

***74th Meeting  
of the  
National Boating Safety Advisory Council***

**Sheraton Crystal City Hotel  
Arlington, Virginia**

**October 9th-12th, 2004**

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

For further information, contact:

Mr. Jeffrey N. Hoedt  
Executive Director  
National Boating Safety Advisory Council  
U. S. Coast Guard (G-OPB-1)

Telephone (202) 267-1077 Fax (202) 267-4285 Email [jhoedt@comdt.uscg.mil](mailto:jhoedt@comdt.uscg.mil)

**Council Members and Related USCG Staff Present:**

<b>James P. Muldoon</b>	<b>Chair</b>
<b>Joan M. Bondareff</b>	<b>Member</b>
<b>J. Edward Carter</b>	<b>Member</b>
<b>Robert David</b>	<b>Member</b>
<b>Randy R. Edwards</b>	<b>Member</b>
<b>William G. Engfer</b>	<b>Member</b>
<b>Monita W. Fontaine</b>	<b>Member</b>
<b>Lucia Roberts Francis</b>	<b>Member</b>
<b>Fernando J. Garcia</b>	<b>Member</b>
<b>Larry R. Innis</b>	<b>Member</b>
<b>Jim L. Manues</b>	<b>Member</b>
<b>Fred F. Messmann</b>	<b>Member</b>
<b>Linda Jo Moon</b>	<b>Member</b>
<b>COMO Barbara E. Sands</b>	<b>Member</b>
<b>Frederick J. Shepard</b>	<b>Member</b>
<b>Scott P. Swanby</b>	<b>Member</b>
<b>Raynor T. Tsuneyoshi</b>	<b>Member</b>
<b>Ruth Wood</b>	<b>Member</b>
<b>Ted Woolley</b>	<b>Member</b>

**RADM James W. Underwood**  
**Captain Scott H. Evans**  
**Jeffrey Hoedt**  
**Carl Perry**  
**Jeffrey Glossop**  
**Dionca Williams**

**USCG, NBSAC Sponsor**  
**USCG, Chief, Office of Boating Safety**  
**USCG, NBSAC Executive Director**  
**USCG, Regulatory Coordinator**  
**USCG, Potomac Management Group**  
**USCG, Administrative Assistant**

### **Council Members Absent**

**Dave Marlow**

**Member**

## **Saturday, October 9, 2004**

### **Call to order and Chairman's Remarks**

Chairman Muldoon called the Council to order on October 9<sup>th</sup> at 1:00 p.m., asked the members and audience to introduce themselves, and welcomed them to the meeting.

### **Welcome to Virginia**

Mr. Charlie Sledd, the Program Development Director and Boating Law Administrator for the Virginia Game and Inland Fisheries, welcomed the Council back to the Commonwealth of Virginia. A lifetime advocate of boating safety, he is a U. S. Coast Guard and Coast Guard Reserve veteran, as well as the Vice President of the National Association of State Boating Law Administrators (NASBLA) and former Chair of NASBLA's Education Committee.

### **Admiral's Remarks**

Rear Admiral Underwood was one of the first USCG Boating Accident Investigators in 1974, enforcing the Federal Boat Safety Act of 1971 and convincing States to adopt the Federal boating accident form. Since then, the number of boats and boaters in America has more than doubled. However, thanks to the National Boating Safety Advisory Council, NASBLA, the U. S. Coast Guard Auxiliary, and other groups partnering for boating safety, the number of fatalities has been cut in half. The key to success is a combination of safety and enforcement. Unenforceable regulations are useless. Enforceability must be part of any regulatory scheme set forward.

After 30 years, though fatalities have dropped, injuries and accidents remain at high levels. The Admiral received guidance on personal flotation device (PFD) wear and proof of proficiency in April. At the October meeting, he hoped for assistance in setting long-term goals for the Recreational Boating Safety (RBS) Program and for identifying propeller injury avoidance measures.

Because PFD wear saves lives, the USCG continues to look at the issue and looks forward to NTSB recommendations growing from the August forum on mandatory wear. Studies show wear rates have not greatly improved, despite outreach and efforts to stress PFD

importance. Through boat shows and other venues, he has challenged the marine industry to help. He asked for the Council's help in identifying new ways to address the problem and thanked the NBSAC members for their efforts.

### **Awards Ceremony**

Mr. Engfer, Mr. Garcia, Mr. Innis, Mr. Manues, Mr. Swanby, Mr. Tsuneyoshi, were awarded the U. S. Coast Guard Public Service Commendation for their support of the USCG and NBSAC, as well as their contributions to boating safety.

### **RBS Program Report.**

Captain Evans, Chief of the Office of Boating Safety, gave the Captain's Report, touching on general updates, project updates, the 73<sup>rd</sup> Meeting resolution updates, and challenges. He began by updating the Council on the issues before moving on to the resolutions.

In 2003, there were 12,794,616 registered boats and 5,438 reported accidents involving 7,363 vessels that resulted in 703 fatalities and 3,888 injuries. The top five types of fatal recreational boating accidents were capsizing (206 fatalities), falls overboard (201), collision with another vessel (70), collision with fixed objects (50), and flooding or swamping (41). However, the measure of safety and danger is not addressed so easily. Collisions with vessels result in relatively few fatalities, but account for the highest number of reported injuries (1,063). In contrast, capsizing accidents result in the highest number of reported fatalities, but a relatively low number of injuries (330). This issue will be dealt with at the subcommittee level.

Reauthorization of the RBS Program funding through the Aquatic Resources Trust Fund is an on-going issue. In Fiscal Year (FY) 2004, Congress passed 5 separate extensions of the current law (TEA-21), which has caused administrative difficulties for the Coast Guard and the States. On September 30<sup>th</sup>, an eight-month extension of Wallop-Breaux funding was enacted for FY 2005. There is a danger of a permanent bill not being passed before the new Congress is in. The extension bill gives funds to the States (\$36.58M), nonprofits (\$1.97M), Coast Guard program coordination (\$2M), Coast Guard manufacturer compliance (\$1.33M), and two percent for program administration (\$0.79M). The extension expires on May 31, 2005.

The Coast Guard FY04 Authorization Act, which was enacted, included amendments to the manufacturer liability section of 46 U.S.C. 4311. Civil penalties for individual violations have increased from \$2,000 to \$5,000, with a maximum from \$100,000 to \$250,000. Violations include defects and noncompliance, false or misleading compliance labels, and failure to perform a recall when directed to do so. In the past, small boat companies ordered to initiate recalls would declare bankruptcy and resurface under another name. To prevent this, the new authorization includes a penalty of \$10k, a year imprisonment, or both against company officers failing to perform a recall.

The Lewis & Clark Expedition is currently in South Dakota going west. They will reach the Pacific Northwest by the end of next year. Although there were concerns at the beginning of the project, with the help from all sides, the project is going well and is a model of cooperation.

Captain Evans then gave updates on various projects.

The Vessel Identification System (VIS) is addressing Maritime Domain Awareness (MDA). The Coast Guard Chief of Staff recently asked for an assessment of gaps in ability to

see, control, and understand vessels and facilities in ports and waterways from the maritime security perspective. Representatives from the Operations and Marine Safety sides of the Coast Guard developed a matrix identifying different types of vessels and facilities, then rated the Coast Guard's ability to know about and control their activities. The result demonstrated that regulatory focus on larger vessels has left smaller vessels out of the security net. Recreational vessels represented many gaps in the matrix. Various risks still need to be prioritized. However, VIS is an opportunity that would narrow the knowledge gap on recreational boats for MDA purposes. MDA is now a national security issue, and draft MDA functional requirements include information that would be provided by VIS. The current challenge is leveraging information technology to link the Coast Guard and State database systems.

