

***75th Meeting
of the
National Boating Safety Advisory Council***

**Summit Hill Radisson Hotel
Knoxville, Tennessee**

April 8-11, 2005

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>

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Council Members and Related USCG Staff Present:

James P. Muldoon	Chair
Robert P. David	Member
Pamela Dillon	Member
Randy R. Edwards	Member
William G. Engfer	Member
Monita Fontaine	Member
Lucia Roberts Francis	Member
Fernando J. Garcia	Member
Larry R. Innis	Member
Jim L. Manues	Member
David C. Marlow	Member
Fred F. Messmann	Member
Richard Moore	Member
Bruce L. Rowe	Member
Barbara E. Sands	Member
Frederick J. Shepard	Member
Scott P. Swanby	Member
N. Ruth Wood	Member
Edwin R. (Ted) Woolley, Jr.	Member

**Captain Scott H. Evans
Jeffrey N. Hoedt
Philip Cappel
Carlton Perry
Jeffrey Glossop**

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

Council Members Absent

**J. Edward Carter
Raynor Tsuneyoshi**

**Member
Member**

Saturday, April 9, 2005

Call to order and Chairman's Remarks

Chairman Muldoon called the Council to order on April 9, 2005 at 1:00 p.m., asked the Council members and audience to introduce themselves, and welcomed everyone to the meeting. He reminded the Council that the reason they were in Knoxville was at the invitation of their friend, David Marlow, who has been a valuable contributor as a member of the Council.

Welcome to Knoxville

Betsy Woods from the Tennessee Wildlife Resources Agency welcomed the Council to Knoxville. She noted that the Tennessee River is over 650 miles long, drains 41,000 square miles, falls 2,000 feet, and generates billions of dollars worth of commerce each year. She hoped that the Council would enjoy their time in Knoxville, and wished them a productive meeting. Chairman Muldoon thanked her for her welcome.

Captain's Remarks

Chairman Muldoon introduced Captain Evans. The Captain noted that many things had changed since the last NBSAC meeting in Washington, D.C. Shortly after the meeting, he had been reassigned from Chief of the Office of Boating Safety to a new position as the Deputy Director of Operations Policy. The position of Chief of the Office of Boating Safety was to be converted to a civilian position, which Jeff Hoedt was filling on a temporary basis. Admiral Underwood's official retirement date was April 22, 2005, and upon his retirement, the Captain would fleet up as Acting Director of Operations Policy. He would retain that position until he was relieved by Captain Jim Hass in June, just prior to his own retirement on July 1, 2005. Plans were currently underway to reorganize the Coast Guard and one of the preliminary plans would involve merging some of the Marine Safety and Environmental Protection Directorate with some of the Operations Directorate.

When he initially reported into the position as Chief of the Office of Boating Safety, he was ready to resolve such issues as Wallop-Breaux (the the Aquatic Resources Trust Fund), the Vessel Identification System (VIS), and the 17-digit Hull Identification Number (HIN), issues

that he was still working on four years later. Regarding Wallop-Breaux, he urged members to get behind their organizations and encourage them to support the Coast Guard as it moves toward ensuring the trust fund is reauthorized. VIS has changed from a safety to security initiative. It is alive and well, and there should be a final report on it in the coming months. The 17-digit HIN is still in progress, and there would be discussions of this during the meeting. A panel of boating safety stakeholders was established to meet to discuss and set goals for the Recreational Boating Safety (RBS) Program, which Fred Messmann would give a report on later in the meeting. He said he was going to savor every minute of the meeting and discussions with the people attending, because most likely it would be his last with NBSAC.

Swearing in of New Members

Pam Dillon, Richard Moore, and Bruce Rowe were all sworn in by Captain Evans as new members of NBSAC. Jim Muldoon, Bob David, Dave Marlow, and Ted Woolley were sworn in as reappointees. Bill Engfer, Fernando Garcia, Larry Innis, Jim Manues, and Scott Swanby each were presented a pin recognizing their service to the Council upon the expiration of their terms.

RBS Program Report.

Jeff Hoedt welcomed the Council to Knoxville. He noted that Captain Evans was currently in charge of many important Offices at headquarters, including Law Enforcement, Defense, Homeland Security, Aids to Navigation, Search and Rescue, Boating Safety, and Bridges, as well as others. Phil Cappel was back-filling the position of Executive Director of NBSAC and Rick Gipe was serving as Chief of the Product Assurance Division. Captain Jim Hass will be replacing Captain Evans in late June; Captain Hass was the Chief of Staff in the 11th District. The Coast Guard is developing plans to move Headquarters from Buzzard Point across the Anacostia River to St. Elizabeth's. This will be a more secure site and will be large enough to house Coast Guard units that are currently spread across the DC region. The potential move would take place in 2011.

Regarding Wallop-Breaux, for the past six years \$64 million has been made available from the fund for boating safety, but the authorization expired at the end of FY03. Since then, there have been temporary extensions until a reauthorization bill is passed. The program is currently funded on an extension that runs through May 31, 2005, providing 2/3 of the total funding for FY05. This funding level provided \$36.5 million for State grants, \$2 million for non-profit grants, \$.79 million for grant administration, \$2 million for operational programs within the Office, and \$1.3 million for the manufacturer compliance program. The problem with the reauthorization is that the trust fund is tied up in the highway bill and is what some people describe as "decimal dust" when compared to the size of the highway bill. Congress was currently trying to iron out differences between the House of Representatives, Senate, and White House. The House bill, H.R. 3, would put 4.8 cents per gallon of motor boat fuel taxes back into the trust fund, leading to an additional \$100-\$110 million additional dollars every year back to Wallop-Breaux. However, there were a lot of gaps in the House bill regarding boating programs. Senate bill 421 meets most of the requirements desired by ALAB and the Coast Guard. Hopefully, a Senate highway bill will be passed by the end of the month. The President, though, has been firm about the dollar amount he would support, and there was a feeling that the Senate would push for a larger dollar amount than the President was willing to accept.

On the issue of statistics, there has been a slight decrease in registered boats for the last two years. There have also been decreases in the number of fishing licenses issued in the past few years. Fatalities also decreased to 703 in 2003. Efforts are being made to work with the National Association of State Boating Law Administrators (NASBLA) to speed up the process of delivering accident statistics so they would be able to be used in the Coast Guard's annual performance report that is submitted with the budget request. NASBLA has been receptive to the efforts to speed up the process. The goal is to attempt to have the final 2004 numbers by April or May of this year. Initial indications are that there might be another reduction in fatalities in 2004. JSI had completed the 2004 personal flotation device (PFD) wear rate study and found that the PFD wear rate has changed little in the past year. The PFD wear rate goals set forward by NBSAC in the previous meeting were very aggressive because the current 22% wear rate includes PWCs, which usually have a wear rate over 95%, and it also includes the high wear rates of children. The largest user group (boats under 21' in length) had an adult wear rate of under 10%. In hopes of improving PFD wear rates, BoatU.S. Foundation has a competition for improving PFD design with a first prize of \$5,000. Other approaches were also under review to make PFDs part of the boating lifestyle.

In other actions, the Office had promulgated a final rule on March 18th that allows States to have requirements such as proof of liability insurance before they issue a certificate of number. The non-profit entity of the National Association of Marine Manufacturers (NMMA), the Foundation for Recreational Boating Safety and Environmental Awareness (FRBSEA), completed a grant to catalogue available boating research studies, which is available online at no cost. The catalogue contains over 1,200 boating research projects that were completed by various entities across the country, and can be searched according to a number of different topics. FRBSEA also completed phase two of the grant calling for a meeting of stakeholders that took place last November to discuss where boating research should go from here. The meeting participants worked to determine where there was overlap in information, and where there were gaps that needed to be filled in through further research projects. The group ended up proposing that there should be one national survey, with the Coast Guard taking the lead role in compiling the information and questions.

Captain Evans had mentioned in his remarks that the Vessel Identification System (VIS) is alive and well. This is because it has been included in the Maritime Domain Awareness (MDA) portion of Homeland Security. The system could not only help with boating safety issues, but also with law enforcement as well as security issues. The Coast Guard has been trying to create such a system for 16 years. Attempts to create a perfect system have continually met with failure. A short-term fix, while maybe not perfect, would go a long way to putting a system in place. There are companies that collect automobile information and allow the government or other entities to buy that information. The possibility of contracting with one of these companies to do the same with boats is being explored. Sample databases are being tested now and, if proven successful, could lead to having a system up and running in less than six months from the award of a contract. Regarding the 17-character HIN, a unified format had been coordinated through the efforts of the American Boat & Yacht Council (ABYC), and a work plan was being developed that will lead toward a regulatory project. It could be a boating safety project, a VIS project, or a Homeland Security project, depending under which statute the regulatory project is pursued.

Subcommittee discussions will provide a lot more information about carbon monoxide (CO) reduction efforts, but a major highlight is that a generator has been produced that has very

low emissions when it comes to CO. The generator was recently tested by the National Institute for Occupational Safety and Health (NIOSH) and had very positive results. Additionally, NMMA's Boating Industry Risk Management Council was working to create labels for CO warnings and determining where best to place them on the vessel.

