carriage requirements such as sailboards, which are exempt, and kiteboards, which are not. Should whether or not a vessel can float determine whether or not it should carry a life jacket? The rationale was often obscure. For example, life jacket carriage requirements apply to SUPs; however, a SUP within a surf zone is not considered a vessel. He mentioned the use of leashes versus life jackets on SUPs and surf boards. Different mindsets apply to different cultures within the boating community, e.g. kayakers generally use life jackets; SUP users frequently do not.

Mr. Hoedt stressed that life jacket carriage confusion arises from various factors, e.g., how the vessel is propelled, the type of vessel, whether or not it is a racing vessel (and what defines a racing vessel). He concluded by calling on the Council to recommend the Coast Guard's direction on the issue, bearing in mind that safety was always the main concern.

Mr. Moore felt the best course of action was to request comments from those representing the SUP community to better understand their perspective.

Mr. Jack Hanna came before the Council to speak as a racing paddleboarder and a member of the SUP community. He observed that using a PFD on an SUP is “a solution looking for a problem.” He stated that the attorney for the Human Powered Watercraft Association doesn't believe that an SUP is a vessel and, should it come to court, the group will put up a fight. Mr. Hanna outlined the risks surrounding PFD wear by a stand up paddleboarder, e.g., being hit by a boat coming around a blind corner, leaving the user with no ability to get out of the water because the board has floated away and the PFD hinders pursuit of the board. He stressed that, unlike a boat, an SUP cannot sink or swamp; it has encapsulated flotation. He saw no problem with inflatable belt packs. He argued that self-regulation was needed, and people should be taught safety by using a leash and keeping the board in sight. He emphasized the need to educate people on the correct type of leash to use. He felt that the only reason to wear a PFD on an SUP was to avoid getting a ticket.

Mr. Stec invited Mr. Paul Newman from the U.S. Coast Guard to speak.

Regarding racing SUPs, Mr. Newman advised the Council that not all boards were equipped to carry PFDs. He said that local law enforcement in southern California does not recognize an exemption within the surf line, and that even surfers are being fined for not wearing life jackets. He recommended that an exclusion be written into the CFR to provide clarification for law enforcement officers. He went on to discuss racing events, noting an inconsistency for Sector commanders because federal requirements can't be waived for marine events. During a recent race, he noticed that life jackets were not required when competitors were in a buoyed swim area; however, they were required outside the swim area, so there was a scramble to find them. He said some racers wore belt packs, but others taped the PFDs on their narrow, pointed boards, rendering them useless in an emergency. He stressed the need for consistency and clarification.

Mr. Stec talked about a survey conducted by his organization, ACA, to which more than 562 SUP users responded. Of the responders, 242 said they always wore a life jacket and 198 said they never wore one.

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558 people provided explanations about why they did or did not wear a life jacket. These were often detailed and lengthy, and ran the gamut from “I’m a good swimmer so I don’t need a life jacket” to “why would anyone *not* wear a life jacket?” The same held true for the rationale for leash wear. He felt the survey was significant in that it reflected a full spectrum of opinion. He invited questions.

Ms. Duer asked if geography played a part in determining life jacket wear.

Mr. Stec said they had not required respondents to give their name and location; however, of the people who did enter their location, surfers were inclined not to wear a life jacket, whereas SUP instructors on inland lakes and waterways were likely to wear one.

Mr. Dogan asked if there was an overall consensus. Mr. Stec said no; 198 out of 562 was a little less than half.

Mr. Dogan observed that both sides seemed to feel very strongly about PFD and leash wear, and that the issue of venue was important.

Mr. Dogan wondered if local rule might be the solution.

Mr. Stec answered “yes and no.” For example, he believed the answer was yes in a county park with a flat body of water of a certain depth. Mandating life jacket or leash wear made sense in such a controlled environment. However, there was no way to exert complete control over every single body of water. Authorities on state and local levels are trying to work out how best to work through this complex issue. For instance, a leash might cost a life in moving water but save a life in open water.

Mr. Hanna felt that manufacturers, dealers, renters, and instructors would need to instill local standards in local venues because there are dangers specific to every venue.

Ms. Podlich asked if there might be an exemption for an organized event with safety boats.

Mr. Tsuneyoshi said that BLAs have talked to him about heavy people using SUPs. Even with a leash, many are physically unable to get back on the board after falling off. In this case, a 'one size fits all' solution—using a leash instead of a PFD—does not work.

Observing that the issue would not be resolved at today's meeting, Dr. Maxim suggested gathering data on SUP fatalities in order to offer the Coast Guard constructive guidance.

Mr. Hoedt said his office was aware of four SUP deaths, but at this point the reporting system had no separate category for SUPs. They would need to go through the narratives to see if the investigating officer gave enough information to determine whether or not a fatality was linked to a SUP.

Mr. Stec viewed this as a unique opportunity to be “proactive versus reactive.” In 2010, roughly one million people participated in stand up paddleboarding. In 2014, SUP will be added to the national boating survey in order to provide additional data. He said that SUP is popular with the general public because it is easy to do; when you fall off the board, you just get back on. He predicted that more and more people would become involved in the sport. As participant numbers grow, so would accident numbers.

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Mr. Brewen said that three of the reported SUP deaths happened in Oregon. This is a growth sport; paddleboards are cheap, fun, and relatively easy to navigate. However, they are also tippy and hard to control unless you know what you're doing. Underlining Mr. Stec's point, he predicted that as the sport grew so would the number of accidents, as inexperienced people joined the ranks of users.

Mr. Moore suggested that the Coast Guard would initially need to consider whether SUPs should be exempted from life jacket carriage requirements in the same manner as sailboards, which are exempt.

Mr. Dogan said he saw no compelling reason to do anything about this issue now.

Mr. Moore mentioned that SUPs were determined to be vessels used outside swimming areas, therefore required to carry life jackets.

Mr. Dyskow requested more background on why windsurfers had been granted an exemption from carriage requirements.

Mr. Hoedt said that he was a state officer at the time of that ruling, but he recalled an admiral at Coast Guard headquarters who had written a letter to the effect that sailboards were "water toys," outside the definition of a vessel and Coast Guard purview. He said that though sailboards were later determined by the Coast Guard to be vessels, they were still deemed exempt from life jacket carriage.

Mr. Newman, who was stationed at Coast Guard Headquarters in 1980, explained that it took 20 years for that exemption to be implemented. He said sailboards were initially considered vessels and therefore subject to carriage requirements; in addition, a certain degree of expertise was required to operate one. However, the Windsurfer Corporation had petitioned for a waiver. At some point, the Coast Guard had decided not to regulate Windsurfers, but about 30 states still mandated that they carry life jackets. The Windsurfer association then went state to state to get the requirement rescinded. Later the Coast Guard formally exempted them, and that was written into the CFR.

Mr. Hawley thanked Mr. Hoedt and Mr. Newman for the helpful background information and said that the issue was very specific to SUP. He posed the question: What justifies an exemption, and what attributes of the vessel cause it to be considered different from other vessels? He observed that this seemed like "special interest legislation"—it all depended on which group had better lobbyists. What attributes of a vessel cause legislators to judge it different from others? He stressed that the Coast Guard needed direction at a broader level, and that better definitions were required.

Mr. Dogan said SUP needed a comprehensive, cohesive categorization, and asked if it could be revisited in the CFR.

Mr. Moore responded that everything was open for revision, but such change never happens quickly.

Ms. Belmore commented on the three different situations being examined: People in a racing environment with the presence of safety boats; people on fairly calm inland waterways with not much other boat traffic; and people on waterways where there is other powerboat traffic, which involves a much higher risk than that of a controlled race situation.

Mr. Moore asked if there were any further comments.

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Mr. Les Johnson said he had seen a very good webinar and was astonished at the variety of SUPs. He predicted that this was only the beginning, fluid stage of what would turn out to be an enormous number of these new devices. He wondered if it might be wise to “let it mature a bit” before making any concrete determination.

Mr. Dyskow asked what the consensus was regarding the recommendation of the SUP sports community.

Mr. Stec answered there was a range: the surf mindset feels the less regulation the better, while the paddlesport community advocates life jacket wear on SUPs. He said viewpoints are specific to people’s backgrounds—people new to the sport rely heavily on perception and what they see in ads and at races. Life jacket versus leash is an issue that should also be addressed because of the diversity of leashes and venues. He added that the paddlesport community does not have a single, definitive goal they hope to see accomplished.

Mr. Jeff Johnson said there are numerous examples of carriage requirements that don’t specify exactly what a person is required to carry. He used the example of a vessel under a certain size that is mandated to have a noise or visual distress signal, but as the type of signal isn’t specified, there are a variety of options. He remarked that life jackets are not the only option, and wondered whether there would be a consensus in the SUP community if the regulation required either a leash or life jacket.

Mr. Hanna said that the SUP culture is still in its infancy. However, the manufacturing, design, retailing, and teaching communities are relatively well developed for such a young industry. He explained it was important to know that dichotomy exists, and while there is a lack of training and venue specific information, the larger community wants to provide education programs, and the good manufacturers want to support that effort.

Mr. Takashina felt that a life jacket stored in a pocket or strapped to a paddleboard is useless and should be removed from the equation.

Mr. Hanna explained that is the status quo under the current regulation because fear of enforcement is the driver, not safety. He suggested a coiled leash as an alternative to PFDs since a leash is a superior alternative. He said that too many SUP users forego the leash in favor of the legally required PFD, leaving them unprepared for the dangerous situations on the water.

