

**67TH MEETING**  
of the  
**NATIONAL BOATING SAFETY ADVISORY COUNCIL**  
Holiday Inn Select – City Centre Lakeshore  
Cleveland, Ohio  
**23-24 April 2001**

[Council Members Present](#)

[Council Members Absent](#)

[U.S. Coast Guard Headquarters Representatives Present](#)

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[Report On Operation Boatsmart](#)

[Update On Personal Flotation Device Issues](#)

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[Report On National Industry Boating Education Opportunities](#)

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[Boat Occupant Protection Subcommittee Report](#)

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**Monday, 23 April 2001**

0830 - Meeting called to order by Chairman James P. Muldoon.

A complete record of all Council proceedings is available on audiotape. For further information contact:

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**Council Members Present**

Mr. James P. Muldoon, Chairman	
Ms. Caroline C. Ajootian	Mr. Larry R. Innis
Mr. L. M. Barnes, III	Ms. Karen P. Kelly
Lieutenant Lyle W. Belknap	Ms. Eleanor C. Mariani
Commodore Carolyn V. Belmore	Mr. Jean-Jacques Marie
Mr. Morris S. Blackistone	Ms. Linda Jo Moon

Dr. Wilburn A. Campbell, Jr.  
Ms. Martha H. Curtis  
Mr. Kim A. Elverum  
Mr. William G. Engfer

Mr. David C. Marlow  
Major Larry G. Rhinehart  
The Honorable James A. Sheets  
Mr. Frederick J. Shepard

**Council Members Absent**

Mr. Carlos Vaca

Vacant

**U.S. Coast Guard Headquarters Representatives Present**

Rear Admiral Kenneth T. Venuto  
Director of Operations Policy  
Council Sponsor

Mr. Albert J. Marmo  
Executive Director, NBSAC  
Chief, Program Management Division

**U.S. Coast Guard Headquarters Representatives Present**

Captain Ronald Weston, Chief, Office of Boating Safety  
Mr. Philip Cappel, Chief, Recreational Boating Product Assurance Division  
Mr. Carlton Perry, Regulatory Coordinator, Program Management Division  
Mr. Randolph Doubt, Recreational Boating Product Assurance Division  
Mr. Samuel Wehr, Lifesaving and Fire Safety Standards Division

**Chairman Muldoon** called the 67<sup>th</sup> meeting of the National Boating Safety Advisory Council to order and welcomed all to the meeting. He said that it was his pleasure to introduce a friend of boating, a champion of boating safety, a great past sponsor of NBSAC, and a gracious host to NBSAC in Cleveland. He called on Rear Admiral James D. Hull, the Commander of the Ninth Coast Guard District, for his remarks, and indicated that Cleveland and its environs are benefiting from his leadership.

**WELCOME TO CLEVELAND**

**Rear Admiral Hull**, Commander, Ninth Coast Guard District, welcomed the Council to Cleveland. He said that there are 4.2 million registered boats in the Great Lakes states, and his district is tied for third in the number of search and rescue cases, which basically are done in four months. He noted the close work with the Canadians on environmental, boating safety, search and rescue and maritime commerce issues. He said that Cleveland is a unique place, and noted the great improvement in water quality that has taken place in Lake Erie, and that water quality and the environment are of highest importance and the Coast Guard has a great deal to do with preserving that quality. He added that the number one environmental issue is aquatic nuisance species, and that the main way they are spreading around the Great Lakes is recreational boaters. The Admiral said that there are over 7,000 Coast Guard regular, reserve, Auxiliary and civilian men and women in the district as well as 29% of SAR stations in the Coast Guard, and 7,000 miles of shoreline. He said that the Ninth District's corporate office is in Cleveland, which at the turn of the century was the center of the universe in the

Great Lakes. He noted that there is a Federal Reserve Bank in Cleveland. He spoke about the exploding growth in cruise ships and passengers on the Lakes.

The Admiral described the Great Lakes Integrated Maritime Safety System (GLIMSS) he put in place in the District which places emphasis on prevention and the Coast Guard working together with other people and organizations to make boating safer. He noted that the Great Lakes states get \$14 million in federal boating safety grants, and spend four or five times that on boating safety. He said that the cooperative efforts under GLIMSS have resulted in some great boating safety initiatives. He noted that Operation BoatSmart that will be done by the Atlantic and Pacific Area Commanders will serve to focus our people on prevention. He said that his district is working with the states to address drunken boating, and promoting .08 blood alcohol content laws, as well as state mandatory education. The admiral said that the Council's agenda looked very good and that the Council members should push the Coast Guard to do the right things for boaters. He said that it was a pleasure to be there, and thanked the Council for not only coming to Cleveland, but for taking their time to make a difference.

**Chairman Muldoon** thanked the Council for two days of hammering on tough issues and bringing their great degree of experience to bear in their different viewpoints on all these issues.

## **WELCOME TO OHIO**

**Ms. Pamela Dillon**, Deputy Chief, Ohio Division of Watercraft, Department of Natural Resources, welcomed the Council to the State of Ohio and the City of Cleveland. She said that the Division of Watercraft has four offices on Lake Erie, and noted that one of the facilities was a former Coast Guard station on the Ashtabula River; an example of state and federal partnership. She said that the state program shares the Ohio north coast and boating community with the Ninth Coast Guard District and works in close relationship with the Coast Guard, the Auxiliary and other boating partners. She indicated that there are over four million registered boats in the Great Lakes area, with 418,000 in Ohio, and that the lower two thirds of the State of Ohio is shared with the Eighth Coast Guard District. She said that Ohio has been quite fortunate to have an increase in funding at the state level to the boating program over the last three years. As a result of additional fuel tax, they are putting a lot of additional money into boating facilities. She said that the state implemented a mandatory education program and added 30 law enforcement officers who work closely with county, local and federal officers. Ms. Dillon said she is proud of their program and proud to have the Council meeting in Cleveland, and wished the Council a very productive meeting.

## **COUNCIL SPONSOR REMARKS**

**Rear Admiral Kenneth T. Venuto**, Director of Operations Policy and Council Sponsor, noted the Council's very meaningful and worthwhile work in grappling with a number of important safety issues, such as personal flotation device wear for children and several others, which helps the Coast Guard do a better job in boating safety throughout the United States. He said that the National Safe Boating Campaign would be kicked off right before Memorial

Day with the theme, “Boat Smart from the Start-Wear Your Life Jacket.” He indicated that the 30<sup>th</sup> anniversary of the Federal Boat Safety Act of 1971 was being marked this year. He explained that the act defined the framework of how the Federal government is involved in boating safety and resulted in a significant number of accomplishments, noting that the number of fatalities was cut in half while the boating population more than doubled, and 25,000 deaths were prevented in the course of 30 years. He said that there is a lot more work to get done and the Council has a lot to do with continuing that work effort.

The Admiral noted the importance of partnering and becoming more efficient in the face of limited resources. He spoke of “Operation BoatSmart” supported by the Coast Guard Atlantic and Pacific Area Commanders, indicating that a charter was signed by the Areas, as well as the Coast Guard Auxiliary, U.S. Power Squadrons, the National Association of State Boating Law Administrators, the National Safe Boating Council and the National Water Safety Congress, and that the guidance document would be signed at the May 24 National Safe Boating Week kickoff event in Washington, DC that will solidify the effort.

Regarding the issue of carbon monoxide poisoning on houseboats, he said that flyers alerting about dangers would be disseminated on May 1. He said that the Coast Guard has authority to require manufacturers to conduct safety recalls, noting that while this authority applies only to boats five years old or younger, a vast majority of the houseboats found to have a safety defect were built longer than five years ago and the principal manufacturers involved all agreed to voluntarily recall all of these boats to correct the problem. He emphasized that the Coast Guard works with manufacturers to get voluntary recalls where boats are beyond the statutory authority. Regarding another recall issue, he discussed efforts to identify explosion problems with Evinrude and Johnson outboard engines with Ficht technology, complicated by the fact that Outboard Marine Corporation, the engines’ maker, went bankrupt. He said that Bombardier, who bought out Evinrude and Johnson, was in the process of voluntarily conducting a recall of these engines to correct the problem. He added that a lot could be accomplished by working in partnership.

**Rear Admiral Venuto** discussed the Coast Guard budget in response to a request made at the last Council meeting. He noted that members were provided with the “*Fiscal Year 2002 Budget In Brief*” report and a *Navy Times* article on the Coast Guard’s budget. He commented that Secretary of Transportation Mineta is very supportive of the Coast Guard. The Admiral said that there are limited dollars and very many priorities. He said that in his State of the Coast Guard address, the Commandant talked about transforming the Coast Guard to meet the needs of the 21<sup>st</sup> century. That transformation process includes getting rid of some old, suboptimal assets and obtaining assets that are much more efficient and interoperable with other military services and other federal agencies. He said that the Coast Guard has been in the process of transformation for a number of years and he specified the new patrol boats and buoy tenders that have come on line in the coastal fleet as well as the just completed construction of largest polar icebreaker in Coast Guard history. He said that the focus now in the transformation process is to acquire the Integrated Deepwater System; the largest acquisition process in Coast Guard history that will span over 20 years to renew all of the major cutters, aircraft sensors communications process and logistics in one integrated effort. He said that the President’s Budget for the Coast Guard includes about \$5.2 billion;

\$338 million would be the first down payment on the Integrated Deepwater System Program. The Admiral said that the second priority is the National Distress and Response System Modernization Project (NDRSMP) that will renew the coastal communications process as well as sensors in the coastal region, and there is \$42 million in the budget for that. He said that the President's Budget would provide \$3.3 billion for operating expenses, about a \$195 million increase, but would have to cover pay raises, additional health care costs, and replenishing maintenance accounts.

The Admiral said that a theme the Commandant has talked about is operating the Coast Guard at a level at which the infrastructure can support. In the process assets that are very expensive to operate and for which there is no money to operate will be gotten rid of. He cited the facilities that are specified in the budget to be decommissioned. He summarized some guiding principles laid out by the Commandant. These include:

- Protecting the core mission of search and rescue and safety programs.
- Operating assets at a level that can be sustained by our support infrastructure.
- Optimizing the portfolio of missions and making sure we do things productively. He said that no Coast Guard mission would be jettisoned, and that two key studies on roles and missions of the Coast Guard supported the Deepwater effort and emphasized the importance of the Coast Guard accomplishing all of the missions it currently has. He said proper balance in accomplishing all the missions will be sought.
- Being good stewards of the taxpayers' dollars, and
- Preparing to execute the Integrated Deepwater System project.

Regarding the Loran-C radionavigation system, Rear Admiral Venuto said that no termination date has been set, and the Coast Guard is in the second year of a five or six year process of modernizing Loran-C through the Federal Aviation Administration appropriation. This will represent a significant improvement in reliability of Loran-C and significant personnel cost savings in that the aim is to have most Loran stations unmanned. He said that the Coast Guard operates the maritime Differential Global Positioning System (DGPS) that covers U.S. coastal waters, waterways and harbors as well as a number of navigable inland rivers and provides very accurate and reliable positioning. He noted that DGPS has a wide variety of users and about 70 stations are operated between the Coast Guard and the Army Corps of Engineers. He said that the Coast Guard and the Federal Railroad Administration (FRA) are working on a nationwide DGPS that would include about 130 sites that would be in the FRA appropriations with the Coast Guard as subcontractor to build and maintain the sites. The Admiral indicated that recreational boaters are not required to participate in the international Global Maritime Distress Safety System. He said that the Coast Guard has been working very closely with the Federal Communications Commission (FCC) through the National Search and Rescue Committee. He indicated that FCC imposed a requirement on all radio manufacturers to include Digital Selective Calling (DSC) in all newly manufactured radios as of mid 1999 and that the other step is for the Coast Guard to acquire the capability to hone in on and have the receivers for the DSC Channel 70 which is part of the NDRSMP acquisition process. In closing, Rear Admiral Venuto said that the Coast Guard is working closely with the Department of Transportation regarding the protocol for approval of advisory council members under the new administration.

**Dr. Campbell** asked if availability of Loran-C could be projected for 2010 or 2115.

**Rear Admiral Venuto** said that if modernization is finished it will go to those years and will be basically indefinite, and still expect 99.9% availability.

**Mr. Shepard** asked how much the early retirement of some assets mentioned by the Admiral would injure the mission.

**Rear Admiral Venuto** said that it has to be looked at just as a business would have to look at it and gave several practical business examples regarding operating the most efficient assets with a limited amount of available dollars. He said that there are a lot issues and we don't accomplish our mission to 100 per cent, but it is a matter of how much you can afford the tradeoffs you have.

**Mr. Marie**, regarding the a legislative proposal to extend the safety defect recall period from five to ten years that came up suddenly between the two meetings of the Council, said that he understood how it happened, but for the record finds it a little bit frustrating that the Council was not consulted.