The NBSAC panel, headed by the American Boat and Yacht Council (ABYC), has reached consensus on a format for the new 17-character Hull Identification Number (HIN) project. The format matches the draft ABYC technical information report T-10. ABYC is in the process of adopting T-10 as a standard, and a copy of proposed A-10 standard was provided to the Council. The issue will be addressed further in the subcommittee, but it appears that the long-standing problem has been solved.

The brochure on carbon monoxide (CO) is being revised. Catalytic converter testing has been completed and is awaiting the final report. The results sound promising. Westerbeke has produced a low CO emitting generator, which is entering the market. Another workshop is scheduled for the International BoatBuilders' Exhibition and Conference (IBEX) soon, and a new interagency agreement with the National Institute for Occupational Safety and Health (NIOSH) will bring CO testing on express cruiser model vessels.

Barge lighting has been another success. NBSAC participated with Towing Safety Advisory Council (TSAC) to come up with an answer to this problem. There's been no response to the grant offer, but TSAC will assist in locating an applicant when the offer is resolicited. Sun-Up has developed some products that may solve the barge lighting issue. They will give a presentation on Monday. Captain Evans noted Cathy Hammond's help on this issue.

The You're in Command, Boat Responsibly! (YIC) project recognizes that safety is the result of behavior change. Presently, 3.4 million copies of YIC materials have been distributed. The carbon monoxide awareness campaign is an ongoing part of the YIC initiative, with more than 90 million impressions to date. On Sunday morning, the Council will receive an in-depth presentation on Phase II, which deals with hunters, paddlers, anglers, and youth.

A revision to the National Fire Protection Association's (NFPA) Fire Protection Standard included a requirement for installation of smoke alarms on all vessels 26 feet or longer with sleeping accommodations. Manufacturers generally follow NFPA standards, since they tend to duplicate ABYC standards. However, what the extent of voluntary compliance with the new NFPA standard will be is not yet known.

The fiscal year (FY) 2005 grant solicitation includes a request for a comprehensive market survey of available propeller injury mitigation technology with the pros and cons of each. A workshop on the issue is scheduled for IBEX. A five-year accident analysis has been completed and will be discussed further in the Boats and Associated Equipment Subcommittee. Some new developments will be discussed in the Aftermarket Marine Equipment Subcommittee.

On August 25 in Ashburn, VA, the National Transportation Safety Board (NTSB) held a public forum to discuss mandatory PFD wear. IBEX will hold a roundtable discussion in late October. Additionally, Phase II of YIC deals with PFD wear.

Captain Evans then addressed the **73<sup>rd</sup> Meeting resolution updates**: congratulating the U.S. Power Squadrons; statutory authority for the Coast Guard to require boat operators proof of proficiency; promoting use of Type I and II PFDs for children under 50 lbs; commending Jane McCammon and NIOSH for work on carbon monoxide; increased PFD wear by boaters through 2007; requesting a study of barge lighting to enhance recreational boating safety; funding of NBSAC liaisons to attend TSAC and Navigation Safety Advisory Committee (NAVSAC) meetings; and commending West Marine and the BoatU.S. Foundation for their work with Emergency Position Indicating Radio Beacons (EPIRBs).

The Council's challenges are to assist in the development of RBS Program goals for fatalities and injuries and to reconsider prior recommendations on propeller injury avoidance measures. While fewer fatalities and injuries are always desirable, zero being ideal, goal numbers are necessary in order to measure and report success or failure. He asked the Council to look at those two issues and thanked the members for volunteering their time.

### **Modifications of Resolutions**

In the last session, there were duplicate resolutions between the Prevention Through People Subcommittee and the Aftermarket Marine Equipment Subcommittee. **Mr. Shepard offered a resolution** to withdraw the Prevention through People Subcommittee's resolution of PFD wear. **Mr. David seconded the motion, and the resolution was withdrawn by a unanimous vote.**

Chairman Muldoon noted that in the previous session there had been a resolution to commend the BoatU.S. Foundation and West Marine. However, the proclamation overlooked the work of the Equip to Survive Foundation. He asked for the proclamation to be amended to include the overlooked Foundation. **Mr. Tsuneyoshi proposed the motion, Mr. Manues seconded it. The motion to amend passed unanimously.**

### **Executive Director's Report**

Mr. Hoedt welcomed everyone to Arlington and addressed some housekeeping matters: microphones, sign in sheets, roster sheets, and the meeting folders. He directed the members to the minutes of the previous meeting and guided them through the folders. He asked the members to make any amendments to the minutes within two weeks so they can be finalized and published. He notified and instructed the Council on the reception to be held at the Capital Yacht Club.

Addressing staff issues, he recognized Mr. Bruce Schmidt for having the statistics ready two months earlier than last year. He also introduced Mr. John Sukys, a returning staff member, who talked to the Council on improved procedures for travel claims. Mr. Hoedt introduced other staff and contractors and informed the Council that a contractor is now handling the minutes, which previously were a long time coming.

The new Coast Guard Authorization Bill included an authorization of the extension of the Coast Guard's advisory councils and committees through September of 2010. The spring meeting is expected to be in Knoxville, TN, April 9-12, 2005. The plan is to establish meeting dates and locations well in advance, so staff is open to comments and recommendations on dates and locations.

Mr. David thanked Mr. Hoedt for the monthly accident statistics reports. The Council has reacted enthusiastically to them. He added that he attends European Boating Association meetings and is sharing information with them. He distributed a brochure to allow members to familiarize themselves with the organization.

### **RBS Goal-Setting Project**

Mr. Hoedt spoke on the National RBS Program Performance Goals. In the past, safety goals were advertised and well known. When the previous goals were met, the goals were reset. There now are performance goals, but they are widely unknown. The National RBS Program's goals are being updated, and better goals have to be established based on five questions: What are the goals? How were they developed? Are they realistic? Do our boating safety partners accept them? What's the next step?

The current goal for calendar year (CY) 2004, established five years before, is 742 fatalities. This number is to decline in the following years: 697 in 2005, 690 in 2006, 683 in 2007, 662 in 2008, and 654 in 2009. In 2010, it remains at 654. However, these numbers were developed when the Coast Guard's data-gathering was not nearly as complete as today's. The old estimates are not realistic. The partners can't accept them because they do not know them, so the next step is to make better estimates.

One mission of the Coast Guard is Marine Safety, both commercial and recreational. The two are recorded as one measurement. The 2003 goal was 1,543, and it will be 1,339 in 2009. This number goes in FY budget publications for the Administration and Congress. However, the method of number-gathering causes errors and creates misperceptions. The commercial numbers combine fatalities and injuries. However, the recreational numbers only include fatalities, not injuries. Additionally, some recreational fatalities have not made it into the system, so a six percent error rate was added to the reports in the past. However, using the Coast Guard's Marine Information for Safety and Law Enforcement (MISLE) database and State information, more accurate measures have lowered the error rate to one percent.

In addition to the problems of reasonable comparisons and error rates, many States only submit reports once per year, on a calendar year basis, so they are not available on time for FY reports. Comparing comparable and complete data is the best method and would present opportunities for system enhancements. Better statistical information would also draw more political attention, as it allows for the presentation of valid results.

Valid statistics are needed to develop action plans, know when they've been achieved, and help achieve them. For example, some States with mandatory boater education requirements have shown dramatic decreases in fatalities over a five-year period. These statistics not only show the effect of action, they prompt action by other States.

