

***73rd Meeting
of the
National Boating Safety Advisory Council***

**Marriott Hotel
Norfolk, Virginia**

April 24th -27th, 2004

National Boating Safety Advisory Council (NBSAC) meeting minutes are available on the U.S. Coast Guard Office of Boating Safety Web Site at: <http://www.uscgboating.org>

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Council Members Present

Mr. James P. Muldoon (Chairman)

**Ms. Joan Bondareff
Mr. J. Edward Carter
Mr. Robert David
Mr. Randy Edwards
Mr. William Engfer
Ms. Monita Fontaine
Mr. Fernando Garcia
Mr. Fred Messmann
Mr. Larry Innis
Mr. Jim Manues
Mr. David Marlow**

**Ms. Jo Moon
Commodore Barbara E. Sands
Mr. Frederick Shepard
Mr. Scott Swanby
Mr. Raynor Tsuneyoshi
Ms. Ruth Wood
Mr. Ted Woolley**

Council Members Absent

None

Coast Guard Representatives Present

Captain Scott Evans
Chief, Office of Boating Safety

Mr. Jeffrey N. Hoedt
Executive Director, NBSAC

Mr. Dick Blackman	Office of Boating Safety
Mr. Phil Cappel	Office of Boating Safety
Mr. Jeffrey Glossop	Potomac Management Group
Mr. Richard Kanehl	Office of Boating Safety
Lt. Megan	Assistant to Vice Admiral Hull
Mr. Ross Middleton	Office of Boating Safety
Mr. Barry Nobles	Potomac Management Group
Mr. Carlton Perry	Office of Boating Safety
Cdr. Kim Pickens	Atlantic Area, Operation Boat Smart
Mr. Bruce Schmidt	Office of Boating Safety
Ms. Jeanne Timmons	Office of Boating Safety
Mr. Sam Wehr	Office of Lifesaving Equipment

Saturday, April 24, 2004

Chairman Muldoon called the Council to order at 1:00 p.m. He asked new members to introduce themselves and their organizations.

Ed Carter, the Boating Law Administrator (BLA) from Tennessee, representing the National Association of Boating Law Administrators (NASBLA) and the National Safe Boating Council.

Randy Edwards, the Vice President of NASBLA and the BLA from Iowa.

Monita Fontaine, from the National Marine Manufacturers Association (NMMA).

Barbara Sands, from Alaska and with the Coast Guard Auxiliary, Commodore from the Pacific Area.

Ruth Wood, the President of the BoatU.S. Foundation. She also serves on the National Safe Boating Council, as well as Underwriter Laboratories (UL).

Chairman Muldoon thanked the Council members for attending and introduced Charlie Sledd, stating that Mr. Sledd is the BLA from Virginia, where he began in fisheries as a biologist out of graduate school. He worked in the Information and Education Section and in 1997 became the Program Development Director. Mr. Sledd became the BLA for the State of Virginia in January 2000. In NASBLA, he chairs the Education Committee, and also serves as the President of the Southern States Boating Law Administrators Association (SSBLAA). He asked the Council to join him in welcoming Charlie Sledd to the Council.

Charlie Sledd thanked the Chairman and Council for the warm welcome. He said it was a delight and honor to welcome the Council to the Commonwealth of Virginia. He said he enjoys opportunities like this because it puts him into an environment with blue uniforms (Coast Guard). A few years ago, he retired from the Coast Guard Reserve after a thirty-year career. He still has his blue uniform in the closet and said that it will always be there. They have a lot of water and recreational boating in Virginia, with 176,000 square miles in lakes and ponds, 25,000 miles of streams and rivers, and 2,300 miles of trout waters. Virginia has over a quarter million registered boats. With these registered boats, and tens of thousands of non-registered boats, they have a lot of activity on the water. He urged them to take advantage of Virginia's Southern hospitality, and he hoped they had a great time while in Virginia.

Chairman Muldoon said that on behalf of the whole Council, they appreciated the hospitality Virginia has shown them. He then asked members of the audience to identify themselves and state what their interests are.

Rear Admiral Sally Brice-O'Hara, Commander of the 5th Coast Guard District. Boating safety is one of her concerns, and she said that anything the Council could do to make boating safer, the Coast Guard would welcome all ideas.

Carolyn Belmore, Commodore in the Coast Guard Auxiliary (former NBSAC member).

Ted Sull McClean (?), from the Coast Guard.

Dick Snyder, an engineer for Mercury Marine, who is active in the American Boat and Yacht Council (ABYC) and NASBLA.

Nita Boles, from Parents for Personal Watercraft (PWC) Safety.

Phyllis Kopytko, from Stop Propeller Injuries Now (SPIN).

Keith Jackson

Rick James

Mark Suttie, from Lake Powell Resorts and Marinas.

Bruce Rowe, a manufacturer of houseboats.

Ron Sarver, from NASBLA.

Chairman Muldoon said that his next task was something he would enjoy. The next presenter is the leading champion of boating safety in the USCG. He assumed command of the Coast Guard Atlantic Area in 2002. He is in charge of all activities spanning five districts, 14 million square miles of coastline, 30,000 Auxiliarists, and the Maritime Defense Zone of the Atlantic. He participated in Vietnam, serving several floating tours and was involved in numerous vital missions. In 1997, he became the Director of Operations Policy at Coast Guard Headquarters. As sponsor of

NBSAC, he helped Chairman Muldoon learn his job as Chairman. In 1999, he was assigned as the Commander of the 9th Coast Guard District, and was then promoted to his current position. He asked the Council and audience to welcome Vice Admiral Hull.

Vice Admiral Hull said it was a pleasure for him to attend this meeting and assured them that he has never lost the zeal that he had in Operations Policy, where Boating Safety is situated. It was a pleasure to be there, and he wouldn't have missed it for anything. The cornerstones of the Coast Guard today are different than when the Council started. Safety and security don't mean now what they did then. When doing their safety mission, they make things more secure as well. We are more secure today partially because observant recreational boaters tell the Coast Guard about suspicious activity. He said that boaters could go on the water and enjoy themselves, and they can protect themselves. Making things safe and secure is what it's about. Originally, when he came to the Council, they asked about mandatory education; and many require it now. Mandatory life jacket wear was discussed; and inflatable life jackets were not going anywhere, but they have them now. He was in Hillsborough, Florida watching a small vessel struggle to keep off the sand; he stressed that these were the type of boaters the Council had to reach. He keeps a pager with him; every time someone dies on the east coast on a maritime accident, his pager goes off. It is a constant reminder that there are roughly 700 deaths every year, many on the east coast; and it reminds him what the Council is all about. Today, security takes up the majority of his time, but they just had a person die in Niagara and another just days later in Louisiana. He asked whether they should put their dollars into security or into saving lives, and stressed that they need to balance it out. The partnerships they have are strong, but need to be stronger. He encouraged people like Rear Admiral Brice-O'Hara to continue her work. With that, he thanked them for being there and looked forward to sharing stories with them. He asked Mr. Ed Carter, Randy Edwards, Monita Fontaine, Ruth Wood, and Commodore Barbara Sands to come forward. He asked them to repeat the oath of Council membership (new members sworn in).

Chairman Muldoon said they would change the order and call for a ten-minute break for photographs with the Vice Admiral. **Break**

Chairman Muldoon called the Council back to order at 1:40 p.m. He announced that they would have a reception that evening and thanked Vice Admiral and Mrs. Hull for making their home available. He said that the audience is also invited.

Vice Admiral Hull thanked them and hoped they would have a productive meeting.

Chairman Muldoon thanked Larry Innis and others for hosting the event, which started at 6:30 p.m. Next, he said that Captain Evans would present the National Recreational Boating Safety (RBS) Program Report.

Captain Evans said it was good to see all the Council members back to work on some vital issues. Many of them just got back from the International Boating and Water Safety Summit. He said it was one of the most incredible opportunities, with over 500 people working on boating safety issues. He said it was about all of them working together, putting pieces of the puzzle together to find out solutions on how to save lives. When

they (NBSAC) were meeting in Chicago, someone mentioned that Vice Admiral Hull was retiring, and everyone wanted to come to Norfolk and be in the presence of Vice Admiral Hull once again. The Council is so fond of his ability to bring people together, and now they have Operation Boat Smart, which started from his idea of getting everyone working together to solve these problems in boating safety. That's why they're in Norfolk, to say thank you to Vice Admiral Hull. He said that he also had the privilege of being with Rear Admiral Brice-O'Hara in New York City and witnessed her enthusiasm for boating safety.

He then wanted to address the new members. The Advisory Council is such a unique experience. It is a chance to get the industry, States, and public together to discuss issues. Usually, they have to go to organizations separately, but now they're together in one room to work on the main issues.

He said that he was going to go through some reports, and then would ask the Council for their help. The Office of Boating Safety is seeking guidance on where to go on these select issues. Captain Evans stated that he surrounds himself with smart people, and the Council is the pinnacle of the smart people he surrounds himself with. He said they changed the format of the meeting and he was going to give the charges now so the Subcommittees can work on the issues the Coast Guard was seeking assistance with. Carl Perry will make a presentation about how the Federal regulation process works. When he does this, they need to think about the timelines and how the Office gets through this process. The National Recreational Boating Survey was just published, and NBSAC would be the first to see it. They would be discussing the results. They are also going to give an update on the Harbor Safety and Security Committee, where he and Jim Muldoon took part in the process in Florida. Commercial and recreational boating were two separate entities, but they were working to get recreational boating involved in port safety and security. They were asked to be part of the convention and to get involved, and they would discuss the commercial view of recreational boats and the recreational boaters' view of commercial vessels.

The Vice Admiral said that he had a pager that went off when they had a fatality. Similar to that, in the Office of Boating Safety, a few years ago, they assigned a staff member to search for boating news. The staffer places the articles in a report that he gets daily. When he gets a report and sees the fatalities on a national level, it makes him cringe at the many pages of boating accidents and fatalities. He cuts and pastes PFD issues into a separate report; and when you look at the issue on a national level, he found that they have a serious issue that they need to continue to address. Carbon Monoxide is a problem they have been dealing with, and they had a workshop to discuss those issues. They have discovered new technology and new ideas on how to attack this problem at the last NBSAC meeting. The Council requested a similar workshop on personal flotation device (PFD) wear. Of 750 fatalities (2002 statistics), 442 drowned without PFDs on. If they could get people to wear the equipment, they could potentially cut the fatality rates in half. They have addressed this concern with many approaches, but after a six-year study, have found that it is not making a big difference. They have similar workshops dealing with propeller injury avoidance measures, where they can discuss new technologies.

The Captain then said that he would cover resolutions that were passed last year. The thanks and appreciation letter for Bill Selden was presented to the family during the memorial service. For the resolution directing the Office to work with NASBLA and NTSB to develop education programs and campaign States to enact laws, he stated that this action is continuing. It was presented to NASBLA for their consideration, and the Council would discuss it in the Prevention Through People Subcommittee meeting. Regarding the next resolution on the National Park Service (NPS) plans, he was honored to say that Ms. Kym Hall of the NPS would be joining them on Sunday. Thanks to Monita and NASBLA for arranging the meeting with her and the Office of Management and Budget (OMB) to discuss the issue. Their staff is now working with Coast Guard staff to develop regulations. The next resolution was in regard to organizing a PFD workshop. This workshop was held at the Miami boat show. The next resolution asked that TSAC/NAVSAC/NBSAC/NASBLA/NMMA develop a brochure or other media concerning the interaction of recreational boats with commercial vessels. That action is continuing, and they have a sample video from San Francisco. This was presented to NASBLA for their consideration. On the United Nations (U.N.) Resolution No. 40 issue, the State Department has not forwarded this Resolution to the Coast Guard. In addition, the Coast Guard does not have the authority to establish a national educational requirement for recreational vessel operators. It is currently up to the States to enact related laws, so the Office is looking to the Council to provide direction on this issue. On the next resolution, regarding a "Super Drunk" Law by AAA, the Captain said Jeff Hoedt will cover this.

Jeff Hoedt passed out some handouts. They did research on the Super Drunk program concept and found that AAA does not have such a program. They have other programs related to MADD and NHTSA. They also have a wealth of reports from the Traffic Safety Foundation. They have defined a "high-risk driver," which is a repeat convicted offender, high blood alcohol content offender, and a driver who operates while on a suspended license. Certain States are implementing laws to deal with these drivers. The website listed on the handout can be used to find out legislation State by State.

Larry Innis asked how many states have passed laws.

Jeff Hoedt said he doesn't have a count, but they can find it on the site.

Larry Innis asked if they could use it for boats.

Jeff Hoedt responded, not that he knew of.

Ray Tsuneyoshi said that California tried to introduce legislation on this last year, but it was rejected.

Jeff Hoedt asked if there were any other questions.

Captain Evans said he inadvertently skipped a resolution dealing with prop strikes. He said that it was passed onto NASBLA for consideration, and they will discuss that more during the Prevention Through People (PTP) Subcommittee meeting. Resolution 09, asking NASBLA to create a model act for a wear requirement for kill switches, would

be discussed during the Boats and Associated Equipment (BAE) Subcommittee meeting. They take these resolutions very seriously and act on what the Council advises them on. This is their to-do list in the Office of Boating Safety.