**Rear Admiral Venuto** said that he understood.

**Rear Admiral Venuto** called Mr. Richard Snyder, Director of Product Safety Engineering for Mercury Marine, to the podium. He said that Mr. Snyder was about to retire after 40 years and has come to all Council meetings for more than 13 years and contributed his knowledge on a variety of boating safety issues. In recognition, the Admiral presented him with a certificate appointing him an honorary lifetime NBSAC member.

**Chairman Muldoon** added the thanks of the Council to Mr. Snyder.

## **EXECUTIVE DIRECTOR'S REPORT**

**Mr. Marmo** said that he would first report on the Coast Guard action on the Council's many resolutions from the last meeting. The first resolution requested that the Coast Guard develop regulations for federal personal flotation device (PFD) wearing requirements when operating or riding on a personal watercraft and/or while being towed behind a vessel for waterskiing or similar activities. He said that state requirements are being reviewed, and noted that at least 52 states and territories require personal watercraft operators or passengers to wear PFDs. A companion resolution requested that the Coast Guard work with the National Recreational Boating Safety Coalition to assist in any way possible with the introduction of state laws requiring life jacket wear when on a personal watercraft and/or while being towed behind a vessel. He said the Council's resolution was provided to the National Recreational Boating Safety Coalition and discussed at their December 11, 2000 meeting, and that the Coast Guard will work with the Coalition as the rulemaking progresses to support efforts to promote state legislation in that area. Another resolution asked the Coast Guard to develop regulations to require that any recreational life raft be serviced per manufacturers' requirements by the manufacturers' approved facilities. He said the Coast Guard is researching the feasibility and

cost-benefits, and noted that the Office of Boating Safety would be developing the servicing requirements, but the actual implementation would involve the approval of servicing facilities which is a function handled by the Lifesaving and Fire Safety Standards Division on the commercial vessel side of the Coast Guard.

Regarding the next resolution - Recognizing that the state boating agencies and other advocates have developed highly effective public service announcements addressing boating safety issues, the Council urges the Coast Guard to obtain copies of their public service announcements, and adopt their "boating under the influence" public awareness campaigns—Mr. Marmo said that various available public service announcements (PSA) were reviewed, and a very effective spot from the State of Minnesota was selected. This PSA will be reproduced using Coast Guard and NASBLA tag lines and sent to all the states and a number of specially selected television stations. The PSA will also be included in a turnkey boating under the influence kit that will also be distributed to the states. He said that a Council resolution requested that the Coast Guard examine the relationship of 4-stroke outboard characteristics to maximum horsepower ratings and adjust the rating process accordingly. He indicated that comparison of compliance testing using both old Coast Guard and current American Boat and Yacht Council (ABYC) tables was underway, and as agreed to in the Boat Occupant Protection Subcommittee meeting, the Subcommittee will wait for the results of ABYC development of a new outboard engine weight table and then take up this matter. Another Council resolution requested that the Coast Guard adopt existing ABYC/International Organization for Standardization (ISO) standards for construction and certification of inflatable boats and rigid hulled inflatable boats. He said that the ABYC and proposed ISO standards and accident data were being reviewed.

**Mr. Marmo** said that the Council recommended and supported a 50-50 split of the federal motorboat fuel taxes between the Boat Safety Account and the Sport Fish Restoration Account for the reauthorization of Wallop-Breaux in 2003; and also requested that the Coast Guard work with the boating community to fully support this resolution and resolve the scoring issue during the negotiations and the drafting of the reauthorizing legislation. He reported that the resolution was called to Commandant's and Secretary's attention, also to NASBLA, the American League of Anglers and Boaters and the National Recreational Boating Safety Coalition and the Coast Guard is working with these groups and others on funding strategies. The Council requested that the Coast Guard, through the Navigation Safety Advisory Council (NAVSAC), address the problem of the adequacy of tug and towed barge lighting; the effectiveness of the lighting. He said that the resolution was formally transmitted to the Executive Director of NAVSAC, also that Mr. Marie attended the NAVSAC meeting and indicated that there was some receptiveness to this but because of a pending lawsuit NAVSAC was going to put this issue on hold. Mr. Marmo said that the Council passed two motions at the last meeting; one recommended that the Coast Guard deny the petition for rulemaking for federal requirements to carry ground tackle on recreational vessels. He said that the petitioner, the National Boating Federation, was informed that the petition was denied based on Coast Guard review of this matter including consultation with NBSAC. The other motion recommended that the Coast Guard not take any further action regarding the serviceable life of pyrotechnic visual distress signals until further data are available. He said that no further action would be taken.



He said that at the April 2000 NBSAC meeting the Council recommended that the Coast Guard work with the Boating Accident Investigation, Reporting and Analysis Committee (BAIRAC) of NASBLA to reevaluate the criteria for determining those accidents that are reportable and those nonreportable. He reported that the results of the BAIRAC evaluation that happened as a result of NBSAC's request were presented at the October 2000 NBSAC meeting and the Council provided its comments. A detailed summary of the Council's comments was provided to BAIRAC which then made appropriate refinements to the criteria. BAIRAC's final draft was disseminated to all state boating law administrators for their comments. Mr. Marmo then asked members to review the criteria, and said he would be seeking the sense of the Council for agreement with the changes so that the issue can be closed out with NASBLA. He said that NAVSAC has been considering the issue of implications of high speed craft and is seeking NBSAC input, and that Ms. Margot Brown, a member of NAVSAC and a former NBSAC member, would be providing further information. He said that at the last meeting two state NBSAC members asked for clarification of the Coast Guard operating under the influence enforcement policy, and that the Ninth Coast Guard District would report on enforcement on the Great Lakes. In response to a NAVSAC resolution asking for information on NBSAC members Prevention Through People activities, he said that he completed a report and provided it to NAVSAC.

**Executive Director Marmo announced the following meeting dates:**

Fall 2001	October 27-30	Quincy, Massachusetts
Spring 2002	April 20-23	Considering Washington, DC area for initiation of the 5-year NBSAC regulations review.
Fall 2002	October 26-29	Location to be determined

He introduced the Coast Guard Headquarters staff and the new incoming Chief of the Office of Boating Safety, Captain Scott Evans. He thanked Mr. Frank Jennings, Recreational Boating Safety Specialist in the Ninth Coast Guard District, for his extensive on-scene help with the meeting logistics.

**CALL FOR OLD BUSINESS**

**Chairman Muldoon** called for old business.  
No old business was raised.

**CALL FOR NEW BUSINESS  
MEMBERS' ITEMS**

**Mayor Sheets** distributed an outline of a boating safety initiative in the Quincy public schools. He presented the latest status of the concept to provide the students in the Quincy public school system with basic boating safety awareness training. He discussed the curriculum and said that Quincy marine police marine unit officers would make classroom presentations, and a video-tape tailored basically to the waters of Quincy will be the primary instructional tool. He said that the majority of the funding is being provided by a Federal Community Police Public Outreach Grant. He said that they have a new cable studio which is fiber-optically wired into every classroom so direct presentations can be made. A mascot is

being sought so that character can be integrated throughout all aspects of the program. The mayor said he hopes to have the full package together with instructions about how it can be used in other cities and towns put together by the time the Council visits Quincy in October.

**Ms. Kelly** recommended that the Council have an action plan concerning the reauthorization of the Wallop-Breaux Trust Fund that will occur in eighteen months. She said that members may be called upon by state or congressional representatives.

**Chairman Muldoon** said that the Coast Guard is in an awkward position with the Wallop-Breaux situation so it is important that the individual organizations get together and come up with a program that ensures not only that the funding gets reauthorized but that it is done equitably.

**Mr. Marie** urged the Coast Guard to proceed promptly with the Council's resolutions on life rafts and inflatable boats. He indicated that there are draft standards for rigid hull inflatables and inflatable boats and recognized the need to work with the commercial side on the approval process for life rafts.

**Ms. Mariani** wanted to know what the Coast Guard is doing regarding Flarecraft that can either be a recreational or commercial boat. She said the craft looks like a plane but is considered a boat, travels at high speed and in a planing mode rises 8-10 feet above the water on a cushion of air, and is not regulated by the Federal Aviation Administration.

**Mr. Innis** said that his issues were included in the meeting agenda.

**Ms. Curtis** said she has concern for mechanical failures with inflatable PFDs that are starting to be exhibited in the recreational marketplace. She indicated there is a need to either alert consumers or bring the devices back into compliance or provide additional information to those boaters who want to rely on those safety devices under various types of conditions. She said that the summary of the Council's resolutions/recommendations has been very helpful and also recommended continued maintenance of administrative procedures to integrate new members into the Council.

**Dr. Campbell** said that he would like to make sure that when applicable, an educational component be infused into all recommendations. He felt that when too much credence is put into mechanical corrections, and if you don't have a strong education component, we won't get to the safety level we want to achieve. He also asked for an update on the Aqua Force Type V swimsuit PFD primarily designed for the general recreational boating public but upgraded to include water skiing and personal watercraft.

**Mr. Blackistone** said that he heard the boat recall issue talked about several times over the past two days but was not sure all the Council members are aware of this issue so would like hand out a very brief explanation of the recall issue and the status of that.

**Commodore Belmore** said that the Paddlesmart campaign is now getting integrated into BoatSmart. She provided the Council members with the newest sticker produced. She said

that under a BoatU.S. grant 25,000 were produced for the New England Safe Boating Council and are being given to all of the producers of canoes, kayaks and small hand powered craft in the New England area to put on the craft, and they are also going to liveries and other groups to remind persons in these small craft to wear life jackets. She said these are being reprinted by NASBLA, industry and other groups with their logos on them. The next step is public service announcements on public transit authority vehicles.

**Lieutenant Belknap** asked about the status of rulemaking to get the threshold limit for reporting boating accidents raised.

**Mr. Barnes** underscored the importance of education. He said that there is a lot to be done on the educational side, and the Auxiliary and U. S. Power Squadrons have a new course and 100,000 volunteers to help the states and public in the education process. He said that the Council advises the Coast Guard on things that have safety aspects basically mechanical, but we cannot make a sport, particularly with the high speed craft, completely safe. He said that statistics show that the vast majority of people involved in boating accidents had no training. He urged that people attend boating courses and that when the Council looks to make something mechanically safe it keep education in the forefront too.

**Ms. Ajootian** expressed interest in the proposal to extend the recall statute from five years to 10 years.

## **RECREATIONAL BOATING SAFETY (RBS) PROGRAM REPORT**

**Captain Ronald Weston**, Chief, Office of Boating Safety, said that this was his last Council meeting as chief and he found this past year rewarding and would miss the many fine people he got to know and work with. He said he had a terrific replacement, Captain Scott Evans, with a great background, a lot of zeal, a boater and also a pilot who has an appreciation for both sides of safety on the water, response in rescuing people as well as the need to be safe and prevent accidents. He said that he believes that we are on the cusp of some very exciting developments and the next year or two will offer a great deal of opportunity. Operation BoatSmart represents an opportunity about partnerships, being more effective in boating safety, and changing the culture within the Coast Guard to focus more on the prevention side of boating safety. The other thing of key interest is Wallop-Breaux reauthorization. On the regulatory front he said that child PFD wear and the lowering of blood alcohol content to .08 rulemakings are moving toward completion.

The Captain said that houseboat recalls due to a particular design defect on certain houseboats found in investigations of carbon monoxide poisonings at Lake Powell have gotten a lot of press and political attention over the last six months and the cooperation of the manufacturers has been outstanding. He indicated that the heavy load of the houseboat issue truly pressed his small staff and necessitated putting some other things on a slower timeline. Regarding an item of interest that came up concerning a change in statutory authority to extend the recall period from five to 10 years, he said that it is a proposal being considered by the Senate oversight committee, but since the Coast Guard Authorization Bill has not yet left the Administration and gone to the Hill he was not allowed to talk in terms of what is in that bill.

He said the committee asked the Coast Guard to provide drafting assistance in preparing a legislative item, and whether or not that will actually go forward or not is up to the committee. He noted that the intense interest that resulted from the houseboat situation at Lake Powell had a great deal to do with looking at statutory authority since most of the 3000 houseboats in question were over five years old and questions arose before the cooperation of the houseboat manufacturers was received concerning what the Coast Guard would be able to do if they did not correct the defective boats. He said that the recall of Evinrude outboard motors by their new owner, Bombardier, is an example of cooperative effort from somebody who doesn't have legal liability to conduct a recall. He noted that it is another example of an unplanned external event that imposed a great deal of burden on a small staff that manages a very large portfolio.