Mr. Moore commented that life jackets strapped to the board were not typical; people were now choosing to wear a life jacket or use a belt pack to meet the requirement. He said that current law states that stand up paddleboarders must carry a life jacket. A regulatory change would be needed to modify the requirement.

Ms. Takashina said she supports life jacket wear, and felt there was an equivalency between SUPs and jet skis. She was in agreement with maintaining the regulation if it would result in more paddleboarders wearing a life jacket.

Mr. Dogan asked if the SUP community would be happy with a regulation that specified the use of either a PFD or a leash.

Mr. Hanna said yes.

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Mr. Meddock thought they were all attempting to solve a brand new problem with old school thought. He wondered why the subject matter experts—over a million SUP users—weren't being consulted. He added that any competition requires safety personnel and that 'either/or', or 'where applicable' would better solve the dilemma.

Mr. Stec said a leash or life jacket as an 'either/or' proposition would require more thought, but that it had merit. While a leash might work well in flat water, it might not be adequate in other venues. A Type II life jacket strapped to the board in a race might meet the carriage requirements, but without a leash the board creates separation and no one's safety is served. He noted that most races do have safety guidelines. Perhaps one regulation could cover weekend recreation and another racing.

Dr. Maxim wondered if the problem was which device to select under different circumstances, when faced with the 'either/or' proposition. He asked if outreach efforts could solve that dilemma. Mr. Stec replied that 'either/or' might be the right solution, but there was always a risk that lives would be lost due to a lack of education and the use of the wrong leash in the wrong situation. He stressed the importance of educating the public.

Ms. Podlich observed that there was also an 'either/or' impasse regarding life jackets, leaving the public to choose which type of device to wear. She advised that a 'Coast Guard approved' label should be required rather than 'Type I' in a whitewater situation. A huge amount of education is required; people can't be told what they need to do in every situation and venue; they need to educate themselves.

Mr. Moore closed the discussion on SUPs by saying that while the Subcommittee was now more enlightened on the issue, the dialogue highlighted the fact that there was no imminent solution. He recommended tabling the issue for the time being.

Chairman Muldoon agreed that the Council did not seem ready to address the question without more information, and suggested that they should move on.

Mr. Moore requested to take a break and reconvene the Subcommittee meeting to discuss more questions if time allowed.

Chairman Muldoon then introduced Ms. Marcia Carlock, the acting director of California Boating and Waterways.

Ms. Carlock welcomed council members and thanked them for their contribution to boating and water safety. She also thanked them for the partnership with the state of California, whose resources have been challenged; she appreciated their help with projects that required more personnel than the state could provide.

Chairman Muldoon announced a break for lunch.

Strategic Planning Subcommittee

Welcome and Introduction

Fred Messmann, Subcommittee Chairman

Mr. Messmann called the Strategic Planning Subcommittee to order at 1:50pm. Mr. Messmann called roll. The following members of the Subcommittee were present: Ms. Duer, Mr. Kempf, Dr. Maxim, Mr. Rippey, and Mr. West. Ms. Marcia Kull was absent.

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Mr. Messmann began by stating that the Strategic Plan is a dynamic document that follows a process consisting of the plan itself, the Implementing Partners, and the Objective Leaders, who keep others updated on the progress of each objective. He thanked the team and the Coast Guard liaisons; as they have all made the Plan come together. He said he would give a presentation outlining each objective, he instructed attendees to bring any questions to him, the objective leader, or the Coast Guard liaison. He then praised the teams, saying he was honored to work with them and impressed by the devotion they exhibit.

Outreach to Partners for Implementation of the National Recreational Boating Safety Program Strategic Plan

Cecelia Duer, Subcommittee Vice Chairman

Ms. Duer praised the implementing partners for the wonderful job they are doing. She spoke about the 12-month plan, which carries an objective for each month: November's objective (Objective 8: Operator Compliance) is to attend a local yacht clubs or marina awards ceremonies. She suggested presenting awards to the community and soliciting the community's help.

She urged anyone who knew of organizations that would like to become implementing partners to please contact her. Ms. Duer announced that the March 24-27 Summit in San Antonio has its own website where participants can register online: <http://ibwss.com>. She noted there would be an on-the-water education day at the Summit on Tuesday March 26 at Sea World. Remarking that Sea World was the first commercial Implementing Partner on the Plan, she said that they could help spread boating and water safety awareness through their waterski show. She then invited ideas or questions from the floor.

Review of the Implementation Progress of the 2012-2016 National Recreational Boating Safety Program Strategic Plan (As Reported by the Objective 1-11 Leaders)

Fred Messmann, Subcommittee Chairman

Barry Nobles, Program Management Branch, Office of Auxiliary and Boating Safety

Mr. Messmann stated that goals and expectations are being realized and, while they may not have attained the numbers and areas hoped for, the Strategic Plan report would show whether or not each objective is being met. During his presentation, he intended to identify the areas where gaps exist, and as the Strategic Plan is a living document, some things might need to be adjusted. He insisted that the team was always open to suggestions. He then explained that an agenda adjustment would mean that boating statistics would be addressed first.

Boating Statistics 2011

Dan Maxim, Objective 10 Leader

Dr. Maxim first praised Ms. Tomczuk for her hard work. He then talked about the progress they are making on new ways of looking at data for Objective 10. He requested input from members, explaining that he was not looking for a resolution, just suggestions. He gave a brief background of the *Recreational Boating Statistics* publication, first published in 1960 and updated annually, which is used by a diverse group of users and viewed as authoritative. He then discussed the highlights from the 2011 publication.

He showed a slide indicating that fatalities are up in 2011, while reported accidents and injuries are down slightly. He noted that injuries are typically under-reported, so that statistic is not necessarily a cause for

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optimism. With a decrease in exposure hours over the past few years, the rise in fatalities is not a good development, especially if it continues. He explained that an overwhelming percentage of accident victims who drown are not wearing life jackets. When we only have a sub-set of the data and probably a non-random sub-set, should we draw conclusions about people that have or have not taken safe boating education, this issue highlights the need to consider how to handle what are potentially non-random samples.

Again looking at the 2011 data, Dr. Maxim said that a larger number of fatalities occur on small boats, keeping in mind that there are more small boats on the water. He noted that, though probably under-reported, alcohol and drugs are the leading causes of boating accidents and fatalities. Drownings continue to be the leading cause of death—most preventable by life jacket use, yet life jacket use rates remain low.

He talked about how *Recreational Boating Statistics* has changed substantially over the years. It now contains better graphics, data, and analyses—all part of a deliberate program of improvement. This improvement is due to NBSAC members, public, and Coast Guard recommendations. However, more analyses are needed; he invited attendees to provide input.

Dr. Maxim next discussed accidents by time of day, explaining that fatal accidents are more common late at night or in the early morning hours. Alcohol was more likely to be involved at these times, making the whole environment more risky for boaters. He commented that the high number shown on his graph for “time unknown” probably accounted for accidents taking place either in early morning or late at night as well, when no one was around to observe what time the accident occurred. He explained that this was one area where there might be “better ways to slice the data” so that their meaning would leap off the page. Another question to be considered: Was it better to present data from just one year or from five years?

Dr. Maxim presented a slide showing fatalities by vessel type and youth injuries on PWCs. Regarding the latter, he again wondered if there was a better way to present the data, taking into consideration such factors as:

- Are there significant differences by age?
- If so, what are they?
- If not, should we pool data by age and provide another display?
- Is the real question whether there are different patterns by type of boat?

He followed with a table that displayed fatality rates by state. He asked for input on the color scheme and whether a map or chart better displayed the statistics. He emphasized the need for more filters to obtain enhanced data. He presented various other ways to illustrate the numbers, again calling on attendees to express their preference.

Using a bar chart to illustrate statistics on life jacket use, Dr. Maxim pointed out that “juxtaposition can be powerful.” The data showed 70% of all fatal accident victims drowned; 84% of those were not wearing a life jacket. He remarked that, despite outreach efforts, life jacket wear rates remain constant. This is a persistent and important problem. He recalled the 2011 resolution presented to the Coast Guard to increase these wear rates.

In conclusion, Dr. Maxim reiterated his theme of “how can we continue to improve?” He proposed further ways to present the data such as:

- Tying the material in *Boating Statistics* more closely with the Strategic Plan;
- Using *Boating Statistics* to explain progress in meeting Coast Guard objectives, in addition to data recording;

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- Providing more narrative;
- Better segmenting *Boating Statistics* so that highly detailed tables are shown in an appendix while the main text focuses on key graphics; and
- Adding more text in the publication to explain the significance of graphs/tables.

He requested that attendees send their ideas and suggestions to him and/or Ms. Tomczuk.

Mr. Dogan thanked Dr. Maxim. He said that a former member of NBSAC stated she had learned that boating accidents were considered alcohol related if there was any alcohol found on or near the vessel. He hoped that was wrong.

Mr. Hoedt explained that while that was true in the past, now a blood alcohol content test is used to determine if alcohol was a causal factor.

Mr. Meddock shared a comment his publisher son had made—that "people don't read, they scan." He proposed creating a document that allowed people to scan and not have to read. If the reader was interested in learning more, he could further research the data.

Ms. Irving deCruz wondered about the source of the data, considering the privacy barriers in place in as many as 14 states that may prevent information from being entered into BARD. She noted that constraint made it very difficult for people who might wish to delve deeper into the data.