He then got into challenges, which were a few of the items on Subcommittee agendas. The PFD wear rate, after all the work over the last few years, is not increasing. The goal of the program is to save lives, and lives can be saved by getting people to wear PFDs. He will brief them on their possible strategies, one of which is mandatory PFD wear. He wanted the Council to give the Office an objective; at what point do they reach success, lives saved, increased PFD wear? PWC riders have a high PFD wear rate, as well as kayakers. Their second challenge involves proof of proficiency. United Nations (U.N.) Resolution No. 40 says that there is no reciprocity for Americans to boat in Europe and vice versa. Americans go to Europe and their boating education card, if they have one, isn't accepted. The U.N. wants a uniform proof of proficiency. The Coast Guard does not have the statutory authority to mandate a proof of proficiency requirement. Instead, they work with the States and strongly encourage the States to seek uniformity in educational requirements. Is it time for the Federal government to seek a change in their statutory authority to seek this ability? The next topic is the 17-digit Hull Identification Number (HIN). The Coast Guard doesn't mind revising the HIN, but there are two different proposed formats, one NASBLA wants, and another that others would like to see.

He said that the Council needed to prioritize resolutions, and Carl Perry will make a presentation to show them how the process works. The Coast Guard has more projects to work on than their resources can handle, so there is a need to identify and work on the highest priority projects first. He wanted the Council to help them design the process for prioritizing these projects. When the three Subcommittees get together, they want recommendations, numbered by priority. There are 30 past resolutions, and the Office would like the Council's recommendations on where they need to emphasize their time. He thanked them and welcomed the new members to the team.

Chairman Muldoon asked if there were any questions for the Captain. He said that he wanted to see the Subcommittee Chairs, and at 5:00 p.m. tomorrow they will hold a housekeeping session to deal with administrative issues. He asked guests and members to sign in by the back door so they knew who was present. He asked additional members of the audience to identify themselves.

Kim (?), with SPIN.

COMO Warren McAdams, from the USCG Auxiliary.

Karen Steely, from the Aaron Foundation.

Joanne Dorval, assistant to the Chairman.

Chairman Muldoon asked Jeff Hoedt for his Executive Director's report.

Jeff Hoedt welcomed them to Norfolk and said that they were here during the Azalea Festival and Parade, which is a NATO-sponsored event. He introduced Dionca Williams as

the new Administrative Assistant to the Captain, who would also be taking over the development of the Council minutes. He wanted the members to give him their updated contact information. The reception would be this evening, thanks to Vice Admiral Hull, Chairman Muldoon, and the MRAA. He has maps for those who wish to drive separately.

Jeff Hoedt said that for new members, this is their orientation, and he welcomed the five new members. Carl will have a session on the regulatory process and why the Office needs help prioritizing the regulation process. He asked former members to help the new members if they had any questions. He then explained that the folders contained information on presentations and other things they will need for the meeting. The 2004 nonprofit organization grants have been delayed because the Highway Bill has been delayed for several more weeks; the decisions will be made by mid-May. He said they will have two presentations, one from Carl Perry about the regulatory process, and Barry Nobles will explain the Willingness to Pay concept. He asked the Council to note the new format for the resolutions. They will print the new resolutions separately so they don't have to go through the minutes to find the final resolutions.

Ray Tsuneyoshi asked, how would they know the sequencing for the numbers?

Jeff Hoedt said they appreciate the numbering the Subcommittees use, and they will assign a full Council number to each resolution after the meeting. Another item the members received was a notebook that includes the laws and regulations pertaining to boating safety. These are USCG laws, but other agencies have authority as well. He asked that they bring this with them every meeting; and as amendments occur, they can make changes.

Ted Woolley asked if they could get this on CDROM.

Jeff Hoedt said he would check. They also have the JSI study on the national PFD wear rate. This is an observational survey in at least four sites at each of the 30 selected States. Contractors go out and observe who is and who is not wearing PFDs. He said the report would go on the website as soon as possible. He said that another survey, the National Recreational Boating Survey, was sent to the NBSAC members' homes and was four volumes in size. They have no more copies to hand out at the meeting, but they have master copies if they need them in Subcommittees. These reports are currently on the website.

Fred Messmann brought a copy of the Executive Summary if they want a copy of that.

Jeff Hoedt said they now have microphones on the members' tables for this meeting. They also have one in the audience that he asked that they use. He also asked that they state their names when providing comments in order to identify themselves for the minutes. He asked that members sign in every day. Finally, on the status of appointments, they have six members who have completed their Secretarial appointment terms, and since there haven't been new appointments made yet this year, the Commandant has temporarily continued their appointments. They are expecting the new appointments soon. He asked if there were any questions.

Chairman Muldoon said they would take a 15-minute break. **Break.**

Chairman Muldoon said they would have a presentation on the regulatory process from Carl Perry. One of the frustrating things new members deal with sometimes is the length of time it takes for resolutions to be acted upon in the form of regulations. This presentation would explain the process and help shape expectations.

Carl Perry thanked the Chairman. He said that they would take a look at the regulatory process: Statutory Authority; Administrative Procedures Act; Marine Safety and Security Council (MSSC); Primary Rulemaking Stages; Regulatory Impact Considerations and Project Completion Schedule.

Congress enacts legislation that may specify regulatory requirements and may even say exactly what these are and enact time limits. The statutory authority may be discretionary or mandatory to promulgate regulations. The regulations issued have the force of law.

The Administrative Procedures Act sets the basic regulatory procedure to publish a general notice of rulemaking; to provide the affected public an opportunity to comment on the rulemaking; to discuss the comments made, any suggested changes made and not made to the proposed rulemaking; and to provide at least 30 days before the rule becomes effective.

As to the Marine Safety and Security Council (MSSC), many years ago, there was a recognized need to have a senior officer in the Coast Guard to look at rulemaking and to set internal procedures. The Council is made up of the Judge Advocate General (Chair) and the Assistant Commandants for Marine Safety and Environmental Protection, and for Operations. It provides oversight and guidance for the rulemaking process and reviews regulatory projects, approving recommended alternatives and a project completion schedule.

He said that the primary rulemaking stages included a Pre-Rulemaking Stage, a Proposed Rulemaking Stage, and a Final Rulemaking Stage. In the Pre-Rulemaking Stage, they develop a policy document providing project information, regulatory impact considerations and a project completion schedule. They used the document, called a work plan, to request Council approval of the project. There is at least one MSSC meeting each year to discuss the status and priority of the existing 70-80 rulemaking projects.

There are a number of Regulatory Impact Considerations that must be addressed in the work plan, the proposed rulemaking and in the final rule. They are: 1) Costs and Benefits. We must address whether the proposed rule is or is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does or does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order, 2) Small Entities. Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we must consider whether this proposed rule would have a significant economic impact on a substantial number of small entities, 3) Assistance for Small Entities. Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-121), we must assist small entities

in understanding this proposed rule so that they can better evaluate its effects on them, 4) Collection of Information. We must address whether the proposed rule calls for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520), 5) Federalism. We must determine whether or not a rule has implications for federalism under Executive Order 13132, whether it has a substantial direct effect on State or local governments or would either preempt State law or impose a substantial direct cost of compliance on them, 6) Unfunded Mandates Reform Act. The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year, 7) Taking of Private Property. We must determine whether a proposed rule would or would not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights, 8) Civil Justice Reform. We must determine whether a proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden, 9) Protection of Children. We must analyze a proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. We must determine whether a proposed rule would or would not create an environmental risk to health or risk to safety that might disproportionately affect children, 10) Indian Tribal Governments. We must determine whether a proposed rule would or would not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, 11) Energy Effects. We must analyze a proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We must determine whether or not it is “significant energy action” under that order related to whether or not it is a “significant regulatory action” under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy, and 12) Environment. We must analyze a proposed rule under Commandant Instruction M16475.ID, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321-4370f).

The completion schedule includes target dates for key project milestones including: approving the work plan, publishing the NPRM, close of the comment period, schedule for any public meeting, publishing the final rule, the rule’s effective date, and any planned phase-in periods. The Pre-Rulemaking Stage can take 6 to 12 months, and the Rulemaking Stage can take 1 to 3 years for completion.

Proposed Rulemaking Stage. The NPRM provides summary and background information, 60 to 180 days for comment, a contact for further information, and how to submit comments on the proposed regulations. It discusses any prior notice and comment received; the proposed regulations; and regulatory impact considerations. Finally, the NPRM describes the proposed regulations.

Optional Rulemaking Documents. We have optional stages for a rulemaking that include: an Advance Notice of Proposed Rulemaking (ANPRM) when we want additional data from the public and those affected by the rule before we propose

specific regulations, a Supplemental Notice of Proposed Rulemaking (SNPRM) when we make substantial changes to the NPRM in response to comments received; an Interim Rule (IR) when we need to have the rule be in effect but still want additional comment to consider for refining the permanent rule, a Direct Final Rule (DFR) when we have identified and discussed the concept of the rule and believe that the regulated community would not object, and a Final Rule with no NPRM when we determine that there is no substantive impact on the public and that public comment would not aid in the rulemaking.

Final Rulemaking Stage. The Final Rule provides summary and background information, 30 to 180 days before the rule becomes effective; and a contact for further information. It discusses any prior notice and comment received, any changes to the proposed regulations, and regulatory impact considerations.

He stated that ICF Consulting put together a map describing the regulatory process. He then asked if there were any questions.

Joan Bondareff wondered if they still put Coast Guard regulations on Department of Transportation (DOT) dockets. She also asked whether they were imposing security requirements on Coast Guard regulations.

Carl Perry answered that the clearance goes through the Department of Homeland Security (DHS), and the DOT just provides a source to put it in.

Joan Bondareff heard that DHS might only want to enter regulations dealing with security.

Carl Perry said that they move forward with regulations as they receive them, but they are understaffed. The Department works well with it, but not many regulations are moving smoothly through. However, they will soon. The Department does not discern between safety and security, but there are hotter issues that take priority. They're trying to work together to shape this new system and get it to work. He thanked them.

Chairman Muldoon said that they would hear a presentation about the Willingness to Pay concept by Barry Nobles.

Barry Nobles introduced himself as project manager for the maritime consulting company, Potomac Management Group. He works on-site at Coast Guard Headquarters for the Office of Boating Safety.

He said that over the past few NBSAC meetings, he heard questions from members of NBSAC and the audience about how the Coast Guard conducts cost-benefit analyses. Since he and his team help the Office of Boating Safety with these, he and his clients thought it would be helpful to provide the Council with an overview of how the Coast Guard conducts them, specifically about how they quantify benefits. He said he would define and describe the economic concepts of 'societal costs' and 'Willingness to Pay,' explain which tool the Coast Guard uses and why, and walk the group through a hypothetical scenario to illustrate how Willingness to Pay is applied.

Mr. Nobles defined and described societal costs and Willingness to Pay and gave an example using lifeguards at a swimming pool. Are you willing to pay a higher admission for more lifeguards or a lower admission for fewer?

He explained that some people believe the Coast Guard should use societal costs. However, the Office of Management and Budget (OMB) has provided guidance to each Federal Department to use Willingness to Pay. The Department of Transportation, in turn, has developed a scale that quantifies injuries and fatalities. The Coast Guard uses this scale in its regulations to quantify benefits.

DOT has determined that the public is willing to pay 3 million dollars, to prevent a fatality. We would pay \$2.3 million to prevent a critical injury and so on. Some people perceive this to mean that the Government is dictating what our family members' lives are worth. However, Willingness to Pay is *not* the value of a human life. It is simply a tool to quantify what we are willing to pay to minimize the risk of a fatality.

To determine this figure, DOT conducted a meta-analysis and asked each of its' agencies to report to them the amount of money they believed their constituents would be willing to pay to prevent a theoretical fatality or accident. These agencies gathered relevant studies, surveyed some of their constituents, and shared their professional opinions. They gave their feedback to DOT. DOT analyzed the data and released the scale Mr. Nobles showed on the screen. This scale establishes DOT's Willingness to Pay for all 13 agencies under the Department, including the Coast Guard. While the Coast Guard is now under DHS, DHS has not yet assigned a value to Willingness to Pay; and until they do, we will continue to use guidance from the Department of Transportation.

Mr. Nobles then gave the Council a theoretical and simplified example of how Willingness to Pay is applied to a cost-benefit-analysis. He explained that they look for particular populations who are at risk, and they consider various interventions that might minimize that risk. Whether a population is small or large does not matter. The only thing that matters is whether we can reduce risk, cost-beneficially. He stated that as both technology and our creativity improve, and prices of interventions drop, in addition to education, we may be able to find new means of reducing risk in a cost-beneficial manner. The Coast Guard must only propose regulations in which the benefits outweigh the costs.

He summarized and reminded the audience that this was an extremely oversimplified explanation of a cost-benefit analysis. His hope is that the Council and audience have a better overall understanding of the process and know who to ask if they have questions. He expressed hope that the Council will consider the role of economics over the next few days as they discuss various regulatory projects and when they return to their States and workplaces. He invited them to contact the Office of Boating Safety if they have questions about this or anything else. He thanked them and asked for questions.

Phyllis Kopytko said her concern was that injuries were not covered in Willingness to Pay as they were with societal costs.

Barry Nobles said that injuries were counted. They were more difficult to quantify, but they did take injuries into account in their analyses.

Phyllis Kopytko said that according to the scale, the guideline is \$562,000 for a severe injury. Over the past decade, the fatality Willingness to Pay figure has grown, and they want to see it rise further. SPIN is also curious as to how DHS will handle their own limits.

Jo Moon asked if this was related to just boating accidents or to all forms of transportation.

Barry Nobles answered that it is a guidance from the DOT, so it pertains to all types of transportation.

Jo Moon asked if there had ever been an effort to determine costs for different types of vessels.

Barry Nobles said that the DOT gathered all constituents when determining this number.

Fred Messmann asked if they have used this in any recent analyses that they could look at.

Barry Nobles answered that they used it in the houseboat regulation, where they assumed that all injuries inflicted were severe. He said that it was a difficult science.