**Captain Weston** then turned to the Wallop-Breaux Trust Fund which he said is composed of two accounts, the Boat Safety Account (BSA) and the Sport Fish Restoration Account (SFRA). He said that motorboat fuel taxes paid by boaters represent a large fraction of the money that goes into the trust fund, but only about 32% of boat fuel taxes are credited to the BSA which is capped at \$71.6 million. He said that \$59 million was allocated for the state program. He noted that the SFRA is a mandatory automatic appropriation, but the BSA requires a discretionary appropriation, hence there is the scoring issue. He said that the SFRA has a 75 federal/25 state dollar match, while the BSA has a 50/50 match. Regarding the question raised by Ms. Kelly as to what persons could do to assure boating interests are considered, he said that as a federal employee he was prohibited from lobbying or urging anyone to conduct a grass roots campaign to change the law, but was not prohibited from educating people about the law and its effects. He encouraged state and other Council members to educate others. He said that the state grant program underwrites and encourages state activities furthering boating safety and that the present law creates a bone of contention between the states and the Coast Guard because the Coast Guard would essentially have to devote \$70 million of its budget in order for the states to get the full authorized \$71.6 million amount. Getting this extra \$12 million for the states is the scoring problem. He said that if the Coast Guard does not budget anything there is a fail-safe built into the law currently that provides \$59 million for the state program.

**Captain Weston** said that the main point is that everyone in the meeting room has a stake in this because the funds that go to the states are the fuel that makes boating safety happen out there in the field to a large extent. Most of the boating activity occurs on waters where there is no active duty Coast Guard presence, so the states truly do have the lion's share of the task. He presented a flip chart schematic that highlighted some key points concerning the funding issue. He noted that the complexity of the formula presents a real challenge to educate others. He restated some of the facts, i.e., two accounts in the Aquatic Resources Trust Fund, mandatory vs. discretionary appropriation, 75/25 vs. 50/50 match, and the fail-safe provision that was included in the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) that provides \$59 million for the state program if there is no discretionary appropriation. He observed that motorboat fuel taxes roll over to the SFRA because the BSA is capped, and that the complex formula applies a 12% tax to the rolled over amount for the Coastal Wetlands Program.

Unidentified person asked how the \$59 million comes out of the SFRA account.

**Captain Weston** said that the TEA-21 legislation provided that if there is no appropriation for boating safety, \$64 million is sent to the Coast Guard. Of that, \$5 million is available to the Coast Guard for new boating safety activities, and that is how the factory visit and several other new initiatives of real benefit are being funded. The \$59 million that goes to the states is less than the \$71.6 million they are authorized which would require the Coast Guard to write off \$70 million to obtain the higher funding level.

**Ms. Kelly** asked if the reauthorization can change the split in funds.

**Rear Admiral Venuto** said that reauthorization is about deciding how money will be appropriated from the Wallop-Breaux Trust Fund, making both accounts mandatory, and the percent split between the BSA and the SFRA. He noted that the Wetlands issue and the fact that some of the money goes toward deficit reduction are political issues associated with this account. He discussed the feasibility of a 50-50 split, the fact that the BSA currently gets about 32% of the marine fuel tax revenues, and the need to arrive at an acceptable reasonable percent split with American League of Anglers and Boaters (ALAB).

**Captain Weston** concurred that there are some obvious political considerations. He said it is a complex issue that has to be put in terms people can grasp. He said that there are three key issues with Wallop-Breaux reauthorization; first, making boating safety a permanent or mandatory appropriation would solve the scoring issue and the determined full authorized amount would go to the state grant program, a position the Administration took in 1998, and ALAB in the past supported BSA as a mandatory appropriation; second, NBSAC already passed a resolution advocating a 50-50 split in allocation of motorboat fuel tax receipts; and the third issue is the federal/state match for the state grant program. He told the members that it was incumbent on them as an individual in an official or private capacity to think what they might do to educate somebody who could make a difference.

**Mr. Virgil Chambers** (Executive Director, National Safe Boating Council) said that the important issue, no matter what we are asking for, is to be able to have a good answer about what is going to be done with the money. He said that a good example we can hang our hat on right now is the 5% nonprofit grant money. Excellent grants came in, and there wasn't much money to give out.

**Captain Weston** said that was an excellent point, and the states and NASBLA have to make the case for the need to get more money. He said that the nonprofit grant program uses 5% of the state grant allocation to provide grants to national nonprofit public service organizations for national boating safety activities. He said this is currently less than \$3 million, and roughly \$10 million in applications are received, the vast majority we would like to fund. He noted that there are other beneficiaries of growing the Wallop-Breaux state grant program.

**Mrs. Irving de Cruz** observed that there is a lack of consistency with the way the Coast Guard has dealt with the carbon monoxide issue, having been prodded by Congress, the National Institute for Occupational Safety and Health (NIOSH) and others. She noted that the

unfortunate carbon monoxide deaths were swimming accidents and the statistics weren't there, and for years the Coast Guard suggested that statistics did not support propeller regulatory action. She said that the obvious defective boat problem associated with carbon monoxide should be taken care of. She mentioned an upcoming meeting that the Coast Guard arranged with houseboat manufacturers, NIOSH and others to figure out a fix, whereas such a meeting with industry has never occurred to create a fix for propellers accidents. She suggested that this is not consistent, and S.P.I.N. (Stop Propeller Injuries Now) is asking the Coast Guard to make very certain when all the players are at the table for the May 3<sup>rd</sup> meeting that the propeller issue be brought up then as well.

**Captain Weston** said that will be done. In closing he said he truly appreciated the opportunity to work with all of the Council members who really do a great job, and that he appreciated their advice and steadfast involvement with this program. He also commended Mr. Marmo's hard work.

**Chairman Muldoon**, regarding the Wallop-Breaux situation, said anglers spent \$12 million in one year on a "Let's Go Fishing" campaign and that's putting a lot of money into fish instead of human lives. He said that ALAB is an organization that Senator Breaux looks to for consensus and that ALAB has a strong input from the fishing interests that has been to their benefit. He encouraged eligible boating organizations to join ALAB to help assure that a fair consensus is reached. He said that he agreed with not forcing the Coast Guard to write out a \$70 million check to pay a \$12 million bill, and said that it needs to get done right so that it is not such a painful choice.

At this point he asked the guests to introduce themselves. The list of guests is included as [enclosure \(1\)](#).

Break

**Chairman Muldoon** said that he neglected to get approval of the minutes from last meeting. Mr. Innis moved that the minutes be approved, and Lieutenant Belknap seconded. The minutes were approved unanimously.

### **CARBON MONOXIDE ISSUES UPDATE**

**Mr. Philip Cappel**, Chief, Recreational Boating Product Assurance Division, said that the local agencies at Lake Powell looked into the death of two young boys last August who swam under a houseboat, and found out that they were poisoned by carbon monoxide (CO). They determined there were an inordinate number of CO deaths of this type on that lake so they convened an interagency committee to look into the problem. The Coast Guard participated in that meeting in September at Lake Powell and some CO readings were taken on some of the houseboats on the lake, and they followed up with a more comprehensive collection of data during October and produced the results in a final report in November 2000. The data revealed 10 deaths in six years on Lake Powell with this particular design of houseboats. The Coast Guard determined that this design was a defect that caused a hazard to the public and decided that we should recall these houseboats. The particular design has a rear exhaust with

a swim platform close to the water that creates a cave or cavity. It was expected persons wouldn't go into this area where there were propellers, but some did for various reasons. He said that CO can kill very quickly, and it was found with this design the CO build-up was extremely high. In December the Coast Guard sent a letter to all those manufacturers coded as houseboat manufacturers in the database informing them that we found this specific design to be a defect and wanted to know if they were building or had built boats of this type and what their corrective measures were.

**Ms. Ajootian** asked how many houseboat manufacturers were identified.

**Mr. Cappel** said that there were 85 houseboat builders listed in the database. As a result of the mailing six manufacturers were identified that had built or were currently building houseboats with this design defect. All agreed to do a voluntary recall.

He said that in January to go along with the recall the Coast Guard published consumer safety advisories on the hazards of CO in the Federal Register, on the boating safety web site and in a media release that attracted a lot of publicity. Two grants were solicited in October, one was to test the current technology in marine CO detectors, and one to widen our examination to other boats that have stern exhaust and swim platforms. A grant was awarded to the Marine Technology Society and that group would be at the May 3 meeting to look into new technologies manufacturers have been looking at, such as dry stack exhaust out through the top, and an afterburner that burns up excess fuel coming out of the exhaust.

**Mr. Cappel** emphasized that historically the concern has been with boats underway and exhaust from main engines, and this was our first experience with deaths caused by the generator exhaust which has to do with a new design with bigger swim platforms and also larger electronic suites that involve generators when you are not underway. The May 3 meeting is basically to look at some of these new technologies that might prove useful and also look at the ABYC standard on exhaust systems and look at the possibility of making a recommendation that they add on dry stack exhaust as an alternative for a manufacturer to use. He said that legislation as far as recall authority became a consideration because with a 5-year cap we really couldn't go back and force the manufacturers with boats more than five-years-old to repair or fix a safety defect; also there were very minimal penalties if they didn't repair it. Fortunately in this case the Coast Guard got the cooperation of manufacturers, but it raised a concern and legislation through the Coast Guard Authorization Bill was an opportunity that arose to address it.

**Mr. Marlow** asked about the location of the May meeting, and the attendees.

**Mr. Cappel** said the 1-day meeting would be held in Lexington, KY, the closest city to where most of houseboat manufacturers are. He said that houseboat manufacturers, NIOSH, National Park Service, ABYC and some equipment manufacturers were invited to the open meeting. He said that the intent was to make it an industry workshop with people that have the problem and the solutions and try to come up with some recommendations.

**Ms. Ajootian** said that it was commendable that the houseboat manufacturers recalled these boats, but asked if there was any evidence that they would have done so if Coast Guard hadn't gotten involved.

**Mr. Cappel** stated that he thought the houseboat manufacturers had gotten a letter a year previously from the Park Service, but didn't do anything about it because they weren't really violating any regulations.

**Ms. Ajootian** said not as far as regulations, but the substantial risk defect.

**Mr. Cappel** said that they didn't identify it as such and actually identified it as a method of keeping CO out of living spaces. He said that actually at one point, he thought that it was probably a good idea to put the exhaust someplace where people wouldn't go. He didn't realize how much CO did build up there, and with the buildup in this cavity when it would come out it was lethal where it was coming out so people were succumbing and getting injured on the swim platform and even on the aft deck when CO was able to come up.

**Rear Admiral Venuto** said that one thing learned is that CO poisoning as a result of this was not readily apparent, and many of these were reported as swim deaths. There wasn't a real good connection until the study, so it is hard to say.

**Mr. Marie** said that as a boater particularly in the saltwater environment he has real difficulty asking to guarantee that any piece of equipment would last ten years which is essentially asking for a 10-year warranty on a piece of equipment.

**Mr. Cappel** said that it is not a warranty. The problem is that if you had a six-year-old boat and a five-year-old boat and we found a safety defect, not wear and tear and not corrosion, would you fix the five-year-old boat but not the six-year-old boat?

**Mr. Marie** said that nobody is saying that; there are plenty of examples of manufacturers doing it voluntarily such as the houseboat situation. If you look at it, fuel tanks corroded after six years, therefore you have to replace them under warranty.

**Mr. Cappel** said that they would have to be replaced only if corroded because they were installed improperly as Tiara did.

**Mr. Marie** noted that they took care of it, so why do we need legislation?

**Mr. Cappel** said that it is needed because if one person doesn't cooperate with us we would have a problem.

**Mr. Marie** said that there are plenty of lawyers who will take care of it, and added that Congress will decide on that.

**Ms. Ajootian** commenting about manufacturers unwillingness to cooperate with the recall statute, said that a perfect example is the Ficht engine that OMC built that catch fire and



explode. OMC knew about for at least a year before they went bankrupt and did nothing. She noted that Bombardier did a great thing by recalling these engines voluntarily when there was no legal obligation to do so.

**Mr. Marie** asked about getting the support of the Coast Guard Auxiliary.

**Mr. Cappel** said that the Auxiliary is very heavily engaged in educating. They have a dock walking program and are alerting boat owners. They have made this part of their education program and their inspection program.

**Ms. Curtis** recommended that alternate fuels be explored for generators and outboard engines to eliminate the emissions problem.

**Mr. Cappel** noted potential problems with getting diesel fuel in certain places having two separate fuel systems on board and mixing fuels.

**Mr. Marlow** commented that a good visualization of the area on the houseboat constituting the defect would show that much effort was required to get to the place the emission was. He said that people need to understand the dangers of CO, and how they exist today in every fossil burning fuel appliance.

**Rear Admiral Venuto** said that the real issue is an education issue as well and an awareness issue that you have these hazards. He noted that we all drive autos but don't park in a garage and close the door and sit in the car and talk while the engine is running. He said that even the side venting exhaust approved for houseboats is a risk mitigation. He said that warning people about the danger through labels and education is an important part, but we haven't come up a situation that we are going to prevent this. He said that there are a lot of complexities and emphasized that this is a risk mitigation effort. He added that there is no distinction between a voluntary recall and a mandatory recall once a manufacturer says they are going to recall they then have to report to the Coast Guard on progress in correcting the problems.