Dr. Maxim said privacy concerns only affect certain BARD fields, such as identification of individuals. Other contributing factors are not withheld. While that makes it difficult for an individual to access the particulars of an accident, the statistical trail is there. He also explained that BARD fields are being expanded to achieve a finer description of accident types. In the future he hoped they could obtain better data, finer resolution, and more focus on important items. He said he was working with NASBLA to get a better handle on human factors. Regarding what data is being excluded and why, he speculated that was a state-by-state issue. He called on Mr. Hoedt for an answer.

Mr. Hoedt said that BARD data contains no personal information but numbers and ages of people on board are included. He added that the BAR form that the public is to use could not be used for any form of litigation; the form was for statistical purposes only. If a state uses its own form to collect accident data, then it is up to the state as to what they can/cannot release to the general public.

Dr. Maxim asked about how the Coast Guard interprets data when they have non-random samples.

Mr. Hawley responded that that information was summarized in the BARD text that prefaced the tables and charts. He commented on the percentage of individuals who have taken an approved safety course, noting that the percentage of fatal accident victims who have had any formal safety training went from 20% in 2006 to 10% in 2007 and remained at 10% until 2011. Regarding the means of calculation, he explained that the math had changed in 2007 but there had been no comment in BARD about using a different denominator. He wondered if that could make results misleading, and wished they would change back to the original math used.

Mr. Hawley praised Dr. Maxim for presenting data that explained causalities, not just straight math. He said that a graph simply showing exposure hours might lead to the misleading conclusion that no one should go boating during certain hours. He warned against heading people in the wrong direction by emphasizing just one factor as a cause. Data analysis would be key to reaching the right conclusion. He

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added that a two-axis graph was a superior way to present the numbers. He thanked Dr. Maxim and Ms. Tomczuk for their hard work.

Mr. Messmann asked Dr. Maxim how their comments should be submitted.

Dr. Maxim answered that they should just talk to him about what they liked and didn't like and he would make sure that Ms. Tomczuk got the word. Regarding the presentation, he said they would fix non-random samples as part of the continuous improvement process. He explained that when he put the presentation together, there was no exposure hour data available, but that this would change in the future.

Ms. Podlich said she would like to see a differentiation between overall fatalities and those on registered boats. She commented that the number of registered boats hasn't changed, but the overall number of vessels on the water has. She wondered whether they are doing a better job of reaching motorboat users, but are now presented with a new challenge, which the Strategic Plan should address.

Dr. Maxim explained that the numbers from the National Recreational Boating Survey would allow them to clarify things further.

Ms. Irving deCruz remarked that the most dramatic change that has been made over the years, a chart showing the first, second and third cause, was missing from the presentation. She commented on how just using one event clouds the whole scenario. She asked whether there was any consideration to removing the first event in the annual report and leaving at least two.

Dr. Maxim said there would be an answer next year.

Mr. Hoedt remarked that the comments they had received over the last five years had been very helpful. He asked that this continue, as an evolution in the document is anticipated. He added that they hoped to incorporate parts of the survey and Strategic Plan progress into the report in the future.

Mr. Dogan said the open motorboat category needed further delineation; different types of boat are used in extremely diverse ways.

Mr. Messmann explained that they plan to study that delineation. He said he wasn't sure that the detailed breakdown would make it into the annual report but eventually it would be broken down in BARD.

Mr. Hoedt said that NASBLA had been working hard on this issue, and he extended kudos to their organization. He asked everyone to bear in mind that pure accident statistics can be broken down in detail, but without the survey or registration numbers it is impossible to conduct the type of in-depth analysis that Mr. Dogan spoke about.

Mr. Messmann then asked Mr. Meddock to share with the group the video developed as part of one of the non-profit organization grants.

Mr. Meddock ran a video, as part of the Objective 2 update, which was funded through a grant to the Watersports Foundation. The video featured a professional wakeboarder who had experienced a life-threatening accident, after which he now chooses to wear a life jacket.

Mr. Meddock remarked that the video was being disseminated through Bonnier, the world's largest marine publisher.

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Mr. Messmann explained the video's message might cross into the territory of other Objectives, e.g. Objectives 9 and 11.

Ms. Duer asked if other agencies could obtain the video and post it to their websites.

Mr. Meddock answered yes, the Coast Guard owns the video; the grant allows for everything to be public and accessible.

Mr. Messmann then presented a brief overview of each objective and explained that further information can be found on Basecamp. He commented that goals had been met in overall numbers if not in fatalities. He said attendees needed to bear in mind that, as objectives were presented, and the teams saw things weren't working those items were becoming gaps for that objective.

Mr. Messmann's presentation outlined each objective, providing the name of the Objective Leader and Coast Guard Liaison and giving an overview of each as well as the progress that has been made.

- **Objective 1: Boating Safety Education**
Pam Dillon, Objective Leader

- In 2011, 459,695 people successfully completed a state/NASBLA approved course. Internet certifications are increasing, education laws continue to strengthen and Coast Guard program visits continue. Progress on federal education laws was not great.

Mr. Hoedt said the Coast Guard would continue to submit this in the Congressional proposal.

Mr. Messmann commented that the gaps in data collection present challenges at the state and agency levels.

Mr. Hawley asked how Mr. Messmann would like to receive input. Mr. Messmann replied that questions should be asked as they come up.

Mr. Hawley remarked that it was odd to bring up the New York July 4th tragedy that caused NY to re-examine education; it was not something that had been anticipated by the Objective Leaders.

Mr. Messmann said one thing that came up was the accident and maybe it was a cause and effect, but not necessarily.

- **Objective 2:** Mr. Jeff Johnson brought a lot of expertise to the objective. If changes need to be made because someone is not available, recommendations should be made. Progress is being made on targeting alcohol.

Mr. Meddock said that a baseline must be established because change cannot be effected without it. He mentioned that the final tabulations have not been done but second survey has gone out.

Mr. Hawley asked if the amount of money spent on campaigns similar to Wear It! was being tracked and compared with the JSI study to determine correlation.

Mr. Messmann explained the funding is tracked and that is where the correlation is.

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Dr. Maxim commented that a lot of money has been spent, but life jacket wear hasn't gone up. He asked what would have happened if the money had been reduced.

Mr. Jeff Johnson brought up the \$600,000 spent in Alaska on the Pledge to Live campaign; for which they did focus groups, campaign development, and pre- and post- campaign measures. He said 75% of respondents recalled the campaign but only 12% said it resulted in them wearing a life jacket; and the observational wear rate studies showed no change in the wear rate.

Mr. Meddock shared that the ultimate watersports pamphlet is almost finished.

Mr. Messmann explained the use of Facebook and Twitter and the translation into multiple languages to make progress on the campaign. He also shared a variety of different places where numerous boating safety messages were being shared.

Mr. Meddock remarked that Bonnier has opened up a platform to allow for approved articles or other creative pieces, which have made their way through the process, to be published and shared between various organizations at no cost. He indicated that it is likely a good resource for the implementing partners.

Ms. Duer said the implementing partners should be tied to it since distribution is free and it provides more opportunity than what is currently being used.

Mr. Meddock brought up Water Sense, the marketing tool being used by the Water Sports Industry Association. He said it is being developed to make operators, passengers, and riders familiar with driving and vigilance about safety and is applicable to not only towed watersports but also parasailers, cable parks, camps and schools teaching towed watersports. An icon was developed that they will be marketing with the "Smart, Safe, Know the Code" slogan on it. They took the slogan from the snow skiing industry and the code is known by everyone and reminders are plastered everywhere in that industry. They are trying to remind everyone to know the code; use good sense, use Water Sense.

- **Objective 3:** There has been an increased in skill-based education though the progress still shows some gaps. A consideration is being made to add on-the-water boating skills.

Mr. Messmann showed several slides with the number of people who received on-the-water education in the last year from a variety of organizations.

- **Objective 4:** Life jacket wear is being tracked and suggestions are welcome on enhancing the graph for adult wear rates.

Ms. Duer stated she is working with Mr. Ludwig to get the graph of the results of the validation study out.

Mr. Hawley asked if that work would replace the JSI study.

Ms. Duer said there was an on-water evaluation to validate JSI. The validation was done twice; once in TN and MN and once in CA.

Ms. Takashina commented that the JSI study is done from shore and they wanted to see if a different result was found on the water.

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Mr. Hawley mentioned the JSI study cost \$637,000

Mr. Messmann said the extra money was used to validate results on the water.

Ms. Takashina asked whether the JSI statistics were correct.

Ms. Duer answered that there were similar wear rates for all boaters and when PWCs were excluded. She said it was more difficult to do a validation in California than in Mississippi, as California didn't have as many boaters on the water and the ones out there weren't pleased by the study. She mentioned that the Mississippi study was done on mandatory waters.

Mr. Hawley asked if the validation was specifically related to the USACE study.

Ms. Duer said one of the validation efforts was done on a control lake.

Mr. Messmann asked if the report was available to which Ms. Duer replied in the affirmative.

Mr. Messmann explained that the tiger team met. The tiger team was a collaborative effort between the Coast Guard and RBS partners and the results of the meeting were sent to the Coast Guard. He said Ready, Set, Wear It! would be held again on the first Saturday of National Safe Boating Week. He expects increased participation as people become more familiar with the event. He then said that this campaign had generated more interest than Operation DryWater, especially through the media.