Cathy Hammond's attendance at the meeting was recognized. She is a member of the Towing Safety Advisory Committee (TSAC) and the TSAC representative to NBSAC. The two councils have been working hand in hand to help each other on the issue of barge lighting and boater education. The Coast Guard is looking for either lighting or luminescent material that could be utilized to help with visibility. A grant proposal was solicited to look into different methods to solve this issue, but no proposals were submitted. The grant was re-solicited and two proposals were received that, hopefully, will lead to a successful grant award by the end of May. Education standards to help out the towing industry were being explored as well. Towing operators want recreational boaters to be educated about the issue of commercial vessels, particularly regarding towing vessels. NASBLA is looking at standards or guidelines that could be used by States where there is conflict between recreational and towing vessels.

An update on the resolutions passed at the previous meeting was then presented. The first resolution proposed awarding higher scores to grant proposals designed to improve PFD wear that also provided means to measure the effectiveness of what the grantee was proposing. This resolution was implemented and such grant proposals will get additional points giving them a higher likelihood that they will receive grant funds.

The second resolution concerned establishing minimum age/size requirements for PWC riding. This issue is currently being researched. The age of accident victims is provided in BARD (the Boating Accident Report Database) but there is great difficulty determining the size of the victims. The research uncovered the need to improve the data collection regarding these types of accidents. There is concern for youth or smaller individuals being on personal watercraft (PWCs) and so the research will continue. In the meantime, a draft brochure regarding this issue has been developed and will be discussed in subcommittee.

Another resolution dealt with the 17-character HIN, which has already been covered.

The next resolution was a commendation to Cathy Hammond, which would be discussed later.

The resolution regarding a model act for VHF radios and/or EPIRBs on certain boats was an action item for NASBLA and Randy Edwards would report on that later in the meeting.

The last resolution was an action item to have a set-up to establish new performance goals for the Recreational Boating Safety Program. The Council would hear a lot about this topic during the meeting because it would be a major challenge for NBSAC to review and, hopefully, approve the new performance goals that were drafted by the Goal Setting Panel. The RBS Program is looking to create a formalized strategic plan that includes performance goals and objectives and measurement of the effectiveness of the strategies that are implemented. Planning is underway to, within a year, have the goals, objectives, and strategies laid out and begin the measurement process.

The Council will need to really focus on the proposed new performance goals. The Office of Management and Budget (OMB) wants programs to have strategic plans, goals and objectives, strategies, and measures of effectiveness. OMB is currently assessing the Coast Guard's Marine Safety Mission, which combines the Commercial Vessel Safety Program with the Recreational Boating Safety Program. The Programs have a joint goal and the OMB Program Assessment Review Tool (PART) will measure both Programs by this single joint goal.

The initial 30-question PART report was just submitted. OMB will do an initial evaluation of the responses submitted, conduct Program interviews, and then assign a final score. This is a resource allocation tool to determine if programs are effective and should continue to receive funding. OMB is assessing the State and non-profit grant programs, the \$5 million for new initiatives, and the annual operating funds of \$1.16 million. Although this process is stressful, it is hoped that some productive feedback from OMB will result.

Finally, an update on the Saint Elizabeth's site that Headquarters was potentially moving to was presented. The Coast Guard and Department of Homeland Security (DHS) are looking to move to the site across the Anacostia River. The campus is a few hundred acres, half of which is being used as a mental institution, the other half is old dilapidated buildings. The planned move would take place in fiscal years 2010 and 2011. Homeland Security would have one main structure of four finger buildings, in which the Coast Guard would occupy one. The idea is to consolidate all five D.C. area Coast Guard locations into one centralized building.

Chairman Muldoon asked what was going on with the National Transportation Safety Board's initiative on PFD wear. Mr. Hoedt replied that nothing had been forthcoming from them yet. Hopefully, a status on their recommendation on PFD wear will be developed next month.

Chairman Muldoon then asked those in the audience who hadn't been identified to introduce themselves.

Executive Director's Report

Mr. Cappel welcomed the Council to Knoxville and went on to explain the contents of their folders, including agendas for the main meeting and subcommittee meetings. He noted that all of the items in the folders were available to members of the audience on the back table. Included in the folder was a copy of the Charter for the Council, which had been renewed for another two years; a detailed description of the Office's spending of the \$5 million for new initiatives; a copy of the Goal Setting Panel meeting minutes; and a status report update on current projects, including a description of actions taken on NBSAC resolutions. He announced that there was a reception, hosted by Brunswick, for everyone in attendance from 6:30-8:00 p.m. that evening at the Club LeConte. There was also going to be a cruise, hosted by Brunswick, for NBSAC members and their spouses. He thanked Beth Begley of Brunswick for her exhaustive work in getting the meeting organized and put together. He concluded his report by introducing Caroline McNeary as the Office's new financial assistant, who would be helping the members with their travel claims.

TSAC Liaison Report

Mr. Engfer, the NBSAC liaison to TSAC, stated that the Towing Safety Advisory Committee met on March 15, 2005 at Coast Guard Headquarters. So her efforts would be recognized appropriately by her peers, during that meeting he presented Ms. Cathy Hammond with a framed copy of the NBSAC resolution commending her for her efforts in bringing the two groups together (Chairman Muldoon recognized Ms. Hammond so the Council could also thank her). The status of the barge lighting grant project had already been covered. TSAC was thankful to the Coast Guard and NBSAC for pushing this issue forward. On the education side, NASBLA has created the Safe Operation Around Commercial Vessels Committee whose task it is to develop a standardized set of education materials that can be used by the States. The

committee had already met and had a lot of off-line interaction. They will continue to pursue change over the coming year. Randy Edwards was recognized for his support in pushing the committee to continue with its efforts.

It was surprising to find that TSAC is dealing with the same issues that face the recreational community. TSAC is concerned with education for operators, turnover of the work force, and horsepower for vessels. There is no need to stop the cooperative effort between the two councils with barge lighting because there are a lot of other issues that need attention.

Chairman Muldoon added that NBSAC should be proud of the progress that has been made between the two councils. He also took the time to thank his assistant, Joanne Dorval, for her work in helping him and the Council to run smoothly. He then asked if anyone had any questions.

From the audience, Marion DeCruz asked what the dollar amount was for the new building at St. Elizabeth's. Captain Evans stated the General Services Administration (GSA) is running the project and decided that the Coast Guard and DHS should be moved there because of its secure location. Mr. Hoedt added that \$25 million was appropriated for the planning and design work to be done for the site. Also, many sites the government currently uses are rented, and it would be cheaper to move to property owned by the government.

Mr. Shepard noted that there was a new Executive Director for the Navigation Safety Advisory Council (NAVSAC), and a meeting has been posted for mid-June. The question of funding for the liaisons from the various councils to attend each others' meetings arose, to which Mr. Hoedt stated that all liaisons to and from NBSAC will be funded. He added that it was not a problem with NAVSAC since Mr. Shepard is actually a member of NAVSAC, not just a liaison.

Chairman Muldoon called for a 20-minute break. After the break, Chairman Muldoon asked Mr. Engfer to continue his discussion regarding TSAC. Mr. Engfer stated that Wisconsin was pushing mandatory education for recreational boaters, and had lobbying support from the American Waterways Operators (AWO) and Ms. Hammond from the commercial side, which is the first time that has ever happened. He then asked if Ms. Hammond would make some comments regarding TSAC. She said that the issue of cooperation between tow boat operators and recreational boaters started because of a six-fatality accident on the Ohio River. There was a working group meeting with the recreational side that turned out to be one of the best things the tow boat operators have ever done. Her company, a small company that operates tow boats on the upper Mississippi River, is a member of AWO and she is currently a member of the AWO Executive Committee. She is excited about the barge lighting project and what might result from it. She has enjoyed the reception she has received from the recreational side.

RBS Goal Setting Panel Report

Chairman Muldoon then asked Mr. Messmann for his report on the RBS Goal Setting Project.

Mr. Messmann began by presenting Mr. Marlow with NASBLA's President's Award. Mr. Marlow was given the award for his exceptional efforts on the NBSAC 17-character HIN working group.

Mr. Messmann then thanked Chairman Muldoon for allowing him to Chair the Goal-Setting Panel. The panel selected was about as good as you could ask for, and they were able to leave the meeting in consensus. He was presenting his report on the first day of the NBSAC meeting so that they could discuss the resolution throughout the rest of the meeting. He would

go through the minutes from the meeting and point out significant issues. Admiral Underwood took time out of his schedule to come by and visit with them during the meeting, and they were appreciative of that.

The first day was spent primarily discussing the issues before they could go forward. Jeff Hoedt did a fantastic job of laying the foundation by explaining the National Highway Traffic Safety Administration (NHTSA) report to the Panel. On the second day they were able to proceed through the issues at a fast pace because of the foundation that had been laid on the first day. Some of the highlights were that in 1969 there were 4.9 million State-registered boats and 4,000 accidents resulting in 1,350 fatalities and 1,000 injuries, leading to the Federal Boat Safety Act in 1971. By 2003, there were 12.8 million boats and 77 million adult boaters accounting for 1.3 billion participation days. A participation day is where an individual participates in a boating activity; it could be one hour or 23 hours. That same year there were 5,400 accidents resulting in 703 fatalities and 3,888 injuries. Using this data you can estimate that actions taken under the Federal Boat Safety Act have saved over 32,000 lives since 1971.