#### **COUNCIL DISCUSSION ON PETITION TO ESTABLISH NATIONAL STANDARDS FOR RADAR REFLECTORS**

**Mr. Carlton Perry**, Regulatory Coordinator, Office of Boating Safety, said that a petition for rulemaking was received from the Recreational Boating Association of Washington. They indicated that small vessels are very poor radar targets and hard to see in darkness and conditions that restrict visibility, and that use of radar reflectors on such vessels would contribute to vessel safety under those conditions. The purpose of the petition was to provide vessel owners assurance that radar reflectors purchased are adequate. They recommended that the Coast Guard adopt International Maritime Organization (IMO) resolution A.384(X), Section 2, that states that all vessels of less than 100 tons gross tonnage operating in international waters and adjacent coastal areas should, if practicable, be fitted with a radar reflector of an approved type. He said that a review of Coast Guard statutory authority to promulgate regulations found that the Coast Guard has authority to establish Federal

standards for marine articles intended for use on recreational vessels. The accident report database was searched for 1997-1999 for collisions between vessels where a radar reflector aboard failed to prevent a collision. He said that about 200-400 cases each year were found identifying low visibility conditions, but only four related reports were found out of the 3-year period, and he described these cases. None of the reports indicated that the commercial operator or other operator was using radar anyway or that any passive radar reflector was in use on the recreational vessels and didn't help. Mr. Perry said that he consulted with Mr. Markle, the Chief of the Lifesaving and Fire Safety Standards Division who indicated that his division is establishing an approval program for navigation equipment required on ships subject to the Safety of Life at Sea (SOLAS) Convention, is preparing to approve radar reflectors for ships under 100 gross tons meeting IMO Resolution A.384(X); and will be prepared to accept applications for approval of radar reflectors by summer of 2001.

**Mr. Perry** then asked what NBSAC recommends: whether the Coast Guard action on the commercial side to approve navigation equipment required equipment for ships, including radar reflectors, substantially complies with the request in the petition; whether we should inform the petitioner of the Coast Guard approval program that is ongoing; whether no recreational regulatory action is required on the petition; or whether there were any other actions that should be considered.

**Chairman Muldoon** said that IMO has a study going on to use active radar reflectors, and asked if that was looked at.

**Mr. Perry** said no, the petition only addresses passive.

**Chairman Muldoon** commented that the increasing amount of composite recreational boats make this even a more important issue in some cases.

**Mr. Shepard** said that as there are no approvals currently available in the United States it would provide the recreational boating community a baseline by which to make a decision in the procurement of the radar reflector. He said that he thought it would be a good idea to go through with what the commercial side of the house is doing, and that would take care of the recreational issue.

**Chairman Muldoon** asked if Mr. Shepard was talking about all boats operating in international waters.

**Mr. Shepard** said not as a mandatory requirement, but simply as the approval of the radar reflector itself. He said that by developing approval criteria, the consumer can be provided with the materials to make an educated decision.

**Mr. Innis** commented that the key is not mandatory use but that the standard be developed so the consumer/boater would know that the radar reflector is to do its job.

**Mr. Perry** said that the petition did not recommend that we require use, only that we establish national standards so that if you decide you want to buy one you would find “Coast Guard approved.”

**Mr. Marie** noted the proliferation of radars on pleasure boats and people are thinking what they are seeing on radar is what is there and they are depending on it, which makes it even more important.

**Ms. Curtis** said that the approval process is the first step in moving this into the category of a piece of safety equipment where it becomes recognized it has to perform in a certain environment. She had some concern about translating the recognition of the device that will now perform under an approved capacity, making this an affordable technology so it can transition to the recreational boating market without barriers.

**Mr. Shepard** added that the Lifesaving and Fire Safety Standards Division’s actions are going to satisfy the petition for rulemaking.

**Chairman Muldoon** recommended that the International Offshore Racing Council’s and US Sailing Safety at Sea data concerning use of radar reflectors be looked at.

**Mr. Shepard** introduced the following **motion** which was seconded by Dr. Campbell.

**It is moved that the U.S. Coast Guard abandon efforts in response to the Recreational Boating Association of Washington petition for rulemaking to establish national standards for radar reflectors. The organization should be informed of actions being taken by the Lifesaving and Fire Safety Standards Division of the Coast Guard regarding development of a program to approve radar reflectors and other navigation equipment for use on ships under 100 gross tons, which substantially satisfies the petition, and be notified upon completion of that work.**

**Mr. Innis** asked if we want to insure that commercial standards will apply to recreational boating.

**Mr. Perry** said that commercial would be standards for all radar reflectors. A person could buy a reflector that says, Coast Guard approved.

**Ms. Curtis** said an example would be flares, where recreational boating flares do the job according to federal carriage requirements, but SOLAS class flares set a higher standard.

**Ms. Mariani** said that she would want to see that the sizes would be usable by recreational boaters; commercial reflectors may be much bigger.

**Mr. Perry** said that we are not talking about a physical object, but an “adequate polar diagram in azimuth and an echoing area” which would probably be as big as a 12-18 inch ball.

**VOTE: In Favor – Unanimous.**

**Mr. Perry** said that the Council’s recommendation that the petition be denied because the commercial application complies with the petition would be considered. The need for public notice would also be considered. The petitioner will be notified of the Coast Guard’s decision and would be kept apprised of the program approval development.

**Mr. Shepard** requested that the Lifesaving and Fire Safety Standards Division report on the progress of the standard and its development.

### **REPORT ON PROPELLER INJURY PREVENTION INITIATIVES**

**Mr. Philip Cappel**, Chief, Recreational Boating Product Assurance Division said that this presentation was being made in response to a request from the last meeting for a review of the history of this initiative. He and **Mr. Carlton Perry**, Regulatory Coordinator, Office of Boating Safety, reviewed the many actions involved. A copy of their presentation is included as [enclosure \(2\)](#).

**Lieutenant Belknap** asked why the project that was started in May 1999 only looking at rental houseboats on federal waters went off to include other boats.

**Mr. Perry** said in looking at the accident statistics it wasn’t rental houseboats, it was the planing vessels doing most of the damage. He explained that we knew we couldn’t put propeller guards on planing vessels, so we looked at what we could do to make them a little safer and also take care of the rental houseboats.

**Lieutenant Belknap** asked if it was the number of houseboats versus the injuries he was talking about, versus the number of vessels at 16-26 feet, or just the fact that there are a lot of them.

**Mr. Perry** said there is more risk there. We don’t know which boat 16-26 feet is going to do the hitting, but we know it is going to be a lot of hitting, and with the rental houseboats the numbers were very small, specific to rental houseboats.

Lunch

### **REPORT ON OPERATION BOATSMART**

**Commander Kim Pickens**, Operation BoatSmart Project Officer, Coast Guard Atlantic Area, said that Operation BoatSmart is a 4-year campaign initiated by the Coast Guard and the Coast Guard Auxiliary to prevent recreational boating deaths through a partnership with other boating safety organizations and stakeholders. The partnership is now a coalition consisting of the National Association of State Boating Law Administrators, National Safe Boating Council, the Coast Guard and the Auxiliary, the U.S. Power Squadrons and the National Water Safety Congress, and in the near future they hope to enter into agreements with other boating and safety related organizations and industry. She presented statistics showing that 76% of boating deaths occur on rivers, creeks, streams, lakes, reservoirs and ponds; inland waters where there is no Coast Guard presence. She said Vice Admiral Shkor, Atlantic Area

Commander, sought to extend Area and even Coast Guard wide, Rear Admiral Hull's initiative in the Ninth District to try to reach recreational boaters through partnerships, making it clear that Operation BoatSmart is not a Coast Guard operation, but it is a combined and coordinated effort by a coalition of boating safety officials and agencies and other interested parties whose focus is to eliminate recreational boating deaths on our waterways.

Commander Pickens presented a brief description of the national organizational members of the coalition. She noted that the Auxiliary and Power Squadrons provide a volunteer force of almost 100,000 members. Also, there are several coalitions within the coalition which have several partners. She indicated that the Operation BoatSmart partnership came up with four key principles or precepts: Wearing life jackets saves lives; boater education save lives; safe boats (properly equipped and maintained) save lives; and sober boating saves lives (operators and passengers).

She said that the four agreed to intervention strategies are to pool resources whenever possible to create synergy of effort; encourage life jacket wear and boater education; target high risk boating activity for special attention; and focus resources on high risk areas/times. The coalition of Operation Boatsmart partners have determined that the best way for them to prevent recreational boating deaths is to work closely together at the national, regional and local level to develop strategies that focus more on inland areas where the majority of Americans boating takes place. The Coast Guard is encouraging its members to push the envelope in forging new partnerships and strengthening existing cooperative relationships. She provided several examples of ways to cooperate and described examples of noteworthy strategies of each of the coalition member organizations. She said that the second intervention strategy to wear life jackets and sign up for boater education classes is all a part of raising boater awareness. The third strategy is to target operations on those boating activities or watercraft that have been determined by members of the coalition to be more at risk for boating fatalities, including angling and hunting, boating under the influence, canoes, kayaks and rowboats and personal watercraft. She provided facts and statistics on each of these high-risk activities and vessels. She emphasized that with Operation BoatSmart there are a lot of things that have to be done at the local level and stressed that there are differences in boaters and activities in different parts of the country and there will be an emphasis on identifying in a local area who high risk boaters are and aiming special programs at those individuals. The forth and final key strategy is to target prevention and response operations at local hot spots during high threat times whenever and wherever possible, and this is an area where local leaders will decide where and when to target their operations

**Commander Pickens** presented the general timeline for the operation indicating, although a finite period of time, the ideas and cooperation can extend far beyond 2005. She said the outreach phase will continue throughout 2001 and that that a plan was being developed with planning partners and then will be reaching to partners in many constituencies. Awareness is the next phase to alert the public as to what the strategies are, what activities to focus attention on who needs special attention, and to raise awareness of risk in different boating populations. She said that an assessment will be done in January 2003 to see how effective the effort has been and whether or not there is a need to reach out more to other organizations. She noted that this falls into the timeline for Wallop-Breaux reauthorization and can be an excellent tool to show what can be done if full funding is received. Another assessment will be done with

the main measure, i.e., whether or not we can see a change in the observable wear rate for life jackets. The critical success factor will be the ability of all the coalition partners to effectively communicate the BoatSmart message to the boating public.

She said that appropriate promotional materials would be developed to help convey this message, borrowing freely from and complementing each others' programs. Appropriate measuring methods would be developed that will tell whether boater behavior has changed. She said that the most important factor to success of Operation BoatSmart is for all of the partners and stakeholders to work creatively together at all levels - national, regional, state, district and local - and that a highly visible joint message and the strong presence in the public's eye are the best way to effect a positive change in the behavior of the recreational boaters. She closed by saying that Operation BoatSmart was born of a growing awareness that there are whole populations in inland areas that the Coast Guard isn't reaching and we need to identify and reach problem boaters with partners if we are going to make any significant change in the boating fatality rate.

**Chairman Muldoon** commented that organizations of two of the target groups, canoeists and kayakers, are not represented on the coalition.

**Commander Pickens** said that the plan being developed will include these and others, such as camping, hunting, manufacturers and businesses who will all be needed to get out an effective message.

**Chairman Muldoon** said that based on experience with the sailing national governing body trying to represent windsurfers, planning for those who generally are not members of traditional boating organizations leaves big holes in your plan.

**Commander Pickens** said that they are coming up with some overall guidance about how to approach various organizations.

**Mr. Marie** said that people outside of safety professionals should be included in the planning process. He spoke of the importance of getting the boating or outdoor press involved and the benefit of professional public relations people such as in the fishing campaign. He suggested that the Outdoor Writers Association forum presents a good opportunity to get the message out.

**Commander Pickens** said that they are working to develop media strategy from national down to local level to be included within the planning guidance.

**Mr. Barnes** said he took part in an Operation BoatSmart planning meeting and names of different organizations that were not involved then were suggested to the Coast Guard to be brought into planning. He commented that in essence this is a coalition not necessarily doing anything different than we had been doing before, but bringing us all together with a focal point under one head so that we can accomplish more.

**Mr. Chambers** (National Safe Boating Council) agreed, but indicated that the National Safe Boating Council is made up of over 300 different organizations and has several channels to sportsmen, etc. Likewise the other major coalition organizations have broad representation and deal with anglers, hunters, etc. He commented on the public awareness campaign of the Recreational Boating and Fishing Foundation, saying that was an \$11 million project, whereas the grant for the National Safe Boating Council is about \$300,000.

**Lieutenant Belknap** asked Commander Pickens where they come up with the target group they selected.

**Commander Pickens** said it was based on information they had, fatality rates as compared to exposure hours on the water, e.g., paddlesports.

**Ms. Pam Dillon** (Ohio Division of Watercraft) offered a different perspective on this operation, saying that the Coast Guard is reasserting themselves in the recreational boating safety mission and is getting refocused into inland boating issues. She said that she is happy to see the Coast Guard really coming in, joining the joint efforts of the boating safety groups, and revalidating what those are so we can all go together as a unified voice in those efforts.