The numbers are looked at as an internal procedure. However, the Federal Boat Safety Act of 1971 shifts a great deal of the responsibilities over to the States for accomplishing the goals of the National RBS Program. The Coast Guard is dependent upon the States and the many other boating safety partnerships for the Program's success, and the goals must be acceptable to the boating partners.

He recommended that the council come out with goals or a process for setting goals. It is probably too late for the next report, but it may be in time for the one after.

## **Old Business**

Mr. Woolley asked that “whitewater river” be defined with regard to inflatable personal flotation devices (PFDs). It had not yet been defined. Mr. Hoedt offered that there would be an update on the definition in the Subcommittee report.

## **New Business**

Chairman Muldoon asked that members submit member items in advance in the future. That would allow staff to answer concerns better.

## **Member Items**

Mr. Innis had no new items but asked for more information about correspondence with BoatU.S. regarding elimination of Type II PFDs or creation of standards for Type IIs.

Mr. Garcia’s requests for information regarding PFD follow-up, the 17-character HIN, and pressurized fuel tanks were addressed by the Subcommittee discussions. He had no other items.

Ms. Francis’ concerns were covered by the Subcommittee agenda. She did want to discuss mandatory PFD wear and why it was withdrawn, but she wanted to address it in the Subcommittee.

Ms. Fontaine expressed the industry’s interest in participating in helping the Coast Guard with requiring proof of proficiency.

Mr. David asked about Loran-C’s continuation, particularly opposition that seemed to be coming from the Coast Guard.

Mr. Carter reminded the Council that the National Safe Boating Campaign was coming up and asked for suggestions for promoting safety, especially PFD wear.

Ms. Bondareff asked for an update on the PFD wear resolution. She suggested doing more to publicize more comfortable PFDs. She also expressed interest in items on the Subcommittee agendas: CO and propeller strike avoidance. She expressed her interest in helping with the issue of boater proficiency. As for goal-setting, she suggested looking at the National Highway Transportation Safety Administration’s (NHTSA) goal-setting regarding auto fatalities as a possible model.

Ms. Moon expressed her concern about collecting statistics on waters that are not “navigable” and the loss of accident and fatality reports on waters where the Coast Guard does not have jurisdiction.

COMO Sands asked about cold water immersion and PFD wear.

Mr. Shepard asked for an update on the new factory visit contract.

Mr. Woolley asked, on Mr. Tsuneyoshi’s behalf, about the Coast Guard definition of abandoned and derelict watercraft. He had no actions on his own behalf.

All other members had no action items not addressed by the subcommittee agendas.

## **Report from Towing Safety Advisory Committee (TSAC)/NBSAC Workgroup and TSAC Laison**

Mr. Engfer reported from the TSAC on recreational boater education, barge lighting, crew travel time, maritime deaths during nighttime barge operations, increasing maritime security, and dealing with ammonium nitrate.

The Education Committee of NASBLA reviewed the request to add a standard addressing interface between commercial and recreational boats to the National Education Standards. Seeing that the issue of commercial and recreational interface existed in individual States but was not a nationwide issue, the Education Committee voted not to develop standards on a national level but instead to create a subcommittee that could create a uniform education package that could be used by any State. The subcommittee would consist of members of TSAC and the NASBLA Education Committee. He acknowledged Cathy Hammond's work in furthering this issue. At their September 29 business session, TSAC passed Recommendation 2004-01-01 (**NBSAC Resolution 2004-73-02**) on statutory authority for USCG to require boat operator proof of proficiency.

Due to the dangers created by barge length and tow cables, Sun-Up Products has created what may grant a solution for barge lighting by making cables and couplings visible. Sun-Up Products presented to TSAC on their new product, which can be used in barge lighting, as well as many other additional commercial uses. TSAC is looking for a non-profit to apply for the Coast Guard barge lighting grant so the grant process can be used to test this and any other available products. The next step is to wait for the grant process to be completed.

While there are limits to how long someone can be at the helm, crew travel time had not been previously addressed, so the Crew Alertness Subcommittee of the American Waterways Operators (AWO) Interregional Safety Committee compiled Crew Travel Time Guidelines, which lists a number of ways in which the crew's required travel to the port of departure before launch can be reduced, increasing crew alertness. After looking at similar measures on fatigue in aviation, railroads, and trucking, TSAC adopted Task Statement #03-01, Regulatory Review of Travel Time for Towing Vessel Crewmembers.

The Chair commented on the increased cooperation between TSAC and NBSAC.

### **NAVSAC Liaison Report**

Mr. Shephard reported that there has been no meeting since his last report. The next meeting is scheduled for November 8, 9, and 10 in Miami, and Mr. Shephard will forward his report by email after the meeting. NAVSAC is facing difficulties. It is still an unfunded mandate, and the Executive Director retired two weeks ago and has not yet been replaced.

Chairman Muldoon commented that it is unfortunate and inappropriate that NAVSAC has not been funded and has not had the funds to conduct a meeting. He commented on the need of all the advisory councils dealing with recreational and commercial vessel safety to have the time and funds to meet with themselves as well as with each other.

### **Recess**

With the day's agenda completed, Mr. David moved to adjourn. Ms. Fontaine seconded the motion. The Council recessed at 3:46 p.m.

## **The Council reconvened at 1:30 p.m., Monday, October 12, 2004**

### **Wallop-Breaux Reauthorization Update**

Captain Evans revisited the Wallop-Breaux funding issue he'd addressed on Saturday. Congress and the President enacted HR. 5183 on September 30, 2004, extending current funding for Sport Fish Restoration and Recreational Boating Safety (RBS) programs through May 31, 2005. As reported on Saturday, it is an eight-month extension with 2/3 of the annual funding for State RBS programs, nonprofit grants, and operating funds for the Office of Boating Safety. For political reasons, HR 3550, the Wallop-Breaux reauthorization, is not likely to be addressed this session. It is too close to the election and the lame duck session will be busy with other issues. With a new Congress, the legislation will have to be reintroduced, at earliest in February or March. However, it is unknown who will champion the bill, with Senator Breaux retired, and it is unclear what the new bill will look like, whether or not the American League of Anglers and Boaters (ALAB) proposal will still be used.

The Chairman commented that this extension represents the sixth year without an increase in funding. Mr. Tsuneyoshi referred the Council to a Washington Post article about the Transportation Equity Act – a Legacy for Users (TEA-LU).

### **Coast Guard Auxiliary Report**

Commodore Belmore reported to the Council, representing Commodore Seibert and Commodore McAdams. Since the last meeting, there have been a number of major national security events in which the Auxiliary has participated, including the Democratic and Republican conventions, performing support functions including water patrols, administrative support, and water transportation.

Mandatory fingerprinting and security checks have negatively affected membership. The measures have prompted resignations and retirements as well as delay and loss of momentum in new memberships. Some measures are being taken to increase recruitment and minimize impact on total membership, but overall membership is expected to be down this year.

Coast Guard support for maintenance costs involved in operational facilities owned and operated by members has long been pending. With increased requests for patrols, facilities incur higher maintenance costs, so the Commandant has approved funds for maintenance of facilities. The Coast Guard is also transferring some 27-foot utility boats for Auxiliary use to help support local units.

State Farm Insurance will continue to provide decals for the Vessel Safety Check (VSC) Program. The new Auxiliary Manual is being distributed online and in a limited number of hard copies.

The newest outreach programs are Maritime Domain Awareness (MDA) and the America's Waterways Watch Program. MDA has grown since 9-11, and America's Waterways Watch is a new and exciting program. Public education continues to be an important program, and attendance is growing, particularly in States considering mandatory education bills. Of responders to the last boating survey, 37 percent had taken a USCG Auxiliary course.