He went on to speak about National Marina Day on June 6th where every participant will wear a life jacket. He stated that MRAA is and should be a resource that can be used to promote life jacket wear. He announced the evaluation of mandatory life jacket wear has been completed.

Referring to children under 13 who have lost their lives, Ms. Podlich point out that 78% were wearing life jackets. She sees a great many kids in the wrong life jacket and asked if there was some element of education that could be improved.

Mr. Messmann said there is always a concern when talking about children, regardless of the numbers. He explained that the Coast Guard gave the National Safe Boating Council a grant to ensure sellers of life jackets aren't letting kids leave with a life jacket they can grow into.

Mr. Jeff Johnson mentioned that loaner life jackets have value but a girl still lost her life when she wore her life jacket over her down jacket.

Mr. Messmann commented on how impressive the over 2000 life jacket loaner stations are.

- **Objective 5:** A chart showing the combined navigation rules violations has been posted to Homeport.

Mr. Messmann requested that Dr. Maxim fix the graphic because there was no zero showing on the chart, which made it look like the number of navigation rules had less variability.

Mr. Messmann mentioned that NASBLA's E-Learning site "NAV Rules for Law Enforcement" was activated. Mr. Dogan mentioned this was described to him as "Nav rules for dummies." Mr. Messmann mentioned that the Boatoncourse.com site was receiving many site visits since it was created last year.

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He then said the ERAC accident reporting terms and definitions committee was getting into a lot of detail on their work. The current ERAC approach includes the Coast Guard as one of its meeting partners, which alleviates some of the previous cumbersome approach where Coast Guard took final drafts and reviewed them after their completion. The inclusion of the Coast Guard in the discussions early on allows for discussion of the best way to approach concerns and the legal ramifications to ensure fewer issues with NASBLA and the public when it comes time for formal submission.

He said the gaps for Objective 5 were: 1. need updated compilation of states with mandatory boating safety classes for nav rules violators; and 2. need to develop plan to increase number of states who require nav rule violators to take mandatory boating safety classes.

Due to the time difference, the agenda was adjusted to allow Mr. Vann Burgess and Dr. Philippe Gwet to participate, via phone, from the east coast.

Strategic Plan Measurements

Performance Report Part II – a key data source for the Strategic Plan

Vann Burgess, Program Operations Branch, Boating Safety Division

Mr. Vann Burgess reported that the purpose of the Performance Report Part II was to measure the state recreational boating safety program. He said the primary purpose of the application of data is to provide a true look at what the program is doing not only with funding, but what the entire effort is accomplishing. That includes such things as adequate education, law enforcement, and mission control. He pointed out the use of the report for trends and comparative analysis and explained that an increase was seen from FY10 to FY11 in on-water RBS hours. He stated there was an increase in the total number of compliance inspection checks that were completed, with the national average being a boarding about every hour and 12 minutes. He also commented on the slight uptick in officers and a slight downward trend on the number of officers on the water conducting the mission. There was also a decrease in the number of numbered vessels from FY10 to FY11. He went on to say that all of the information gathered shows the decline of funding since 2008, which resulted in a 20% reduction of officers on the water, and an increase in RBS and on-the-water hours. There has been a steady decrease in the number of citations and warnings that could be due to more active enforcement or increase in education, but there are a number of factors that need to be considered. He said he doesn't believe it is a matter of fewer citations but rather officers are finding fewer violations. He invited questions.

Dr. Maxim asked Mr. Burgess to sort through the collected data and give some thought to which, if any, should be included in the boating statistics graphs and tables.

Ms. Podlich, pointing to a statistic asked whether the average boarding of a boat every hour and 12 minutes was state or federal.

Mr. Burgess answered that was on the state level because there were difficulties collecting data from MISLE, which is the federal reporting system.

Ms. Podlich asked whether the 50,000 boardings conducted by the Coast Guard each year could be added in.

Mr. Burgess stated that the Coast Guard data could be added in at a later time.

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Mr. Messmann wished Mr. Burgess the best on his upcoming procedures and extended his appreciation for Mr. Burgess' help, expertise, time, and effort.

National Recreational Boating Survey – Update
Philippe Gwet, Mathematician, Boating Safety Division

Dr. Gwet reported that the 2011 National Recreational Boating Survey has been completed and the data for the 2012 survey is now being collected on a monthly basis. He said the collection began in February 2012 and will go through January 2013. He explained the point of the 2011 survey to be exposure of regional data that could be used to evaluate recreational boating. He estimated that more than 73 million Americans participated in boating and good numbers were collected from each of the four regions investigated. He said they were also interested in the number of boats being used in the U.S. and the number of registered and unregistered boats had been estimated.

Mr. Hawley asked how the number of kayaks affects BARD or if they are all treated equally.

Mr. Messmann answered that the registration statistics do not make any difference as far as the BARD reporting is concerned and any vessel is counted.

Mr. Stec asked about the statistic showing registered versus unregistered PWCs and whether it showed 423,000 unregistered. Dr. Gwet replied yes.

Mr. Stec asked whether PWCs have to be registered, and Dr. Gwet replied in the affirmative.

Mr. Stec wondered whether this raises red flags on that part of the data.

Mr. Messmann said he found that a little puzzling and that he could see why sailboats wouldn't be unregistered. He then asked from where those numbers had come.

Dr. Gwet replied that they were reporting the information that people had given them and did not ask the survey respondent whether they were required to register the boat or not. He said it is possible PWCs are required to be registered whether they are used or not and maybe unused vessels are unregistered. He said there weren't a lot of unregistered powerboats reported.

Mr. Messmann suggested that the boat may have been registered at one time but may not have been at the time the question was asked.

Ms. Podlich expressed her surprise that there was a higher fatality rate on sailboats than on motorboats.

Mr. Newman commented that in the statistical data for the last five years, registrations have fallen off. Therefore, he believes the registration statistics from the survey are likely accurate.

Mr. Messmann asked how this should be integrated and if the survey provided enough information to provide a baseline in the Strategic Plan.

Dr. Gwet felt the numbers could be used for a baseline; however, the 2011 data could not be used at the state level. He stated that the data from the 2012 survey will be available for use at the state level.

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Mr. Messmann requested that the strategic planning Subcommittee figure out how to plug baseline hours into the Strategic Plan so the dream that began 8 or 9 years ago can be realized. He asked that they put a team together to begin developing this baseline and that the team be put together by the following day.

Mr. Hawley asked whether it should be included in the BAR report.

Mr. Messmann answered that right now it needs to be entered into the Strategic Plan in the appropriate places, and there are a few places that require baseline data established by the National Survey. Dr. Maxim stated that this survey data could be integrated into both the Strategic Plan and boating statistics.

Mr. Hawley asked whether this data would be used as a baseline for strategic plan measurements, or if the results will be used to allocate resources to the most at-risk boating populations.

Mr. Messmann replied yes for both and suggested the Coast Guard be asked if they can support the direction in which this is going.

Mr. Hoedt said the Coast Guard believes it is a good measure and it is time to start filling it in.

Mr. Messmann said the BAR data will be deferred to another discussion to be held at a later time.

Dr. Maxim asked for clarification on the fatalities per 100 million hours and casualties per 100 million hours. He wanted to clarify that the denominator is coming from the survey and the numerator is from BARD.

Dr. Gwet answered that the BAR data are the numerator and denominator is from the survey and these two sources were used to come up with the numbers.

Dr. Maxim referred to Ms. Podlich's question saying if there is any surprise with the numbers for sailboats, the concern must be for the denominator.

Ms. Podlich commented that she was glad she had both motorboats and sailboats at home.

Mr. Stec followed up on Ms. Podlich's comment saying if motorboats and sailboats are combined, it still isn't as dangerous as canoeing. He suggested the Council consider the number of deaths as well and keep that in mind when moving forward.

Mr. Hoedt said it would be easier to get a better grasp when going through the actual data. He explained that in looking at sailboats with only 28 deaths, there were roughly 71 million exposure hours. He commented on the drastic difference in the number of exposure hours when considering the number of fatalities.

Mr. Stec agreed saying that the number of deaths is important as well and this needs to be considered both ways.

Dr. Maxim asked for clarification on whether person hours is based on the number of people, using the example of five hours with five people on the boat is counted as five person hours but one hour on a boat with one person is considering one person hour.

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Dr. Gwet said that was correct. Person hours reflects the number of occupants on the boat; as there is a need to look at not only the number of hours the boat is used, but also how many people are on a boat when it is being used.

Mr. Hawley inquired into whether there was any attempt made to try to correlate the phone survey and the number of responses of certain types of registered vessels and the number of that type of vessel manufactured over time.

Dr. Gwet said no, it would be a good idea to do that; however, it is unknown whether that data can be acquired from the manufacturers. He remarked that it would be necessary to find a reliable source of data from manufacturers.

Mr. Messmann asked what the process is for examining the questions that are asked and developing new questions based on engine cut-off switches and EPIRBS and how input for new questions that could answer the Council's questions should be submitted.

Mr. Hoedt said the Council could suggest new questions and the Coast Guard will determine what is manageable as the survey cannot be overwhelming in size. He suggested maybe some questions would be eliminated to make room for others.

Mr. Messmann asked if that is something the Strategic Planning Subcommittee could get input on and provide feedback to Mr. Hoedt. He suggested it would be better to have a formal process for people to submit questions.