**Mr. Romito** (Ninth Coast Guard District) spoke about the Great Lakes Integrated Maritime Safety System (GLIMSS) initiated in the Ninth District last summer which focused preventive efforts with operational efforts in areas where accidents were taking place. Preventive efforts of Auxiliary and local Department of Natural Resources personnel on high risk weekends were followed by boardings the following weekend.

## **UPDATE ON PERSONAL FLOTATION DEVICE ISSUES**

**Mr. Samuel Wehr**, Lifesaving and Fire Safety Standards Division, provided a status on inflatable PFDs. He said that a grant to Underwriters Laboratories was assisting development of indicating automatic inflators and tests needed for both the indicating Use Code 1F and 2F were validated and showed that two 2F inflators could be approved in not too long a time, also potential for a 1F inflator. He said that one manufacturer proceeded on its own testing has a 1F inflator that could be approved very soon. At this point he showed the Council samples of inflators to see how well it could be determined if they are armed. He said that another grant was looking at the indicating window material that is over the inflator in the PFD. He reviewed a table on new and related approvals for inflatable PFDs that was provided to Council members. He said that nine different models of inflatables were approved over the last year. He added that one new manufacturer came on line, and three new categories are covered. Eight models of hybrid inflatable PFDs were approved for children and they fit in four different categories.

**Mr. Wehr** next discussed risk based compliance which is an outgrowth of the Life Saving Index that NBSAC recommended be developed. He said that this is important because survival is a business of tradeoffs. He addressed Dr. Campbell's member item regarding the Aqua Force PFD recently approved for use in waterskiing and PWC use. He said that it is in a category called swimwear PFDs, i.e., basically a PFD made out of same material as a

swimsuit with foam panels sewn into it. He explained how tradeoffs were made in applying approval criteria resulting in its approval as a Type V PFD. He said that the risk based compliance model was discussed in the subcommittee meeting, and he provided a brief overview of the model to the Council. He said that the model is ready for testing and they are hoping to assemble a workshop so participants could use it to analyze some PFDs and help to calibrate the model.

Regarding ISO CEN standards for PFD classification, he said that the primary agenda item for an upcoming meeting is to resolve comments and negative votes that were received on the first inquiry. He noted that normally standards run through two inquiries; the first ballot is hopefully to resolve all the issues, and the second hopefully to get it approved. He said that this would be a very important working meeting in terms of trying to correct what the Coast Guard thought were a number of deficiencies as well look at comments from other member nations. He explained some wave tank testing that should be used to demonstrate the need for making these standards as complete as possible and keep the needs of the victim primary in the work that is going on. He said that their principal concern with the ISO-CEN standards as they were is the concern about the lack of repeatability in testing and the need for standardized test methods between countries.

**Mr. Wehr** noted that at the last NBSAC meeting there was a request that the activity to be engaged in correspond with the intended use of the PFD, and said that would be brought to ISO's attention and that the grantee for the PFD labeling project would be asked to look into this. Regarding the issue of PFD impact ratings raised at the last Council meeting, he said there aren't any requirements for impact ratings now and they wouldn't advocate putting those back on the labels. He said that the ISO standards don't presently specify a format for labeling so that leaves a fair amount of flexibility, but they do specify a lot of information they want conveyed.

**Mr. Wehr** updated the Council on the Sea Water Immersible Manikin (SWIM). He said that a contract was awarded last fall to develop a complete family of manikins, and a male manikin has been built and a small female and child manikins are next. He discussed some wave tank testing done in March to validate the swim manikin and test a number of life jackets. He indicated that the manikin would be used to gain information about the probability of survival that will help in standards development and PFD evaluation.

**Lieutenant Belknap** asked if there would be any standardization or certification of cylinders, especially replacements.

**Mr. Wehr** said that UL standards cover standards for the cylinders. He explained that when a rearm kit that UL classifies for your PFD is bought, it will have the cylinder in it that meets those standards. He noted that in some cases there is some kind of attachment to the cylinder that makes it unique to the inflator. In these cases the indicator goes with the cylinder, so you get a new indicator when you get the cylinder.

**Mr. Barnes** asked if there will be a standard cylinder that will meet more than one name brand.



**Mr. Wehr** said that probably most will be different, but there may be some that work across several lines.

**Ms. Mariani** asked if the four models of approved children's inflatables will be on the market this year.

**Mr. Wehr** said yes, they are already in some catalogs.

**Ms. Mariani** asked if there were any inflatables approved for PWC use and waterskiing.

**Mr. Wehr** said that he didn't believe so, but there are efforts underway to get hybrid units that would meet those requirements for approval.

**Ms. Mariani** said that if there are no impact ratings when someone is going to buy a lifejacket for high speed activities there is nothing we can tell people that want to make sure they buy a certain type.

**Mr. Wehr** said there will be something on the label that says it will be suitable for use on PWC or waterskiing, or a warning saying it is not for PWC, waterskiing, and similar towed uses.

**Mr. Marie** asked if the cylinders have to be Department of Transportation approved and will they be subject to all the restrictions.

**Mr. Wehr** said he thought that DOT deals with bigger cylinders, but they have to be shipped as hazardous materials and can be taken on an airplane if in shipped baggage but can't hand carry them on.

**Chairman Muldoon** said that is individual to an airline and to the security procedures.

**Ms. Curtis** asked about the term, high performance lifejackets, that Mr. Wehr used.

**Mr. Wehr** said he mentioned the term regarding hybrids for children. He said there were not exactly the right sizes of PFDs available in terms of good rough water performance for all children, and better terminology he should have used was good rough water performance. He said that hybrids for children fill many of the size gaps for good rough water performance.

**Ms. Curtis** asked if he was saying it is equivalent to a Type I offshore if it was inherently buoyant.

**Mr. Wehr** said no, it goes beyond that. Even though the Type I offshore inherently buoyant is marked as being good for everyone less than 90 pounds, it is less than optimal for part of that size range.

**Mr. Shepard** said these vests are designed to fill stages so you get a better performance for the child by having a vest that provides a certain amount of inherent buoyancy and when inflated will give you markedly enhanced performance.

**Ms. Curtis** said that you got to have information on the label so the boater knows what to buy for the application.

**Mr. Wehr** said he agreed it is complicated, and the type of thing that will be given to the grantee to sort out in the label project.

**Mr. Shepard** said that the new classification system will help the consumer considerably in making choices.

### **CANADIAN COAST GUARD REPORT**

**Mr. John Askham**, Senior Marine Surveyor, Canadian Coast Guard, Office of Boating Safety, gave an outline of some of the current initiatives being taken by the Canadian Coast Guard (CCG) to support the activities of the Office of Boating Safety in addition to the normal regulatory and prevention and education activities. He said that the Canada Shipping Act, the regulatory authority administered jointly by Transport Canada and the Coast Guard that has been in place over 50 years, is being updated in response to lobbying by people in recreational and commercial marine communities. The new act before Parliament will provide a much better method of dealing with the many and increasing regulatory issues, particularly by more clearly defining the responsibilities of the two authorities involved. This will be followed by changes to over 50 regulations for all aspects of marine use that have to be updated to match the new act.

The next item was flotation matters in small boats under 20 feet. He said that Canada and the U.S. currently basically have the same requirements for flotation in small boats. The CCG is reviewing the requirements to see if they are appropriate to today's needs considering three issues: the suitability of the foam material for the current use; water absorption in foam material increasing weight and causing an instability problem; and the question of where that material is put in the boat. Another problem involves complaints from industry because the new generation of heavier outboard engines are starting to cause some problems with manufacturers ability to achieve requirements under level flotation. There will be consultation with the Canadian Marine Advisory Council on these issues. He said that when they get to a serious point of altering these he would like to discuss with the U. S. Coast Guard Office of Boating Safety.

**Mr. Askham** said that another issue, not in his department, is that Environment Canada is realigning environmental exhaust emission requirements in line with recent U.S. Environmental Protection Agency changes so that the requirements are the same in both countries because it makes sense to have all the same in terms of manufacturing engines and transferring from one country to another. Regarding the next issue, carbon monoxide, he said they are doing the same things the as U.S. Coast Guard; i.e., investigating, trying to find out

what houseboats and similar type craft that were built in the past have this problem and to make the owners aware if there is a problem.

He said that mandatory education or the operator competency program was put into effect two years ago. He indicated that when legislation was put in place it should have included greater provisions for intervention by the Coast Guard when dealing with course providers because they have had problems with some companies not providing the basic boating education for a safe boating ticket or operator license. He said that about 200,000 operator cards have been issued to date. The targeted group initially was younger people, but by 2009 everybody in Canada who goes boating is going to be required to have an operator card.

**Mr. Innis** asked how soon the revised emission standards for outboard motors would happen in Canada.

**Mr. Askham** said that the proposal was to go before Parliament in the next few months and he was hoping in the next year it will all be in place.

**Mr. Innis** asked if there is a period of rule writing after the law is passed as in the U.S.

**Mr. Askham** said that an agreement was worked out between the primary U.S. and Japanese manufacturers and Environment Canada and they have a memorandum of agreement based on the requirements of EPA and is now putting that into legislative reform.

**Mr. Blackistone** raised a question regarding EPA compliance of Japanese engines being sold in Canada.

**Mr. Marie** said that the engines are essentially compliant but don't have the EPA sticker.

**Mr. Askham** said that the situation will be corrected as soon as this legislation is put through so the same legislation applies in the U.S. as does in Canada

**Ms. Moon** asked if the boating ticket in Canada required by 2009 applied to every power boater and sailor or every boater including human powered craft.

**Mr. Askham** said it applied to every power boater.

Break

## **REPORT ON NATIONAL INDUSTRY BOATING EDUCATION OPPORTUNITIES**

**Ms. Susan Engle**, Founder, Center for Environmental Education and Research, Inc. (CEERI), said that this is a marine industry education initiative. She said that she is currently President of the Marine Industry Association of South Florida and was recently appointed by Governor Bush to the Florida Inland Navigational District, and also worked with the Florida Department of Environmental Protection and the Environmental Protection Agency in coming up with a creative clean boating partnership. She reviewed activities of CEERI, a nonprofit

organization that focuses on water safety boating safety and environmental education. She said Boater101.com is a flexible multimedia program and she reviewed how it evolved starting out with a book, a video and an instructor with primary focus in the schools. The need to find a method of instruction to reach a lot of schools from one classroom led to distance learning via video or video conferencing, and since a lot of the schools do not have video conferencing equipment they are now at the stage of taking video conferencing to the web. She said that encouragement and assistance is received from their sponsors: National Marine Manufacturers Association, Marine Retailers of America, Marine Design Resource Alliance, Marine Trades Association, and the Florida Department of Education and Fish and Wildlife Conservation Commission.

She explained that video conferencing or distance learning is a method of instruction that uses cameras, monitors, computers, and phone lines. Through their partnership with Broward County an instructor located in one classroom is seen by students in six classrooms at a time. Video conferencing exposes more students at the same time, keeps them involved and also allows the classrooms to talk to each other, and also creates a virtual field trip bringing the kids to water. She said that they would be video conferencing through June and it is available to all Florida schools. The classes are full. Next year they plan to open this up and encourage other states to come in.

**Ms. Engle** said that some funding is being provided by Florida Fish and Wildlife Conservation Commission and through the Broward County Manatee Protection Plan to allow them to explore web based learning. She indicated that web-based program is where they are going with Boater101. The future focus will be on web enabled distance learning applications of live interaction instruction via the web, and they are also going to offer a CD ROM series for self-paced learning and low bandwidth dialup areas for those who do not participate in the live online sessions. She explained that the chapters of Boater 101 are modules allowing for individual modules to be revised to reflect new policies and procedures changes. She noted that this same module approach is critical to national roll out and it allows state-specific content to be provided within the modules. She said that by distance learning they will have a primary focus of delivery to the school system but a secondary offering will be to dealerships and marinas who can host evening and weekend classes in an actual boating environment.

**Ms. Engle** explained some of the features of the program. Each classroom session will be archived for student review later. There will be a quiz after each chapter and a final test that will be automatically graded and scores will be sent to the state boating law administrator who will then issue, as in the case of Florida, a boater safety ID to that individual's home, and eventually match up to accident statistics to see how well people who took this program learned. She showed the Council an example of a chapter format with the instructor visible, videos or pictures running, pull down menus, chat area, glossary section, links and resources, history, etc. To summarize, she said that Boater 101 started out with book, video, standard classroom, went to video conferencing which they are currently doing, with the future taking it to the web.

She said that Boater 202 is a 1-day hands-on instruction and where industry really comes into play by providing product and vessels. Through partners like universities, marinas, trade

associations, and government organizations they will be seeking facilities at community water-based locations. In addition they are looking at setting up land based workstations so that participants can be cycled between the water and the land. State, local and county officers are going to provide instruction. She said that they are going to be piloting the 1-day concept this summer in Broward County to see how many people sign up, and if successful will expand to six locations in Florida next year. The Boater 303 program is going to be geared toward specialty classes two days to a week long focusing on what the boater wants, such as going from single engine to twin engine or a sailboat to a cabin cruiser. She said that this is a big project that needs everybody, the trades, the manufacturers, the dealers, law enforcement and the educators.