The Auxiliary depends on membership dues and income from the sale of education materials for funding. The new Associate Member Program, which allows associates to

contribute \$25 or more for a subscription to the Auxiliary Magazine and other benefits, helps supplement funding.

The Commercial Fishing Vessel Program offers free, non law-enforcement boarding by specially trained Auxiliarists and receipt of a decal. The decal means that the Coast Guard or Fisheries Patrol will not board the vessel unless illegal activity is observed. Because of this program, more small fishing boats are equipped with proper safety equipment, and the crews know how to use such equipment.

## **NASBLA REPORT**

Mr. Messmann reported that the 45<sup>th</sup> Annual National Association of State Boating Law Administrators (NASBLA) Conference, the most successful to date, was held in Chattanooga, Tennessee last week with nearly 350 attendees. A Boating Law Administrator (BLA) workshop was added this year, and the conference featured speakers on cold water immersion, alcohol impairment, the Water Recreation Opportunity Spectrum, and Boating Capacity, as well as panel discussions on Homeland Security and Internet-based boating education. Through Tom Bennett, Mr. Messmann met with the International Association of Fish and Wildlife Agencies, a potential partner.

NASBLA adopted four resolutions at the conference: to congratulate the U.S. Power Squadrons on their 90<sup>th</sup> anniversary, to request of the Coast Guard immediate sharing of pertinent boating accident response and search and rescue information with the appropriate boating law enforcement and reporting authority, asking the Coast Guard to request of Congress a line item appropriation to fund joint enforcement agreements with State BLAs in support of Homeland Security missions, and endorsing the building of the National Law Enforcement Officers Museum.

On Feb 26th, NASBLA met with former Deputy Secretary for Homeland Security, ADM James Loy and discussed the need for additional funding for State boating agencies being asked to assist in Homeland Security efforts.

Memoranda of Understanding have been signed with the States Organization for Boating Access (SOBA), the Marina Operators Association of America (MOAA), the American Canoe Association (ACA), and the Canadian Safe Boating Council (CSBC).

NASBLA adopted two new model acts: one requiring the use of engine cut-off switches on mechanically powered vessels and one concerning labels and maximum loading and horsepower. NASBLA also amended the Model Act for Safe Towing Practices to outlaw teak surfing, platform dragging, and other unsafe practices while still allowing for other water sports.

The NASBLA committee work is completed for 2003-2004, and reports are available on the NASBLA website. Also available on the website are forms for the committee membership and charges are being solicited for the 2004-2005 year. The 2005 directories are still in production, but 2004 directories are still available and addendums are posted on the website. Also on the website is NASBLA's position paper on mandatory PFD wear. NASBLA represented both sides of the issue at the NTSB Forum this past August.

The Personal Watercraft (PWC) Checklist is available in English, French, and Spanish on CD and is being distributed to PWC liveries through State agencies and the Personal Watercraft Industry Association (PWIA).

NASBLA was awarded four grants this year: an RBS Partnering Grant, Accident Investigation Training Seminars, PFD Labeling Design Phase II, and Boating Under the Influence (BUI) Detection and Enforcement Training Seminars. NASBLA continues to offer Accident Investigation Seminars to sworn law enforcement officers. Seminars on detection and prosecution of BUI were offered for the first time this year, and more seminars will be held in the spring.

NASBLA continues to support the ALAB reauthorization funding proposal. A continuing resolution through May 31, 2005 was passed for TEA-21. The House and Senate have both exceeded the Administration's requested funding for the TEA-LU. It is expected that 18 percent of funds from the Sport Fish Restoration Account will go to Boating Safety. Funding will be permanent, and the match for grant funds will be 3/4 Federal, 1/4 State.

NASBLA will be represented at the International Boating and Water Safety Summit (IBWSS). The Education, Paddlesports, and Waterways Management Committees will meet at the IBWSS. NASBLA will also attend the U.S. Sailing and Canadian Power and Sail Squadrons meetings. The Executive Board will meet the week of November 15, and the annual conference is scheduled for September 17-22, 2005. Next year's regional State BLA conferences includes the Northern Association of Boating Administrators (NABA) conference, June 11-15 in Wichita, Kansas; Southern States Boating Law Administrators Association (SSBLAA) conference in Little Rock, Arkansas from April 30-May 4; and the Western States Boating Administrators Association (WSBAA) conference in Helena Montana, May 22-25.

Mr. Edwards is the new President of NASBLA. The next Executive Board meeting, a strategic planning session, will be in Des Moines in November. He has tried to assemble a good mix of BLAs and hopes to reach out to new partners.

Ms. Bondareff asked to know about the model acts NASBLA has and who is implementing them. The Council might be able to help get them implemented. Mr. Messmann responded that the model acts are on the website, formatted in appropriate legal language. He offered to forward any particular act the Council might want to see.

### **Recreational Marine Research Center – Boating Studies**

Dr. Ed Mahoney reported from the Recreational Marine Research Center (RMRC), which was founded by the National Marine Manufacturers Association (NMMA) and Michigan State University. . The RMRC conducts special studies for recreational boating agencies, organizations, and marine businesses; and they study all aspects of boating from many perspectives, including the economic, psychological, and sociological.

During the past year, the center was involved in many studies, including the economic impact of boating in Great Lakes States, wage and salary study of Michigan marine businesses, attitudes toward mandatory PFD wear in all boats that are underway, boat owner annual spending, trip spending profiles for different size boats, and the impacts of fuel prices on boaters. RMRC also conducts quarterly surveys of marine business leaders from different sectors to gauge performance and optimism regarding the future.

To efficiently monitor consumer patterns, the RMRC maintains and regularly surveys a nationwide panel of approximately 10,000 boaters. The panel data helps identify trends in boater preferences, levels of involvement, spending, life cycles of ownership, and related behaviors. Panel data can be segmented by type and size of boats owned, boating activity, anglers,

geography, marine customers, access sites, and other search criteria. Among other things, this allows regulators to translate lost boating days into a dollar amount in taxes and local spending.

A recent study for the Coast Guard concluded that access to boating is declining. The Great Lakes loses three to four percent of its marinas per year, and the boating infrastructure is deteriorating. Lack of good information is a contributing factor. In gathering data, methods are very important. Poorly gathered data is biased and inaccurate, while privately gathered information is often not being shared. Available data is often dated and no longer accurate, and data is often regionally specific. These research deficiencies have a negative impact, delaying important decisions on programs and allowing the decline in access. Greater cooperation and nontraditional partnerships focused on strategically important areas are needed. Current economic data is not available, and it is difficult to argue for the benefits of boating without valid and reliable statistical information.

The RMRC is correcting the information gap in two phases. In Phase One, the RMRC reviewed 1,500 studies and used them to compile a database. A web page was developed to search the database and to recommend additional studies to be considered for addition to the database. Eighty percent of the full studies are available, the rest are in abstract form. The plan is to have 2,000 to 3,000 studies in the system over the course of the next year.

Phase Two of the project involves conducting a research symposium to develop a national agenda for boating research, priorities, methods of funding, partnerships, packaging, and application. The symposium will be held November 17 and 18 in East Lansing, Michigan and will include representatives from over 25 agency and industry groups. The Coast Guard and NASBLA will be represented, and Chairman Muldoon said he would send a representative from NBSAC.

One challenge facing the industry is to communicate the value(s) of recreational boating. The challenge of determining and communicating the value(s) of recreational boating is addressed by adding the economic value of boating (jobs, income, sales, profits, and rents) to the noneconomic value (preservation of blue space, access to the water--both active and passive reclamation, and community development). Studies seldom include both.