Ray Tsuneyoshi asked if there was any flexibility.

Barry Nobles said there is room for flexibility if the cost and benefit are close.

Ed Carter asked if there were simplified definitions for the different injury types.

Barry Nobles said that this is subjective. The DOT has a sentence for each category, but it's vague, and much of it remains subjective.

Dick Snyder asked if they factored risk from the intervention in their analysis.

Barry Nobles said they take that into consideration. He gave a simplified hypothetical example. A real analysis is much more complicated.

Joan Bondareff said that many Agencies do not use OMB guidance because they have their own specific statutory authority. The Coast Guard is governed by OMB. Recently, the EPA ruled that clean air and water regulations do not need to take costs into consideration.

Barry Nobles answered that all of their rules go to OMB.

Jeff Hoedt wanted to update them on what is occurring in their Office. When Barry's staff does research, they discover good information. If anyone needs the information, they can sign up for it. The Office realizes that there is value in societal costs. While they can't use societal costs in regulations, it is beneficial in awareness campaigns and

public education. John Malatak is working with a contractor to determine some societal costs related to boating safety. Once they can capture some of that information, they can give it to the Office. He did not know what their expectations will be when the DHS selects its own Willingness to Pay figures. They may be the same numbers used by the DOT, but they did not know. They have offered comments in the process, but the Department has to weigh input from all the different agencies involved in the process. He hoped that from the two presentations, the Council could understand how complicated the regulation process is. He reminded them that they are just one of the many Offices submitting regulations to be considered. This is why they needed the Council's help in prioritizing past and future regulations.

Phyllis Kopytko asked if there is a listing of what projects are currently in the DHS' regulatory process.

Carl Perry answered that they have six projects currently in this process. He has an internal list, and they have an approved list for Operations that they update quarterly. The Coast Guard has a long list for their Legal Office to work on, and they are working with DHS to come up with the 22 components as to what they can do and cannot do. Even if they can handle twelve regulations at the same time, the next step in the process may not be able to. Sometimes the Office will get stalemated because they do not have access to certain data, like population data. He asked them to raise the issue at the Subcommittee meeting.

Fred Messmann asked if there was a chart dealing with societal costs.

Jeff Hoedt answered that there is no chart, since they cannot use societal costs. It cannot help them in the legal process. They will try to capture that information. The information they currently collect has injury information, but not the actual costs of that injury.

Fernando Garcia asked how they factor in exposure rates for certain populations.

Barry Nobles said that exposure is the hardest to find, but they're looking because it is essential in a cost-benefit-analysis.

Fernando Garcia asked if it would it be a multiplier.

Barry Nobles said his example was simplified. Just because you own a registered boat does not mean that it is on the water.

Jeff Hoedt said that there was exposure data in the most recent survey, and they will get some data from that study. Population and exposure are important, but they had some problems, such as counting canoes and kayaks that are not registered by all States. He said that they were working on that issue though.

Fernando Garcia said that in the future, as in environmental regulations, they can install an internal clock to measure usage of different vessels to determine exposure.

Ray Tsuneyoshi asked if the resolution prioritizing would take place every meeting.

Carl Perry said that it would with all new resolutions.

Ray Tsuneyoshi wondered if they wouldn't get caught in the process of putting old resolutions further and further out.

Jeff Hoedt said this is a two-step process; first, they need a prioritization tool. They need the Subcommittees to come up with a tool. Highest priorities may change over the years, but they could classify them. He stressed that they would not only target the high issues, but would plug others in to higher prioritized regulatory projects when possible to make sure they were considered.

Carl Perry hoped to publish some rules and get them off the list soon. They will not re-rank new resolutions, but would put them into a priority classification system.

Chairman Muldoon said that both presentations were very valuable. They'll need to decide as a group how the prioritization will work. He asked for any old business.

Ted Woolley wanted to congratulate the Coast Guard on the broken out resolutions from the previous meeting. He also wanted to express his thanks for following up on old business. He wanted to know the status on the inflatable life jacket, and also wanted to know what the definition of "whitewater" is as it applies to PFD classifications.

Nita Boles asked Captain Evans about the University of Florida study that found that children were more likely to be injured in PWC accidents. Since that time, Bruce Schmidt submitted a study that showed that 38% of PWC casualties were with children aged 19 and under. They feel that it is a problem that needs to be addressed. They felt that children should be a high priority. She suggested that they put a warning on their website and do as much as they can to educate the public about children and the danger with PWCs.

Jeff Hoedt thanked her for making them aware of the Florida study and passed out the information to the Council members.

Chairman Muldoon called for members' items. He asked new members to abstain from submitting new items until after the experienced members submitted theirs, in order to get an understanding of the process.

Joan Bondareff wanted the Council to participate in developing a long-term strategy to increase PFD wear. It would be a five-step process, first a new campaign to bring in other groups, including an invitation to the sport fishing industry. They would also ask hunting and angling groups to sign a PFD pledge. The result would be that if the measures are not successful, they may need to consider mandatory wear on certain vessels. They needed to simplify and clarify PFD classifications, review and do analysis of the Canadian Safe Boating Council study in the United States and finally set goals and timetables to accomplish this in the United States.

Bob David had no new issues; all five issues will be covered in Subcommittee.

Bill Engfer had three items. The first was mentioned earlier with the two 17-digit HIN formats. He wanted them to identify the difference and wanted to know who is proposing the other format. Secondly, some Coast Guard Districts produce a list of navigable waters by State and those waters that are subject to the jurisdiction of the United States. Often, there is confusion between Districts. The lists are lost and not kept up to date, and the lists of years ago do not correlate with the lists today. He asked if it were possible for the Coast Guard to produce, by State, a list of navigable waters and those waters subject to the jurisdiction of the United States and keep them in a central location. He also asked whether there was a national directive to the Districts on this topic, or is it at a District's discretion as to the keeping and updating of these lists.

Fernando Garcia said his first issue was more of a suggestion regarding the two formats for HINs. He said that they should consider the ISO standard, considering the global economy they live in. He also wanted to get an update on their previous recommended alternate exemption method for PWCs, other than the exemption process utilizing SAE procedures.

Larry Innis had no new business. He still had a concern about education requirement reciprocity between States; and while it continues to be addressed at NASBLA, he would like it to be addressed in front of the Council as well.

Jim Manues said most of his items would be addressed in Subcommittees. He thanked the staff for the technical data about PFD wear. He said after studying it, that the low rates of PFD wear are a concern.

Ted Woolley had two items. His first dealt with a 65 mph top end speed for PWCs. This year, he was approached by a manufacturer who asked if anything was going to be done about exceeding the 65 mph maximum capability limit. He wanted to know if the Coast Guard was going to take any action against manufacturers who breach the 65 mph limit. He did not want to see the doors open to PWC manufacturers racing to increase their capable speeds again. Secondly, he did a word search in titles 33 CFR and 46 CFR and found that in the commercial side they have regulations limiting allowable noise emitted by the vessels and that the workers can be exposed to. He asked, if they deal with noise on the commercial side, why can they not regulate it on the recreational side?

Ray Tsuneyoshi said that a hot item in his State is Carbon Monoxide (CO). They have a bill under consideration, and all of the BLAs have received an email from the wake boarders and wake surfers asking them to not legislate them out of existence until they prove that it is unsafe. He saw the NASBLA model law for a 20' zone behind a vessel, he checked accident statistics in his own State, and they had no instances of wake boarders or wake surfers succumbing to CO poisoning. The letter raised more questions than answers.

He didn't know if there is enough science to indicate whether CO risks exist all the time, or whether the cumulative effect increases risk. He was also interested in discussing the PFD issue. He added that the instances of BUI and related injuries are rising, and other States have been seeing the same phenomenon. They have done

many advertisements, and it continues to rise. He asked if the Coast Guard had any recommendations on how to get through to these people. He also added that when fast boats are at full throttle, the sound increases exponentially. He wondered if they need a measure for throttling and if there was a safe way to do it.

Scott Swanby wanted to look at the copies of the PFD report.

Eric Shepard complimented the Office on getting the papers distributed quickly. He had two items of concern. First, he wanted an update on the factory visit contract and where it stands, knowing that the Highway Bill has not been passed. His second item was a concern about a follow on to the original fire port resolution by ABYC.

Jo Moon wanted to thank the Coast Guard for their materials early, and especially appreciated the meeting minutes, which were clear and easy to understand. Canoes and kayaks were a concern for her. She noted that the industry was not present even as the Admiral stated that there was a kayaker missing. She talked to Bruce Schmidt about the Coast Guard's inability to capture statistics from kayakers and canoeists in remote areas. Another issue that has come to her attention is that some EPIRBS are not functioning correctly and wanted to know what the Coast Guard was doing about these nonfunctional EPIRBS. Recall of aftermarket safety items was also an issue. There is an ongoing discussion on flare disposals, and she was happy that there would be a presentation. Almost weekly, she finds old PFDs in junk stores for sale for cheap. She wanted to see a campaign directed toward thrift stores to get these dangerous items out of the stores. Finally, she thanked the Coast Guard for taking member items from the last meeting and inserting them into these Subcommittee meetings.

Fred Messmann thanked them for the regulation manual. He also wanted to thank the Office for breaking the resolutions out and thanked them for sending the resolutions to NASBLA and getting them to their committees so they could work on them. He asked if they have a standard distribution list for rulemaking. Often, NASBLA pays staff to go read the Federal Register, and he wanted to know if there is a way they could get on a list so that those rulemakings and notices etc. could come to those people who signed up for them. In conjunction with that, he wanted to see the same thing done with grants, including the SRG grant product that he received. At the Summit, there were people asking questions, and he was fortunate to have it and talk about it somewhat. He asked if all BLAs were going to get a copy of it. When a grant report is finalized, he wanted availability and distribution available for NASBLA members.

Carl Perry asked whether he was referring to NBSAC or NASBLA

Fred Messmann answered both. The Office does well at distributing information to NBSAC members, but he wasn't sure others in NASBLA received the same information that he does. He asked if a member of the public can sign up to receive these updates.

Ed Carter asked if the Coast Guard captures and studies commercial rafting accidents. Although they are not reportable, he felt that they could contain valuable information. He was also concerned with a change in the Clean Water Act that prevents States from enforcing it.

Randy Edwards said his concerns were about commercial boat operator licenses. He was also concerned about the list of navigable waters, as they have had multiple lists.

He said that the Coast Guard wanted licenses for commercial fisher guides, etc.

Monita Fontaine had no issues.

Ruth Wood said that they recently sent a letter to Admiral Collins about the use of type II PFDs. Since they are the cheapest, people carry them, but they don't wear them. They've come a long way with inflatables, but they are too expensive. Type II PFDs perpetuate the low wearage rate of those jackets. She asked if they could they get together and talk about the issue of Type II lifejackets. She wanted the Coast Guard to discuss this issue in the future.

COMO Barbara Sands said that the important issues to her were on the table. PFD wear is important in Alaska, as 75% of boaters don't like them. Paddlers and canoeists also have her interest because of what she read in preparation, and she saw that it is a hot topic nationwide.

Chairman Muldoon introduced Bill Engfer to give his Towing Safety Advisory Council (TSAC)/NBSAC workgroup report.

Bill Engfer could not attend the TSAC meeting in Washington, D.C. due to another meeting. To the credit of TSAC, they had a tremendous amount of communication prior to and after the TSAC meeting. He turned PSA material over to Cathy Hammond, who took it to the TSAC meeting and shared it with them. After review, TSAC came up with a San Francisco tape they wanted to look at, as well as a Chesapeake Bay video. They discussed the future direction they were going. Cathy felt that TSAC was going to review their information and narrow it down, which would then be forwarded to Charlie Sledd, NASBLA Education Committee Chair. He will narrow it down further and then forward that information to his BLAs as a supplement. That will be finalized in NASBLA by September. They are also working with barge lighting. The Coast Guard did publish a request for grant applicants to study the issue.

Jeff Hoedt said that he attended the TSAC meeting, and we (NBSAC) have great support from Cathy Hammond. The Office solicited for potential applicants to come up with a methodology to enhance visibility of vessels, but they received no applications. They're working to determine the next strategy.

Bill Engfer said that they did not want to wait for another grant cycle. TSAC's recommendation was that the Coast Guard should seek other funding sources to study the issue. TSAC is also addressing travel time for towing vessels and distances. This poses a safety concern for the towing vessels, as well as recreational vessels around them. The commercial industry supported an educational initiative for recreational vessel operators. This cooperative effort between NBSAC and TSAC is essential in moving forward, and he agreed that Cathy Hammond provides great support.

Chairman Muldoon thanked him for his report.

Chairman Muldoon recessed at 4:50 p.m.

Monday, April 26, 2004

Chairman Muldoon called the Council back to order at 1:31 p.m. He thanked Rear Admiral Brice-O'Hara for her presence. He introduced Captain Evans for the Wallop Breaux update.

Captain Evans passed out a handout explaining the technical aspects of the status of the Wallop Breaux reauthorization. The authorization expired September 30, 2003, and the program was then continued through an initial extension through the end of February 2004. The second extension brings us through the end of the week. There is a concern over the RBS Program being excluded from the next extension proposal. Some NBSAC members have been following this closely and may be able to give them an update. He asked if anyone has heard anything up to date.

Fred Messmann said not as of 9:00 a.m.

Captain Evans said they will have their work cut out for them with another short-term extension to get them through. How does it affect the recreational boating program? They currently only had 7/12ths of their old money to fund future programs and initiatives. They currently did not have the money to distribute to all the nonprofit organizations as they would like. He then turned the presentation over to Chairman Muldoon.