Program goals can be broken down to objectives and then strategies. Objectives are interim goals, such as increased PFD wear, used to accomplish the performance goals. Strategies and/or programs are implemented to achieve the objectives and eventually the program goals. Twenty years ago the Coast Guard goal was six fatalities per 100,000 estimated boats, which they reached in 1987. The goal was then revised to four fatalities per 100,000 estimated boats. In 1992 the denominator was changed from estimated boats to registered boats, and then was completely eliminated as not being a valid denominator. The current goal is 742 fatalities in 2004, and decreasing annually to be down to 654 by 2010. As part of its performance report, the Coast Guard combines commercial shipping fatalities and injuries with recreational boating fatalities to determine a single Marine Safety goal, which does not include recreational injuries. Members of the Panel expressed concern with this, but had no immediate solution. They discussed whether or not to add a denominator to the boating safety goals. They also determined that they would develop objectives and strategies once they established goals.

There was also concern on the Panel with the lack of accuracy in injury reporting. While there is a high degree of reliability in the fatality data, they were unsure about injury and accident reporting. They discussed different denominator possibilities, such as exposure hours. There was some confidence expressed in the participation day data from the National Survey on Recreation and the Environment (NSRE) report. Mr. Messmann stressed the need for better reporting and statistics to base their judgments on, especially in regards to injuries. Bruce Schmidt from the Office of Boating Safety gave a presentation showing that 75% of boating accidents were a result of operator-controllable factors. Mr. Hoedt told the Panel that NHTSA uses a denominator of 100 million miles traveled. The Coast Guard could use casualties per 10 million participation days for adults 16 and over. Using this methodology, the NSRE report showed average fatalities were 6.42 per 10 million participant days. It was noted that Alaska has injury prevention classes and that the injury prevention model from this venue could be incorporated into boating safety. It was suggested that some members of the Panel should attend these classes.

Since the commercial safety side includes injuries as well as fatalities, while the recreational side only counts fatalities, the Panel recommended that the Coast Guard include injuries and fatalities on the recreational side, also. It was suggested that the data from the NSRE report, although not without problems, was what needed to be used at that point, and that five-year averages of the data should be used with the denominator instead of single-year data. At the end of the first day they had set five preliminary goals: include a denominator with fatalities;

improve data collection for injuries and accidents; include injuries and accidents as performance goals; separate commercial data from recreational data; find out why the numbers have declined and focus on the methods that created the decline; and finally, broaden the definition of boating fatalities to include all recreational accidents.

The next day the Panel developed recommendations to be brought forward to NBSAC. The first was to determine a denominator to be used for accidents, fatalities, injuries, and property damage, and secondly, to improve accident reporting for these types of accidents. Additionally, the Panel recommended that the Office of Boating Safety increase and improve data collection of fatalities, injuries, and accidents, with a preamble from the Panel emphasizing their confidence in the fatality data. The Panel further recommended separating data into four categories: commercial fatalities, commercial injuries, recreational fatalities, and recreational injuries. It was also suggested that recreational data move to a fiscal year basis like commercial data, instead of a calendar year basis. These were the Panel's recommendations. The Coast Guard could choose to follow their advice or not. The Panel also created a motion to study what strategies were effective in reducing the fatality rate in the last few years. The next topic was to fill gaps between commercial and recreational fatalities. There had been problems with commercial whitewater accidents not being captured by either the recreational or commercial side. They asked the Coast Guard to study this and get back to them in the future.

As to actual numbers to be used in setting goals, the Panel determined that they wanted to see a gradual lowering trend line. They established a goal of 625 fatalities by 2008. They were more concerned with setting aggressive rather than attainable goals. They also created a goal of 655 fatalities using a five-year average by 2008. They picked two numbers so they could compare to the commercial side, and also compare to the previous numbers that have been used since 1971. They established an injury total of 3,150 by 2008. However, there was a study showing that the data may be missing as many as 20,000 injuries, so that goal may need to be revisited. The Panel was uncomfortable determining a goal for accidents as the data was not accurate. The Panel also asked the Coast Guard to present them with a variety of denominator data to give to NBSAC before making a recommendation, which will be given in the Prevention through People Subcommittee. Mr. Messmann said that was the end of his presentation, but asked the members of the Council to keep the minutes and Mr. Hoedt's report with them to review over the next three days.

Mr. Woolley asked why they were just now aligning boating accident data with commercial accident data. Mr. Messmann said that the Panel concentrated on the recreational side, but that both recreational and commercial data were joined in the Coast Guard performance report. Mr. Hoedt added that the Coast Guard had recently moved toward focusing on its eleven missions and five goals. One of the missions is Marine Safety, which combines commercial vessel safety and recreational boating safety. The Coast Guard annual performance report is constructed by mission area and accompanies the budget request to Congress. He noted that the recreational boating safety statistics were not included in the Marine Safety mission area of the latest performance report because they were not available in time, and also because they are reported on a calendar year basis vice fiscal year basis, both of which were going to be resolved in the future. The Boating Safety Program sets the annual goals several years in advance and was currently in the process of setting the goals for 2011. Once set, the goals did not generally change but there was an opportunity to do so if recommended by NBSAC.

An audience member commented that there needs to be a clear differentiation between injuries and fatal injuries because it's not always clear in the statistics if fatal injuries are or are not included in the injury statistics.

Chairman Muldoon told the Council that they need to take this report and put it into a format that is in harmony with the way NBSAC does business. He emphasized that it was important that the action recommended by NBSAC be worded carefully enough so that it could produce the kind of result desired from those in the chain who will be considering it. Mr. Messmann said that he would work with others who were at the Panel meeting to put it together. Chairman Muldoon said that the group should not be too large, but should include all Subcommittee Chairs as well. Mr. Shepard suggested that they add it to his Aftermarket Marine Equipment Subcommittee's agenda as he had the shortest agenda. Chairman Muldoon suggested that they have a short session today to figure out how they're going to present it to the Subcommittees. Mr. Shepard was concerned with the workload this may create for the Coast Guard, especially concerning the accident reporting. Chairman Muldoon said that they were asked by the Coast Guard to participate, and they shouldn't hold back on anything even if it creates an additional workload. Chairman Muldoon asked that Mr. Messmann convene the small group to come up with a plan. Mr. Messmann added that the Coast Guard's data accident analysis capability is insufficient and, perhaps through this issue, NBSAC could recommend that the Boating Safety Program get the proper staffing so they can support our information needs.

Old Business

Chairman Muldoon asked for Old Business. Hearing none, he moved to New Business.

New Business

Mr. Messmann said that he submitted his issues to the Boating Safety Office before the meeting.

Mr. Swanby said that he has seen a significant increase of people wearing life jackets in boating magazines. He even saw life jackets in the booths at IBEX (International Boatbuilding Exhibition). He would like to see something from Discover Boating at some point in the future. He also requested that NBSAC receive copies of the National Safe Boating Council media kit by the next meeting.

Ms. Wood said that there is a lot of excitement generated by the PFD competition, and asked the Council to get the word out.

Mr. Woolley was still looking for a definition of "whitewater" as written on the inflatable PFD. He also wanted to discuss the 65-mph "gentlemen's agreement" for PWCs.

Mr. David had submitted five items to the Boating Safety Office prior to the meeting.

Mr. Edwards said he applauded BoatU.S. for their initiative and suggested that high schools and science fairs be involved as well. Mr. Cappel added that the Office of Boating Safety gives out a boating safety award at the International Science and Engineering Fair for high school students with a \$5,000 first prize.

Mr. Engfer had submitted his items to the Boating Safety Office, all of which had been answered already.

Ms. Francis asked if there was communication between Marine Safety Detachments (MSDs) and the Office of Boating Safety. They had a problem recently where the local MSD was holding information that they had not shared with the Territory authorities.

Mr. Innis had one request for the Coast Guard: could they distribute electronically the results of the audience polling on boating safety issues that was done at the Water Safety Summit to the all the members of the Council?

Mr. Manues said his issues were already addressed, and he was happy to see more States outlawing teak surfing.

Ms. Dillon said she had one item for the future, to look into what causes capsizings or falls overboard. She would like a campaign or more education to address capsized prevention and falls overboard prevention.

Chairman Muldoon then asked if there were issues from the audience. Peter Chisholm said that he had contacted his local university regarding the PFD design contest; they have a program called functional clothing and are going to add the PFD contest as an assignment.

Chairman Muldoon commented that there should be an evaluative component in everything the Coast Guard does to prevent boating accidents, injuries, and fatalities. They should always measure the effectiveness of what they're doing. He recessed the meeting until the next morning.

Monday April 11, 2005

Wallop-Breaux Reauthorization Update

Chairman Muldoon called the Council to order. He noted that there was nothing new to report on Wallop-Breaux so they would skip that item on the agenda. He also said there was nothing more to discuss regarding VIS, so they would skip that as well. He asked Commodore Warren McAdams to present the Coast Guard Auxiliary report.

U.S. Coast Guard Auxiliary Report

Commodore McAdams thanked the Chairman and said that he had some good news and not so good news regarding the Auxiliary. He said that recently there had been discussion about how the RBS Program fits into Homeland Security. The Coast Guard's latest approach to maritime domain awareness, which is defined as the effective understanding of anything associated with the global maritime environment that could adversely impact the security, safety, economy, or environment of the United States, is that everything the Coast Guard does now fits under that definition. The two overriding missions of the Coast Guard are safety and security. There are also subcategories dealing with awareness, prevention, protection and response. While operating under a lower security risk, most efforts are shifted towards awareness and prevention. At higher risk levels, priority shifts toward protection and response. The Auxiliary contributes by awareness efforts and public education, Vessel Safety Checks, and America's Waterway Watch. They also contribute to prevention efforts through routine surface and air patrols. At elevated risk levels, they contribute to protection and response by back-filling positions in the active duty units to free up active duty and reserve personnel.