**Mayor Sheets** said that in order for high schools to participate in this program he would assume they would have to have a conferencing center, and if so, asked how many high schools in Florida have conferencing centers.

**Ms. Engle** said it is different for counties. Each of the 24 high schools and 54 middle schools in Broward County has a video conferencing center, but not every county or school in Florida has video conferencing.

**Ms. Lopez** (Director of Marketing) said there is no video conferencing equipment in their media center in Manatee County so a field trip will be made to their community college.

**Mayor Sheets** asked if the approval of the State Board of Education filters down to the school boards at the county level and if they have to give approval.

**Ms. Engle** said that their program was screened and approved by the Department of Education in Tallahassee but developed at a local level through the Broward County School Board, so the development was with educators. They had to match the Florida sunshine standards, and it is part of the science curriculum. It meets all of the objectives so it can be picked up in any school in Florida.

**Ms. Moon** asked how the program addresses other kinds of boating such as sailing, canoes, kayaks and other human powered craft

**Ms. Engle** said that they are touching on the different types of craft in a chapter, but don't go in depth on sailing or canoeing, and those are the types of chapters that would be added later on. She said their book is NASBLA approved and they are not deviating greatly from that.

**Ms. Mariani** asked how many students the instructor would potentially be corresponding with.

**Ms. Engle** said they have three schools (pushing for four to six), and there are generally 25-30 students per class.

**Ms. Mariani** asked about instructor response to questions, the chat room, and if everybody sees everything.

**Ms. Engle** said video conferencing is live; the teacher is the monitor and will take questions and allow students to ask the instructor to keep it orderly. The chat on the web is the students' mode of interaction with the instructor.

**Commodore Belmore** commented that in a video conferencing setting with a proctor or monitor in the classroom there is monitoring of the test process, but no way of monitoring who actually is answering those questions if they take it at home on the web. She added that this is a concern of the Auxiliary and they only accept proctored exams.

**Ms. Engle** said that CEERI shares that concern. The problem over the last six years since Florida passed their boating safety education law they can't reach everybody in a proctored environment, and in certain areas they have to send out a book with the test questions in the back. She said that their compromise is at least getting the instruction on the web.

**Mr. Marlow** asked if information about whether this person passed the boating safety course is publicly available.

**Ms. Engle** said that the information is provided to the various states and can be used in issuing boating safety identification cards. She said that CEERI will have statistical information as to what questions they passed to use to keep updating to make sure that we are asking the right questions and people are understanding.

**Ms. Boles** (Coalition of Parents and Families for PWC Safety) asked if a database of questions is being used and randomized to not repeat test, and if any system is being used to defeat cheating. She also asked about identifying the person taking the test.

**Ms. Engle** said the test questions are random so you don't get the same test every single time, and they will be incorporating different tests for different states. She said if the course is taken in a school there will be identification, if taken at home there will not, if they want to receive their card they are going to have to put in all the appropriate information to get the card to where they are.

**Ms. Kelly** asked if some minimal verbiage about sailing could be put in.

**Ms. Engle** said they encourage additional information.

**Lieutenant Belknap** asked if NASBLA approved, what prohibits you from issuing boater safety card like anybody else NASBLA approved?

**Ms. Engle** said they do issue a boating safety card and in Florida they recognize the card in order to issue their boater ID card. She said that they are trying to streamline the process to provide the states with information that could be put into whatever computer system they have, then print out the cards.

**Ms. Mariani** asked if there was a charge for a diploma.

**Ms. Engle** said there is no charge if taken in school but if taken at home outside the school arena there is a charge for a certificate.

## **UPDATE ON THE BOAT FACTORY VISIT PROGRAM**

**Mr. Philip Cappel**, Chief Recreational Boating Product Assurance Division, said the brochure for the outreach program for new manufacturers is completed and would be printed and distributed in the near future along with copies of a new video entitled, “So You Want to be a Boatbuilder.” At this point the video was shown to the Council.

**Mr. Marlow** said the video was well done.

**Chairman Muldoon** asked how people get a copy.

**Mr. Cappel** said that the plan is that when people apply for a manufacturer identification code (MIC) they would be sent the video and new brochure with similar information to consider what is involved in becoming a boatbuilder. If and when they fill out a MIC application they would be sent a new index guide to the regulations in a binder and guidelines that explain the regulations.

**Mr. Marie** said that he thought that a number of existing manufacturers would benefit, and also indicated he would like to show the video at the upcoming National Association of Engine and Boat Manufacturers meeting.

**Mr. Cappel** said that when the Council last met a 6-month contract for the factory visit program was just awarded to hire and train the compliance associates. The hiring and initial training of the associates was completed in December, and the factory visits started in January. The contract for the second phase of the pilot program, awarded March 1, was basically to start the actual visits, but they actually started in the first six months. So far 41 visits were made in January, 102 in February and 103 in March which indicates that the planned 1000 visits the first year should easily be achieved, and if needed, 2000 visits a year could be done under a follow-on contract. The factory visit program is proving to be of great help in getting a needed update to the list of manufacturers. He said that some initial findings were that the areas with the most discrepancies were incorrect certification labels and hull identification numbers. From 158 factory visit files that were entered into the database so far there were 123 violations for certification. He noted that all of those are future production, and manufacturers were asked to fix the label for all future production.

He explained that the inspectors have a compliance guideline they use when they go into a factory to make sure that they cover the material, and together with the training, to ensure that every manufacturer will be treated the same. He said that a lot of time was spent with the training of the compliance associates including some diplomacy training to have a good association with industry and work with them to have a cooperative attitude. The compliance associates are there to help the manufacturers, to educate them on why they need to comply with regulations, help them interpret the regulations so they understand how to comply with

them, and to ensure compliance. He said for the most part the manufacturers have welcomed the associates. He said that no major defects have been discovered, but there have been a couple of reported recalls from this and most of these end up as future production corrections.

**Mr. Elverum** asked if the whole manufacturer file was being updated.

**Mr. Cappel** said that a checklist is followed for making corrections to the database. Before a compliance associate visits a factory he calls ahead and makes a reservation, and the address is verified at that time.

**Mr. Blackistone** asked if the American Boatbuilders and Repairers Association was aware of the video and of these visits.

**Mr. Cappel** said he hadn't spoken to them directly. He noted that when compliance associates make visits they are finding that there are other builders in the area and have added these people to applications for MICs.

**Mr. Marlow** spoke of his experience with scheduling a visit to his firm. He said that he received a phone call to schedule inspections for his company, but never received any introduction in writing from the contractor or the Coast Guard. He urged that such communication would serve several purposes and would be good business sense

**Mr. Cappel** said that there is a stock letter of introduction that perhaps was put in place in the pilot program after Mr. Marlow's experience, and he would check on this.

**Chairman Muldoon** asked if questionnaires were going to be provided to people to see how the visit went.

**Mr. Cappel** said that a quality assurance follow-up is scheduled.

**Ms. Ajootian** asked what the follow-up procedure is when noncompliance is identified.

**Mr. Cappel** said that any violations are reviewed by his office.

**Ms. Ajootian** asked if someone then goes to the factory again to check that it has been corrected.

**Mr. Cappel** said, not right away, they will have these on a list for the next time they visit. He stressed that most of it is future production. The associates can't keep going back until an accurate number of manufacturers is established, and if there are only 2000 they can probably be visited each year and also do follow-ups. He said that the level of cooperation seems very high and it is expected that the corrections would be made by the manufacturers. He noted that there is a connection with the compliance testing program to help identify boats for testing and thus give synergy to the whole compliance program.



**Ms. Curtis** asked if the inspectors work in teams in regions or single people in certain areas all doing it concurrently.

**Mr. Cappel** said that one inspector is assigned to a region, with two in Florida and California, based on regional areas but also number of builders.

**Ms. Curtis** asked how long this type of assessment takes.

**Mr. Cappel** said he just got a report and hadn't reviewed data on the average length of an inspection, but was looking for one day for most of the smaller builders.

Recess

**Tuesday, 24 April 2001**

**The meeting was reconvened at 0830 by Chairman Muldoon. Members present the same as the previous day.**

**Chairman Muldoon** reminded the subcommittees that he would like to have their vision statements.

#### **PREVENTION THROUGH PEOPLE SUBCOMMITTEE REPORT**

**Mr. Kim Elverum**, Subcommittee Chairman, presented the subcommittee report. The subcommittee report is included as [enclosure \(3\)](#).

#### **NAVIGATION LIGHT SUBCOMMITTEE REPORT**

**Ms. Martha Curtis**, Subcommittee Chairman, presented the subcommittee report. The subcommittee report is included as [enclosure \(4\)](#).

#### **BOAT OCCUPANT PROTECTION SUBCOMMITTEE REPORT**

**Mr. J.J. Marie**, Acting Subcommittee Chairman, presented the subcommittee report. The subcommittee report is included as [enclosure \(5\)](#).

**Mr. Marie** explained the recommendations developed by the subcommittee to avoid propeller injuries.

**Mr. Shepard** moved that the subcommittee recommendation presented by Mr. Marie be accepted as a motion to the U.S. Coast Guard to prepare a notice of proposed rulemaking to take all of these items into account, and this was seconded by Mr. Blackistone.

In discussion of the subcommittee's recommendation which is included in the subcommittee's report, several friendly amendments were made to refine and clarify elements of the recommendation. Issues covered included the length of vessels to which the requirements would apply; the state of technology regarding the options identified; assuring that in addition to basic requirements, there was a requirement to employ one or more of the stated options; addition of the phrase, "with propellers aft of the transom," to vessels in each section; and because boats and motors could be purchased separately, that the two sections pertaining to manufacturer requirements include the wording, "original equipment manufacturer supplied propeller injury avoidance measures."

The amended **resolution** moved by Mr. Shepard and seconded by Ms. Moon read as follows:

**The National Boating Safety Advisory Council, meeting on April 24, 2001 in Cleveland, Ohio does hereby recommend and request that the U.S. Coast Guard institute rulemaking addressing the following requirements to prevent and minimize the occurrence of boat propeller strike accidents:**

**1. ALL - All propeller driven vessels 12 feet and longer with propellers aft of the transom shall be required to display propeller warning labels of appropriate size and content at appropriate location(s), and operators of these vessels are required to employ an emergency shut off switch where installed.**

**2. NEW - New planing vessels 12 – 26 feet with propellers aft of the transom shall also be required to select and install at least one of the following original equipment manufacturer supplied propeller injury avoidance measures:**

- **Operator emergency shut off switch**
- **Boarding ladder ignition interruption switch**
- **Jet propulsion system**
- **Propeller guard - any design**

**3. NEW – New non planing vessels 12 feet and longer with propellers aft of the transom shall also be required to select and install one of the following original equipment manufacturer supplied propeller injury avoidance measures:**

- **Operator emergency shut off switch**
- **Boarding ladder ignition interruption switch**
- **Jet propulsion system**
- **Propeller guard - any design**

**4. EXISTING – All non planing rental boats with propellers aft of the transom shall be required to be equipped with either a jet propulsion system or a propeller guard OR all of the following:**

- **Operator emergency shut off switch with mandatory use**
- **Boarding ladder ignition interruption switch**
- **Aft visibility measures where the operator's view of the transom above the propeller(s) is blocked.**

**VOTE: In favor – Unanimous.**

**Ms. Kopytko** (S.P.I.N.) said with the resolution in place she wanted to go on record with the concern for quickness and speed. She said that the rental paragraph is the key thing S.P.I.N. wants moved immediately, then on the non planing vessels, the warning labels combined with mandatory use of the kill switch, and they want all the rest, but if a matter of speed, those were S.P.I.N.'s priorities.

**Ms. Kelly** introduced the following resolution which was seconded by Mr. Barnes:

**WHEREAS, state governments face increasing demand for recreational boating safety services,**

**WHEREAS, state governments face increasing budget constraints,**

**WHEREAS, the Sport Fish Restoration Account, the sister account of the Boat Safety Account in the Aquatic Resources Trust Fund, also known as Wallop-Breaux, currently provides funds for sport fish restoration projects matched at the 75/25 federal to state level,**

**WHEREAS, a 75/25 federal to state matching funds formula for the Boat Safety Account would establish a consistent matching formula within Wallop-Breaux, and**

**WHEREAS, several state governments are impeded in their boating safety efforts due to the current 50/50 matching formula.**

**NOW, THEREFORE, BE IT RESOLVED, that the National Boating Safety Advisory Council recommends to the Coast Guard on April 24, 2001 at its semi-annual meeting in Cleveland, Ohio that it support a 75/25 federal to state matching formula for the Boat Safety Account.**

**BE IT FURTHER RESOLVED, that the National Boating Safety Advisory Council recommends to the Coast Guard that it support a “maintenance of effort” clause for the Boat Safety Account to create a baseline that future boating safety efforts will be built upon.**

**VOTE: In favor – Unanimous.**

**Ms. Karlene Greenleaf** (S.P.I.N.) asked about the status of a study dealing with emergency room accident data and said that there is a need for follow-up reporting on items until closed. She voiced some personal concerns as a nurse about the validity of the information that will be coming in. She said that as far as the validity of the 70 questions, it is all very good information, but the only question is because of the number of questions she didn't know if people will be able to take the time in the emergency room to get as much information as is being asked for.