Chairman Muldoon hoped everyone understood how important the situation was. If this extension effort fails, it would be the end of boating safety as they know it. He urged the Council to get involved if they knew anyone in the process.

Eric Shepard asked if they could be updated by email.

Chairman Muldoon said yes.

Monita Fontaine met Wednesday with John Rayfield of the Coast Guard Subcommittee staff, and the ALAB proposal would be reintroduced into Congress. She thinks that people were overwhelmed with the materials in the anarchy of trying to get the bill passed. They were trying to not embarrass those who let the proposal slip through the cracks.

Chairman Muldoon brought it to the attention of the highest levels in the Department of Homeland Security, and they were committed to assisting. Jim Muldoon Introduced COMO Warren McAdams for the Coast Guard Auxiliary report.

COMO Warren McAdams thanked the Chairman. He said that it was difficult to separate the Auxiliary's missions in recreational boating safety and homeland security. In 2003, their organization performed over 500,000 hours of patrols and 200,000 hours of Coast Guard direct operations support. They conducted 105,000 vessel safety checks (VSC) and over 40,000 visitation calls to marine dealers and retail outlets. They graduated 65,000 students from boating courses and provided youth education to over

100,000 children. In the VSC program, they had contributions from the U.S. Power Squadrons, who provided 30,000 VSCs, and six States added another 50,000 VSCs. Homeland security missions add a workload in such areas as safety patrols and radio watches at Coast Guard stations. They have added a homeland security discussion to their public education courses. They have also passed out stickers with phone numbers to the National Response Center. With their new missions in security, their funds for RBS programs have run short. However, over recent years, they have utilized grant programs to upgrade the Vessel Safety Check and Marine Dealer Visitation programs. The DHS has also required the Auxiliary to do background checks on all current and future members. This would require many to be fingerprinted, and others who have direct operational qualifications or security designation undergo a personal security investigation. They are worried that this may lead to some level of attrition among members as well as burden the already overloaded security check apparatus. He said that, during these times, they needed to work to sustain memberships as well as partnerships to maintain RBS programs. Through these efforts, he said that they will do their best to maintain the Coast Guard Auxiliary as the premier volunteer organization in both the Coast Guard and Department of Homeland Security. He thanked the Chairman and asked if there were any questions.

Chairman Muldoon said that State boating programs are vital to the RBS program.

Representing the 56 States and Territories is NASBLA, which promotes uniformity in laws. Fred Messmann is the President of NASBLA and is from the State of Nevada. He introduced Fred Messmann.

Fred Messmann said it was his pleasure to follow COMO Warren McAdams. The Auxiliary is a key player in his State, and he could not operate his program without them.

NASBLA passed two resolutions at the conference in 2003 and received responses from the Coast Guard. The NASBLA Boating Accident Investigation Reporting and Analysis Committee (BAIRAC) is drafting definitions of recreational and commercial accidents. Those accidents are not being reported to either the MSOs or the States, so they were going to fine tune the boating accident report. If they redo the wording, it would make it clearer, and they would continue to keep NBSAC in the loop. They are working on the Boat Accident Report Database (BARD) and need to have their analysts trained. Those entering the data are a key component of the accuracy of the BARD system. BAIRAC is also producing a CO report form and added training for the field officers. Often, fire/rescue and paramedics respond to the accidents, and they need to train them as well. It may be another target audience in which to raise awareness. They are also going to have portable testing units for CO, similar to the units used for BUI enforcement. The Education Committee approved 5 exams for boating courses and a protocol for distribution. A pool of questions is now available through the NASBLA office. He thanked the Coast Guard for working with them on the grant. The Paddlesports Subcommittee approved distribution of safety materials, a handbook and a bibliography. They conducted law enforcement BUI training programs in Texas and Oregon. Training needs were discussed for the proper use of a PWC. The Numbering and Titling Committee, with the National Conference of Commissioners on Uniform of State Laws, discussed the development of the Vessel Identification System (VIS), but there is not a date for VIS to be up and running. One of the most difficult forms to fill out is the CG3923-CQ, which identifies vessels by

length and hull material. Nevada developed a program to give a report that fills in the blanks, and many people were excited about that. Nevada will share that with others who are interested. Randy Edwards attended a Department of the Interior (DOI) meeting called Partners in Stewardship. He was disappointed in the lack of boating members there. Regional meetings were all coming up. Most states are holding off applying for grants due to the Wallop-Breaux hold up. If it does pass, it is hoped it will be retroactive back to October 1. Thanks to Chairman Muldoon, they met with Admiral Loy to talk about homeland security issues, and he was receptive. He received a warm reception and kind comments from the Professional Paddlesports Association. He said that most motorboat users look at the registration as an investment, but paddlers don't. NASBLA is opening doors with organizations. He recently visited Italy, and NASBLA will write letters of support for Italy's national safe boating day. In regards to the PWC checklist, NASBLA will reproduce it in French and Spanish and make it available on CDs. As President, he was trying to build bridges and partnerships. He also attended the Marina Operators Association of America in Fort Lauderdale and was also well received there. They're trying to partner and develop an MOU with the American Canoe Association (ACA), the Canadian Safe Boating Council, the PPA and the MRAA. NASBLA wants to partner with many organizations in order to further their partners' as well as their own goals. He attended the United States Power Squadrons (USPS) meeting in Florida and celebrated their 90th anniversary in New York City. At the meeting, they had a write up about how the USPS was formed. At the Florida event, they presented a resolution from NASBLA recognizing the USPS for their 90 years. He and the Chairman suggested they prepare a NBSAC resolution recognizing the same thing.

Chairman Muldoon asked him to write a resolution sending congratulations to the USPS.

Eric Shepard agreed to have the resolution written.

Fred Messmann said that he had brought a number of NBSAC resolutions to NASBLA, and they appreciated getting them so they could work on them. As they can tell from Subcommittee reports, NASBLA was prompt in responding to the Council's resolutions. In conclusion, he wanted to let them know that NASBLA wrote a letter to the National Transportation Safety Board (NTSB) requesting they do a study or hold hearings regarding mandatory PFD wear.

Chairman Muldoon thanked him for his report.

Jeff Hoedt provided information on the National Recreational Boating Survey. Once they got hard copies, they would send them out to the Council. It was printed in four volumes, National data, State data, Territory data and Technical data. Three of the reports are on the office's website at www.uscgboating.org. He said that there are other agencies and academia that are studying boating, including the U.S. Fish and Wildlife Service, the U.S. Forest Service and NOAA. They were trying to work with these other agencies to get unified results and be more cost efficient. This survey measured boating methods, boating experience, boating knowledge, boats operated most often, activities on the boats, safety knowledge and experience, and boating attitudes. They surveyed 500 boaters from each State between September 2001 and September 2002, 250 registered boaters and 250 non-registered. They estimated

Americans boated 60 million times in that year. This is better exposure data. The survey also tested knowledge. He noted that these were the respondents' opinions. Of those surveyed, 65% reported that they never had taken a course. The boat operated most often was an open motorboat, followed by canoes and kayaks, then PWCs. Mr. Hoedt stated that 43% of boats are less than 16', and 35% are between 16-20'. Younger operators generally use smaller boats, as they get older the boat lengths get longer. Fishing is the most common activity followed by cruising and swimming or diving. He then showed a slide indicating who has and who has not taken boating safety courses. The survey also questioned boaters' attitudes and found that 64% of people agreed that operators should be required to have licenses, and 74% agreed that they should be required to pass a test to demonstrate their knowledge of boating laws. Also, 87% agreed that those under 13 should wear a PFD, and 43% agreed that people of all ages should be required to wear a life jacket while on a boat. The results in general help them understand recreational boaters, the characteristics of boats being used, and the environment in which individuals are boating. It's of benefit in creating boater risk profiles, provides some exposure data, and can be used to identify the diverse needs of the RBS program.

Ruth Wood asked him to repeat the agencies they are working with.

Jeff Hoedt said he was referring to the National Survey on Recreation and the Environment, which is run every five years by the U.S. Forest Service and NOAA and surveys multiple forms of outdoor recreation. They asked questions about nine different types of boating. The U.S. Fish and Wildlife Service (USFWS) survey also takes place every five years, and they're working with them as well. They are working to bridge gaps between the Federal agencies, including the National Park Service (NPS). Carl Perry is bridging the regulatory gap with the USFWS and the NPS. He also mentioned that NMMA's nonprofit organization does massive research and gathers information on recreational boating nationwide. They've submitted a grant proposal to the Coast Guard to find what research has been done and what is out there. Then, they will categorize that data and find out what data gaps there are.

Larry Innis said that 35% had taken a boating course. He wondered if hunters and anglers were included in this survey because this was higher than he had imagined.

Jeff Hoedt said that the survey did not target specific groups. It was a random sample survey. The U.S. Fish and Wildlife Service (USFWS) also does observational studies, and they were looking for more resources like that to pool their data to come up with as much information as possible. He thinks the survey was a great success and a great step forward. Mr. Hoedt then discussed the Measures of Effectiveness grant project. There is great value in determining cause and effect. Measures of Effectiveness are useful to quantify the performance of a safety program, whether the prudent resource allocation decisions compared favorably to the effectiveness of the program. One benefit was to learn that one size does not fit all, as the lowest fatality ratios in the nation are in South Dakota, Michigan and Minnesota. Consistently these states have done something right, something that works. Michigan has had mandatory education for 43 years. Effectiveness implies the optimum use of resources to achieve a given set of objectives. We all need to know that the resources have outcome rather than just output. The number of boating fatalities reported annually has some meaning as a

measure of performance. However, the number of fatal accidents per fiscal year of program operation is also a meaningful and reliable measure of the safety record. They hope to release the report very soon. He asked for any questions.

Fred Messmann said they were the only Federal agency not able to match funds for volunteers and asked if there was any thought to fixing this.

Jeff Hoedt said that it would require a change in the law.

Ed Carter said there was a cycle that's coming every third year or fifth year.

Jeff Hoedt said they estimated every five years so they're not overlapping and asking the same or very similar questions. Dr. Mahoney has put together a new surveying system at Michigan State University. He has thousands of participants; and he can go out with a survey, and in three days he has the results.

Randy Edwards asked if they could try to capture data of boating's economic impact. When the USFWS does their survey, that information is in the report. Economic impact is what they depend on.

Jeff Hoedt said that boating has never been able to compare against other uses for the water. They did an economic impact in Ohio and found that 19,500 jobs were related to boating, with over a billion dollars in expenditures. The John Glenn Survey is going on as they speak. The Great Lakes Commission got a large chunk of money to study recreational boating's economic impact in the Great Lake's region. There is a desperate need for an economic impact analysis to be done at the national level with a common tool.

Ray Tsuneyoshi said that California did a boating needs assessment that found that boating had an economic impact of \$16.5 billion and created 384,000 jobs. It also generated \$1.8 billion in taxes for the State. When you calculate the return on the dollar of what's put into a boating program, the return is large economically.

Chairman Muldoon thanked him for his report and called for a 15-minute break. **Break.**

Captain Evans said that for the benefit of the new members, he wanted them to think back three years to the day. Admiral Hull was the Ninth Coast Guard District Commander, and Captain Regalbuto said they have a problem with recreational involvement in harbor safety committees. They've done a lot in the last three years and realize it's been a problem for 90 years. They put together a working group to see how they can get recreational boaters more involved in the management of harbors. The day they all got together was the morning of September 11th, and from that date forward, that helped gel recreational and commercial efforts over the last few years. They've had meetings since to try to get recreational boaters more involved. The harbor safety councils are turning into harbor security committees. There are 110 currently, and the number is climbing every day. The Chairman and Captain Evans were asked to participate in the National meeting recently. The first issue they learned was the importance of educating the recreational boater on the rules of the road, security efforts, and what a security zone is and how they interact with commercial vessels.

The Secretary of Transportation was there with many flag officers, and it concerned them that the recreational boaters were not educated. Looking at the big picture, if they have an incident in one of their harbors, the Government may need to seal it off to recreational boaters. They also needed to focus on getting the recreational boater involved in the Harbor Security Committee meetings. He turned it over to Chairman Muldoon.

Chairman Muldoon said there was not much representation at the meeting on the recreational boating side. It is very important to the recreational boating side that they stay involved because there are some grave issues that need to be dealt with. He is on the security committee in Baltimore. They built thousands of slips there, and you need to go through the busiest part of the harbor to get to those slips. Now, there are talks about closing ports in certain alert conditions. The Coast Guard has identified 2,500 targets in ports that are vulnerable to terrorist attack. He was concerned that they could take action without consulting recreational boaters first. There are no recreational boaters on the steering committee, and he was alarmed that they have no voice there. There are certain jurisdictions that do not know that this is going on. They need recreational boaters on every one of the committees. When it comes to national security, they'll take a back seat, but they want to protect against making policy without consulting the recreational boating community. He strongly urged that those who live in these areas get involved in these committees and apply to be put onto one. He asked for questions.

Jeff Hoedt showed a video called Sharing the Bay from the State of California. This was to make them aware of the commercial/recreational interface and of this educational tool. (video)

Chairman Muldoon wanted to go over some housekeeping items. They requested that the Coast Guard update the resolution chart. He also requested an action item list 30 days after the meeting to know what they need to do before the next meeting. They have also asked that all of the reports be put on a disc and sent out after the meetings and also institute that member's items will be sent to the Chairman before the meeting so the staff will be prepared; it will allow them to prepare a more satisfactory answer. When is the next meeting?

Jeff Hoedt said they have two possible sets of dates for the fall meeting. Other dates had conflicts with other events. The two they are looking at are October 9-12, which includes Columbus day, and November 20-23rd. Of the results they got back from the Council members, 17 said either date was acceptable, five preferred October, eight preferred November, and six were even.