Unfortunately, in the past year they lost 8,000 members, a 20% turnover rate instead of the normal 7-8%. The reason for this is that, with the attention on homeland security, the Coast

Guard now requires security investigations for all members. Some members decided not to renew or to retire instead of going through these procedures. The visible impact is the loss of dues necessary to administer and manage the Auxiliary. In the short term, the Auxiliary would need to cut back on planning activities and travel until their membership grows again. The good news though, is that they have suffered only modest losses in critical skill areas. Other good news was that their performance levels in key program areas were up in 2004. Vessel exams increased 7% and boating education numbers were up. After RBS's numbers suffered a setback following 9/11, last year's results got them largely back on track. They needed to continue to promote more public education, more vessel exams and other things to cause them to interact with the public to make them aware of Homeland Security needs as well as boating safety. In closing, he remarked that the Auxiliary had lots to do but was going to get about doing it.

Mr. Hoedt asked about their current membership. Commodore McAdams answered that it was currently at 30,588, down from 38,000 following 9/11. Mr. Shepard asked if there were efforts to bring in younger members. Commodore McAdams answered that it is happening as a direct output from 9/11. Mr. Hoedt asked him what the Auxiliary budget was at Headquarters. Commodore McAdams said that he did not know offhand, but that the Office of Boating Safety provided roughly \$1.5 million for printed materials. The Coast Guard budget supports the Headquarters Office of the Chief Director, who administers the Auxiliary, and also supports the directors of the district and regional Auxiliary offices. The Coast Guard budget does not provide them with operating funds, which come from public education and member dues. Fuel expenses are covered in a separate budget handled differently in different Coast Guard districts. Commodore McAdams concluded his report.

NASBLA Report

Chairman Muldoon introduced Mr. Edwards, the President of NASBLA, to present his report. Mr. Edwards stated that NASBLA was going through a number of changes, some of which have been brought on by new requirements on non-profit corporations, and partially due to increasing turnover of Boating Law Administrators. NASBLA is considering establishing a number of Executive Board committees, for finance and audit, governance, and resource development. Much of this comes from the issues of the Sarbanes-Oxley Act. They are going to develop a comprehensive review and update of the constitution and bylaws. Upon George Stewart's retirement in May, they are going to give the title of Executive Director to John Johnson, the current CEO. They will eventually fill a government and legislative affairs position out of Washington, D.C. They are also going to conduct more member training.

NASBLA is in the process of developing a Center for Excellence in Boating Education, with Gail Kulp heading the Center. The main focus of the Center would be the centralization of their education course review. He said that Kevin Spicer would be working on a number of internet-based projects to improve their web site. NASBLA is also in the process of updating and reformatting all of their model acts to include more modern language and a standardized layout. One new model act that is being considered is a Model Act for VHF-Radio/EPIRB carriage for vessels more than one mile offshore. Many committees, such as the Education Committee, have already met and they adopted changes to the course approval process, which will be centralized. They also discussed doing research into the effectiveness of mandatory education programs. Their Homeland Security Committee has been working with Congress to identify funding for cooperative efforts between the States and the Coast Guard, and are making

good progress. The Paddlesports Committee met and was working on a number of fronts to improve their outreach and education efforts with the paddlesports community. The Numbering and Titling Committee continued working on the adoption of the 17-character HIN and the implementation of VIS. The other committees will meet in the future. Information on these meetings and minutes will be posted on the NASBLA website.

NASBLA was also working on four grants: the RBS Partnering grant, accident investigation training seminars, PFD labeling grant, and the boating under the influence (BUI) detection and enforcement training seminars grant. They also submitted a number of grant proposals this year, including: accident investigation training seminars, BUI detection, Center for Excellence in Boating Education, research on the efficacy of mandatory boating education, a paddlesports safety handbook, and validation of field sobriety tests.

Their accident seminars are up and running and they continue to offer these to law enforcement personnel across the country. They have also offered BUI seminars around the country, which were well received. They wish to offer more pending the approval of a grant.

Their regional conferences were upcoming as well. The Southern States would meet on April 30, 2005 in Little Rock, Arkansas. The Western States would meet May 22-25 in Helena, Montana. Finally, the Northern States would meet June 11-15 in Wichita, Kansas. Their annual conference would be held September 16-21, 2005, in Portland, Oregon. The Executive Board meeting would take place in Washington on May 17-18 and would recognize Congressional friends. Also, on May 18th they were going to have a reception for George Stewart, and Council members would receive invitations to attend. He concluded his report.

Boating Studies Update

Due to technical difficulties, the agenda was changed and the Chairman asked Bruce Schmidt for his update on Boating Studies. Mr. Schmidt stated that his update follows a presentation delivered by Dr. Ed Mahoney at the last NBSAC meeting regarding national recreational boating studies and the coordinated effort to gather all data and house it in one area. Currently, they had approximately 1,200 articles available on the web that you could research. The organization responsible was the Foundation for Recreational Boating Safety and Environmental Awareness. This project allowed them to gather all entities with an interest in boating safety to network and share ideas about how future studies could be conducted more routinely and effectively. They could also define a method in which to go about conducting future studies to ensure consistent reliable data. In November, those in the research community and industry got together for a recreational boating research symposium and got ideas on how they can make boating studies more consistent. They were looking to get a better idea of the market and also demographic information about recreational boaters. Mr. Schmidt said he could provide more information on either topic if requested.

Coast Guard and Marine Industry PFD Wear Action Update

Mr. Cappel said that much of his presentation was covered in the “You’re In Command” presentation he gave in the Prevention Through People Subcommittee. The “You’re In Command” program is looking at specialty brochures for paddlers and hunters/anglers, and moving towards more with children. The program is trying to get PFD information out, and the industry is helping them with that. PFD public service announcements (PSAs) and PFD displays

had been developed and were being distributed. He then showed the Council two PFD wear campaign PSAs. There were additional print materials that were being distributed to the Power Squadrons and Auxiliary, but were also available to any of the Council members' organizations by contacting John Malatak. The "You're In Command" program had greatly increased media exposure through ties to NASCAR Racing and BASS fishing tournaments.

Mr. Engfer asked if the PSAs would be made available to the States, as he purchases \$80,000 worth of air time where he could use these. Mr. Cappel said that he was sure they were available by contacting Mr. Malatak.

Mr. David asked why the Coast Guard was not addressing the national media with these issues. Mr. Cappel said that they can only get on the news when major events happen. He said that carbon monoxide has made some national TV shows but only after people had died and Congress held a hearing. However, with the new "You're In Command" common theme logo, they're gaining much more media attention.

Ms. Wood believed that the Program would get more coverage during National Safe Boating Week; many groups will use the PSAs for local TV stations.

Ms. Sands added that the Auxiliary distributes the materials on a national level, as well as district and local level. They needed to ensure that everyone was made aware of those PSAs though.

Ms. Dillon added that they needed to get the States and other organizations access to these materials for a broader distribution.

From the audience, Peter Chisholm said that he contacted his local cable operator, who were obligated to air a number of public service announcements as part of their license, and they agreed to play the Boating Safety PSAs, but they would be shown very early in the morning. The broadcast industry is not passionate about the issues and they needed to be contacted by those who were.

Mr. Marlow added that the States may have a better contact in the local broadcast industry than anyone else.

Mr. Engfer said that he has prime time spots for his ads, and the States needed to receive these materials to broadcast them.

From the audience, Nita Boles added that Texas has little to spend on air time.

Ms. Sands said that they have used others PSAs in Alaska. She suggested creating a database with all PSAs so people could pick and choose them for their individual areas.

Mr. Hoedt stated that, at the recent Water Safety Summit, the attendees were polled and much of the results was geared toward the need to provide for local dissemination of materials.

Ms. Dillon said that the results of these surveys were at the Safe Boating Council's website. She said the group strongly supported local outreach.

Mr. Hoedt added that there were other topics, such as other measurable goals the Coast Guard should strive towards. He then stated that the States have asked the Coast Guard to do a better job of measuring the effectiveness of strategies. He asked if media campaigns were effective at not just getting the word out, but also to change behavior. Number of impressions is not the goal, they need to measure whether behavior has changed. One State targeted a local area and did a pre-test opinion poll on PFD wear, would then flood the area with campaign materials, and then perform a post-test poll to see if there had been any behavioral changes. The Office was excited to see this take place.

Chairman Muldoon interrupted the discussion to introduce Knox County Mayor Mike Ragsdale.

Knox County Mayor Mike Ragsdale

Mayor Ragsdale noted that he was elected as Knox County Commissioner in 1990 and to Mayor in 2002. He was delighted that the Council was in Knoxville. Knoxville is the home of the University of Tennessee, a major instructional research university that also plays a little bit of football. The University also has a great women's basketball team. Close by was Oak Ridge National Laboratory, the largest laboratory in the eastern United States and home to the world's fastest computer. Next to that is the Spallation Neutron Source, the largest science project being developed in the world. The area is also home to the Great Smoky Mountains National Park, the most visited in the country. Knoxville has the Headquarters of the Tennessee Valley Authority, a major producer of affordable electrical power. The Knoxville area also likes to view itself as boat country USA. Sea Ray and Brunswick are part of their outstanding corporate citizens. His suggestion for improving boating safety was that great things can be accomplished by working together and understanding everybody's point of view. He wished the Council well, and said that his desire was to have the waterways safe and to also have the boating industry thrive and prosper. Chairman Muldoon presented the Mayor with a medallion from the Office of Boating Safety.