Even looking solely at economics, there are values not directly related to boating: values to communities and to community businesses such as hotels, grocery stores, and restaurants. Phase Two funded the development of an online model that incorporates boating days, trip spending profiles, and craft spending to determine the impact of a marina on the economy. The model also calculates the number of jobs created, as well as profits and rent collected. Eventually, it will generate taxes collected and non-market values will be incorporated. This computer-generated estimate will be available online for free.

Using the example of Tower Marine in Michigan, a 400-slip marina, there were a calculated 15,000 boating days. This generates \$2.85 million dollars boaters spend on their trips. An additional \$2.85 million is spent on the boats themselves. The total annual economic impact of the marina is \$5.7 million dollars in spending, 37 jobs directly created, 45 indirectly. The direct and secondary effects of trip spending by boaters at Tower Marine on the County are 46 jobs, \$829,000 in personal income, and \$954,000 in profits and rents. Local economic impact of craft expenses for boats kept there are, including direct and secondary effects, 56 jobs, \$1.1 million in personal income, and \$1.958 million in profits and rents. The total effect is 102 jobs, \$1.941 million in personal income, and \$2.912 million in profits and rents.

He then applied the same model to determine the economic impacts of boating on the Great Lakes. Looking as direct and indirect effects, registered and unregistered boats, trip and

craft spending, the value added is \$10,232 million dollars, \$7,138 million in personal income, 243,935 jobs, and \$20,791 million in sales. In ten months, the program should be able to give a similar survey for any State or region.

This summer, the RMRC surveyed what concerned the panel of boaters. The four key issues were fuel prices, loss and cost of access, and regulations regarding PFD use. The information is available online. Of the 10,000 boaters, there were 4,377 responses. Of the respondents, 87 percent did not support mandatory PFD wear on all boats. Generally, large boat owners were in favor of PFD use requirements for small boats. Generally, the issue with boaters was a preference for education, independence and personal responsibility over regulation. Larger boat owners tended to respond more. Older boaters tended to favor life jackets. Seventy nine percent of boaters said that PFDs were wearable. Eighty one percent said the life jackets on the market fit their needs. To make the study useful, it was broken down as many ways as possible. In this same study, 34 percent of the boaters surveyed said they would reduce or stop their boating if PFD wear were mandatory, but Dr. Mahoney doubts that boaters would really do it. If mandatory PFD wear is passed, he will survey again to see how many actually stopped boating.

The boating access problem has been made worse by low water and lack of dredging as commercial harbors have been receiving dredging priority. In other places, security and environmental concerns have closed marinas. In other places, the complexities, inefficiencies, and redundancies of the regulation and permitting process results in loss of access. Access is not just about money and sites. Water quality, closures, carrying capacity limits, regulations, marina finances and aesthetics, safety, and people intentionally purchasing land to prevent access all have an effect.

Ms. Fontaine asked if a comparison could be made between the economic impact of boating as opposed to other projects such as construction, golf, or skiing. Dr. Mahoney said it would be an easy thing to do. Mr. Tsuneyoshi added that many marinas were being lost due to their value. Developers are buying them, building condominiums/apartments on them, and reducing the number of available berths, making them available to tenants only. As marina owners age, they have been selling their marinas to developers to fund retirement. The aging of the marina operators and the boating public, together with the rising value of waterfront property for retail and condominium use, hurts access. Of course, the Florida hurricanes have destroyed marinas and boats as well, and some operators will never reopen. Some boaters will never sail again.

Ms. Bondareff made the point that safety is not a matter of popularity and cannot be determined by surveys. The public had negative responses to seatbelt and helmet laws as well when they first came out. However, the Coast Guard might look at the cost benefit analysis of new regulations before enacting them.

## **NTSB Report**

Mr. Bill Gossard reported from the Office of Safety Recommendations of the National Transportation Safety Board (NTSB), which has been working with boating safety for twenty years. NTSB exists on a continuing resolution, which has caused budget tightness. He thanked the Council for its recommendations and work to improve safety.

Boating safety is a difficult area to regulate, even though there are many more injuries and fatalities, because boating accidents are not as high-profile as aviation accidents and there is not an industry to regulate. This is the reason for the PFD Forum, NASBLA, the IBWSS, and the many meetings and conferences. The NTSB attends these meetings and workshops, meets with the players, and then looks at the matter independently to develop the best and most expeditious safety recommendations.

The participants of the PFD Forum included NBSAC members as well as many other leaders in boating safety initiatives. A report will be released early next year. International organizations were present and reported on their requirements, but they can address the issue in very different ways due to governmental structure. Ireland's minister mandated PFD wear on all vessels under seven meters long. Australia has to deal with the issue on a state-by-state basis; Tasmania has mandatory PFD wear and competency operator requirements, while Victoria is looking at requiring the same. Canada's Coast Guard has the power to make regulations.

While there was not full consensus at the Forum, there were areas of agreement. All parties agreed on the need for recreational boating safety education. Most agreed on mandatory PFD wear for children. There was a consensus that a more focused public information campaign to increase PFD wear is needed.

Two States have begun the legislative process to require PFD wear. Mississippi considered mandatory PFD wear across the board; and, Louisiana failed to pass a bill increasing the mandatory wear age from 13 to 17.

The NTSB has also been looking at mandatory wear related to other high-risk issues such as weather, cold water, water sports, operating a vessel alone, and hazardous waters such as dam locations. Cold water is defined as less than seventy degrees. New York State is considering making PFD wear mandatory from November to May. The Board did not believe that PFDs were necessary when swimming from a boat. However, the Coast Guard is now recording swimming fatalities from just this behavior, so the NTSB will have to watch that statistic.

The Forum brought 16 strong partners together, including the National Marine Manufacturers Association (NMMA), the Marine Retailers Association of America (MRAA); the National Board of BoatU.S.; and Boat Writers International, whom the Board hopes to better inform on safety issues and to improve communication with boaters; the Personal Floatation Device Manufacturers Association; the National Safe Boating Council; NASBLA; and the Canadian Safe Boating Council. Because people are drowning worldwide, and the international community is interested in the problem, it might be possible to support an International Maritime Organization initiative on recreational boating safety supported by the United Nations.

In September, the Board voted to keep recreational boating safety on the most wanted list, keeping boating safety as one of the top goals in reducing fatalities and injuries in the nation.

With regard to children and PFDs, 30 States, plus D.C. and Puerto Rico, have enacted some kind of legislation or action consistent with the recommendations. Forty three States, plus D.C. and Puerto Rico, require life jackets for children. Indiana partially meets the requirement.

The Board determined that PWC operator education levels are no different from the regular recreational boater, so there was no need to make a separate requirement. However, PWC rentals are a different issue. If there are no uniform national requirements for education, something must be done at the rental location. Thirty-one States, D.C. and three Territories have already enacted legislation that meets the intent of our recommendation area.

The best way to get mandatory education done is by using a national uniform model.

He extended his willingness to attend any meeting on boating safety and reminded the Council that, although boating is a fun, independent activity, there is a cost in terms of emergency personnel when there are accidents. Just as safety has made a great difference in commercial fishing, it can also make a difference in recreational boating.

### **Sun-Up Products (SUP) Demonstration**

Mr. Gary Richards reported on his company. SUP's products are designed to increase visibility and reduce accidents. The products rely on photo luminescent materials that are visible in darkness for over twelve hours and can last over fifty hours. They are inexpensive to implement and maintain and are recharged by any ultraviolet (UV) light source, especially sunlight or black lights. Because UV is plentiful even during bad weather, the product does not require a charge of direct sunlight. The material is virtually indestructible and, because it is inert and safe, can be used above and below water.