Chairman Muldoon mentioned that airfare is more expensive in November.

Jeff Hoedt said that if the Council members would utilize the Federal travel agent, prices would not be affected.

Jim Manues said it would be difficult to find a flight around Thanksgiving.

COMO Barbara Sands said that with the November dates, reservations are difficult. She may need to book 3-6 months in advance because it is peak travel.

Chairman Muldoon asked for a vote. Ten voted for October, and six voted for November. So, they decided on October. They discussed the possible locations of Washington, D.C. or Annapolis. They wanted an Admiral to present the awards to the outgoing members, and they needed to find out if and Admiral would/could come to Annapolis.

Eric Shepard said that time period was during the sail show.

Jeff Hoedt said that with these concerns, they would look at the D.C. area, along with Crystal City and Rosslyn.

Chairman Muldoon asked Ray to introduce the next video.

Ray Tsuneyoshi said this was a video for their officers' training. It is the first of two videos that deal with first contact in a suspected BUI case. The second is about preparing a good case with the district attorney for conviction. (video shown)

Chairman Muldoon asked if anything else needs to be done. He asked for a motion to recess.

Ray Tsuneyoshi moved.

Eric Shepard second.

Chairman Muldoon called for a vote, carries unanimously. Called for recess.

Recess

Tuesday, April 27, 2004

Chairman Muldoon called the Council to order at 8:30 a.m. He wanted to thank Captain Evans for all of his efforts for the Council. He asked Fred Messmann to introduce some business first.

Fred Messmann said that he had a resolution (No. 2004-73-01, attached) to celebrate the anniversary of the USPS. He read the resolution and asked for approval by applause.

Chairman Muldoon called for a vote (carries unanimously). He asked Ray Tsuneyoshi to present his Subcommittee report.

Ray Tsuneyoshi.

Prevention Through People (PTP) Subcommittee

Executive Summary of PTP Subcommittee Meeting

On Sunday, April 25, 2004, the PTP Subcommittee, chaired by Ray Tsuneyoshi, met to review a comprehensive agenda. Other Subcommittee members present were Scott Swanby, Bob David, Larry Innis, Joan Bondareff, and Ed Carter.

1. The Subcommittee agreed to prioritize the Coast Guard's rulemakings by establishing three categories: (1) high –those actions that could assist in the prevention of injuries or fatalities; (2) medium –those actions that pertain to the collection, analysis, and dissemination of statistics; and (3) low –technical amendments or housekeeping amendments. Council members and the Coast Guard agreed to place the proposed rules/action items into these categories for further review.

2. Jeff Hoedt announced that boating statistics for 2003 would hopefully be available by National Safe Boating Week. He wished to create a new position of statistician. The Subcommittee adopted an action item recommending that the NBSAC: (1) applaud the Office of Boating Safety for its improved efficiency in the collection and analysis of boating statistics; (2) create the establishment of the new statistician position; and (3) direct the Office of Boating Safety to work closely with the States on BARD data and provide for necessary training of State analysts.

Ray Tsuneyoshi came to the first action item requesting the position of statistician.

Jo Moon moved.

Bob David seconded.

Chairman Muldoon called for a vote (carries unanimously). He asked Ray Tsuneyoshi to continue his Subcommittee report.

Ray Tsuneyoshi

3. The Subcommittee decided to address the next two agenda items together: American and European boating reciprocity and establishment of a Federal requirement for certain recreational vessel operators to provide proof of proficiency to the Coast Guard. The Subcommittee continued its work from the last NBSAC meeting, noting again, that the U.S. has not acceded to UN Resolution No. 40; and, because of our Federal system, there is no single licensing regime in the U.S. The Coast Guard asked the Council to provide advice as to whether it should have the authority to address this issue, and the Subcommittee did so advise by adopting a resolution (No. 2004-73-02, attached) that supported the Coast Guard seeking new Federal authority to require vessel operators to provide certificates of approval from NASBLA-approved courses, or equivalency, when the Coast Guard boards a vessel in waters under the jurisdiction of the Coast Guard. The desired statutory authority necessitates an amendment to the Federal Safe Boating Act.

Chairman Muldoon asked for a motion.

Jim Manues moved

Jo Moon seconded.

Chairman Muldoon called for a vote (carries unanimously).

Ray Tsuneyoshi continued.

4. The Subcommittee combined its discussion of agenda items 5-7 since they all pertain to PFDs.

Captain Evans reviewed the results of the past two PFD workshops in Miami and at the International Boating and Water Safety Summit. He suggested that the workshops had produced innovative ideas for marketing PFDs better to the public.

Joan Bondareff presented a resolution giving the Coast Guard two years to develop and implement a new PFD wear campaign, at the end of which, if the Coast Guard had not made sufficient progress, the Coast Guard should develop a new mandatory wear program. The motion was tabled pending further discussion of the wear issue. Following a lively discussion of the issue, the resolution was re-offered with certain amendments. However, the resolution did not receive a second and died. The Chair appointed a working group of Swanby, Innis, and Bondareff to draft a new resolution. This was to be offered at the Aftermarket Marine Equipment Subcommittee meeting on Monday morning. Subsequently, a resolution was approved by the Subcommittee for consideration by NBSAC.

During the discussion of agenda item 5, on types of PFDs offered for children, the Subcommittee reconsidered a resolution from last year that had been tabled. A rewritten resolution was agreed to by the Subcommittee. The resolution calls on the Coast Guard to update the wear requirement for children under 13 to type I and II only.

Chairman Muldoon asked for a motion.

Bob David moved.

Jim Manues seconded.

Ted Woolley said the resolution says 50 lbs and asked that they amend the minutes to go with under 50 lbs.

Chairman Muldoon called for a vote (carries unanimously).

Ray Tsuneyoshi continued.

5. The Subcommittee quickly moved through agenda items 8-11. On 8-9, the Coast Guard updated the Subcommittee on the BARD System and the Nurses Study, which have provided valuable information to the Coast Guard and the Council. On Item 10, Jeff Hoedt reported that Phase 2 of the “You’re in Command” program is designed to focus on hunters and anglers. Ruth Wood reported that Boat/U.S. is also working with these groups. On Item 11, the Coast Guard reported that they support Hawaii’s new requirement for vessels within one mile of the coast to carry a VHF radio. Jeff Hoedt also reported that they are about to issue the Coast Guard/NTSB report on EPIRBs.

The PTP Subcommittee adjourned at 12 noon. The Subcommittee met during the Aftermarket Marine Equipment Subcommittee meeting (Monday morning, April 26) and reconvened to consider the PFD resolutions.

Chairman Muldoon asked David Marlow to present his Boats and Associated Equipment Subcommittee Report.

David Marlow read his report.

Boats and Associated Equipment Subcommittee Report

The Boats and Associated Equipment Subcommittee was called to order at 1:30 p.m., Sunday, April 25, 2004, with the intent to review the previously distributed agenda. After panel introduction, the first agenda item discussed was the prioritization of regulatory projects applicable to Boats and Associated Equipment. The Chair asked Carl Perry to bring the group up to speed on the intention of the prioritization effort. Mr. Perry stated his desire to identify resolutions by priority ranking given the table document he had created and distributed to the group. Definitions of the priorities were provided. High was defined as directly preventing injuries/fatalities and subsequent security related concerns. Medium was defined as collecting information to improve statistics or statistical data or prevent property damage. Low was defined as those projects reflecting technical and administrative changes.

The panel reviewed and rated those projects related to Boats and Associated Equipment with the appropriate priority ranking. Of interest was a conversation that reviewed the issue concerning a subject being on the timeline for an extended period. These topics were held out as items that should also qualify for a high priority ranking.

The next agenda item was an update on off-throttle steering/safe maneuvering standards and a discussion concerning PWC top speeds. Dick Blackman addressed the assembled group and stated the following:

1. All sit down PWC manufacturers are voluntarily applying off throttle steering to at least one of their models via SAE 2608.
2. Industry believes that within a few years, most, if not all applicable, models will have off throttle steering applied.

3. Additionally, the USCG is looking at off throttle requirements for all outboard, sterndrive and water jet boats.
4. The USCG has conducted some testing on all vessels to achieve an off throttle steering avoidance capability.

Questions from the panel included topics such as the retrofit ability of these systems to field units and the current state of the aftermarket art. It was portrayed that PWC manufacturers would not likely be able to provide retrofit kits to existing field units, but that this may offer a real opportunity to aftermarket off throttle steering providers. Finally, a question from the audience asked if the USCG had any statistics detailing PWC vs. other recreational vessel off throttle collisions. Mr. Blackman stated that he would look into this matter and provide a reply (action item).

The discussion moved to PWC top speeds, which was driven from a memo sent by NASBLA to the USCG detailing their concern over a PWC that is marketed at speeds over 65 mph. Mr. Cappel said this was brought to their attention and took the group through the USCG's earlier efforts to mediate an agreement with industry for maximum 65 mph speed capability. After learning about the higher speed model, Mr. Cappel reported that the Office of Boating Safety sent a letter to the manufacturer reminding them of the agreement and copied all the other PWC manufacturers. The response they received was that manufacturers were under the understanding that 65 mph was an average speed of the craft. The craft was subsequently tested measuring between 63-67 mph depending on load, thereby confirming the intent of the manufacturer. Mr. Cappel was asked if the USCG would be strengthening their position on this issue, and he stated that they would have trouble justifying such an action. A discussion ensued over the fact that top end should not be averaged. Industry stated that PWC manufacturers continue to seek educational opportunities with the consumer and are always in concert with the States in providing the same.

The next agenda item was the result of the latest carbon monoxide (CO) workshop and the status of CO hazard prevention efforts to include Southwest Research and any updates to the CO brochure. Dick Blackman addressed the group about the CO workshops. He stated that the industry had held 3 meetings to date. He outlined some of the success related to the meetings as follows:

1. Developed a dry stack exhaust for houseboats complemented by an ABYC standard.
2. They had a major media campaign last summer and have received results that it raised consumer's level of awareness.
3. CO information has been added to charter boats to inform renters.
4. CO emphasis has been increased in manufacturer's documentation.
5. Emission control devices have been tested on Gensets (power generators).
6. EFI technology in outboards and advanced combustion techniques are lowering emissions.
7. Catalytic converters are being tested at Southwest Research Institute.

8. Outdoor CO detectors are being tested right now.
9. There is a “CO free” gas powered generator that is due out on the market soon.

The Subcommittee Chair addressed some other issues that pertained to the meetings outlining that EPA has announced their desire to regulate CO in the upcoming changes to the Clean Air Act. These reductions may reach 50% or more. Additionally, there have been several studies concerning safe towing distances with regards to CO interaction.

Under this agenda topic, Mr. Cappel addressed the group concerning updates to the USCG’s CO brochure. He said that they have received input from various factions outlining suggested changes to the brochure. However, their more immediate concern is a lack of funding for reprint. The group agreed that once funding was supplied that the brochure should be changed prior to any subsequent re-prints. Given that, the panel decided that Mr. Cappel would send out the proposed changes to the Counsel and solicit their responses in the meantime (action item).

The Chair asked Jane McCammon to present a National Institute for Occupational Safety and Health (NIOSH) report under this agenda topic.

Ms. McCammon stated that NIOSH, along with the National Park Service, have been looking at CO poisoning and believe it may be under estimated at the recreational boating locations that they have observed. She provided a map locating CO poisoning locations gleaned from media sources across the U.S. Additionally, the group was presented with slides and information concerning the Lake Havasu canal corridor matter with its high density of boats and CO accumulations. These issues have been recently highlighted because of drowning and loss of consciousness victims in this area. The city council governing Lake Havasu have entertained some proposals and have introduced a strategy to do sampling during holiday weekends, have a flag system to warn boaters of high exhaust levels, and to enforce an off motor policy while beached. Because the tow behind 20’ rule continues to pop up, she brought two documents NIOSH has presented on the subject matter.

An overview of the status of CA assembly bill 2222 was provided, along with some key input items that arose from recent NASBLA meetings and CO summits. The Subcommittee and Council thanked Ms. McCammon for her presentation and her hard work on the topic at hand.

The Chair pointed out to the group that NIOSH and the USCG work closely and continue to exchange information on carbon monoxide. Lastly, the Chair stated that there is a need for continuing education. There are good opportunities in literature, ad campaigns and marketing programs; and we should be happy with the success of the CO summits, and thankful they’ve made great strides in the last two years in moving this information forward.

After a break, the next agenda item addressed was the results of the latest propeller injury protection workshop and status of regulatory action to prevent

propeller strike injuries. Mr. Blackman provided the update to the workshop held at the recent Miami Boat show in February.

He cited many improvements in this area as well to include:

1. Interlock device demonstrations.
2. Ignition delay demonstrations.
3. Research of guards and other control technologies
4. Ongoing research relative to technologies such as infrared and acoustic detection devices.
5. Educational material has been placed on the boating safety website.
6. Outboard pump jet technology shows promise, but is only suitable on a limited range of power; and at present, seems to be more attractive to search and rescue (SAR) and military use.
7. An alarm/interlock that provides a time delay and alarm into the ignition system when an operator attempts to start a boat to notify those behind the water.
8. A safety net concept that would entail occupants of the boat wearing a type of engine shut off device.

Finally, SPIN announced their support in the progress of mandatory wear requirements for engine cutoff switch lanyards and propeller injury avoidance material in NASBLA programs.

Mr. Athar Saeed outlined his project to evaluate 5 years of BARD data for propeller related fatalities and injuries. At the last meeting, they presented data from 2001 only. This five-year data will cover 1998-2002. Their scope is to analyze the reporting to get a clearer picture of the propeller strike issues. A member of the audience highlighted the fact that the accident report has an “admitted to hospital” box included to help capture the more serious injuries. This has been in place since 2001.