Coast Guard and Marine Industry PFD Wear Action Update (continued)

Mr. Moore said that they were excited in Florida to be taking part in the project that Mr. Hoedt had mentioned. He felt that they needed to be doing education work as much as they needed to do marketing work. They were focusing on the ten largest boating problem counties in the State. They measured current understanding and boating awareness of the targeted group, which was males over the age of 36 who own boats less than 26 feet in length. They used this to determine the best strategy in reaching these types of people through the media. They were going to kick this off on National Safe Boating Week and run it for three months, then do a survey afterwards and find out how these people's perceptions have changed. They were excited because he said that they have one of the largest boating safety problems in the country. While the national numbers fell, theirs continued to rise, which is what they were hoping to change with this project. Their ten counties account for three-quarters of their total accidents. These counties have three different problems that need to be targeted in different ways. They were going to report on it at the NASBLA conference and also at the next NBSAC meeting.

From the audience, Carolyn Belmore added that they have someone in the Coast Guard's First District who contacts news agencies after accidents to get more coverage of the issues.

Chairman Muldoon called for a break before moving on.

Cindy Squires, with the National Marine Manufacturers Association (NMMA), started the industry portion of the presentation by saying that Bernice McArdle sent her apologies for not being able to attend due to jury duty. She stated that she was going to discuss some of the industry efforts to advance PFD wear. She reminded the Council that PFDMA was the Personal Flotation Device Manufacturers Association, an independent NMMA affiliate. Wearing and usage of life jackets was one of their primary goals. She said that the Council was given a CD with industry education initiatives that was completed in March of 2005. The primary function of the initiative was to change the attitudes regarding PFDs by targeting a number of different groups. The CD has been sent to 4,000 different outlets so far. Included in the CD are 12 min-

utes of PSAs. She also passed out a brochure used to complement the CD. The brochure was available for purchase through the NMMA. She said they were also partnered with Boat U.S. Foundation for the PFD design contest. Their idea was to create positive talk about PFDs with a good message. The intent with the competition was to get some out-of-the-box thinking. One example of this is the Orca Gear project that is currently pending Coast Guard approval. This is a lightweight foul weather type jacket with a PFD built in.

NMMA currently runs 26 boat shows and they are making sure their boat show managers are incorporating PFDs into the displays. They will be encouraging exhibitors to feature PFDs as a part of their exhibits. They are also going to include, in every directory, an editorial page on wearing PFDs. There is also an Allstate program where the first 500 children to attend get a free PFD. They also ask any celebrity who is appearing at a show to wear a PFD. They also have Skipper the Dolphin who wears a PFD to the show as well. They are also considering doing in-water pool demonstrations of PFDs. She said it's been a long process to get the industry to focus more on PFD wear.

NMMA has a Discover Boating Center in a truck that travels to fairs across the country and has actually been on the Today Show. Last year, they had 20 stops with 200,000 people go through it. This year, they are adding PFDs as part of the exhibit. They are getting to the point where they are going to give some of the boat and engine manufacturers some real marketing guidelines and hoping to get them out by the end of the month. Part of this initiative is to ensure that, in the marketing campaigns, they show boaters wearing PFDs and to only feature the new styles. They are including retailers and dealers in this effort as well. They are also going to try to get manufacturers to get boat buyers to take an educational course. She mentioned that Wal-Mart is the largest seller of PFDs and they are working on a strategy to target them to increase awareness of the different PFD types. They are also trying to work on getting PFD articles in consumer magazines to make people want to buy them. She said that you could see a big difference in today's boat manufacturers' product brochures from those just a few years ago. She concluded her report and asked if anyone had any questions.

Mr. Shepard asked if she could get Ms. McArdle to prepare an update for the next meeting on measurable facets of the campaign. Ms. Squires agreed.

Ms. Sands said that in her area of the country, sportsmen shows are bigger than boat shows. However, these have a lot of boating retailers, and they should look into a partnership to bring those communities together. Ms. Squires said that they were trying to bring their message directly to the dealers to carry them everywhere they travel. She added that the NMMA has been moving toward a partnership with the fishing community.

Ms. Fontaine said that they had just begun to purchase joint shows with anglers and hunters.

Mr. Cappel said that the Coast Guard PSAs, as well as some others, were included on the NMMA CD. He also added that, since the first of the year, the Office of Boating Safety web site has averaged 1.4 million visits per month. He then showed the PSAs from the PFDMA CD.

Afterwards, Mr. Edwards commended the NMMA and PFDMA for getting on board with this promotion. Chairman Muldoon said that just a few years ago, they would never see a PFD, but now the industry has taken the first step, which is good for everyone.

RBS Goal Setting

The Chairman then moved to the Goal Setting Panel presentation by Mr. Messmann. Mr. Messmann said that he had handed out a second version of the original resolution. He asked the Council to read it over and check that he had captured everything correctly. He said that he had worked with Bruce Schmidt to change some of the numbers to iron them out. Mr. Marlow moved to accept these changes, Mr. Edwards seconded. The Council changed item number nine to read "Capture targets and capture data both on a federal fiscal year and calendar year basis in order to provide relevant and timely data as needed." Ms. Dillon asked that these numbers be reported back to the Panel in the future. Mr. Marlow and Mr. Edwards agreed to these changes to their original motion. Chairman Muldoon called for a vote on Resolution 2005-75-01 and the resolution carried unanimously. Chairman Muldoon thanked Mr. Messmann and all the others who helped put the resolution together. He said that the final form of the resolution would be made available tomorrow.

Other Business

The Council discussed times to meet during the fall and Chairman Muldoon suggested that they ask for a vote after the meeting. Chairman Muldoon also stated that the Council wished to go to St. John for the spring meeting.

Mr. Edwards wished to consider a resolution to present to George Stewart during his retirement ceremony. He read the resolution. Mr. Innis suggested adding that Mr. Stewart had won a Michelob Schooner award as well. Chairman Muldoon called for a vote and the resolution carried unanimously.

Chairman Muldoon then noted the lack of member items submitted by the Council members to the Coast Guard prior to the meeting. He asked if there was any more business to be brought before the Council. Hearing none, he recessed until the next day.

Tuesday April 12, 2005

Chairman Muldoon called the Council to order and asked Mr. Messmann to introduce his resolution. Mr. Messmann presented a resolution for appreciation for the gracious hospitality of the Brunswick Boat Group. Mr. Messmann read Resolution 2005-75-02 and asked for a vote by applause (large round of applause). Chairman Muldoon added his thanks for their hospitality.

Prevention Through People Subcommittee Report

Chairman Muldoon asked Mr. Innis for the Prevention Through People Subcommittee Report. Mr. Innis read his report.

Larry Innis, Vice Chair, called the Subcommittee to order at 8:30 am on April 10, 2005 in the absence of Ray Tsuneyoshi, Chair. Other Subcommittee members present included Bob David, Pam Dillon, Lucia Francis and Scott Swanby. He also asked other members of the National Boating Safety Advisory Council (NBSAC) present and the audience to identify themselves.

Bruce Schmidt of the Program Management Division of the Coast Guard Office of Boating Safety presented the status of 2004 boating statistics and the issue of timely submission of BARD data. He stated that the Coast Guard is ahead of where they were last year, with all jurisdictions having submitted data. The information is currently being organized at Coast Guard Headquarters. Preliminary results show that fatalities for 2004 continued the downward trend of recent years, but the Coast Guard is not ready to release fatality figures. In the second part of his presentation on BARD implementation, Mr. Schmidt stated that BARD is fully deployed in all States and Territories. Forty-six jurisdictions plan to use BARD WEB in 2005.

Sam Wehr of the Coast Guard Office of Design and Engineering Standards presented an update on personal flotation device (PFD) label redesign. He said the classifications and labeling project had been handed off to Underwriters Laboratories (UL). Because people take risks, he wants to design a PFD label so people can clearly understand risks to help people find the right PFD for them. He said the Coast Guard will retain the "type" designations but wanted to incorporate the recreational Type V PFD into Type I, II and III categories. Accordingly, there is a need to identify variables that result in survival and a redefinition of Types I, II and III PFDs. The UL working group envisions development of a drowning prevention index or probability measure to permit evaluation and approval based upon risk assessment. After a brief discussion of PFD usage, Mr. Wehr said the UL working group was looking at PFD applications to the types of boating that is being done. Bob David asked that a revised label be simple.

The terms PFD vs. life jacket were debated. Questions about the recently-passed NBSAC PFD resolution on PFDs for children under 50 lbs were raised. Larry Innis said Susan Balisterri had also expressed similar concerns but could not give her presentation to the Subcommittee at this meeting due to a family illness. The Subcommittee asked that the status of the Coast Guard project be reported upon at the next NBSAC meeting.

Mr. Wehr also led a discussion on why inflatable PFDS were excluded from uninspected commercial vessels. He said that they were excluded because the PFDs are not self-

inspecting and there was not consensus on who would be responsible for servicing inflatable PFDs. For passenger-for-hire boats over 40 feet, a Type I PFD would be required.