**Mr. Marmo** said that a lot of work was done in the earlier phases of this grant project, getting hospitals lined up, developing the questionnaire and so on, and now actual data collection has started. He said that he would be very interested in getting Ms. Greenleaf's input. He said that the organization doing the study, Emergency Nurses CARE, is very professional. He said that he was considering an agenda item on this at the next meeting if the data collection had proceeded far enough.

**Mr. Elverum** said that has been working with one of the nurses at a county medical center who was assigned this project there in trying to make sure we get the data. He said that the nurse talked to a number of his law enforcement people in that area so he felt that there was good communications with that group. He thought the nurse has recruited a couple of other hospitals to participate as well.

### **DISCUSSION ON HIGH SPEED RECREATIONAL VESSELS**

**Ms. Margot Brown**, Executive Director, National Boating Federation, member of the Navigation Safety Advisory Council and former NBSAC member, talked about her service on the Harbor Safety Committee for San Francisco Bay where she learned a good deal about the interactions between recreational and large commercial vessels. She spoke about her participation in a recent National Conference of Harbor Safety Committees that she felt was overwhelmingly devoted to the Marine Transportation System. She said that a comment was made that boaters are nontraditional users of the waterways, and she replied that she couldn't find anything nontraditional about recreational boaters who represent the vast majority of waterway users in the U.S. (75 million). She added that this attitude needs to be changed. She said that rules are being written for high speed vessels and the first thing obviously is to define what is a high speed vessel. She said that there is an IMO definition which refers to a high speed craft that is in construction formula rather than speed formula. She said that in meetings she attended a conclusion reached was that we should be talking about high speed vessels not high speed craft which eliminates confusion between Harbor Safety Committees (HSC) and high speed craft. She indicated that the Coast Guard is leaning very strongly, unless otherwise persuaded, to a definition of a vessel capable of operating at 30 knots and operating in that mode, explaining, if you are cruising along at 15 knots you are not a high speed vessel, but when you operate at 30 knots you are. She said that there is no question that rules are going to come regarding the future performance standards and Rules of the Road, rules in lighting; a number of rules that will in fact affect most recreational vessels. She noted that the greatest concern at the present time is ferries or passenger vessels because they are multiplying more rapidly than anything else in the large ship mode. She added that there are going to be some high speed container vessels, probably some high speed general purpose vessels, and also some tankers that will be able to exceed the 30 knot limit.

She said that the ferries that are currently operating at speeds of somewhere between 38 and 45 to 50 knots and are going to multiply in a large number of areas and rather quickly, and consequently some regulations are going to have to go into effect. The question is how will those regulations affect the recreational boater. She said that led her to construct for the October 2000 NAVSAC meeting a series of questions provided to NBSAC members that we as recreational boaters should ask ourselves. She reviewed the questions and commented on

several points. The questionnaire is included as [enclosure \(6\)](#). She said that she felt that NBSAC should discuss whether there should be a performance standard before you can operate a high speed vessel of a certain displacement.

**Ms. Brown** told the Council that she provided some of the background of where she is coming from because we are all operating in a very limited water area which is getting more and more crowded on the whole, and for all our safety there has to be an ongoing dialog between the big ones and the little ones. She noted that there are more recreational vessels and that commercial vessels have problems because they can't see the boats, can't stop, etc. She said that the communication between the recreational boating community and the commercial vessel community is one that is of utmost importance and thought there should be more of it.

**Ms. Mariani** asked if NAVSAC is taking up Flarecraft and looking at them as high speed vessels for commercial purposes.

**Ms. Brown** said that at the present time NAVSAC has not looked at the wing-in-ground craft hard, but it has been brought up as part of the discussion of high speed.

**Mr. Marie** said it was his sense that NAVSAC felt with respect to the speed restrictions that this was covered by local area jurisdictions.

**Ms. Brown** said that is correct because there are different situations in every area, harbor and port, so consequently there is going to be a great deal that is going to be left to the authority regulating navigation in that area by the captain of the port. However, there will also be some general rules that will bear looking at and watching. She said that it will also be of guidance to those who are or should be active on various harbor safety committees and our interaction with the captain of the port, and that boaters need to be considered when they talk about high speed.

**Mr. Marie** said that he found NAVSAC willing to reasonably discuss issues when boaters concerns are expressed. He noted that COLREGS changes could impact boaters.

**Ms. Brown** said she would be grateful for NBSAC feedback on the questionnaire for further NAVSAC consideration.

Mr. Shepard made the following **motion**, seconded by Mr. Marie.

**It is requested that the Navigation Safety Advisory Council report on COLREGS (International Regulations for Prevention of Collisions at Sea) discussions involving recreational vessels or affecting recreational vessels to the National Boating Safety Advisory Council in a timely manner.**

**VOTE: In favor – Unanimous.**

**Chairman Muldoon** said that he made a speech to harbor safety people and called to their attention that every mayor in every major port in America was attempting to develop recreational traffic into his port and was using it as a magnet to attract business back into the inner city and that was going to make those waterways more crowded.

Break

## **GREAT LAKES BOATING UNDER THE INFLUENCE ENFORCEMENT ISSUES**

**Mr. Frank Jennings**, Recreational Boating Safety Specialist, Ninth Coast Guard District, said that the Great Lakes are very unique; they are all internal so not coastal and fairly far north so the boating season is fairly short. He said that their goal in boating under the influence (BUI) enforcement is basically to keep people from drinking and boating, but know that people will drink while boating. He showed a chart with the actual BUI violations the Coast Guard issued since 1992 on the Great Lakes which have been up and down the last few years, and impacted by factors like weather and the economy. He pointed out that most of the violations occur in the area from Cleveland to north of Port Huron which is a highly concentrated area covered by Coast Guard Group Detroit

He said that there are 4.2 million recreational boats on U.S. side and 1.2 million on the Canadian side that potentially use the Great Lakes. Waterfront establishments where people drink are extremely popular. He commented on the number of boats relative to Coast Guard and state enforcement resources, and the fact that these resources also have other responsibilities. He said that the district units do BUI enforcement as part of routine patrols and these boats are going out on high tempo/holiday weekends. He indicated that many of the municipalities throughout the Great Lakes have their own marine patrols, and there are county sheriffs, state departments of natural resources and Coast Guard trying to work together, although in the past there have been some problems; number one is lack of communications between the people that are actually working out in the field, and some misconceptions. He explained the situation where Coast Guard officers want to turn a person caught for boating under the influence over to the states and the states may say they can't take that individual because of state law that says that the state officer has to witness the violation and just can't take the Coast Guard officer's word for it. He said that they have been working at getting agreements at the local level and units have been instructed to work with the local county sheriffs and to talk with the local prosecuting attorneys. He said that when the Coast Guard turns over people to the states we want to make sure that they will be prosecuted. The other course of action on the federal side is civil penalty which moves quickly and is generally a monetary fine, but the down side is that person goes into the Coast Guard database system and the state has no access to it.

**Mr. Jennings** said that as part of the enforcement program in the district they would like the people caught for BUI turned over to the state or local authorities and to provide assistance so that person is successfully prosecuted, and accept whatever the state decides is the right punishment for the individual. Regarding the new .08 BAC threshold effective May 11, 2001, he said that because the rule says that the federal BAC standard will not supercede or preempt

any enacted BAC standard, and because the Great Lakes are internal, and because Illinois is the only state with a .08 BAC the Coast Guard will be enforcing the .10 BAC for the rest of the states. He said that Rear Admiral Hull was sending letters to the governors expressing his support for lowering the BAC threshold to .08. He cited some examples of federal, state and local cooperation, and also with the Canadian government, including planning meetings. He said that Rear Admiral Hull corresponds with governors regarding boating safety issues. He said that they are working to get all of the Coast Guard/State boating safety agreements signed realizing there are limited resources, but all headed for the same goals in boating safety.

**Ms. Mariani** asked if the Coast Guard decided to take a case, would it enforce at .08 in navigable waters.

**Mr. Jennings** said that under the new regulations, if operating on joint jurisdiction waters, and a state has a .10 standard, that would apply. He added that beyond three miles off shore .08 can be enforced. He noted that someone can be cited for BUI without a BAC test, just based on observation and field sobriety tests.

**Lieutenant Belknap** said that he is aware that the Coast Guard's preferred method of dealing with BUIs is to turn them over to local officials. He asked, if there is a problem with the federal law, could it be changed to be more acceptable to the Coast Guard being able to enforce your own law, and if this would this be something that NBSAC could take a look at and make a recommendation?

**Mr. Jennings** said yes, because under the federal BUI regulations there is a responsibility to remove drunk boaters from the water, but the question is what do we do with them once we got them. He indicated practical problems like when brought aboard a Coast Guard vessel, what is done with a person's boat; what is our responsibility to that individual once they are on shore - give them a ticket then send them home, which involves various actions to assure that a person does in fact get home. He said they won't arrest them because once you arrest them you can't unarrest them, and federal prosecutors won't take BUI cases unless something extraordinary. So, he said that normally what stations are left doing is calling the local law enforcement and asking them if they would like to pick this person up. He added that if NBSAC wanted to make a recommendation to close that loop, he personally would be all for it based on what has been the experience on the Great Lakes.

**Lieutenant Belknap** asked to get this as one of the tasks of NBSAC to look at that issue.

**Chairman Muldoon**, in consultation with the Executive Director, said that it would be put on the Council's agenda.

## **REPORT ON THE MARINE TRANSPORTATION SYSTEM**

**Captain Anthony Regalbuto**, Chief, Office of Policy and Planning, Waterways Management Directorate, said that he is dealing with the Marine Transportation Safety initiative and taking a full systems approach to it, getting all the agencies and the private sector working together. He said that what we are faced with is mega ships and mega ports, and certainly the problems

are becoming more acute as these ships get larger and larger. He showed examples of some mega ships. He noted that tremendous number of containers they can carry and the relative number of trucks or rail cars that would be needed to transport a like number. He referred to the dramatic increase in highway congestion. He showed some mega ports and pointed out landmasses created to store containers before shipped intermodally by rail or by truck. He said that one of the alternatives being looked at now is take the containers off the highways and rails, and put them on barges for shipment by water so it doesn't congest the roadways.

**Ms. Ajootian** asked if there are any east coast mega ports.

**Captain Regalbuto** said yes, New York and Norfolk.

**Captain Regalbuto** discussed larger passenger ships showing one that carries 2000 passengers and said you see now up to 5000 passengers on board. He noted that the potential for mass casualties with these larger ships has to be addressed, and passenger vessel safety is one of the Commandant's initiatives. He said that the Coast Guard is not equipped to deal with mass casualty, mass evacuation. He indicated that fast ferries are a concern. He said that he thought that Ms. Brown is right regarding the need to be involved in the issues, but didn't think the sky is falling. He said that he thought there are two issues here: the IMO piece which talks about commercial vessels, and licensing and inspection requirements. He noted that we want to make sure none of those requirements get folded over to the recreational boaters and didn't think that is the intent of Coast Guard Headquarters. He said that certainly you are looking at it possibly from the collision regulations, and recommended engagement to make sure issues are covered.

The captain said that obviously with the mega ships you have potentials for mega problems. He said that the American public doesn't want any loss of life or any pollution. He discussed the EXXON VALDEZ oil spill. He explained that risk is the probability times the consequence. He discussed some of the drivers of probability, including larger vessels, smaller crews, increased traffic, restricted and congested waterways, and noncompliance with safety and environmental rules. Regarding some of the tools being used to reduce the probability, he said the Port State Control program was being increased to address foreign flag vessels that are coming into port because they don't have the same licensing standards and same maintenance standards that the U.S has; Vessel Traffic Systems in some ports; and Harbor Safety Committees. He discussed some of the consequences of maritime accidents, i.e., as ships get bigger they have greater potential loss of life and injury; oil spills; disruption of movement of vessels; delay in cargo movement; and restricted use of the waterway. He said that some of the means of prevention are better lifesaving systems, double hull tankers, improved spill response and emergency preparedness. He said that as the risks go up we need greater tools to maintain that balance of safety, and that is what we are trying to do by taking the systems approach.