Fred Messmann said last week at BAIRAC he charged the Committee to come up with a standardized injury report form and to work with human factors to develop a comprehensive way to come up with valid data. The Chair requested that the data analysis be compared to the current regulatory projects and resolutions on the propeller injury avoidance to ensure that the Council was heading in the right direction.

Next on the agenda was the item concerning NMMA-certified versus uncertified boats involved in reported accidents. Mr. Hoedt expressed the varied issues that the Office of Boating Safety was dealing with on this topic. They ranged from lack of staff availability to a host of questions that will need to be answered by both industry and the USCG in order to properly evaluate the data, to hopefully answer the question provided originally by the Council. The Chair outlined the reasons for wanting this information and asked that NMMA and the USCG work together on resources and identifying those outlying issues to bring this to resolution by the next meeting (action item).

The next agenda item was the standard boat numbering system project. Mr. Hoedt said this was an update to an ongoing project and outlined that the Office would be using this project to work into the regulations several key changes to numbering and terminology, to include the reporting of casualties.

As the last agenda item, Mr. Cappel discussed the Notice of Proposed Rule Making for a 17-digit HIN. He gave the group two handouts, and a discussion ensued. The Chair asked that a subcommittee be established consisting of ABYC, USCG, NASBLA, IAMI, and the ISO working group convener for this topic to identify and evaluate the proper method and alignment to address the ISO standard in conjunction with the proposed handouts. It was agreed this was essential and the group will report back under the guidance of John Adey (action item).

Final action items revealed that NASBLA created a model act seeking wear requirements for engine cut off lanyards on boats already equipped. Mr. Messmann provided the group with an overview of a lanyard survey they conducted about this topic that indicated very little requirement for such wearage throughout the U.S. Both of these documents have been provided to the full Council, and there are available copies in the back of the room. Interest appeared high however, and the Subcommittee looks forward to the introduction of future State legislation on this topic. Additionally, John Adey provided the group with an update to the combo propeller avoidance and CO label by informing everyone of the inclusion of this tag's language in their H-41 rewrite. He stated he would provide this standard to the group in its current draft form for their perusal (action item).

Prior to closing, audience members took the opportunity to thank the assembled and the Office of Boating Safety for their continued efforts in propeller injury avoidance.

The meeting was adjourned at 4:29 p.m.

Eric Shepard read the CO resolution (No. 2004-73-04, attached).

Fred Messmann moved.

Ted Woolley seconded.

Chairman Muldoon called for a vote (carries unanimously).

Chairman Muldoon thanked him for his report. He asked that the full Council endorse the action items.

Ted Woolly moved.

Eric Shepard seconded.

Chairman Muldoon called for a vote, (carries unanimously). He asked Eric Shepard to present his Aftermarket Marine Equipment Subcommittee report.

Eric Shepard read his report.

Aftermarket Marine Equipment Subcommittee

Monday, 26 April 04 0830-1200

The meeting was called to order at 0831. Members of the Subcommittee present included:

F. J. (Eric) Shepard, Chairman
William Engfer, Vice Chairman
Randy Edwards
Jim Manues
Jo Moon
Barbara Sands

Mr. Shepard opened the meeting by asking for a moment of silence for the first fallen Coast Guardsman and all other fallen in the Iraq conflict.

Housekeeping items and introductions were made.

1. Prioritization of regulatory projects applicable to Aftermarket Marine Equipment - Mr. Carl Perry, Office of Boating Safety, Program Management Division

Carl Perry continued from the previous Subcommittee meetings in the review of open projects before the Council. He had added the final items to the list he had re-created the day before.

The Subcommittee Chair commenced reading the items remaining on the list. Short discussions were held as necessary for individual items. In the end, all of the open items before the Coast Guard from the Council had been classified according to Subcommittee responsibility and perceived priority.

The Coast Guard had noted that many of the technical items would be able to be grouped in to a few projects that were manageable. The high and medium priority items would be dealt with as manpower became available. The issue of items that had already progressed through much of the system would not be abandoned despite changes in priority as the investment had been made already.

Mr. Shepard thanked Mr. Perry for his work organizing the regulations. It was noted that he had spent a great deal of extra time reorganizing to make the project work.

2. **Status of Flare Disposal Grant** - Mr. Richard Kanehl, Office of Boating Safety, Product Assurance Division

Richard Kanehl asked John Adey of ABYC to give an update, as ABYC is in charge of the project.

John Adey said that they had a plan to empower local landfills to accept flares. They have seen different ways of disposing flares, and the ways did not work. Maryland is a good area to test that. There are two or three ways to do it. The flare manufacturers are interested in creating large devices and do controlled burns. They could empower States to buy these units to burn at landfills, but this is a slim possibility. They recently found out that flares could be reclassified from hazardous waste to flammable, and be carried into bulk landfills. The disposal would be in the hands of the consumer. He's not thrilled with the process, but he is happy that they have a lot of good information, and they hope to give people four or five different options for flare disposal.

Bob David asked if reclassified flares would include aerials.

John Adey said the 12 gauge cannot be reclassified. These are 15-20% of them. Many repackers are having problems with the SOLAS flares.

Jim Muldoon asked about disposal of commercial flares from life rafts.

John Adey said there are some scary attempts to deactivate them, such as immersion in 55-gallon drums. Many go into the dump illegally, but with no complaints.

Eric Shepard asked if they will have a final document available to the States.

John Adey said by the end of the year. He could have a preliminary document by the next NBSAC meeting.

Ted Woolley said they have a great disposal method in Utah, where they burn nerve agents; and there are six or seven of them in the country.

John Adey said the problem is transporting, but as soon as you put a box in your car, you're breaking the law. Flares are in the same category as shotgun shells.

Eric Shepard thanked him for his report. He wanted to relate something on this issue. He brought hazardous chemicals (paint) to the local, free hazardous waste disposal site to dispose of them. He also brought three hand flares. The team came over and took the paint, and then they all stood back and had to get someone else to get the flares and put them into a bin. He asked why they did this, and they considered them explosive devices. Flare storage on boats is a real problem because they have a lot of flares that are out of date. This is a

critical issue and he hoped that John's document can be sent through the States.

3. Discussion of U.S. Coast Guard Canoe / Kayak sponson study

- Mr. Richard Kanehl, Office of Boating Safety, Product Assurance Division

Richard Kanehl said that this was a draft report and it is not available to the public because it is a draft report. They sent it to the NBSAC as they're not debating the merits of sponsons, but are asking for feedback. Sponsons are not used widely, but since canoe and kayak fatalities were a high percentage of the fatalities, there is a need to address the issues to make canoes and kayaks safer.

Jim Manues read the study because he is a kayaker. It was done very well, but he had to say that, as the report says, there are certain circumstances where there is a need for a sponson. However, in most of the sport, it interferes and would not work.

Randy Edwards said the report is of good historical value, but it is scientifically lacking. It would make a good springboard into the next step and certainly warrants some more research, but it lacks hard information.

Phil Cappel said that he didn't know what a sponson was before the topic came up. The report was to come up with what a sponson was and what they do. They were not sure if it was something they should pursue. The USCG is coming to the Council to see if its worth the Coast Guard's time and money to do more scientific research on sponsons. Canoes are unstable, and if people want to canoe you cannot make a canoe a rowboat 5' wide. Where do they go from here?

Randy Edwards agreed. He said that they should pass this information onto the paddle industry and let them discuss this amongst their own ranks.

Phil Cappel said the opportunity exists. ABYC is working with Paddlesports to modify H-29, and that may be a place they could have discussion as to whether they should put sponson information into the report.

Eric Shepard asked whether the report should be released as is.

Jo Moon said the report should be released because it has good information, as the listing of the historic patents. If they were valuable, they'd already have been incorporated. The public does need to know that there are products available, but it is an industry issue through publications on how to canoe and kayak to release this information.

Eric Shepard suggested that the Subcommittee's opinion be polled to release it or not, but it was not necessary to make a resolution. He asked and the Subcommittee agreed to release the document to the public as a historical and informational document.

Phil Cappel suggested leaving the item for the next meeting so they can see what comes from the ABYC standard for canoes and kayaks.

4. Presentation on boat capacity issues including horsepower and weight ratings - Mr. Phil Cappel, Office of Boating Safety, Product Assurance Division

Phil Cappel said that research had been done on the ABYC table for the new four stroke engines, and they do need to change the regulation table. They tried to use a non-regulatory process, but were unable to. So, they will need to go through the regulatory process. They may be able to go to a final standard, which would cut time out of the process.

Ed Carter asked if motor weight is considered. Is the weight of the boat considered in the formula too?

Phil Cappel said the weight of the boat is not considered. The weight of the boat comes into the capacity and flotation equation, the table is intertwined in that equation, the boat weight comes into play in flotation side of it.

Ed Carter said there are many different types of manufactured boats, and one boat weighs more than another with the same horsepower.

Phil Cappel said even experience has shown that the weight table works. There may be problems, but overall it works. When these were developed in the early 70's, it reduced problems with boats sinking.

Eric Shepard asked for potential timetables.

Phil Cappel said a minimum of a year to go to final rulemaking.

5. Overpowering of boats -- Status on NASBLA review / development of model act – Mr. Fred Messmann, NASBLA

Fred Messmann deferred to Randy Edwards.

Randy Edwards has a copy of a model act developed by NASBLA. It will go to the full floor to be voted on this fall during the conference. He passed out notes and the proposed model act. This is a guideline for States to use if they want to address the issue. Most States have a similar law at the moment, some do not; and this would include any new additions to the capacity labeling with four stroke engines.

Eric Shepard asked for any comments.

Fred Messmann said this is being presented to the States at the annual conference.

Ray Tsuneyoshi said some canoes have square sterns built for motors. Have they considered that?

Phil Cappel said they were an exception.

Eric Shepard asked how they are dealing with catamarans.

Phil Cappel said the regulations were based on the accident data that was looked at when the Act was passed in the early 70s, and they have not seen multi-hull boats having problems with sinkings and capsizing to the point of having accident data to justify adding these vessels.

Eric Shepard asked, if you buy an outboard cat, does it need a capacity label?

Phil Cappel said not by Federal standards, but by ABYC standards. They rely heavily on voluntary standards, and many manufacturers use them. There is no justification for rulemaking, but there is a standard for the manufacturers to follow.

6. Update on the National Park Service (NPS) Rulemaking project proposing revisions to their regulations governing operation or recreational vessels on waters subject to the jurisdiction of the United States, in National Parks – Ms. Kym Hall, National Park Service

Kym Hall thanked the Council for allowing her to speak on behalf of the National Park Service (NPS). She has been working on this project for four years, something a workgroup started on six or seven years ago. The current NPS regulations are not comprehensive and do not give information to the public or the rangers. They do not address issues they are trying to get a handle on. They undertook a project six or seven years ago to package all water regulations.

They put it out for comment for 120 days. They wanted people to look at and comment on them. They got a lot of good comments from the public, about 400 comments on the proposed rule, 300 individual comments and 100 other comments from groups like the Coast Guard, NBSAC, and others. They've been looking at the comments the last four months. She'd like to be further along, but she is the sole person who works on regulations.

She thanked the Coast Guard for their comments because the NPS did not know where to look and what they're looking for. They want to be consistent with the Coast Guard and with the States. Their goal from here forward is to take the comments and move on to the final rule. Capt. Evans agreed to meet with them to show where they were not consistent with the Coast Guard or the States to create a more consistent and user-friendly rule. The Assistant Secretary is concerned with visitor safety. There are some regulations where minimum standards, such as minimum ages, may be different for the States. They will work through those issues. Their goal will be to have a regulation out by 2005.

Eric Shepard asked are they going to publish a regulation in reference to other regulations, or are they going to repeat existing regulations? If they reference, then as the USCG modifies or changes their regulations, the NPS does not have to modify or change theirs.

Kym Hall said the term is “adopt,” and that will be their preferred method. In most cases, they took the Coast Guard definitions and modified them to what met their own need. They will need to revisit that, but ideally it would be by reference.

Eric Shepard said there are many areas where the NPS waters overlap into public waters. As a boater traveling from public to NPS waters, they would be dealing with different regulations. A good example is in the Florida Keys.

Kym Hall said that was a primary comment. How do you deal with multi-State, or areas with non-NPS waters? They have a challenge when it comes to multi-State waters. They do not want to create a whole new set of rules for the NPS. For example, in Biscayne Bay, they may have different discharge rules. They cannot afford to have the discharge in those areas. Otherwise, they will try to be consistent with States. Their Assistant Secretary gets concerned with lack of State regulations on certain activities, or a low operator age. They do not know how they will work through those issues. They need to accept responsibility for these safety concerns.

Ted Woolley said Utah is one of those states that allow 12-15 year olds to operate PWCs if they complete courses. Hopefully, they won't just look at the age. They will look at the entire picture. The previous proposal would have taken their education program out of business. He wants something that works, not several different rules.

Kym Hall appreciated his feedback. The current regulation said you could operate with adult supervision. One of the good comments is that they should require users to participate in mandatory education on State waters and carry over to the NPS waters.

Jim Muldoon applauded the interagency cooperation between the USCG and the NPS. The ultimate winner in this activity would be the boater who enjoys the national parks. They will share anything they have to continue along the process.

Kym Hall said that even though a lot of comments were negative, they're helpful in pointing them in the right direction.

Nita Boles thanked her for the presentation and for Ted's remarks about adult education. Her question was, what is adult supervision? She recommended that an adult be someone who has completed education.