Mr. Hoedt remarked that the formal process is preferable to allow the suggestions to be vetted through the Subcommittee and NBSAC.

Mr. Messmann asked if the Subcommittee had any objection to forming a workgroup for vetting the questions.

Ms. Duer suggested that a good place to start is by gathering input from the implementing partners by asking them to review the survey and forward any feedback to the Subcommittee.

Mr. Hawley commented that he did not feel sufficiently familiar with the current survey and believed it would be beneficial for Council members to get a copy. He then asked if there was a guideline on how long the survey should take to complete.

Dr. Gwet replied that the survey is supposed to be answerable in 10-15 minutes but may take five for less avid boaters.

Mr. Hawley asked if they still have time to make suggestions for improvement. He remarked that the decision might be immaterial as the next survey will start in 2014 and there should be at least two more meetings before new questions have to be established.

Mr. Messmann disagreed saying that working within the government means this needs to be done quickly.

Mr. Hoedt advised that grants are being advertised over the next few weeks and within six months they will be looking at grantees and will need to know what the instrument is. He encouraged NBSAC to know

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what changes they would suggest by the next meeting as it would be too short a notice to wait until November.

Ms. Duer asked how many members of the audience had taken the survey. Only Mr. Stec had participated. Ms. Duer recommended that everyone take the survey so they can better understand the process and questions.

Mr. Fields asked whether PWCs and pontoons are completely separate from the motorboat data.

Dr. Gwet replied that the motorboats do not include PWCs or pontoons and they are separate categories.

Review of the Implementation Progress of the 2012-2016 National Recreational Boating Safety Program Strategic Plan (As Reported by the Objective 1-11 Leaders) (Continued)

Fred Messmann, Subcommittee Chairman

Barry Nobles, Program Management Branch, Office of Auxiliary and Boating Safety

- **Objective 6:**

Mr. Messmann shared a slide with the number of BUI citations for both the MISLE data and state violations.

Mr. Terry West asked if this referred to the entire Coast Guard.

Mr. Jeff Johnson said it would be nice to see the number of contacts rather than just the number of violations.

Mr. Messmann was not sure how the MISLE database was sorted, but Ms. Warner said she would look into it.

Dr. Maxim lent an observation based on personal experience, saying when the Coast Guard approaches someone suspected on BUI, the state is called to conduct the Breathalyzer test and the violation is entered into the state rather than Coast Guard database.

Mr. Messmann provided information on the number of officers trained in the new field sobriety tests and indicated that education information for judges and prosecutors was developed. He said that one gap in this objective is linking BUI violations with driver's licenses. Mr. Messmann requested that Mr. Moore look into how violations can be linked to a driver's license.

Mr. Moore commented that not a lot of work is being done on the initiative to test a pilot project, which is strategy 6.7 of the Plan. He said the intention of this strategy is to help set future targets or measures relative to BUI nationwide. He remarked that strategy 6.7 is to establish a pilot project to set long-term targets, which includes several items, such as: analysis of local trends, assurance that officers have received updated BUI training, that field sobriety testing is being used throughout the area with support from local prosecutors, etc. He said the Subcommittee is obligated to bring a recommendation on a site for the pilot project; consideration was given to the need and the recommendation was to approach North Carolina based on the aggressive nature of sobriety tests in the state. He said they have done wide-spread testing in the state and would have pre-initiative data that could be used as a baseline.

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Mr. Messmann wondered whether or not North Carolina would be willing to conduct the tests in its own program.

Mr. Moore remarked that how it will be done has not been discussed, but he hoped for some initiative through PCI. He commented that the state is active and prepared, but the goal should be for the Coast Guard to partner with NC and their local marine officers.

Mr. Messmann inquired as to whether anything was needed from the Subcommittee.

Mr. Moore answered that, according to the Plan, a formal site selection should be done during the current meeting, but he was unsure whether it would include the whole state or just certain regions.

Mr. Messmann asked the Subcommittee if there were any objections to the selection of NC for the pilot program. There were none.

- **Objective 7:** It was reported that the number of visits is declining as are the number of discrepancies per inspection.

Mr. Hoedt remarked on the budget cuts faced by the Coast Guard saying that all programs will be subject to the same cuts. He said elimination of boat tests or publications may have to be considered if there are additional cuts.

- **Objective 8:** The report on the vessel safety check point of sale non-profit grant will be provided at the IBWSS conference.

Ms. Podlich said she understood that NSBC and the NWSC have similar grants in terms of working with retailers and asked for clarification on the differences in the grants.

Mr. Messmann requested to have that discussion outside of the meeting commenting that the audiences and approaches are different and there are enough people in the marketplace to allow for targeting a larger audience. He said he and Ms. Duer would have a presentation, introduced as a partnership, at the Summit.

He mentioned that MRAA did a survey during the development of the first Strategic Plan and the second survey showed that very few dealers have a commissioning kit.

- **Objective 9:** The regulatory review team made recommendations and a Federal Register notice and Request for Comments was published in 2011 on those recommendations. The Coast Guard requested a rulemaking on June 26 related to strategy 9.2, two-tiered reporting process, and the project has positively cleared the initial review process. Once the rulemaking process starts, there is no discussion of the status; it just continues moving up the chain. OSHA strategy (9.5) is one he is not sure how to tackle, but may ask Mr. Moore and Mr. West for assistance with it. Three more lists are being developed for accident reporting through the ERAC committee. There has been no new movement on state participation. Will work on the reporting matrix once the old CG-449, now a Commandant Instruction, is completed. Currently, there is no feasible link of BARD to VIS; however, there is still a possibility of it being established in the future.
- **Objective 10:** Underreporting of accidents is still a big issue that needs to be dealt with. They are looking at whether hospital admissions can be compared with boating accidents to resolve the numbers, though it does not seem like a good solution.

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- **Objective 11:** A handout featuring the 2010 and 2011 grants, distributed to attendees and available on Homeport, will illustrate where money is being spent. A mechanism and process to follow up on grant reports that generate interest is needed. Mr. Rippey volunteered for this project. Therefore, anyone who wants to see a specific grant should send their request to him and we will get the product to the requestor. A grant for a study comparing online education and in class education yielded little difference in the amount of recall demonstrated by students in both learning environments.

Mr. Messmann said an attempt is being made to ensure that grants are available through the Coast Guard.

Mr. Moore commented that on the non-profit organization deliverable this has been an issue. He said there was an understanding that abstracts showing what has been done with the money would be distributed. Citing one example as “getting together for a board meeting”, he asked why RBS non-profit organization grants should be funding that and said a better report is needed to satisfy the requirements of the Strategic Plan.

Mr. Messmann agreed and expressed his disappointment that there was no time for more discussion on the subject saying further consideration would be taken up outside the meeting and a recommendation would be made for the report on the following day.

Ms. Podlich remarked that the other people who are interested in what the grants do are on the Hill and, while last September provided an opportunity to remove ineffective grant projects, the requirement now is to ensure the overall survival of the grant program.

Mr. Meddock said every grant has a narrative and a process and suggested requesting the narrative for the report.

Mr. Hoedt commented that they are trying to enhance accountability and are working towards gathering better abstracts from the grantees.

Mr. Hawley asked whether previous grants are examined, during the grant making process to determine whether they were executed well.

Mr. Hoedt replied in the affirmative saying that, as well as scores, was part of the consideration.

Mr. Messmann said he would put that in his report as the need is there for the Coast Guard to deliver a better evaluation. He asked Mr. Hoedt to sit down with him to discuss the subject as the same questions continue to be asked.

Ms. Duer commented that it was helpful to see some of the items that were deliverables.

Mr. Messmann said it should be like a showcase, while not as conducive during travel, it is something that should be done in DC.

Following this conclusion of the discussion, the meeting was adjourned for the day.

SUNDAY, NOVEMBER 11, 2102

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Call to Order
Chairman Muldoon

Chairman Muldoon called the meeting to order at 9:00am and began by thanking the staff for all their hard work.

Boats and Associated Equipment Subcommittee Report
Dave Marlow, Subcommittee Chairman

Ms. Takashina, on behalf of Mr. Marlow who had departed the meeting, read a summary of the Boats and Associated Subcommittee meeting from November 9th:

Item 1

Regarding propeller strike injury avoidance—including engine cut-off lanyard and swimmer proximity—the Subcommittee members were anxious to see these regulatory actions continue to move forward. The Coast Guard was waiting on a contract and a study for better results, but those were weeks away. The proximity project was on hold until the survey results were in.

Item 2

Mr. Cappel and Mr. Adey provided updates on where the propeller guard test protocol stands. ABYC has developed a draft final protocol that details how to evaluate, install, and test a propeller guard. The final report should be complete by January 2013.

Item 3

Ms. Takashina reported that ABYC provided an update on flare disposal from the results of a grant to investigate the issue. The results showed they are a hazardous substance, and disposal remains a big problem. Mr. Cappel reiterated that in California flares have been declared hazardous waste, which limited the areas of their disposal. The Subcommittee discussed several options, e.g., whether flares have reached their useful potential, new types of laser flares, and the possibility of the Coast Guard updating the approved list of alternatives. The fact that they remain legacy items on boats compounds the problem. The Coast Guard approved list for signaling was in need of an update. The Coast Guard Research and Development center was working on the matter, and the Subcommittee would ask them to come back and provide updates as appropriate.