**Captain Regalbuto** said that there is a need to connect the American public with what the Marine Transportation System (MTS) is, i.e., our waterways, ports and their intermodal connections, plus the vessels, vehicles and MTS users...all the stakeholders, including the recreational boaters. He said that a systems approach is needed to be prepared for what is



going to happen in the next 20 years to make sure that we have the economic engine continuing to go. He pointed out that 95% of the foreign trade cargo is moved by ships through our ports and presented several other statistics demonstrating the importance of the MTS to the national economy and security. He discussed the challenges ahead in the next 20 years, with world population expected to grow 50%, and trade doubling and tripling in the U.S.; increased size and speed of ships, fewer overseas bases so ports will play a major role in projecting overseas rapidly; infrastructure is aging and is undersized; recreational boaters to increase to 130 million; and no leader in the federal government of MTS.

**Captain Regalbuto** presented a history of the MTS initiative starting with a kickoff by the Secretary of Transportation in March 1998. Some other highlights he mentioned were seven regional listening sessions in the spring of 1998; MTS National Conference in November 1998; and the MTS Report to Congress in September 1999. He said that Secretary Mineta agrees that this is a great concept, and is talking about a SEA-21 initiative. He spoke about the MTS vision statement in the report to Congress, that calls for the U.S. MTS to be the world's most technologically advanced, safe, secure, efficient, effective, accessible, globally competitive, dynamic and environmentally responsible system for moving goods and people. He discussed some of the action areas recommended by the MTS report, i.e., coordination, funding, competitiveness, awareness of the contributions of MTS, security, and safety and environmental protection. He said that port vulnerability assessments needed to be done to assess crime and terrorist threats. He said that the MTS Task Force recommended creating a National Advisory Council and encouraged creation of local Harbor Safety Committees. He said that at the national level there are two key components for MTS coordination and communication, the Interagency Committee for the MTS, currently made of 17 federal agencies, and the MTS National Advisory Council comprised of private sector members. He said that he certainly thinks that recreational boating participation is needed at the national, regional and local levels to make sure that their interests are being addressed when looking at MTS.

The Captain discussed some of the tools available for vessel traffic management, including regulated navigation areas, traffic separation zones, aids to navigation, pilotage, Rules of the Road, etc. He said that the Ports and Waterways Assessment Tool is actually a risk management tool that looks at existing navigation of the ports and at the risks. He spoke briefly of the benefits of making real time weather, water charting and other information available to mariners. In conclusion, he said that the MTS initiative is very important for the country. If we take a systems approach we can maintain the quality of life that we are used to, and prevent a lot of these allisions, collisions and groundings. He noted that this doesn't have legislative mandate which he thinks is positive to the industry and also without negative enforcement of penalties because people are working cooperatively. There is also positive reinforcement of economic profit. He said that certainly what he would like to tell NBSAC is that we need the recreational boaters voice at the Harbor Safety Committees and at the national level. He said that a register would be provided to members, and encouraged their participation so that their voice is heard to address their issues.

**Chairman Muldoon** asked how SEA-21 mentioned would be funded.

**Captain Regalbuto** said that it is just a concept at this point in time.

### **RESPONSE TO MEMBERS' ITEMS**

**Mr. Marmo** said that Mayor Sheets distributed an outline of his boating safety initiatives in the Quincy public schools and provided a verbal thumbnail sketch, and that the Council is looking forward to going to Quincy and seeing it in actuality. He said that Ms. Kelly expressed some concerns about Wallop-Breaux funding and the need for an action plan among members and there was a lot of discussion on that, including Captain Weston's effective summary which will be provided to members. Regarding Mr. Marie's urging that we proceed promptly with regulations on life raft servicing and inflatable boat standards, he said that the draft ISO standard is being reviewed and that the suggestion to contact the U.S. Marine Safety Association was a good one. He added that there are a lot of rulemaking projects, and we will move as quickly as we can.

**Mr. Doubt** addressed Ms. Mariani's request for information about Flarecraft. He said that these were also known as wing-in-ground (WIG). He spoke of use of the concept in Russia. He described his experience in going aboard a demonstration model Flarecraft for passenger carrying purposes. He explained how they operate 18 inches above water and that there are limitations in that they are not very seaworthy on the surface of water and are affected by weather and high seas. He said he has seen videotapes of recreational Flarecraft...single operators no passengers in 20 foot length offered for sale. He said that the Flarecraft are considered vessels and that the FAA decided several years ago that they are totally dependent on the surface of the water so they are not aircraft. He noted that the one he rode in had a yellow flashing light.

**Ms. Mariani** said that she understood that the Coast Guard was developing guidelines for these craft and wanted to know what the Coast Guard was doing to regulate the craft commercially and when the guidelines were going to be ready.

**Mr. Marmo** said that he would get that answer from the commercial vessel side of the house.

**Mr. Wehr**, in response to Ms. Curtis' question about mechanical failures with inflatable PFDs, said that a letter to the editor from *Practical Sailor* she provided pointed out three problems with inflatable PFDs. One is that plastic pull mechanisms failed. He said he is not getting reports of that being a problem, and if it was actually happening, some feedback is needed on how to address the issue. The second item is that the CO2 cartridge goes bad. He said he never heard of a CO2 cartridge going bad. He said that the third item, that the cartridge gradually turns itself out or becomes unscrewed through normal use of the PFDs, is a real one he has heard of several times. He noted that in three of the four inflators he showed the Council that would not be a problem because the cylinders are either permanently installed in those inflators or they have a bayonet type locking mechanism. He said that he would take the issue to the UL Standards Technical Panel to address. He said that it is a maintenance item to make sure that the cylinder is snug as part of the routine inspection. He said that Ms. Curtis' question also brought up some advertising concerns, and that usually when the Coast Guard brings it to the manufacturer's attention that something could be

misunderstood or is a little misleading they are willing to adjust their advertising to address those issues.

**Mr. Marmo** said that Dr. Campbell talked about the importance of the educational component as one of the other options for preventing propeller strikes and all are in agreement with that. His question about the Aqua Force life jacket was addressed in Mr. Wehr's presentation. He said that Mr. Blackistone and Ms. Ajootian asked about the issue of extending the recall period from five to 10 years for manufacturers' responsibility, and that was addressed by Captain Weston and Mr. Cappel. Regarding Commodore Belmore's update on the Paddlesmart campaign, he said that it is a very good initiative.

**Mr. Perry**, regarding Lieutenant Belknap's request about the status of rulemaking to raise the property damage accident reporting threshold, said that a draft of the final rule was in final clearance and he was awaiting the word on it.

**Mr. Marmo** said that Mr. Barnes underscored the need for education and for everybody to attend classes, and that is a prime boating safety objective.

At this point, Mr. Marmo said he was seeking the Council's concurrence on the refinement of the accident reporting criteria he previously provided and discussed, and asked if anybody had any concerns. The Council expressed concurred with the criteria.

Mr. Marmo said that he would convey to NASBLA that NBSAC was in agreement with the criteria as refined based on Council discussions previously.

**Captain Weston** said he wanted to recap what was said succinctly about the legislative proposal to change the recall authority from five years to 10 years. He said it is not presently a formal proposal by the Coast Guard and the Coast Guard Authorization Bill is still in internal clearance, not yet cleared the Office of Management and Budget, and that is why the Coast Guard is not supposed to talk about whether or what might be in that bill. He said that what is before the Senate oversight committee is still just a draft the committee itself is working on and for which the Coast Guard was asked to provide drafting assistance. He noted that NMMA had written a letter to the subcommittee chairman expressing its opposition to that proposal. He said it is not a formal bill, but it is something that the committee is considering and asked the Coast Guard for input on.

**Mr. Blackistone** said even with what the captain said he would still like to make a motion that this Council oppose the proposal or proposals for extending time for vessels and associated equipment recall from 5 to 10 years and maintain the current language. Mr. Marie seconded.

**Ms. Ajootian** said that there has been a lot of talk about voluntary recalls done recently, but gave two examples where defective boats and defective engines were not recalled until those companies assets were sold to other companies. She said that there are dangerous boats and dangerous engines out there that are not getting recalled as they ought to. She spoke about an Underwriters Laboratories study that indicated that the average life of aluminum fuel tanks was 6 ½ to 7 years, and said that one company admirably recalled boats that were 20 years old

because they had a design flaw that caused the aluminum fuel tanks to corrode. She explained that tanks are a legitimate item affected by boat design that can fail outside of the 5-year period, unless a company steps forward as in the case she cited, the boat owner is stuck with it.

**Mr. Marlow** said that an issue with aluminum itself used in a marine application as a fuel tank is completely different than it being a defective product that was installed incorrectly by a manufacturer.

**Ms. Ajootian** said she agreed.

**Mr. Marlow** said that in his long experience he has not seen anything like what UL posed for aluminum fuel tanks. He said that he is an advocate for having intervention systems to have quick interventions on issues that occurred in the marine industry, but the facts overall do not support having to go to a longer time frame for recall. He said he thought that the industry works very well within that time frame, and did not see as a general rule that there are manufacturers of boats and associated equipment that have not responded to go deeper than five years. With regards to protection of the consumer in safety recalls, he said that his company has not let the 5-year rule be a guide.

**Mr. Shepard** said that he found it very difficult to demand of the manufacturers effectively a 10-year warranty on products. He said that boats can develop problems within one, two or five years, and many boats are not used more than 20 hours a year, so in a 5-year period you might see what we consider to be average usage on a boat; that being 100 hours.

**Commodore Belmore** said she didn't think that we are talking about a 10-year warranty, but about a recall for serious defects established not from one or two uses but from a series of incidents. The other thing she indicated was if the manufacturers are in fact voluntarily assuming responsibility when problems are uncovered then it shouldn't really matter what is in the law.

**Chairman Muldoon** expressed his concern about talking about this issue without enough time to explore it.

**Mr. Blackistone** expressed concern about the timing with the action on this issue moving forward before the next Council meeting. He said that the motion could be worded to express concern.

**Captain Weston** noted and appreciated the Council's wish to be involved in the discussions that lead up to making a proposal such as this. He explained that the process of developing a legislative proposal is in fact highly political in many respects, and doesn't follow the same sort of procedural process as regulatory development. This particular issue occurred in a very brief time, and even with e-mail, given the differences of opinion evident in the Council's discussion to this point, the Coast Guard would have had a diversity of views and difficulty in reaching consensus. He said that he thought in the normal course of legislative development

we would engage the Council and take its views into account, but was not sure in this instance it would have made a difference.

Some discussion followed about whether or not to proceed with the motion.

**Ms. Kelly** said it was her concern that it is needless over-regulation and said that if a manufacturer has a product that is a safety hazard they are going to deal with that or be out of business.

**Mr. Engfer** said from a regulatory agency and one that promotes safety, he agrees that this is over-regulation, and he didn't see the justification.

**Mr. Marlow** commented that there is an undercurrent out there that there is a motivation of money in this relative to getting mailing lists filled.

**Mr. Blackistone** said that he wanted to have a vote on his initial **motion**. The motion stated as follows was seconded by Ms. Kelly.

**With regard to the discussion and the National Marine Manufacturers Association position paper handed out, it is moved that the members of the National Boating Safety Advisory Council oppose a proposal for extending the time for vessels and associated equipment recall from 5 to 10 years and maintain the current language.**

**VOTE: 11 Favor; 3 Oppose; 4 Abstain.**

**Ms. Moon** brought up a new issue. She said that she had some concerns about human powered craft and would like a small working task force appointed to bring to the table different issues and more information related to human powered craft and boating safety.

**Chairman Muldoon** appointed Ms. Moon as chair.

#### **CHAIRMAN'S SESSION**

Chairman Muldoon thanked Mr. Marmo and the staff for all their help, and also thanked Ms. Joanne Dorval. He told Captain Weston that the Council had enjoyed having his participation. He expressed his strong interest in getting Council appointments made. He thanked the Council for the aggressive enthusiasm that they have shown in the Wallop-Breaux funding issue, and said it is important to every boater in the country because it has the potential to bring more needed dollars into safety. Finally, he thanked the Council for their persistence and their fairness and the devotion they have shown to the safety of America's boaters. He said that he hoped that this was as enjoyable an experience to the Council as was to him.

Mr. Elverum made a motion to adjourn which was seconded by Mr. Engfer.

The meeting adjourned at 1146.

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

\_\_\_\_\_(Signed)\_\_\_\_\_  
James P. Muldoon, Chairman  
National Boating Safety Advisory Council

\_\_\_\_\_(Signed)\_\_\_\_\_  
Albert J. Marmo, Executive Director  
National Boating Safety Advisory Council

**Enclosures:**

- (1) [List of Meeting Guests](#)
- (2) [Propeller Guard Regulatory History](#)
- (3) [Prevention Through People Subcommittee Report](#)
- (4) [Navigation Light Subcommittee Report](#)
- (5) [Boat Occupant Protection Subcommittee Report](#)  
[Federal Requirements for Propeller Injury Avoidance Measures - Project Alternatives](#)  
[Federal Requirements for Propeller Injury Avoidance Measures - Project Summary](#)  
[Federal Requirements for Propeller Injury Avoidance Measures - Needs and Benefits](#)  
[Federal Requirements for Propeller Injury Avoidance Measures - Estimated Costs](#)
- (6) [High Speed Vessel Questionnaire](#)

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