Eric Shepard asked Ms. Hall to return to the Subcommittee in six months for an update report. Her cooperation for the report was appreciated. The invitation is extended for a meeting in the D.C. area.

7. Mr. Shepard then commenced work on resolutions. The finished resolutions are attached to the minutes.

8. Jo Moon requested information on problems reported with certain EPIRBs.

Ruth Wood said that EPIRBs save lives, and there have been several cruisers and offshore fishermen that have been rescued due to EPIRBs. Chuck Hawley heard about a test, and the GPS performed poorly. West Marine was concerned with the results. They asked the BoatU.S. Foundation to help sponsor a test because it's something they should look at. Equipped to Survive performed the test and attended the Key West test. The test showed that McMurdo devices failed to gain a GPS fix in conditions less than optimum.

The results have been tallied, and there is a 17-page report with the findings on www.equipped.org. The other interesting piece is that the testing done by SARSAT is not situational testing.

West Marine is notifying customers of the problem and calling for a recall so they can get them a new EPIRB. The McMurdo response is that they don't understand it. West Marine felt strongly because they failed two tests.

Eric Shepard asked Ruth Wood to keep the Council aware before the next meeting through email.

Jo Moon asked who was responsible for the testing in the U.S. Sam Wehr noted that his office monitored the approvals, but that RTCM was responsible for coordinating standards.

Eric Shepard ask that Mr. Markle be invited to give an update from RTCM at the next meeting.

Jim Muldoon wanted to be sure to formally thank West Marine and BoatU.S. for their efforts on behalf of boating safety. A suitable resolution is attached.

9. Capt. Evans passed out copies of an update document that is prepared for him regularly. They go through a process where the staff "clips" electronic news articles about boating safety. They're trying to figure out a way to disseminate the information without infringing on any copyrights.

Eric Shepard said the Subcommittee is looking at the regulation issue, and one of the tricky things is the avoidance of regulations. They need to watch carefully, and they need to save lives. The point is that regulation is not necessarily the answer. If they can get information out to people, frequently they can prevent an accident from occurring. He would encourage the Office to legally get information out to the general public.

Mr. Shepard asked for old and new business. The meeting was adjourned at 11:47 a.m.

Bob David asked for the action items.

Eric Shepard said they were to ask John Adey to present a draft of the flare disposal report. Second, to have John Adey report on the canoe and kayak standard. Next, to invite the NPS to the next meeting. Also, to have Ruth Wood to report on EPIRBs and invite Mr. Markle to discuss this issue. He read resolution 01 AME 73 (No. 2004-73-3, attached).

Bob David moved.

Jo Moon seconded.

Chairman Muldoon called for a vote (carries unanimously).

Eric Shepard read resolution 02 AME 73 (No. 2004-73-5, attached).

Ray Tsuneyoshi moved.

Jim Manues seconded.

Chairman Muldoon called for a vote (carries unanimously).

Eric Shepard moved to resolution 03 AME 73 (No. 2004-73-6, attached).

Jim Manues moved.

Bill Engfer seconded.

Chairman Muldoon called for a vote (carries unanimously).

Eric Shepard read the Chairman's resolution (No. 2004-73-7, attached).

Bob David moved.

David Marlow seconded.

Chairman Muldoon called for a vote (carries unanimously).

Eric Shepard read the EPIRB resolution (No. 2004-73-8, attached).

David Marlow moved.

Scott Swanby seconded.

COMO Warren McAdams said that the primary function still works, but the GPS does not work. This needs to be changed in the minutes.

Sam Wehr said that he had a correction about their office. They would like to see the results, but they have not seen them as of yet.

Eric Shepard reread changes that were requested.

COMO Barbara Sands asked them to add “Equipped to Survive” to the resolution.

Chairman Muldoon tabled the resolution to let them work on changes and called for a **break**.

Chairman Muldoon called the Council back to order.

Eric Shepard reread the resolution.

Chairman Muldoon called for a vote on the EPIRB resolution (carries unanimously). He said that they have received information that the Highway Bill is looking at a 30-60 day delay. He said this was bad for the boating safety community. He said that they have the member’s items in front of them. He asked them to review their questions and the responses the USCG has provided. If they were not satisfied with the response, they will take the questions in order. If they felt it should be brought to the attention of the whole Council, they would do so.

Captain Evans responded to Ted Woolley’s old business item of a definition of “whitewater” as it pertains to inflatable PFDs. The Office said that the item was referred to the UL STP for PFDs; and the STP’s working group for White Water Activity was tasked to develop a proposal that includes a definition for “whitewater” activity and changes to the labels. The proposal should provide clarification to UL 1180 to help law enforcement. A report was anticipated to be forwarded to the STP Secretary by February, 1, 2004, but the working group requested an extension until June 1, 2004 so they can conduct some controlled whitewater trials with inflatable PFDs. Testing to clarify the issues is expected to proceed soon.

Ted Woolley would respond in writing to his request.

Captain Evans then moved to Joan Bondareff’s and COMO Barbara Sands’ issue of wanting the USCG and the Council to develop a long-term strategy for enhancing PFD wearage. The Office responded that the PTP and AME Subcommittees discussed in detail the proposed establishment of a goal for increased PFD wear by voluntary means and a timeframe for reporting and evaluating the effectiveness of such effort. A resolution embodying the concepts put forward was moved for action by the full Council.

The next issue was from Bill Engfer and Fernando Garcia on the status of the potential 17-character HIN and what the two formats were for this HIN that were mentioned. Mr. Garcia desired further discussion to explain the ISO HIN format. The Office responded that the issue was addressed in the BAE Subcommittee, and the regulatory

process is on hold pending a decision as to what format the 17-character HIN should follow. This issue will be addressed by a special task force chaired by ABYC.

The next issue came from Bill Engfer and Randy Edwards concerning the list of outdated and confusing list of navigable waters, and the lack of correlation between today's maps and those from years ago. The Office stated that in 1975, the Coast Guard's Office of Maritime and International Law determined that the Districts were in a better position to consider the issues and facts in making the determinations on navigability. They published a final rule (33 CFR 2.10-1) that provided that the Districts maintain a list of waters within the District that the Coast Guard has determined to be navigable waters of the U.S. In section 2.10-10, any inquiries on the status of specific waters are directed to the Commander of the District in which the waters are located. They spoke to the G-LMI staff and agreed to work with them to contact the Districts, determine who maintains the lists and how they maintain them, and consider the practicality and feasibility of providing a web site at each District to identify those waters determined to be navigable and to have specific District staff update the list as determinations are made or revised. Part of the difficulty is that numerous States are split between two Districts.

Bill Engfer and Randy Edwards were also concerned with whether there was a national directive to the Districts on licensing standards and enforcement of such for uninspected passenger vessels. The Office responded that the requirements for licensing of maritime personnel are contained in 33 CFR Part 10. Additional related policy and guidance are located in the Coast Guard Directive, Marine Safety Manual. There are also 17 regional examination centers in AK, CA, FL, HI, LA, MD, ME, MO, NY, OH, OR, SC, TX, TN, WA. The national requirements for all types of licensing are located at the Coast Guard website: www.uscg.mil/STCW/index.html. Enforcement of such requirements varies from District to District.

Fernando Garcia raised an issue of the status of the petition from the Personal Watercraft Industry Association (PWIA) to the Coast Guard requesting that they develop an alternative compliance process for PWCs. The Office answered that this issue is on the list of pending regulatory actions, but because the PWC manufacturers already have SAE voluntary standards to comply with, this regulatory action received a low priority rating at this meeting.

Ted Woolley questioned whether the Coast Guard would be taking any action to assure compliance with the PWC 65 mph agreement established in past years. The Office answered that when they were notified about a PWC manufacturer building a PWC model that exceeded the 65 mph gentlemen's agreement among manufacturers, the Coast Guard, in its role as mediator of this agreement, sent a letter to the offending manufacturer. The manufacturer responded that they felt the PWC model in question met the intent, if not the letter, of the informal agreement; and they reiterated their steadfast commitment to the 65 mph agreement.

Ted Woolley and Ray Tsuneyoshi both questioned why there are noise restrictions on commercial vessels and not on recreational vessels. The Office answered that the Coast Guard is authorized to prescribe regulations establishing minimum safety standards for recreational vessels and associated equipment. In prescribing such

regulations, the Coast Guard must consider the need for and the extent to which the regulations will contribute to recreational vessel safety, and also must consider relevant available recreational vessel safety standards, statistics, and data. In reviewing the subject of noise reduction of recreational vessels, the Coast Guard has been unable to develop supporting justification to move this issue into the regulatory process. Should new information become available that can be used to support this issue, the Coast Guard will reassess its position.

Ray Tsuneyoshi asked if there were any CO distance studies. The Office answered that the Coast Guard has supported two related studies. The most recent study was completed during the summer of 2003. In addition, there have been at least two industry-sponsored studies. Data gathered is inconclusive. Due to wide variations in environmental variables and boat operating parameters, it hasn't yet proven possible to develop a scientific "safe distance" for conducting water sports astern of a boat with propulsion engines operating. Further study is planned with the hope that we can develop a meaningful conclusion. Meanwhile, it is not considered advisable to advertise any specific "safe distance". Rather, the prudent approach is to continue to work on boater awareness that CO issues are a concern when participating in water sports activities, and caution needs to be exercised.

Ray Tsuneyoshi also spoke of an increase in BUI arrests and injuries and asked if the Coast Guard has any recommendations on how to effectively address the problem. The Office responded that the Coast Guard initiative "You're in Command", Phase II focuses on hunters, anglers, paddlers, BUI, education, VSCs and wearing PFDs. Utilizing this program and studying those strategies most effective in dealing with motor vehicle DUI may prove to be valuable and effective.

Scott Swanby asked whether the Coast Guard's Boating Accident and Death Reports could be copied and shared. The Office answered that the BAD reports are an internal Office daily summary of boating accidents found through internet search engine queries. They are being considered for further distribution to NBSAC and other audiences. However, any dissemination of these materials must be approved by USCG Legal Council due to copyright concerns.

Eric Shepard asked about the status of the Office's factory visit contract. The Office answered that it has reviewed proposals, and the USCG Contracting Office has made a tentative selection. The contract is expected to be awarded by May 15 for the base period of eight months. The four option years beyond the base period are dependent upon pending passage of the reauthorization and funding of the Recreational Boating Safety Program.

Eric Shepard also desired an update on the status of the Coast Guard's response to the NBSAC resolution on fire ports. The Office answered that the Coast Guard relies on voluntary standards to supplement the minimal safety regulations it has developed within its authority, and the fire port issue is addressed by ABYC standard A-4. The Coast Guard has researched accident data and finds little to no data to provide evidence that the ABYC standard is ineffective, nor enough justification to move the issue through the regulatory process. Should the Coast Guard receive evidence in the future that a regulation is necessary and justifiable, we would reassess our position.

Jo Moon and COMO Barbara Sands said that canoe and kayak fatalities were still a concern and asked how they reach them about safety issues. The Office responded that the Coast Guard initiative “You’re in Command”, Phase II focuses on hunters, anglers, paddlers, BUI, education, VSCs and wearing PFDs. They’ve had two meetings of a team with hunters, anglers and paddlers, including the ACA and Sea Kayakers. They were designing a campaign with materials specific to anglers and hunters so that when they see it, they will say “this is for me”. John Malatak is on the Board of the ACA as the Coast Guard liaison, and this coming Friday, April 30, the first full board meeting will be held.

Jo Moon asked how to get accident statistics on canoes and kayaks on unregulated waters. The Office answered that they will continue to work with NASBLA on this and other accident reporting issues. Perhaps through improved networking between the Coast Guard, the States, local units of government, and other Federal land and waterway management agencies, they will see substantial improvements in this area.

Jo Moon also asked whether the Coast Guard is taking action on poor performing EPIRBs. The Office answered that the Coast Guard’s Lifesaving and Fire Safety Standards Division handles the approval of EPIRBs and is aware of the problem being investigated with McMurdo personal EPIRBs. They understand that the EPIRBs in question do send an alert, but that the GPS information takes longer or is less accurate than desired. There are some issues that remain to be clarified about the reported tests, whether the equipment meets the current standards, and whether those standards are adequate. RTCM is the cognizant standards-making organization and plans to address the issue in May. A decision on whether the equipment in question will be recalled should be made soon thereafter.

Jo Moon said that the lack of recall of aftermarket safety items was a concern. The Office responded that the Coast Guard’s regulations do not allow for a recall of most aftermarket safety items. The Coast Guard has been unable to verify supporting justification to move this issue into the regulatory process. Should new information become available that can be used to support this issue, the Coast Guard will reassess its position.

Jo Moon also desired an update on efforts to effectively allow for safe and convenient outdated flare disposal. The Office answered that the ABYC provided a detailed report on the status of this effort during the AME Subcommittee. The Office anxiously awaits their findings.

Jo Moon also mentioned that she often finds old, tattered PFDs for sale on the used market. She desired a campaign geared towards thrift and junk stores to get these dangerous items out of the stores, as these PFDs could lead to a potential problem. The Office responded that the discovery of such sale of unserviceable PFDs should be reported to the State BLA. The Office of Boating Safety will talk with NASBLA to see if it is a bigger problem than may be handled by a State enforcement initiative. The Coast Guard’s Recreational Boating Safety Visitation Program may also be expanded by having the Auxiliarists and Power Squadrons check out the “junk” stores in addition to the typical Walmart, Kmart, Target stores etc.

Fred Messmann stated his desire to enhance the Coast Guard's distribution lists for rulemaking projects and other items including completed nonprofit organization grant products. The Office of Boating Safety will strive to enhance their distribution system for these materials. They will seek to enhance the distribution of rulemaking and grant products; and they have already placed the new National Recreational Boating Safety Survey Report on their website and will strive to include other similar materials on their site.