The material is available in many mediums: liquid, paint, powder, flexible, or solid. As a result, it can be easily incorporated into manufacturing processes or retrofitted onto existing products to make buoys, bars and rings for marking barges, magnetic markers, lanterns, docks, hardhats, vests, PFDs, clothing, equipment, and tow cables glow in the dark. Cables can have lit materials tethered to them to prevent boaters from hitting the cables or the cables can be marked at the couplings. Life rings can be made to glow, as can ropes and many other products. Also, bridges, piers, and obstructions can be marked. Although yellow-green is the best formula, other colors can be used for marking and signaling purposes. The product has many implications for barge towing, safety, registration numbering, and search and rescue.

Bill Engfer referred to his earlier presentation and the testing the nonprofit organization would perform upon the awarding of a grant.

### **Adjournment**

The day's agenda completed, the Chair entertained a motion to adjourn. It was forwarded by Mr. Tsuneyoshi and seconded by Mr. Engfer. The Council recessed at 4:26 p.m.

## **The Council reconvened at 8:33 a.m., Tuesday, October 12, 2004**

### **Award Presentations**

Vice Admiral Terry M. Cross, Vice Commandant of the Coast Guard, commended the Council for, and offered his support of, its work in boating safety, a long-time priority of his. In **Resolution Number 2004-73-08**, the Council commended Mr. Doug Ritter of Equipped to Survive, Mr. Rob Wilcox of West Marine, and Ms. Ruth Wood of BoatU.S. Foundation, as representatives of their respective companies and organizations, for their efforts to protect the boating public through their detections and testing of a potential failure in EPIRBS. The Council also commended NIOSH and Ms. Jane McCammon in **Resolution Number 2004-73-04** for their work toward preventing carbon monoxide deaths. Dr. Rosa represented NIOSH, and Vice Admiral Cross presented the awards.

### **Prevention Through People Subcommittee**

Mr. Tsuneyoshi, Chair of the Subcommittee, reported that the Subcommittee had met on Sunday, October 10, 2004 to discuss many issues. The Coast Guard presented an update on 2003 boating statistics, the status of workshops and other forums on increasing PFD wear, the availability of PFDs on the market for very large people, Phase II of the Coast Guard's You're In Command Program focusing on hunters, anglers and paddlers, and the Coast Guard's America's Waterway Watch Program to include recreational boaters in the Coast Guard Program to ensure the safety of ports and waterways after 9-11.

The Coast Guard intends to strive to attain the NBSAC goal to increase PFD wear to 44% of the boating population by 2007. Despite the best efforts of the Coast Guard, PFD wear rates have remained steady for the past six years. The Subcommittee adopted a resolution urging the Coast Guard to add in its grants to nonprofit organizations a requirement to measure success of these grants in increasing PFD wear. **Mr. Tsuneyoshi moved that resolution before the full Council. Mr. Manues seconded the motion, and it passed unanimously.** (Copy of Resolution Number 2004-74-01 attached to end of report.)

The Subcommittee also heard a presentation from Ms. Nita Boles of the Coalition of Parents and Families for PWC Safety on the disproportionate frequency of severe injuries to children on personal watercraft. In response to the presentation, the Subcommittee adopted a resolution requesting the Coast Guard to undertake a study on the size and height of children passengers on PWCs and to issue a new brochure with appropriate guidance for adults and rental carriers. **Ms. Moon moved the resolution before the Council. Ms. Francis seconded it, and the motion passed unanimously.** (Copy of Resolution Number 2004-74-02 attached to end of report.)

The Coast Guard asked the Subcommittee to look at setting goals for the National Recreational Boating Safety Program. The Subcommittee recommended a process for assisting the Coast Guard in this effort, which was forwarded to the full Council.

Mr. Tsuneyoshi made a motion creating a model act requiring VHF radios and EPIRBS in recreational boats in coastal waters and the Great Lakes. After some discussion of how far offshore a boat should be before the requirement takes effect and whether the resolution should speak to "VHF radios and EPIRBS" or "VHF radios or EPIRBS," the Subcommittee worked on the

language during a break. The amended resolution was a model act for VHF Radios or EPIRBs on Certain Boats, and was considered as a new resolution. **Mr. Shepard moved it. Mr. Engfer seconded it, and the resolution passed unanimously.** (Copy of Resolution Number 2004-74-05 attached to end of report.)

The Subcommittee adjourned at noon on Sunday, October 10, 2004.

## **Boats and Associated Equipment Subcommittee Report**

Ms. Wood, Subcommittee Vice Chair, reported for the Subcommittee Chair, Mr. Marlow, who was absent. The Subcommittee met at 1:30 p.m. on Sunday, October 10<sup>th</sup>. The Subcommittee discussed a possible amendment to a former resolution requesting that NASBLA create a model act to add a wear requirement for engine cutoff lanyards on boats so equipped. **The action item is that NASBLA will modify the model act to include not only manufacturer/dealer installed engine stops, but also aftermarket and owner installation and to clarify the language.**

AB2222, a California law that becomes effective next year, outlaws teak surfing, requires labeling of any boat sold in California to alert the buyer to the dangers of the propeller and carbon monoxide. The bill also calls on manufacturers to make cleaner engines. **The Subcommittee's action item is to ask that ABYC update progress on the warning labels at the next meeting.**

Under the agenda items, the U.S. Coast Guard was to provide a response to the request for statistics detailing personal watercraft and other vessel off throttle steering accidents as well as a good definition of "off throttle steering." Dick Blackman said that he conducted a detailed review of records contained within the Boating Accident Report Database (BARD), particularly where off-throttle steering was reported as a contributing factor. From his review, he concluded that available data are insufficient to determine whether an off-throttle device for maneuvering the boat would have prevented the accident. He suggested focusing on education and awareness until there is conclusive data. **The action item is to have Dick Blackman take all the comments and discussion under advisement and that he will report at the next meeting on new developments of off throttle steering on all vessels.**

The update of the brochure on identification and prevention of CO-related drownings in recreational boating is not as far along as he would like, but some progress has been made. It should be ready by next month's IBEX show. Laura Radd has completed a large review of accident statistics dealing with CO reporting.

Mr. Saeed presented on risk-based decision-making regarding Propeller Strike Avoidance Strategies. The objective of the report was to derive a map to reduce propeller-related accidents by eliminating bias. Three in ten propeller strike incidents involve stern drive powerboats, though only one in ten boats are stern drive. The risk-based model provides a cost threshold for specific activity or population. **The action item is for the Coast Guard to study accident reports by length of boat and provide an analysis in order to better facilitate effective recommendations for high-risk propeller strike boat lengths. The analysis should be available 30 days before the spring meeting so the Council has sufficient time for review.**

Mr. Bruce Schmidt is working with the NMMA to determine the safety profile between NMMA-certified versus non-certified boats. He has not been able to get reliable or valid data through the BARD in which to make this determination primarily because one cannot presume human factors did not contribute in some way to the accident. He recommended using data collected through factory inspection programs that focus exclusively on vessel product assurance.

The **action item** is for the NMMA and the Coast Guard to develop an evaluation method using data captured by the Coast Guard factory inspection program involving certified and non-certified vessels. The Coast Guard would provide pertinent factory inspection data to the NMMA and a report would be delivered at the next meeting.

Fred Messmann reported that NASBLA's Boating Accident Investigation Reporting and Analysis Committee (BAIRAC) did work on the standardized injury report last year with the new Boating Accident Report (BAR) form. All the categories captured in BAR form through the States have been standardized, so there is no action item.