Phil Cappel, Executive Director of NBSAC, presented the next steps in the “You’re In Command” initiative at Coast Guard. He said “You’re In Command” was created a few years ago by the Coast Guard to increase media exposure, and create continuity of messages and powerful coalitions with the message of making boating safer and more fun. “You’re In Command” would work with the industry GROW BOATING program. Phase I was directed to the recreational boater through boating safety courses and vessel safety checks. Phase II went to high-risk groups such as hunters, anglers and paddlers, and stressed the importance of wearing PFDs. During Phase III, the Coast Guard will be looking at reaching the younger audience with a tool kit. All phases of the program will emphasize the importance of wearing a PFD.

John Adey of the American Boat & Yacht Council (ABYC) gave an update on flare disposal. He said there is a roadblock to a national campaign because a program cannot state that someone should box out-of-date flares for transport. Unless the Department of Transportation can change the status of flares in this regard, boaters are stuck with local means of disposal.

Jeff Hoedt, Chief of the Office of Boating Safety, addressed the issue of interagency recreational boating safety coordination and communications. Several Federal agencies and bureaus have overlapping jurisdictions over recreational boating. Most issues involve access and not safety. The Army Corps of Engineers adopts Coast Guard regulations, but other agencies oftentimes have proceeded alone with separate and conflicting regulations. In the past, an interagency working group was created, but it consisted of knowledgeable attendees who were not necessarily the proper decision makers. This working group has not met for a few years. After a discussion, Larry Innis distributed a draft resolution asking the Coast Guard to take the lead in the development of a new working group. Several edits and suggestions were given and the resolution was to be redrafted and presented at a subsequent Subcommittee meeting prior to NBSAC.

Betsy Woods, Chair of the National Association of Boating Law Administrators (NASBLA) Education Committee, presented a proposed revision to the NASBLA boating safety course approval process. Currently, NASBLA is divided into three regions with three reviewers in each region. However, NASBLA recently hired a full-time employee responsible for course reviews. She went through the details of the current process, which is time consuming and laborious for NASBLA reviewers, who are also State employees. She then presented a streamlined process utilizing the new NASBLA employee. The biggest advantage of the new process will be a considerable savings in time and greater understanding by course providers. After a brief discussion of a potential fee for service, which the Education Committee is not responsible for, Larry Innis distributed a draft resolution in support of the proposed revisions. Several edits were made and the resolution was to be redrafted and presented at a subsequent Subcommittee meeting prior to NBSAC.

John Adey of the American Boat & Yacht Council presented an update on the minimum age/size requirements for safe personal watercraft (PWC) riding by showing the Subcommittee a draft pamphlet. After a discussion of the content of information in the

pamphlet and the criteria of size vs. age, it was determined that support information was lacking. Several suggestions were made, including restrictions based on age 12, age 14, age 16, and the ability of the child to plant feet firmly on the PWC deck. In addition, the lack of a definitive time line caused the Subcommittee to ask Mr. Adey to proceed with a pamphlet as quickly as possible; and the advisory panel should include representatives from the Personal Watercraft Industry Association (PWIA) and several PWC interest groups.

On April 11, 2005, Mr. Innis reconvened the Prevention Through People Subcommittee with the sole purpose of further discussing two resolutions that had been rewritten since adjournment of the Subcommittee on April 10th. Both resolutions, Boating Safety Course Review and Interagency Committee for the Marine Transportation System (ICMTS), were approved unanimously after a brief discussion, and referred to NBSAC for review and approval.

Mr. Innis read the resolution regarding the Boating Safety Course Review. Mr. Swanby seconded. Ms. Sands suggested that NASBLA look at fee structures, which is not mentioned in the resolution. Chairman Muldoon called for a vote on Resolution 2005-75-04. The resolution carried unanimously.

Mr. Innis then read the second resolution regarding the Interagency Committee for the Marine Transportation System. Mr. Messmann seconded the resolution. Chairman Muldoon called for a vote on Resolution 2005-75-05. The resolution carried unanimously.

Boats and Associated Equipment Subcommittee Report

Chairman Muldoon asked Mr. Marlow to present the Boats and Associated Equipment Subcommittee report. Mr. Marlow read his report.

The meeting was called to order by the Chair at 1:28pm. Subcommittee members and new audience members were asked to identify themselves. Present for the Subcommittee were Mr. Marlow, Chair, Ms. Wood, Vice Chair, Ms. Fontaine, Mr. Garcia, Mr. Messmann, Mr. Woolley, and Mr. Moore. Moving into the first agenda item, Mr. Messmann was asked to provide an update on NASBLA's modification to a model act featuring a wear requirement on boats equipped with an engine cutoff lanyard. The modification was to include considerations for aftermarket and owner-installed switches.

Mr. Messmann provided the group with the model act revised as of January of this year and reported on a new model act creation process that has been converted into a standard. As of yet they have not changed language to incorporate NBSAC's concerns but are meeting in Las Vegas on April 20th where this will be discussed. Mr. Messmann asked that the assembled provide him with any other suggested changes and he would carry those forward. A discussion ensued concerning alternative and hybrid devices, operational requirements of the switch that should be included in the act, as well as an inquiry into how many States have currently picked up the model act and moved it forward into their legislation. While State tracking is not currently occurring, Arkansas and Iowa were two States who are moving this requirement forward. There were two action items that arose from this: First, Mr. Messmann agreed to report back to the Subcommittee on the revised version that emerges from NASBLA's two meetings in April

and September. Second, NASBLA will provide a report to the Subcommittee on any further adoption progress at the State level.

Next on the agenda was the update of the NMMA's Boating Industry Risk Management Council's progress on the CO label project. The Chair provided a background for this endeavor and explained the task that the boating industry is trying to undertake is risk-based decision making for on-product warnings. A vendor has been chosen that is following a standardized format for label creation with the intent that a series of labels outlining the dangers of carbon monoxide will be finalized in the near future. The State of California has accepted this process and will be using the transom version of the label to fulfill its requirements under State legislation (AB 2222). This project intends to continue using the risk-based approach against the current warnings in the ABYC standards. From that, a finite set of on-product warnings should emerge that will be subjected to the new standardized format in the future. The Subcommittee will be kept posted on the progress of the work group.

The Subcommittee moved into an update on off-throttle steering/safe maneuvering standards. Phil Cappel provided an overview on the project saying that it was basically on hold because there is not enough data to move this forward to rule making. After a review of the progress made by the PWC industry in providing off-throttle steering on their current product offerings, it was made clear to the Subcommittee that this issue should include off-throttle steering needs for other recreational vessels apart from PWCs. A discussion ensued about this fact and about how many accidents could be avoided or were caused from an off-throttle event. The Office of Boating Safety (OBS) made it clear that they would like to do something about reducing the amount of collisions that occur in recreational craft. After much discussion, it was decided that the Subcommittee would ask the OBS statistician to compile data to show one way or another whether off-throttle steering is an issue in non-PWC style boats. If that proves to be the case, it was suggested that the USCG look to append this information into boating safety courses, as well as come back to the Subcommittee for further help on getting the necessary direction in moving the action forward. Finally, in response to a question concerning if there was a definition of "off-throttle steering", Mr. Garcia offered up the fact that there is an SAE standard on off-throttle steering performance assessment.

Moving into the CO update, Phil Cappel provided the assembled with the new brochure format. He explained the changes that took place and that the NMMA is distributing this new version at present. Touching on industry developments, Mr. Cappel covered the recent events with Westerbeke CO-free generators being installed for testing at Forever Resorts. They are expected to be reviewed some time in the fall or early winter months of 2005 and their progress reported. There are high hopes for the success of this project as the generator CO exhaust measured from these units is in the 25ppm range. Additionally, the USCG has a contract with NIOSH to do some testing this summer on express cruiser style boats and the potential of CO buildup in the cabin area. It was also pointed out that two propulsion engine manufacturers profiled catalytic converters for gasoline engines at this year's Miami Boat Show, and another generator manufacturer has a catalytic device in validation for market sale. Finally, a review of Bombardier's E-tech engines was provided by Mr. Garcia, who stated that they had recently been awarded EPA's Clean Air award for the merits of their direct injection system.

The next agenda item was the USCG's understanding of high-risk propeller strike boat lengths. The idea behind this item is to try and identify areas of concern and possible

high-risk boat lengths that are indicative of injuries and fatalities. Bruce Schmidt presented data showing the percent of injuries and fatalities against the registered boat population. This information was additionally subdivided by propulsion type and generalized boat length. Mr. Schmidt explained that earlier presentations brought up the point that rulemaking is difficult if they do not have a target population, so they're trying to pinpoint areas at risk. The idea is to come up with possible regulatory actions by reviewing this data and honing in on those problem areas that will lead to cost-benefit-justified actions. Mr. Schmidt said that, as an action item, they should have population estimates by the end of the month and should have the analysis done by the next meeting. Fred Messmann said boat length data is available from a number of States but not all and Jeff Hoedt added that they were hopeful to have the VIS up within a year, which should also aid in this effort. It was suggested that NASBLA work with the Office of Boating Safety to review what data is available at the State level.

After a break, the Subcommittee moved on to NMMA certified and uncertified vessel safety profiles. The Chair provided an update to the assembled that outlined NMMA's desire to move this issue forward. This information continues to represent a valuable data point to confirm the higher levels of safety believed to exist in certified recreational vessels. The NMMA has promised to update the Subcommittee at our October meeting.