Ed Carter was concerned that much accident data is not captured on charter boat/commercial raft accidents. He suggested that this data will be helpful for enhancing safety. The Office responded that while this appears to be a commercial vessel issue, and not a recreational issue, the Office of Boating Safety continues to enhance their work with our Coast Guard counterparts who deal with commercial vessels to assure coordination of their data, particularly where commercial and recreational vessels interface.

Ed Carter also mentioned that the Clean Water Act reauthorization effort may provide an opportunity to legally allow for States and local units of government to enforce the Federal marine sanitation device and pollutant discharge laws.

Ruth Wood mentioned that the Type II PFDs are inexpensive but undesirable to wear, thus leading to the low wearage rate of these prolific devices. She requested an opportunity to meet to discuss how to develop inexpensive PFDs that people would wear. The Office answered that they do wish to pursue initiatives that increase PFD wear and would welcome changes that are likely to result in reduced fatality rates due to increased PFD usage. They are open to the concept of a meeting to discuss this further and welcome the opportunity.

Chairman Muldoon asked for Council member's comments.

Ted Woolley said his issue with the PWCs dealt with the top speed, not the average.

Chairman Muldoon agreed with him.

Captain Evans said that they would keep an eye on the issue.

Chairman Muldoon asked for any more comments.

Nita Boles promised the Council that she would be there to discuss PWC issues.
(unintelligible)

Chairman Muldoon thanked her for her contribution.

Ray Tsuneyoshi said that the issues regarding CO were difficult because they were in the middle of making a law.

Jo Moon restated her concern that the Paddlesport Industry was not present.

Chairman Muldoon shared her concern.

Ray Tsuneyoshi says they work with the Corps, and unless they ask for money, they won't receive it.

Chairman Muldoon asked for any new issues. He asked if the audience had anything to add or the staff. He said they had a broader agenda, but they wanted new members to find out about the ongoing programs. He wanted to thank the staff of the Office of Boating Safety. He also thanked his assistant Joanne for her help. He asked for any more business. He called for a vote to adjourn (carries unanimously).

Meeting adjourned.

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

James P. Muldoon, Chairman
National Boating Safety Advisory Council

Date

Jeffrey N. Hoedt, Executive Director
National Boating Safety Advisory Council

Date

**National Boating Safety Advisory Council
April 24-27, 2004 Meeting
Norfolk, Virginia**

RESOLUTION NUMBER 2004-73-01

CONGRATULATIONS TO THE UNITED STATES POWER SQUADRONS

WHEREAS, the United States Power Squadrons was founded in 1912 at the Boston Yacht Club in Marblehead, Massachusetts, and

WHEREAS, the United States Power Squadrons was incorporated in 1914 at the New York Yacht Club in New York City as a national nonprofit organization dedicated to recreational boating safety through education and civic service, and

WHEREAS, the United States Power Squadrons volunteers have provided public boating safety education courses to more than four million Americans, and

WHEREAS, the United States Power Squadrons volunteers have provided significant civic service for boating safety to our states, and

WHEREAS, the United States Power Squadrons and its leaders, at all levels, provide leadership and work closely with other boating organizations and governmental entities in mutually beneficial relationships to support the goal of recreational boating safety, and

WHEREAS, the National Boating Safety Advisory Council recognizes that the United States Power Squadrons is an integral part of the overall boating safety program across the nation,

NOW, THEREFORE, BE IT RESOLVED, that the National Boating Safety Advisory Council, this 27th day of April, 2004, does hereby express its more sincere thanks to the United States Power Squadrons for their endeavors in making our waterways safer and congratulate and join with them in celebrating their NINETIETH Anniversary, and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Chief Commander, G. Leslie Johnson, United States Power Squadrons.

**National Boating Safety Advisory Council
April 24-27, 2004 Meeting
Norfolk, Virginia**

RESOLUTION NUMBER 2004-73-02

**STATUTORY AUTHORITY FOR USCG TO REQUIRE
BOAT OPERATOR PROOF OF PROFICIENCY**

WHEREAS, the National Association of State Boating Law Administrators (NASBLA) has developed a Model Act on Mandatory Boating Safety Education, and

WHEREAS, 16 states have adopted the standards of the NASBLA Model Act and 27 states have adopted mandatory safety education laws that do not contain all of the elements of the aforementioned Model Act, and

WHEREAS, a few states have been reluctant to accept reciprocity with certain other states' laws with less stringent requirements on mandatory boating safety education,

NOW, THEREFORE, BE IT RESOLVED, that the National Boating Safety Advisory Council, meeting at Norfolk, Virginia on 27 April 2004, does hereby advise the U.S. Coast Guard to seek statutory authority that would require that a boat operator, on waters subject to the jurisdiction of the United States, possess a certificate showing completion of an instructional course or its equivalent, which meets the NASBLA Standards on Boating Safety Education and the elements of the NASBLA Model Act.

**National Boating Safety Advisory Council
April 24-27, 2004 Meeting
Norfolk, Virginia**

RESOLUTION NUMBER 2004-73-03

PROMOTING USAGE OF TYPE I AND II PFDs FOR CHILDREN UNDER 50 LBS.

WHEREAS, the U.S. Coast Guard and many of the states have mandated wear of PFDs for children, and

WHEREAS, Type III PFDs are the most popular style PFDs for children, and

WHEREAS, Type III PFDs are not required to turn an unconscious victim face up and generally do not turn a victim face up, and

WHEREAS, the National Boating Safety Advisory Council is very concerned about the presumed safety of children by parents who rely on the implied product assurance created by U.S. Coast Guard approval and labeling of PFDs for small children,

NOW, THEREFORE, BE IT RESOLVED, that the National Boating Safety Advisory Council, meeting at Norfolk, Virginia on 27 April 2004, requests that the U.S. Coast Guard promote usage of unconditionally approved Type I and Type II PFDs for children weighing less than 50 lbs. because they provide superior in-water performance, and

BE IT FURTHER RESOLVED, that in the above requested effort, if there is a demonstrated need for PFDs with Type III performance for children of less than 50 lbs. for special activities, such as water skiing, that they only be conditionally approved.

**National Boating Safety Advisory Council
April 24-27, 2004 Meeting
Norfolk, Virginia**

RESOLUTION NUMBER 2004-73-04

**COMMENDING JANE MCCAMMON AND NIOSH
FOR THEIR WORK ON CARBON MONOXIDE**

WHEREAS, Carbon Monoxide-related deaths and poisoning were reported to the U.S. Coast Guard as a serious problem in the Lake Powell boating area, and

WHEREAS, the U.S. Coast Guard, in their investigation, requested assistance from the National Institute of Occupational Safety and Health (NIOSH), and

WHEREAS, NIOSH committed significant resources to the investigation and follow-up to assist the U.S. Coast Guard in their quest for prevention of Carbon Monoxide-related deaths and poisoning, and

WHEREAS, the NIOSH investigation uncovered indicators of a much broader problem affecting the whole boating community nationwide,

NOW, THEREFORE, BE IT RESOLVED, that the National Boating Safety Advisory Council, meeting at Norfolk, Virginia on 27 April 2004, commends NIOSH and Jane McCammon for their exceptional diligence in cooperating with the U.S. Coast Guard in uncovering the extent of the danger and the potential for misidentification of deaths or injuries related to Carbon Monoxide.

Prompt and thorough interagency cooperation of this magnitude has resulted in willing, industry cooperation that has undoubtedly prevented many more casualties from this silent and insidious killer.

**National Boating Safety Advisory Council
April 24-27, 2004 Meeting
Norfolk, Virginia**

RESOLUTION NUMBER 2004-73-05

INCREASED PFD WEAR BY BOATERS THROUGH 2007

WHEREAS, the U.S. Coast Guard has just completed two workshops to look into ways to increase personal flotation device (PFD) wear, and

WHEREAS, PFD wear has stabilized at about 22% of the boating population, and

WHEREAS, about 440 people perish on recreational vessels annually because they were not wearing a PFD,

NOW, THEREFORE, BE IT RESOLVED, that the National Boating Safety Advisory Council, meeting in Norfolk, Virginia on 27 April 2004, requests that the U.S. Coast Guard follow up on the recommendations of the two workshops by immediately convening a working panel consisting of interested parties, such as PFDMA, Boat Manufacturers, Retailers, State Enforcement Agencies, Media, and Boating Education Groups to initiate industry wide cooperation in promotion of wear of PFDs while boating,

(Such planning might include agreements to show PFDs in all marketing materials, point of sale information, outreach programs, and web based information.), and

BE IT FURTHER RESOLVED, that the U.S. Coast Guard immediately initiate similar efforts with specialty groups to include hunters, anglers, and paddlers, and

BE IT FURTHER RESOLVED, that implementation of the PFD Pledge for children, adults, boat manufacturers, and retailers (dealers) be included in all promotional efforts for boating safety, and

BE IT FURTHER RESOLVED, that the goal of these programs is increased wear of PFDs by boaters, anglers, and hunters. Such goal is to be measured by ongoing surveys with the intended overall wear rate of 44% through the 2007 season, with interim goals of 27.5% through 2005, 33% through 2006 and 44% through 2007, and

BE IT FURTHER RESOLVED, that The National Boating Safety Advisory Council requests that the U.S. Coast Guard present reports at each succeeding NBSAC meeting on development and implementation of key strategies, measurable results of programs, and needs for development of other programs for further growth. NBSAC shall evaluate the reports at each meeting and be expected to recommend whatever other measures they deem necessary to significantly increase PFD wear.

**National Boating Safety Advisory Council
April 24-27, 2004 Meeting
Norfolk, Virginia**

RESOLUTION NUMBER 2004-73-06

**REQUESTED STUDY OF BARGE LIGHTING
TO ENHANCE RECREATIONAL BOATING SAFETY**

WHEREAS, conflicts between commercial and recreational vessels exist, and

WHEREAS, there is a concern that inadequate barge lighting is contributing to recreational boating accidents across the nation, and

WHEREAS, the benefits and disadvantages of requiring supplemental marker lights at each barge coupling along the outboard sides of the tow or any other location on the tow to improve recreational boating safety are not known, and

WHEREAS, the U.S. Coast Guard was not successful in getting a grant application to study this problem as a project area in the fiscal year 2004 grants and cooperative agreements from national, non-governmental, nonprofit, public service organizations process,

NOW, THEREFORE, BE IT RESOLVED, that the National Boating Safety Advisory Council, meeting in Norfolk, Virginia on 27 April 2004, does hereby requests that the U.S. Coast Guard seek out alternative funds and organizations to address the project area of Navigation Lighting on Barges as published in the Federal Register on October 8, 2003 in an effort to improve recreational boating safety around barges.

**National Boating Safety Advisory Council
April 24-27, 2004 Meeting
Norfolk, Virginia**

RESOLUTION NUMBER 2004-73-07

FUNDING FOR NBSAC LIAISONS TO ATTEND TSAC AND NAVSAC MEETINGS

WHEREAS, the commercial and recreational boating interface is a significant concern nationwide, and

WHEREAS, the ad-hoc liaisons between the National Boating Safety Advisory Council (NBSAC), the Towing Safety Advisory Committee (TSAC), and the Navigation Safety Advisory Council (NAVSAC) have brought the recreational and commercial committees together, and

WHEREAS, the interactions of these liaisons has moved boating safety forward, and

WHEREAS, the attendance of designated NBSAC liaisons at either TSAC or NAVSAC meetings has been at the designee's personal or the designee's organization's expense,

NOW, THEREFORE, BE IT RESOLVED, that the National Boating Safety Advisory Council, meeting at Norfolk, Virginia on 27 April, 2004, requests that the U.S. Coast Guard accept the activities of these liaisons as part of the duties of NBSAC and that funding be provided for the expenses related for the designated liaisons to attend TSAC and NAVSAC meetings.

**National Boating Safety Advisory Council
April 24-27, 2004 Meeting
Norfolk, Virginia**

RESOLUTION NUMBER 2004-73-08

(As Amended October 9, 2004 – Arlington, VA)

**COMMENDATION TO EQUIPPED TO SURVIVE FOUNDATION,
WEST MARINE AND BOATU.S. FOUNDATION
FOR THEIR WORK WITH EPIRBs**

WHEREAS, Equipped to Survive Foundation was made aware of the concerns of COSPAS/SARSAT that some EPIRBs failed to gain a GPS fix, and

WHEREAS, West marine and the BoatU.S. Foundation were notified of such failures, and

WHEREAS, the BoatU.S. Foundation and West Marine sponsored Equipped to Survive Foundation to organize a controlled test, and immediately organized a controlled test, conducted by Equipped to Survive Foundation, and

WHEREAS, West Marine immediately ceased selling those products which had questionable performance, and

WHEREAS, the manufacturer of said EPIRB was immediately notified of the testing and their results,

NOW, THEREFORE, BE IT RESOLVED, that the National Boating Safety Advisory Council, meeting at Norfolk, Virginia on 27 April 2004, commends Equipped to Survive Foundation, BoatU.S. Foundation and West Marine for their prompt and conscientious efforts to protect the boating public through detection and testing of a potential failure of a piece of essential, life saving equipment, and their voluntary and prudent recall of said equipment from the market, and

BE IT FURTHER RESOLVED, that the National Boating Safety Advisory Council commends Equipped to Survive Foundation, BoatU.S. Foundation and West Marine for recommending the development of more stringent testing for this equipment.

Responsible, independent actions by marine industry organizations that enhance the safety of the boating public are invaluable. The Council is proud to recognize such organizations for their positive actions.