The workgroup on the 17-character hull identification number (HIN) has made great progress over the past six months, working with NASBLA, the American Boat and Yacht Council (ABYC), and the industry in moving toward the adoption of the 17-character HIN. The new numbering scheme is for new boats. Old boats are exempt. The Subcommittee approved **Resolution Number 2004-74-03**, 17-Character Hull Identification Number Implementation, and **Mr. Carter moved it before the full Council. Mr. Messmann seconded the motion.** In discussion, Mr. Garcia commented that the HIN could not be called universal, since it is a national, not worldwide, standard. Mr. Adey, from ABYC, commented that it is a universal standard because it does not conflict with any existing standard. So, it will be universally acceptable. **The motion passed unanimously.** (Copy of Resolution Number 2004-74-03 attached to end of report.)

The Subcommittee discussed plastic fuel tank pressurization test requirements. Mr. Adey reported that the fuel system must be pressurized to 3 PSI during testing, and that plastic tanks can deform at that pressure and develop pin hole leaks or explode. These failures may not be detected during testing and result in boats being delivered with leaking tanks. He asked about changing the standard from 3 PSI to 1.5 PSI for plastic tanks. **The action item was that ABYC was asked to work with industry and the Coast Guard to find additional studies to support the decision and safety of the requested reduction in pressurization by next meeting.**

There had been concerns about the use of cruise control in boats, but Mr. John Adey stated that subsequent studies of cruise control boats had negated possible concerns raised in an earlier investigation. So, no action is required on this issue.

There was no presenter for the scheduled discussion on navigation lights, so the item was tabled until the next meeting.

Mr. Hoedt heard discussions on developing RBS goals and instructed the group to continue thinking about the parameters of this process. **The action item is for the Coast Guard to develop a more detailed and complete document on their goal-setting plan for Council consideration.** The meeting adjourned at 4:43 p.m.

**Mr. Woolley moved all of the action items from the report. Mr. Carter seconded, and the motion passed unanimously.**

### **Aftermarket Marine Equipment Subcommittee Report**

Mr. Shepard, Chair of the Subcommittee, reported that the Aftermarket Marine Equipment Subcommittee met Monday, October 11th at 8:30 a.m. No significant action has occurred regarding the National Park Service Rulemaking, so the Subcommittee asked that Mr. Hoedt stay in touch with the Park Service and invite Ms. Hall to the next meeting if significant action develops.

Mr. Adey discussed the flare disposal grant project that ABYC conducted. Due to transportation issues arising from DOT classification of flares as hazardous products, there is no

easy way to dispose of flares. **Mr. Shepard moved an action item** that the Coast Guard initiate a discussion with the Department of Transportation to declassify the flares. **Mr. Carter seconded the motion and it passed unanimously.**

The Subcommittee also discussed modifying the carriage requirement for flares. There are alternative technologies emerging in the market, and there will be more discussion in the upcoming meeting.

A new contract has been issued and extended for the successful factory visit program.

The United States Marine Safety Association has taken the initiative suggested by the Council and is working on standards for recreational life raft repacking.

Mr. Adey reported on ABYC canoe and kayak standards. The old H29 Standards were created in the early '70s, and a special committee is developing new standards. Ms. Moon, concerned about several items in the new draft standard, is working with ABYC.

Mr. Phil Cappel, speaking of boat capacity and horsepower weight ratings, reported the S-30 ABYC weight table is being incorporated into the CFR. That work is in progress, and there was some discussion of it having to be incorporated each time it changes. They are also looking at that particular issue. Mr. Randy Edwards reported that NASBLA had passed a model act regarding capacity labels. The Federal regulations require them, and the States enforce them, but there has been no model act until this time.

The Subcommittee discussed the McMurdo follow-up and correction of the EPIRB issue.

Mr. Paul Steward of SEIMAC is Chair of the Special Committee for Raytheon Technical Services Company (RTSC), the organization that approves EPIRBs. It is developing standards for testing EPIRBs for U.S. approval and hopes to present the standard at the May meeting of RTSC. If it is approved, they intend to present it at the Search and Rescue Satellite Aided Tracking (SARSAT) meeting in London in June.

Mr. Jackson spoke on various technologies regarding propeller injury prevention: propeller guards, several other switch type devices, and a new wireless lanyard that his company is working on. The lanyard is a small key fob-like device that shuts the boat down if the wearer falls overboard. This type of technology will go a long way to preventing propeller injuries, and the Subcommittee welcomes all new technology in the area of boating safety.

Ms. Phyllis Kopytko of Stop Propeller Injuries Now (SPIN) presented on SPIN's involvement in new technology. They do not approve or recommend the new technologies that come onto the market. Instead, they act as a sounding board for these devices and refer them to the Coast Guard. Phil Cappel noted that grant solicitations have been issued for a study of all prop guard technologies and other technologies to prevent propeller injury accidents. That grant proposal should be coming in fairly soon.

When Mr. George Bellwoar of Perko had presented LED running lights to the Council some meetings ago, he asked a question about the possibility of single elements of the LED arrays burning out and what the effect on the light would be. Underwriters Laboratories has been contracted to test these lights and determine what necessity of change that is and what the issues are with single elements of an array burning out. That report will be presented when it is completed.

All three subcommittees were charged with developing a process for developing the RBS goals. An outline of this process was distributed to the full Council and presented as an **action item**. Chairman Muldoon offered a friendly amendment to replace "Sailing Group" with "U.S. Sailing," which was accepted. **Mr. Manues made the motion, which Mr. Engfer seconded. The motion passed unanimously.** (Copy attached to end of report.)

**Mr. Engfer moved the resolution** that Ms. Cathy S. Hammond of TSAC be commended for her leadership in bringing the commercial and recreational boating communities together to address mutual safety concerns. He made one amendment to his motion to correct a typographical error, changing “respectively” to “respectfully.” **Mr. Swanby seconded the motion, and it passed unanimously.** (Copy of Resolution Number 2004-74-04 attached to end of report.)

Chairman Muldoon commended Mr. Engfer for his own work with the same committee and asked that he arrange a time for Ms. Hammond to be presented with her commendation.

The Subcommittee adjourned at 10:50 a.m.

## **Response to Member Items**

The answers were previously distributed in a hard copy format, so Captain Evans addressed the members’ further questions or concerns. He elaborated on Mr. David’s request about Loran-C to say he would send the members an official letter from the Coast Guard to the National Boating Federation addressing that issue.

Ms. Bondareff asked that he look at NHTSA goals as models for the RBS goals.

Mr. Woolley asked for a definition of “white water” with regard to PFDs. Mr. Adey responded that ABYC has not yet defined white water, among other things. It has caused problems in the industry as well as in enforcement. Mr. Shepard suggested that NASBLA and ABYC collaborate on that. Mr. Swanby added that the PFD Standards Technical Panel (STP) group has been working on the definition. Mr. Wehr of the Coast Guard reported that a definition is being worked on but is not yet complete.

Captain Evans thanked the members for their work, guidance, and recommendations.

## **Chairman’s Session**

The Chairman thanked the Subcommittee Chairs for their leadership and thoroughness. Mr. Hoedt addressed some housekeeping matters regarding checkout. Mr. Sukys addressed travel forms. Mr. Hoedt said he would email the Chairman for approval of all the Council’s resolutions. Once authorized, he will email them out to the members.

Chairman Muldoon thanked the members, staff, and Captain Evans. He expressed appreciation for NASBLA’s and the speakers’ participation.

Mr. Shepard alerted the members to the fact that the November NAVSAC meeting has again been cancelled due to lack of appointments and funds. Mr. Hoedt pointed out that NAVSAC is responsible for “M” (commercial shipping) issues, including accidents on navigable waterways. NAVSAC’s not meeting slows the process. Chairman Muldoon suggested addressing the issue as a resolution in the next meeting.