Item 4

ABYC gave a report on two grant projects associated with the Subcommittee. Mr. Adey provided a grant update on the issue of capsizing and swamping. The contractor reviewed 12 accidents and provided these recommendations:

1. Educate people on three key elements: adverse sea conditions, wearing a life jacket, and changes in design considerations for foam placement in boats;
2. Ensure that law enforcement agencies understand the proper terminology for boat capsizings and swampings. ABYC has been working on the boating safety checklist, which will debut as a smart phone application, and a waterproof tear-out card for owners' manuals and at registration points.

Item 5

The Subcommittee discussed the process for updating current federal standards for manufacturing with the Boating Safety Division. Today there are issues concerning engine weight tables, fuel hoses, labeling, the effect of ballast on capacity, country codes for HINs, powering, and person capacity. The

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Subcommittee was authorized to form a working group to review the current 33 CFR Part 183: Boats and Associated Equipment. They would begin working on this project shortly.

Ms. Takashina invited anyone who would like to join this working group to contact the chairman, Dave Marlow.

Chairman Muldoon advised that all members of the group must be approved by CAPT Rokes.

Item 6

Ms. Takashina said that Mr. Cappel reported on the ongoing model year discussion in industry. A couple of manufacturers were found to have 2012 model year designations on boats built before August 1, 2011, and were cited by the Boating Safety Division. NMMA and MRAA met and drafted a model year enforcement solution recommendation for presentation to the Coast Guard. Based on these recommendations, a resolution was provided to the Council for consideration. On November 10, 2012 the Subcommittee met to review a revised draft of the resolution, and approved it unanimously; it now needed full Council approval.

Resolution on Model Year

Ms. Takashina read the draft NBSAC resolution regarding HIN format, which included:

- A request for the Coast Guard to change the definition of Model Year in 33 CFR 818.3; i.e., delete August 1 and replace it with June 1;
- A request that manufacturers designate a new model for mid-year introduction no earlier than January 2 of the calendar year preceding the year in which the model year ends;
- Determinations made between boats less than and over 30 feet.
[Please see attached Resolution.]

Ms. Takashina said that the Subcommittee had already discussed and moved on the above resolution. She also noted that Mr. Dyskow, Mr. West, and Ms. Squires acted as advisors during the development of the resolution. She invited the Council to comment.

Chairman Muldoon asked for a second on the resolution. Mr. Dyskow seconded.

Mr. Hoedt wondered if this meant that the Coast Guard should amend a regulation from August 1 to June 1 but not enforce it. He asked for clarification.

Dr. Maxim stated that he was unclear about how the Council stood on these matters. He asked two questions:

1. Why was this issue an appropriate matter for the Council to vote on; wasn't it more commercial than safety related?
2. There is an outstanding comment period on this issue; if the Council has not received all the comments, why are they voting on it now?

Responding to the second question, Mr. Hoedt said that the Coast Guard Office of Auxiliary and Boating Safety oversees the issue of HIN requirements; therefore it falls under the jurisdiction of NBSAC. He added that the comment period ends on November 27, 2012.

Mr. Moore agreed with Dr. Maxim—he did not believe this was a boating safety issue. Further, he felt that the Council should not commit time to it now. He believed that additional comments might shed

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more light on the matter later on, and that it was prudent to wait until after the comment period had expired.

Mr. Fields felt that, given their time frame, the Subcommittee needed to present the issue to rest of the Council now. He acknowledged that there were problems, which they had tried to work through quickly yesterday. Because this was not a safety issue, the group was not that concerned about the ramifications. He acknowledged there were some questions on both sides; also that the comment period had not yet ended.

Mr. Dyskow gave some background on the topic from an industry perspective. He said the issue had evolved into a "critical mass" at the Miami boat show in February, when Coast Guard members noticed there were boats being built carrying HIN numbers with a model year not strictly accurate by the definition of boats with an August 1 model year start. He acknowledged the challenges regarding how boats are built and marketed nowadays.

Mr. Dyskow then provided some historical context. He explained that, when the August 1 model year start was first developed, boats were marketed differently; at that time the industry held an annual September trade show in Chicago called IMTEC. Boat builders could manufacture their new year models, display them at the show, and dealers could order them for the upcoming season. An August 1 start date made sense in the context of the way products were produced and marketed in that era, which was over 30 years ago. He noted that nowadays things happened much more quickly in manufacturing. In order to provide current year products to the marketplace in a timely fashion, manufacturers want to have the flexibility to produce those models before the August 1 date. He said industry was anxious to move forward on this issue now because the new boat show season starts on January 1. He posed the question: Would the Coast Guard be citing all the boat manufacturers, or could they resolve this now before the new boat show season started?

Chairman Muldoon asked for ayes and nays on the motion. The motion carried, though Mr. Moore, Chairman Muldoon, and Mr. West were opposed.

Item 7

The working group updated the Council on its activities on emergency locator beacons. The group has had three conference calls and provided its recommendation to the full Council. The Subcommittee has accepted the following resolution; it now needs full Council approval.

Ms. Takashina read Resolution 2012-90-01 concerning emergency locator beacons.

[Please see attached Resolution.]

Chairman Muldoon asked if there was a second to the motion. Mr. Hawley seconded it, whereupon Chairman Muldoon asked if anyone in the Council wished to discuss it.

Dr. Maxim said that though he was in favor of the resolution, he understood that the language of the resolution would be changed to 3–20 nautical miles in waters determined by the Commandant of the Coast Guard. He felt that this modification would allow for some flexibility in the interpretation of the regulation.

Chairman Muldoon asked if the Subcommittee had any objection to the adjustment. Hearing none, he asked if the group had any other comments.

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Mr. Dogan expressed concern about the paragraph beginning "for the purposes of this resolution." He noted there was inclusionary language but no exclusionary language—the implication being that the device *could* be a Coast Guard accepted radio, but not that devices could be used that are not Coast Guard accepted.

Mr. Jeff Johnson explained that because the term "emergency locator beacon" is generic, the Subcommittee's challenge was to be inclusive and try to depict that term means in the resolution. He said it wasn't meant to include or exclude, as illustrated in the last sentence: "... in any device accepted by the Coast Guard for this purpose." Part of the challenge was to recognize that technology is changing so quickly, and that new devices are likely to show up as they go through the process.

Mr. Dogan said he was concerned about enforceability; it could be argued that other devices (such as a radio without an approved MMSI number) might be deemed to qualify as emergency locator beacons. He stressed the importance of enabling the Coast Guard to electronically locate a boater's position.

Mr. Jeff Johnson answered that the Coast Guard would be writing the regulation. This resolution was intended to direct the Coast Guard to proceed with the regulatory process, and they would make the final determination.

Mr. Dogan said that answer allayed his concern.

Chairman Muldoon called for a vote on the resolution; it passed unanimously.

Ms. Takashina asked if there was any other new business from the Subcommittee.

Mr. Jeff Johnson hoped that the language Dr. Maxim proposed would be included in the resolution.

Chairman Muldoon assured him that it had been amended to reflect that.

**Prevention through People Subcommittee Report
Richard Moore, Subcommittee Chairman**

Mr. Moore said that yesterday's Subcommittee was called to order and that all members were present. They took up three specific issues, the first being on-water instructor licensing. Mr. Ludwig informed the group about positive action the Coast Guard has taken on the issue. They were working on a decision matrix to make it easier for interested people to understand how the current mariner credentialing laws apply to them. The Subcommittee provided the Coast Guard with numerous topics and concerns to consider as work on as the project continues. The Coast Guard had taken copious notes on the comments and suggestions, and they made a commitment to work on and incorporate the ideas into their ongoing work. A work group, previously headed by Pam Dillon, would continue to work on the issue. Tom Dogan and Chuck Hawley would act as advisors.

Mr. Moore said that many were trying to find ways to alter the licensing requirements established by current law. He noted that it was critical to have a clear view of the present situation to decide what changes might be made, but that no further action was warranted until the Coast Guard provided the Council with a decision matrix. He stated that the Subcommittee was prepared to offer a resolution on the issue whenever they had this information.

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Mr. Dogan said they had a resolution to offer on on-water instructor licensing, which he read to the group. [Please see attached Resolution.]

Mr. Moore requested a second from the Council, which Mr. Stec provided.

Mr. Hoedt suggested that the Council consider whom the resolution should be forwarded to and add a “be it further resolved” statement to the resolution to indicate such. Mr. Moore asked him for recommendations. Mr. Hoedt recommended options—the admiral level or directly below that, or CAPT Thomas or directly below that—or all three.

Mr. Dogan proposed an amendment to the effect that the resolution would be forwarded to the Office of the Commandant of the Coast Guard to be further resolved. Mr. Hoedt said there was no issue with this modification to the resolution. Mr. Dogan suggested an amendment: "Now therefore be it resolved that this resolution shall be forwarded to the Office of the Commandant of the United States Coast Guard for further review and approval."

Chairman Muldoon questioned whether the language was strong enough, because this was a very important and urgent matter.

Mr. Dogan wondered if there was another way to alter the resolution: "Whereas, we find this is an emergency condition that needs to be rectified immediately"?

Chairman Muldoon thought they should consider an amendment requesting the issue to be acted upon by the next NBSAC meeting in the spring. Mr. Dogan agreed.

Mr. Hawley was concerned that they had asked for clarification in the past, only to receive a detailed response about current law. He hoped such would not be the case in the future. He stressed that they were asking for change, not clarification. The resolution requested a matrix when what they truly needed was change.