An update on the 17-character HIN was provided by Phil Cappel, who reminded everyone that they have been trying to do something with this topic since 1994. Since the USCG moved to the Department of Homeland Security, they have been trying to tie security concerns into this issue. They drafted a NPRM that was passed to the Council, and conducted a cost-benefit analysis that was questioned. Mr. Cappel explained that normally the Office of Boating Safety bases their benefits on the avoidance of fatalities, but now are dealing with something they have no experience with. It was noted that the recovery of stolen boats doesn't satisfy the boating safety criteria. Chairman Muldoon stated that, if there is a legitimate security issue that could be properly identified, Coast Guard should be able to get help from Homeland Security. Additionally, the NMMA has provided an industry response also asking for a more concise cost-benefit understanding and to help everyone understand the return on investment for making this change to the regulations. Mr. Messmann responded to this issue outlining the fact that these matters are noteworthy and will be addressed by NASBLA and the International Association of Marine Investigators (IAMI). He stated he was still encouraged that work was proceeding under the direction of resolution 2004-74-03. He also pointed out that ABYC is close to bringing their revised T-10 standard to publication. The Chair asked Mr. Messmann to bring back a response that addresses cost-benefit concerns of the Office of Boating Safety. A lengthy discussion ensued concerning the gathering of this information. Mr. Hoedt stated that they have three statutes that they can consider for HINs. They have the Federal Boat Safety Act, the Maritime Transportation Safety Act, and the Vessel Identification System statutes. The Office of Boating Safety will be putting together a team to look at all three areas. Mr. Messmann asked that the appropriate agencies and organizations be involved in this process. Mr. Hoedt said they would need to ensure there were not any legal issues at hand prior to doing this.

The Subcommittee moved to the next topic of the ABYC investigation on requested reductions in plastic fuel tank pressurizations from 3 psi to 1.5 psi. Mr. Adey presented photos to review the matter and outlined that this question was put before the appropriate ABYC Project Technical Committee (PTC). During their discussion, historical data indicated that 3 psi was created as an average of worldwide testing standards. Mr. Adey

stated that some builders were concerned that 1.5 psi might not be good enough to show system leaks. Fuel tank builders present also stated that technological improvements to tanks have reduced the balloon affect. Given that, the recommendation from the USCG and ABYC is to leave the 3 PSI as is. The Chair asked the Office of Boating Safety to provide the information that came out of the ABYC PTC meeting in the form of an article in the next Boating Safety Circular.

The last item was tabled in favor of discussing it in the Aftermarket Marine Equipment Subcommittee. Under old business, Randy Edwards of NASBLA wanted to congratulate the PWC industry on their off-throttle steering developments. The Chair expressed the Subcommittee's desire to have Mr. Garcia bring these accolades back to the PWIA. The meeting was adjourned at 3:45pm.

Chairman Muldoon suggested that all of the reports contain the name of the members that are present at the meeting. He asked if there were any resolutions. Mr. Marlow replied that he had none.

Aftermarket Marine Equipment Subcommittee Report

Chairman Muldoon asked Mr. Engfer for the Aftermarket Marine Equipment Subcommittee report. Mr. Engfer read the Subcommittee Report.

Chairman Eric Shepard called the meeting to order at 8:30 AM on April 11, 2005 in Knoxville, Tennessee. Committee members present were Vice Chairman William Engfer, Randy Edwards, Barbara Sands, Jim Manues, and Bruce Rowe.

An update on the National Park Service (NPS) Rulemaking project proposing revisions to their regulations governing operation of recreational vessels on waters subject to the jurisdiction of the United States in National Parks was given by Carl Perry. Mr. Perry stated that Kym Hall has changed jobs but her replacement, Jerry Case, has worked on the project, also. Mr. Case had advised Mr. Perry that the rule should be completed by the end of the year, and that he would send Mr. Perry a draft before they made the rule public.

The next topic was the ABYC Report on development of canoe and kayak standards. John Adey advised that the process brought together multiple entities to work together without duplication of effort and that H-29 should be completed by spring of 2006. H-29 creates a matrix for manufacturers to use in production of canoes and kayaks. Mr. Adey felt that they can only capture about 80 to 85 percent of the market because of some of the odd things in the market. Mr. Adey noted that this process with multiple entities was a good model to use when dealing with other standards in the future. Mr. Shepard asked for an update during the fall meeting.

Phil Cappel then gave a presentation on boat capacity issues, including horsepower and weight ratings. Mr. Cappel advised that the Coast Guard had tried to do it as an administrative change, but will have to do it through a rule making process, which will take longer. This means that they will have to do a cost-benefit analysis. Mr. Cappel advised that, based on discussions within the Coast Guard, they could not come up with the safety benefits for changing the table. This was a moving target as manufacturers

were making 4-strokes lighter due to new materials, and there was very little weight difference when actually measured on the boat in the water. Mr. Cappel advised that the only cost would be to the manufacturer because they could find no records of accidents that were caused due to the weight problem with 4-strokes. Bill Engfer asked if we had to wait for a tragedy to happen before something could be done. Ted Woolley also commented that the overall handling capabilities are affected by the extra weight. Mr. Cappel commented that they ran tests, testing boats to the old table and the ABYC table, there were some that passed their test but would have failed using the other table, all small businesses. It was suggested that this information be put into the Boating Safety Circular. Mr. Cappel said that the circular goes to all manufacturers. Mr. Cappel stated that when they don't have a regulation, they let people know that there is an ABYC standard that they can comply with. Mr. Shepard suggested that, as an action item, this be included in the boating safety circular. From the audience, Dick Snyder said he would like to remind them that, when a boat builder puts just enough flotation to meet standards, it could be more than a small difference.

Mr. Shepard asked Mr. Cappel to give an update on Emergency Positioning Infrared Radiobeacon (EPIRB) standards and issues. Mr. Cappel said he talked to Bob Markle, Chairman of the Radio Technical Commission for Maritime Services (RTCM), and Mr. Markle said they are moving forward. There are construction standards for EPIRBs, but no performance standards; they are working on them. People who want more information can go to the Equipped to Survive website, www.equipped.org, where there are several pages about meetings in the development of standards. Ruth Wood said BoatU.S. and West Marine are looking at doing more testing later this year. It was noted by Ms. Wood that the current tests were looking at testing the EPIRBs under real-life conditions and not just bench conditions. Mr. Cappel said the website has pictures of the testing. Mr. Shepard said they will leave this on the agenda for the next meeting.

Mr. Cappel then gave an update on propeller strike prevention equipment. He said that they had given the semi-annual update on CO and propeller strike avoidance technology at the Miami Boat Show. They have ignition switch cutoffs being tested. That has not gotten into production yet, but should be coming out in the summer. It must go through a lot of testing; because it is a safety product, it needs to be "fail safe." Mercury Marine is coming out, maybe in 2006, with the infrared keyless lanyard. Dick Snyder (from the audience) said that they are putting a lot of energy into it. One of the most exciting items is Keith Jackson's. Mr. Jackson, President of Maritech, said that they have come up with a wireless lanyard for all passengers that is activated if someone falls overboard. Maritech started marketing this product with the California Bass Federation, where there's a shift in the philosophy that safety is a hard sale. Maritech put up prize money so that if the fisherman won the tournament while using their product, he'd win the additional prize money. The fishermen were looking at the product from a safety aspect, to the point that they were feeling unsafe in other boats not equipped with the devices. The BASS Federation wants to take it nationwide. Next month they are going to roll it out to every State. They are going to do incentives, and they're going to donate sponsorship and entry fees. It was noted that off-shore fishermen are also looking at this technology.

Mr. Shepard moved on to the next item, LED navigation lights and UL testing on LED lights. Mr. Cappel stated that they got a final report from UL before UL got out of the business. ABYC will now be keeping the standards. The final report showed that lights being tested did not pass, except for one green light. Visibility intensity was the major

area of failure. It should be noted that this was 2003 technology that was being tested and that current technology is far more advanced than the technology that was tested. Mr. Cappel recommended testing current technology at a different laboratory. The Subcommittee recommended that the Coast Guard give an update to them at the fall meeting. Bob David wanted to know if US-produced products are meeting ISO standards. John Adey advised that there is a split between the US and German standards and there is a meeting in May to bring key people together to discuss the lighting issue.

There was no old business from the Subcommittee. Mr. Shepard said there was one piece of new business to get to. Dave Marlow said that a situation arose earlier this year that brought into question visibility for one nautical mile (NM) navigation lights. There was an accident involving an executive who was killed in a nighttime boating accident. He wanted to ask the Subcommittee if the current 1 NM light is appropriate for smaller boats. Bob David agreed that he had a problem seeing smaller boats. This is a critical issue; why not make lights 2 NM for all vessels. Ted Woolley said that speed capability was a key factor. Mr. Shepard said that the 1 NM light is inadequate and, with the shoreline clutter, a 1 NM light is invisible. A 2 NM is still difficult to see but offers greater warning. Many older boats have short stern lights that they think are legal, but are not. It was recommended that the Coast Guard look into this problem as it relates to boating accidents and be prepared to report on the issue at the next meeting.

From the audience, Nita Boles said that she wanted to thank the PWIA for their diligence in recognizing the need for off-throttle steering in their craft. She wanted it noted that they are thankful and grateful for that progress. Ms. Boles questioned if it was the intent of PWIA to use the technology to retrofit PWCs that are not installed with this technology. How many years back were they willing to go, and how and what would the Aftermarket Subcommittee have to do in determining the efficiency of products out there. Mr. Shepard said that Fernando Garcia was not here, but that Ms. Boles should ask him after the meeting. As far as retrofitting Mr. Shepard did not know the potential for that, so could not answer.