## **Adjournment**

Mr. Tsuneyoshi and the other members applauded the Chairman’s leadership and efforts.

The meeting agenda completed, Chairman Muldoon entertained Mr. Woolley’s motion to adjourn. The motion was seconded by Mr. Tsuneyoshi and passed unanimously. The meeting concluded at 10:06 a.m.

*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  
October 9-12, 2004 Meeting  
Arlington, Virginia**

**RESOLUTION NUMBER 2004-74-01**

**PFD GRANT PROJECT CRITERIA**

**WHEREAS**, an estimated 85% of all boating-related drowning fatalities could have been prevented if the victim had been wearing a personal flotation device (PFD), and

**WHEREAS**, the U.S. Coast Guard has provided grant funding to publish and distribute boating safety literature, including pamphlets describing life-saving benefits for persons wearing PFDs while on board vessels, and

**WHEREAS**, boating safety outreach campaigns need to be focused to obtain maximum dissemination to the boating public and to help reduce the boating accident rate,

**NOW, THEREFORE, BE IT RESOLVED**, that the National Boating Safety Advisory Council, meeting at Arlington, Virginia on this 12<sup>th</sup> day of October 2004, recommends that the U.S. Coast Guard should require grant applicants that desire to publish and distribute boating safety pamphlets devoted to PFDs provide in their applications specific strategies, goals, objectives, and performance factors.

**National Boating Safety Advisory Council  
October 9-12, 2004 Meeting  
Arlington, Virginia**

**RESOLUTION NUMBER 2004-74-02**

**MINIMUM AGE/SIZE REQUIREMENTS FOR SAFE PWC RIDING**

**WHEREAS**, the National Boating Safety Advisory Council is sensitive to the safety and well being of small children who ride on personal watercraft (PWC), and

**WHEREAS**, there is a lack of minimum standards for physical attributes such as age and size for a child to be reasonably secure while riding a PWC,

**NOW, THEREFORE, BE IT RESOLVED**, that the National Boating Safety Advisory Council, meeting at Arlington, Virginia on this 12<sup>th</sup> day of October 2004, requests that the U.S. Coast Guard work with the National Association of State Boating Law Administrators, the American Academy of Pediatrics, the Personal Watercraft Industry Association, and the Association for PWC Safety to investigate the available data to determine minimum age/size requirements for safe PWC riding, and

**BE IT FURTHER RESOLVED**, that the results of the study be incorporated in a brochure, as well as multi-media releases, to include non-boating family and home venues.

**National Boating Safety Advisory Council  
October 9-12, 2004 Meeting  
Arlington, Virginia**

**RESOLUTION NUMBER 2004-74-03**

**17-CHARACTER HULL IDENTIFICATION NUMBER IMPLEMENTATION**

**WHEREAS**, the National Boating Safety Advisory Council has passed numerous prior resolutions in support of the implementation of a universally-acceptable 17-character hull identification number, and

**WHEREAS**, the National Boating Safety Advisory Council recognizes the significant progress made recently with the National Association of State Boating Law Administrators, the International Association of Marine Investigators, the National Marine Manufacturers Association and the American Boat and Yacht Council in concurring on an acceptable 17-character hull identification number format,

**NOW, THEREFORE, BE IT RESOLVED**, that the National Boating Safety Advisory Council, meeting at Arlington, Virginia on this 12<sup>th</sup> day of October 2004, requests that the U.S. Coast Guard proceed with the regulatory process to implement the 17-character hull identification number based on the recommendations of the panel appointed by the National Boating Safety Advisory Council and led by Mr. John Adey in the most expeditious manner.

**National Boating Safety Advisory Council  
October 9-12, 2004 Meeting  
Arlington, Virginia**

**RESOLUTION NUMBER 2004-74-04**

**CATHY S. HAMMOND, TOWING SAFETY ADVISORY COMMITTEE  
(TSAC) LIAISON COMMENDED**

**WHEREAS**, the interface of commercial and recreational watercraft on our Nation's waterways poses significant safety concerns for both communities, and

**WHEREAS**, the National Boating Safety Advisory Council and the Towing Safety Advisory Committee (TSAC) are tasked respectfully with improving safety regarding these two boating communities, and

**WHEREAS**, the Commercial-Recreational Boating Interface Working Group was created to address current and future boating safety concerns, and

**WHEREAS**, Cathy S. Hammond is the Chairperson of the Commercial-Recreational Boating Interface Working Group of TSAC, and

**WHEREAS**, through the enthusiastic and dedicated efforts of Cathy S. Hammond, the commercial and recreational communities have come together to mutually work on safety concerns,

**NOW, THEREFORE, BE IT RESOLVED**, that the National Boating Safety Advisory Council, meeting at Arlington, Virginia on this 12<sup>th</sup> day of October 2004, commends Cathy S. Hammond for her leadership of the Commercial-Recreational Boating Interface Working Group, and bringing the commercial and recreational boating communities together to address mutual safety concerns.

**National Boating Safety Advisory Council  
October 9-12, 2004 Meeting  
Arlington, Virginia**

**RESOLUTION NUMBER 2004-74-05**

**MODEL ACT FOR VHF RADIOS AND/OR EPIRBs ON CERTAIN BOATS**

**WHEREAS**, recreational boats in coastal waters, as well as very large inland bodies of water such as the Great Lakes, often venture beyond sight of land, and

**WHEREAS**, in emergency situations it is critical that effective communication links be made available to the boater that have the capability for location determination, such as VHF radios or EPIRBs, and

**WHEREAS**, the U.S. Coast Guard or State enforcement agencies must be able to respond as quickly as possible, making the ability to determine the boat's location a key factor in search and rescue (SAR), and

**WHEREAS**, the State of Hawaii recently passed a law mandating that any recreational vessel that ventures more than one mile offshore be equipped with a VHF radio,

**NOW, THEREFORE, BE IT RESOLVED**, that the National Boating Safety Advisory Council, meeting at Arlington, Virginia on this 12<sup>th</sup> day of October 2004, requests the Boats and Associated Equipment Committee of the National Association of State Boating Law Administrators create a model act regarding the presence of VHF radios and/or EPIRBs on boats operating more than one mile offshore in coastal and Great Lakes areas.

## USCG Boating Safety Performance Goals

### Blue Ribbon Panel reporting to NBSAC

- I. Funding: Panel Operations to be funded through Partnership Grant.
- II. First meeting to be professionally facilitated
- III. Objectives
  - A. Definitions
    1. Define issues preventing timely reporting of data.
    2. Define targets for Goal setting
    3. Determine initiative types, including regulation, that are measurable
    4. Develop a Goal Model that may be applied in an ongoing manner
    5. Determine success measurement tools and thresholds.
  - B. Define five year goal set.
- IV. Panel Configuration
  - NBSAC (chair of panel)
  - Office of Boating Safety USCG
  - NMMA
  - MRAA
  - National Boating Federation
  - BoatU.S. Foundation
  - Paddle sports group
  - Sailing group (U.S. Sailing)
  - NASBLA
  - National Safe Boating Council
  - USCG Auxiliary
  - US Power Squadrons
  - PFDMA
- V. Process Reporting
  - A. Email reporting to NBSAC ongoing
  - B. Final Report to NBSAC at April 2005 meeting
    1. Report to be emailed to board for comment during March 2005
    2. Resolution to be emailed to the council for consideration prior to discussion at meeting.
  - C. NBSAC resolution to USCG at April 2005 meeting