Mr. Dogan pointed out that this resolution was specifically requesting procedural *change*.

Chairman Muldoon restated the need to address the issue quickly.

Mr. Dogan said he had seen legislation in other scenarios that moved quickly if the word "emergency" was put into the language of the resolution.

Mr. Hawley felt the word "emergency" should be avoided; "urgent" was more appropriate in this case.

Mr. Dogan suggested adding that language to the second "whereas" — "It is a matter of great current urgency due to the prevention of instructors from performing their duties," or words to that effect. He noted that a great many instructors are operating illegally—"are we creating the problem?"

Ms. Podlich referenced the paragraph "Now be it resolved..." She noted that "on water safety instructors" is a very tightly worded phrase, and said that her junior sailing instructors do not consider themselves safety instructors, rather boating instructors. She felt that the language should be changed to "on water boating instructors."

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Mr. Dogan said he had no problem with that suggestion, but stressed the need to overcome possible Coast Guard resistance—the Coast Guard would not want to give even a limited captain's license to someone who merely taught a class.

Mr. Hawley said that, since the goal was to resolve issues between federal law and the Strategic Plan, perhaps the language could be found in the Strategic Plan as to what type of instruction they were trying to facilitate.

Mr. Dogan noted that was why he used the word "safety" when he drafted the resolution—because the Strategic Plan refers to safe boating safety instruction.

Ms. Podlich wondered if the wording could be changed to "recreational boating on water instructors." She was concerned they would be raising awareness of an illegal activity that most people never considered illegal before. She wanted to make sure that this didn't cause problems for other folks.

Chairman Muldoon agreed. He thought they should leave the wording to Mr. Hoedt. Mr. Dogan said he would be happy to assist.

Mr. Brewen wondered if this specifically applied when someone was receiving monetary gain for the instruction; it wasn't mentioned in the resolution. Mr. Dogan explained that they hadn't done so because they wanted the resolution to be all encompassing. He cautioned against becoming too nitpicky.

Mr. Brewen understood that the OUPV did not apply if a person was not receiving remuneration. He warned about "sending the Coast Guard on a wild goose chase" with the non-monetary side when the Council was really concerned about those who do receive compensation.

Mr. Dogan said they were trying to overcome a grey area of whether or not an organization receives remuneration.

Ms. Belmore said that when this issue had come up a few years ago with the Coast Guard Auxiliary they were warned that if they so much as accepted lunch from a passenger, that would be considered compensation.

Mr. Dogan felt that, though such opinions existed, they were incorrect; he hoped this would address those concerns.

Mr. Brewen understood them to be saying that an OUPV would be required for someone not receiving monetary compensation. He reiterated his concern that there needs to be a clear distinction about what the various rules are when it comes to compensation.

Mr. Dogan said that if it didn't apply, it didn't apply. He admitted he hated to get into it because it would open up a can of worms. He felt it might be better for the Coast Guard to issue a blanket certification under a set of rules, whether or not an instructor receives remuneration.

Mr. Moore clarified that the group has tried to focus on the review of current instructor licensing requirements in the resolution. Those requirements only apply to those operating on navigable waters under certain conditions, receiving compensation. He felt that perhaps they had not quite made that point clear in their resolution as written.

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Dr. Maxim cited what lawyers often call "settlement authority," meaning if there is a clear understanding of the intent; don't get bogged down by details. He asked that the group delegate the matter to the Coast Guard because everyone understands the intent.

Chairman Muldoon remarked that Mr. Hoedt clearly understood the intent, and that could craft the right words with the group's help.

Chairman Muldoon asked for a vote. The resolution was passed unanimously.

Continuing his report, Mr. Moore turned to Best Practices and Boating Safety Outreach. He said that the Coast Guard had studied eight states with the lowest boating fatality rates. The research listed similarities among those states. The study was a step in the right direction but it failed to yield conclusive findings that might be developed into a set of Best Practices. The Coast Guard has stated that they are committed to the study and will continue the work in an even more robust fashion. However, it is important to keep in mind that the project was intended to be part of a multi-part initiative. The ultimate goal is to identify Best Practices and Lessons Learned and then conduct a pilot project to implement them in a part of the country to test their effectiveness. This pilot project should be a collaborative effort using federal resources and should enlist a broad base of partners to conduct pilot testing, and ensure methods of success are put into place and evaluated. He believed that the state of Louisiana would be an ideal pilot project test area.

Turning to the subject of safety equipment, carriage requirements on SUPs, and other vessels, Mr. Moore said the Coast Guard presented an overview of the issues. An opportunity for public comment was then offered. A lengthy discussion ensued. The Subcommittee concluded that several issues needed further consideration. Options included:

- Leaving the issue as it stands and allowing current federal law on carriage requirements to be met;
- Going with an either/or scenario, allowing users to either meet carriage requirements or use a leash; or
- Creating an exemption for racing SUPs and/or for all SUPs.

The Subcommittee realized there was no consensus among users about how the issue should be handled. However, a representative from the Human Powered Watercraft Association acknowledged that a regulation allowing either life jackets or a leash would be acceptable to the group. Mr. Moore said the Subcommittee and the Council would need to work on the issue further.

Mr. Moore said the Subcommittee had another resolution on the proposed changes to life jacket labeling. [Please see attached Resolution.]

Chairman Muldoon asked for a second, which Mr. Les Johnson provided.

Mr. Rippy wondered how, if the Coast Guard was making the change, it would affect the states.

Mr. Hoedt answered that the Coast Guard would encourage the states to amend their requirement to match the federal requirements.

Mr. Ludwig noted that if the Coast Guard made this change, it would send a clear signal to the states to fix their regulations.

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Mr. Fields said that NASBLA had anticipated this change and already redlined its model act so they were ready when the proposed changes become available.

Mr. Jeff Johnson commented that the CFR requires states to comply with whatever the federal law dictates regarding life jacket requirements.

Mr. Hoedt said he was not aware of any statute that requires states to have statutes identical to those of the Coast Guard. Rather, he said the Coast Guard encourages states to follow its lead and, in certain cases, exempts certain types of boat from having to carry life jackets (e.g., racing kayaks), so the state cannot require it. However, when awarding grants, the Coast Guard might deem a state ineligible for grant money if it has an inadequate law enforcement program.

Mr. Rippy advised that when the labeling was changed, it would affect old life jackets as well as new. There would be a transition period, but at some point every manufacturer would have to put the new labels on all their life jackets. He added that Michigan is the only state that requires Type II life jackets on PWCs for children 12 years and younger.

Mr. Dogan wondered if the language should read that the U.S. government was "expected to take some action in the next year or two".

Chairman Muldoon felt that statement might exceed the Council's authority.

Mr. Hoedt reminded the group that these were simply recommendations; this was how things were set in motion. He was not concerned with specific language. In another resolution, however, the Council had specified dates, in the case of emergency locator beacons. There was no way to predict when the Coast Guard would have survey data back on that issue. Specifying a date generally demonstrated a desire, but it was often unlikely that things would move forward in within a specific time period.

Chairman Muldoon asked for a vote on the resolution. It passed unanimously.

Mr. Moore said that concluded the Subcommittee report; however, based on comments made during the meeting, he wished to offer a resolution that was not part of the Subcommittee's work, relating to the scope and frequency of the national boating survey.
[Please see attached Resolution.]

Chairman Muldoon asked for a second, which Mr. Dogan provided.

Mr. Hoedt observed that the Council had just passed a resolution on ELBs, and wondered if they were recommending delaying the survey. The Coast Guard intended to use the 2014 survey to gather data on where boats operate, in order to do a cost/benefit analysis. Should the Coast Guard push back the time frame?

Mr. Moore answered yes; that part of the recommendation was to look at the frequency of the survey interval; if that is deemed essential information, it might affect the time frame.

Mr. Dogan was concerned that the words "to reduce the scope" should read, "to reduce the frequency." Mr. Moore replied that they were indeed referring to reducing the scope.

Chairman Muldoon thought it meant both. He asked if they were therefore offering an amendment.

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Dr. Maxim commented that he understood the group's interests, but that it was important not to create delays on essential Coast Guard projects. Whether determining scope or frequency, he understood that they wanted to focus on what was relevant. He suggested that the group shouldn't "handcuff the Coast Guard" to a resolution it couldn't live with. He volunteered to take on settlement authority, and said he would work on the wording of the survey with input from the Coast Guard and Mr. Moore.

Mr. Jeff Johnson felt the wording was broad enough to allow Mr. Hoedt flexibility to move questions around. Some questions would be more essential than others from year to year. Questions could be eliminated as needed to reduce the cost of the survey to taxpayers.

Dr. Maxim agreed, but pointed to the necessity of having "something that Coast Guard can live with" in terms of accomplishing their objective. He felt that working on the language would take more time than they had left in this morning's session.

Ms. Takashina expressed concern about the last sentence. She was worried about not being able to collect data on EPIRBs as she hoped that the survey would establish the need for them.

Mr. Stec felt this was the type of resolution that established the need for the survey; he asked about cost.

Mr. Hoedt said the cost was a little over \$5,000,000 per survey.

Mr. Stec pointed out that was a great deal of money being taken from the grant program, which could be used for more on-water items for the Strategic Plan. He wondered how much money could be whittled down from the survey to open up more funds for the Plan.

Mr. Hoedt asked the Council if that meant the Coast Guard should remove money from other grant projects.