Randy Edwards said a number of years ago Ted Woolley brought up “whitewater”, now he understood it was sent to UL to come up with a definition of “whitewater.” There was considerable discussion as to what is the standard for whitewater. Pam Dillon said the whitewater community has a definition of whitewater, but she thinks it’s a different question to ask what level of whitewater is appropriate for use of inflatable devices. Ms. Dillon said the authority was a document produced by the American Whitewater Association in the early 1970s. After discussion, UL’s role remains unclear as to whether they are defining whitewater, or determining which PFD will work for whitewater. The Subcommittee would request an update on this topic at the next meeting.

Motion to adjourn meeting made by Bill Engfer and seconded by Jim Manues. Motion carried.

Mr. Engfer concluded his report. Mr. Garcia asked if he could offer some insight in retrofitting off-throttle steering devices. Ms. Wood asked that on the second page it should be changed to read that BoatU.S., West Marine, and Equipped to Survive were looking to do more testing. Ms. Fontaine suggested that they replace “odd things in the market” with “unique activities-specific vessels” to capture different products. She also added that retrofitting would be an agenda item in the next NBSAC meeting, which was not covered in the minutes.

Chairman Muldoon asked if there were any more comments about the report, and, hearing none, ordered a 15-minute break.

After the break, Chairman Muldoon asked Mr. Edwards to present his resolution. Mr. Edwards read the resolution regarding George Stewart. Mr. Swanby seconded. Chairman Muldoon called for a vote on Resolution 2005-75-03. The resolution carried unanimously.

Chairman Muldoon then called for a vote on the Goal Setting Resolution 2005-75-01. The resolution carried unanimously.

Mr. Innis read a resolution regarding staffing levels of the Office of Boating Safety for the Commandant of the Coast Guard. Mr. Messmann seconded the resolution. Chairman Muldoon called for a vote on Resolution 2005-75-06. The resolution carried unanimously.

Chairman Muldoon asked Mr. Cappel to give them an update on issuance of a brochure on children riding PWCs. Mr. Cappel said a brochure should be available within sixty days.

Member's Items

Chairman Muldoon asked Mr. Hoedt to go over member's items. Mr. Hoedt distributed the response to the items and paused so the Council could review the answers. He then said that he would go to each member to ensure that their item was addressed. He asked Mr. Engfer if his issue with internet links for NBSAC was addressed. Mr. Engfer responded that he wanted a link not only to NBSAC but all of the Coast Guard's Councils and Committees. Mr. Hoedt responded by saying that there was a G-M web-site with these listings, and they have tried for two years to link NBSAC with them unsuccessfully. He did not know the reason for this, but it is why they linked directly from the Office of Boating Safety's front page.

Mr. Hoedt then moved to the next items from Mr. Messmann, the 17-character HIN and the status of the reorganization of the Office of Boating Safety. Mr. Messmann stated that the answers were satisfactory. He requested that a report on the BUI study team be presented at the next meeting.

Mr. Hoedt said that the next item was brought up by Mr. David regarding the National Park Service and Loran-C. Mr. David stated that this item had been addressed. His next items dealt with NAVSAC, flare disposal and International Certificates of Competency. Mr. David said that UN Resolution 40 was being adopted more and more by the Europeans, and that Americans have no other way to pursue this other than through Congress. He said the Council has an opportunity to be a leader in this issue. Recently the European Commission went forward with a regulation to require all operators in European Union waters be certified for either inland or coastal waters. This would severely affect recreational boaters from the United States who cannot get a UN Resolution certificate because they are not residents of those countries. UN Resolution 40 is the most unique opportunity to establish issuance from the United States. He thought that the new Director of International Affairs from the Coast Guard would be an appropriate person to talk to at the next meeting. Mr. Hoedt said that they could invite that individual, but could not assure that they would come or not. He said that this would continue to be an issue since the State Department has yet to adopt UN Resolution 40.

Mr. Hoedt then moved to Mr. Swanby's request that NBSAC receive a copy of the National Safe Boating Council's media kit. Mr. Swanby had no more requests on this issue.

Mr. Hoedt moved to Ms. Wood's request for help spreading the word on the PFD design competition. Ms. Wood said that she contacted Diane Rashid of Science Services, and was

happy to announce that Science Services was going to include the PFD contest flier with the information sent to 1,200 science and engineering fair students.

Mr. Hoedt moved to Mr. Woolley's request for a definition of whitewater. Mr. Woolley asked if ABYC was taking over on this issue or if UL was still involved. Mr. Cappel stated that was still one area where UL was involved. He said that the issue was currently a subcommittee of the UL Standards Technical Panel, and would define what PFDs could be used in what conditions. He said that at the next meeting they would try to have a member of that subcommittee speak on that issue. Mr. Woolley said that they may have made it too complicated, he just wanted to know what the cutoff was so they could help a group of people who wanted to use the application. Ms. Dillon offered any assistance the American Canoe Association could provide and offered to give a report at the next meeting. Mr. Marlow noted that ABYC was working on canoe and kayak standards while UL was working on PFD limitations on whitewater. Ms. Dillon stated that she would e-mail the definitions of whitewater to the Council.

Mr. Hoedt moved to Mr. Edwards' compliments on the PFD design competition. Ms. Wood said that there were posters available for him, as well as one available for download on the website.

Mr. Hoedt then moved on to Ms. Francis' concern that accidents investigated by the Coast Guard be included in the BARD system. Ms. Francis said that she was concerned that they were missing non-fatal accidents. Mr. Hoedt said that they were confident that they were receiving most of the fatal cases through their law enforcement database. They then sort through these and find recreational fatalities and send those on to the State. To go through non-fatal accidents would require tremendous levels of staffing to sort through tens of thousands of cases. However, many States now notify the Coast Guard of accidents and vice versa, and he encouraged her and others to do so. He suggested that they contact the Recreational Boating Specialist in their District and take action. The Office was also trying to change the Coast Guard Maritime Law Enforcement Manual to ensure the States are notified of any accidents the Coast Guard responds to. Mr. Messmann said that he was excited that this was going to be a standard operating procedure. He said this was something NASBLA has been requesting for at least five years. He asked how long it would take to implement this. Mr. Hoedt responded by saying that he'd have to contact staff to determine an estimate. Joe Carro and Vann Burgess are assigned to this and he knew that they had already drafted language to be included in the Maritime Law Enforcement Manual. Mr. Messmann asked if NASBLA's Boating Accident, Investigation, Reporting, and Analysis Committee (BAIRAC) could review this and offer insight. Mr. Hoedt said that they could, and the Coast Guard would have an update at the next meeting.

Mr. Hoedt then moved to Mr. Innis' request for NBSAC members to get a copy of the audience survey at the Water Safety Summit. Mr. Innis said that this issue was covered adequately.

The next item was a comment from Mr. Manues congratulating the States that have outlawed teak surfing.

Mr. Hoedt moved to Ms. Dillon's request to have an item on the agenda for the next meeting to discuss ways to educate boaters on how to prevent capsizing. Ms. Dillon said that she would like an update on past efforts to look at improper lookout as a human factor in accidents. Mr. Hoedt promised to work on that.

Mr. Hoedt said that that was all of the items. He asked if there were any more requests. Mr. Engfer asked if they could get an electronic version of the PowerPoint presentations that were used during the meeting.

Chairman Muldoon asked to reopen Resolution 2005-75-06 regarding staffing levels at the Coast Guard. He said that there was an amendment offered to replace the word “replace” to “restore.” Mr. David moved, Mr. Woolley seconded. Chairman Muldoon called for a vote on the amendment and the amendment carried unanimously.

Chairman Muldoon said that they had concluded the items on the agenda and thanked everyone for attending as well as being so attentive. Finally, he thanked everyone for promoting boating safety in the United States.

Bruce Schmidt said that he had spoken with Vann Burgess, who said that the revised language in the Maritime Law Enforcement Manual should be in place by the end of the calendar year. He advised that BAIRAC would not be able to review the manual because it was already approved and cleared and on the way to print. Mr. Hoedt said they would check to see if a copy of it could be distributed to the Council before it was published.

Ms. Fontaine suggested that the Council look at the option of condensing the meeting to three days and to not have it over an entire weekend. Chairman Muldoon said that anyone on the Council could send either Mr. Hoedt or himself any concerns they had about the meeting.

Mr. Marlow thanked the Council for coming to Knoxville. He said that if anyone had a long delay, he could offer them a tour of the Sea Ray facility.

Mr. Garcia reminded the Council that he could give an update on retrofitting off-throttle steering for PWCs.

Mr. Hoedt thanked everyone and reiterated that he was happy to have the three new members aboard. The Council gives the Office valuable direction and helps them tremendously day to day. He also thanked those in attendance in the audience, who add a great deal to the meeting with their expertise and guidance. He also thanked Brunswick and said that they had set the bar very high for hospitality. Chairman Muldoon added that NBSAC realizes the lack of resources the Office is faced with and wanted to thank the staff for the work they were doing.

Chairman Muldoon entertained a motion to adjourn. Mr. Innis moved, Mr. Edwards seconded. The Chairman called for a vote and the motion carried unanimously.

Meeting Adjourned

ATTACHMENTS:

Resolutions

Responses to Member Items

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

James P. Muldoon, Chairman
National Boating Safety Advisory Council

Date

Jeanne Timmons, Executive Director
National Boating Safety Advisory Council

Date