Mr. Stec questioned why the survey was put in the non-profit organization grant fund category to begin with. The survey would obtain data, but wouldn't directly save lives or reduce casualties; it would simply help guide decisions in the long run. He felt the issue needed examined carefully with an eye to available funds.

Mr. West agreed with Mr. Stec. He felt the Council should take a look at the entire grant program and decide what might be cut and should stay.

Regarding grant projects, Mr. Moore said that the Council had been asking for information on projects for years to have a better understanding about how grant funds were used. Council members would like to see grant projects be held accountable to perform well. He pointed out that the Council's role is purely advisory; it sets the tone for the group's intent. It is always the Coast Guard's choice whether or not to take further action on an issue.

Mr. Moore felt there were other ways of obtaining a cost benefit analysis than conducting a \$5M survey. Or perhaps the survey could be conducted less frequently or pared down.

Mr. Jeff Johnson said the issue wasn't about whether, for example, they asked questions about ELBs; the point was to give the Coast Guard the Council's opinion about what should be considered. He stressed the importance of asking relevant questions in the survey while keeping the costs down.

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Mr. Hawley liked the idea of challenging where the money was going. He suggested that the Coast Guard shouldn't feel obligated to do everything every two years, but should always reconsider timeframes all the time. Perhaps conducting a survey every five years might be more prudent. He observed that not all Council members were too familiar with what was in the survey. He proposed that the group take a closer look at it before doing anything definitive.

Mr. Hoedt wondered how often West Marine conducted surveys.

Mr. Hawley replied that it was on an ongoing basis; with every transaction, customers had the opportunity to give their opinions. He also noted that West Marine works much faster than this group.

Mr. Messmann said this made the strategic planning Subcommittee report somewhat awkward. During their report they determined that they should set up a working group to look at the survey questions and decide whether certain ones could be added or deleted. He asked Mr. Moore how this would affect their report; he requested a recess to work out the issues.

Chairman Muldoon noted that the point was to be able make changes when necessary; and anything more specific was outside the group's realm.

Mr. Jeff Johnson pointed out that surveys were just one way to gather and evaluate information or set baselines. He said the type of survey the Council was proposing was very different from those conducted by West Marine, which are more evaluative than baseline measurement tools.

Chairman Muldoon called for a vote on resolution. It passed unanimously.

Strategic Planning Subcommittee Report
Fred Messmann, Subcommittee Chairman

Mr. Messmann reported that Ms. Duer had given a presentation about the Strategic Plan's outreach to implementing partners. He noted that the theme of the upcoming International Boating and Water Safety Summit would be "Remember the Plan." Dr. Maxim had then given a presentation on the boating statistics publication, during which he offered different ways to look at the data. Member comments would go back to Dr. Maxim and Ms. Tomczuk for future publication. Mr. Burgess had called in from Washington D.C. to make a presentation on the Performance Report Part II, and Dr. Gwet, also presented over the phone on the National Recreational Boating Survey results, which generated a great deal of interest. Mr. Messmann provided a progress report on Objectives 1–9. He noted that there had been 115 slides in the presentation—all new data, which represented how much work the volunteers had put in. Mr. Messmann stressed the tremendous value of the Strategic Plan. He applauded his team and implementing partners, including the Coast Guard, for their effort.

Dr. Maxim had then presented Objectives 10 and 11, after which they had run out of time. Mr. Messmann said that, despite the volume of information presented, Council members had still requested more information. Mr. Messmann said that he would try to make the next presentation available to members 30 days before the next meeting, to give them more time to absorb such a vast quantity of information. He also planned to request that members submit their questions in advance of his next presentation.

Mr. Messmann acknowledged the need to take a better look at how Objective 11—Non-Profit Organization Grant Information—was presented. Members had noted a lack of information in the

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abstracts; and he agreed. He said he would like to work with Mr. Hoedt to find a better way to extract the information from the grant report. He noted that his group had submitted a great deal more than a DVD to the Coast Guard as a deliverable. He asked Mr. Hoedt for a recommendation as to whom he should work with. Mr. Hoedt suggested Mr. Oborski and Mr. Burgess.

Mr. Messmann stressed the importance of non-profit organization grants in enabling them to identify the issues (through the BARD reporting system) and plug the information into the Strategic Plan. Non-profit grants would then address those issues. If there is no money to address the problems, it is difficult to solve them. He felt that forming a work group to focus on amendments to the national survey was still a viable idea, and he intended to move forward with it. Another part of the national survey for the Strategic Plan—to incorporate numbers from the survey into the Plan—would be completed before the next meeting.

He said the final part of the action plan, the recommendation by Mr. Moore that North Carolina be the trial state for Objective 6: Operating Under the Influence, would move ahead as planned.

Mr. Messmann asked if there were any objections to the action plan as outlined. He concluded his report.

CAPT Rokes thanked the Council for their volunteerism and professionalism. Discussions over the past couple of days would provide great input to take back to Coast Guard Headquarters. He freely acknowledged the tightness of the Coast Guard budget, saying it would probably worsen before it improved. He then read some memorable and amusing quotes from members that he had written down during the meeting. He wished everyone a safe trip home.

Chairman Muldoon asked the veterans to stand up and thanked them for their service. He asked if there was any old or new business for the Council to consider.

Mr. Dyskow suggested that future budgetary constraints would provide challenges but also opportunities. Importantly, these constraints might give the advisory committee a chance to reinvent how business was conducted, perhaps for the better.

Mr. Hoedt said that he had been asked why NBSAC was given a travel budget while most committees were not (their organizations pay for them to travel and meet). He wondered if members would be able to attend future meetings if the Coast Guard did not provide these funds. He requested a show of hands. Eight members indicated they would still attend; six indicated they would not.

Mr. Les Johnson remarked that he had truly appreciated the lifejacket exemption webinar in the summer, which helped educate him on important issues before attending the meeting.

Mr. Jeff Johnson said they were all feeling the same budget constraints. He felt that simple things, such as deciding on the best meeting location in advance, could help determine cost.

Ms. Steely felt that if they did not hold regular meetings there could be no audience participation.

CAPT Rokes agreed. He said he was more convinced now, after attending this meeting that the Council needed to get together at least twice a year. There were some big issues discussed, and the Council brought a great deal of value to the table. A structured webinar wouldn't afford members the opportunity to work together. He pledged to push for continued Coast Guard funding of the meetings.

Mr. Hawley argued that the business of the Council could be completed in two days rather than three.

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Chairman Muldoon observed that Mr. Hoedt didn't have the staff or the resources to adequately prepare the group ahead of time, which was why the meetings took longer than they probably needed to.

Dr. Maxim said that, while he appreciated new technology, he didn't feel it was an adequate substitute for members getting together in person. During the webinar, he had had some problems understanding what was being said.

Mr. Kempf wondered if there were opportunities to work off of NASBLA meetings, as most of NBSAC members attended those meetings.

Chairman Muldoon cautioned that NASBLA had its own issues, which would make it difficult to focus solely on Council business.

Mr. Hoedt said this topic had come up repeatedly over the years—attaching to other venues, changing to weekdays. He noted that attaching to other venues would almost certainly extend members' time spent away from home.

Mr. Snyder observed that he had been watching frequent webinars from ABYC over the past few years, and they didn't compare with coming together and meeting with people, chatting between meeting hours. He was strongly in favor of maintaining the status quo of physical meetings.

Ms. Podlich pointed out that some members could not access Basecamp because they did not have clearance. If everyone was to have access to good information, they needed to know the password.

Ms. Belmore said that, after 20 years of interacting with NBSAC, she strongly agreed with CAPT Rokes about the importance of face-to-face interaction. She noted that the formal meetings were only a part of it; that constant work goes on in the hallways, during receptions, over dinner, and so on.

Chairman Muldoon said the bottom line was the Council's work saved lives.

Mr. Moore said that, after nine years with the Council, this was his final meeting. He stressed that the meetings not only provided the ability to work on important issues, but also to get to know people with great insight and vision. Time spent together with other members extended beyond resolutions and action items. He recalled there had been both successes and disappointments over the years. He said that when the group works so hard, it could be frustrating to see issues that were barely acted upon after ten or twenty years. However, that was the reality and it was important not to become discouraged. He insisted that decisions made by the Council would positively impact many people in the long run. He hoped that the group would continue to be highly diligent and fully engaged. He praised the Council, and said that getting to know the members had been valuable to him in both his personal and professional life.

Chairman Muldoon said that everyone returned the feeling.

Mr. Hoedt thanked all the members whose terms expired at the end of the calendar year. Chairman Muldoon thanked all the staff and his support team.

Mr. Ludwig requested permission from the Chairman and the Council for some editorial authority on the resolutions, mainly to clean up minor technical problems and ensure everything was within the intent of the Council. Chairman Muldoon concurred.

*90th Meeting
of the
National Boating Safety Advisory Council*


Chairman Muldoon entertained a motion to adjourn from Mr. Moore, which was seconded by Ms. Takashina.

The 90th annual meeting of the National Boating Safety Advisory Council was adjourned at 11:00am.


The 90th Meeting of the National Boating Safety Advisory Council is adjourned.

Attachments:
90th Meeting Resolutions


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




James P. Muldoon, Chairman
National Boating Safety Advisory Council



Date



CAPT Dave Rokes, Designated Federal Officer
National Boating Safety Advisory Council



Date