

**76<sup>th</sup> Meeting  
of the  
National Boating Safety Advisory Council**

**Crowne Plaza Hotel  
Arlington, Virginia**

**November 12<sup>th</sup> – 15<sup>th</sup>, 2005**

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

<b>James P. Muldoon</b>	<b>Chair</b>
<b>Alfonso Campos</b>	<b>Member</b>
<b>J. Edward Carter</b>	<b>Member</b>
<b>Peter A. Chisholm</b>	<b>Member</b>
<b>Robert P. David</b>	<b>Member</b>
<b>Pamela Dillon</b>	<b>Member</b>
<b>Randy R. Edwards</b>	<b>Member</b>
<b>Monita W. Fontaine</b>	<b>Member</b>
<b>Lucia Roberts Francis</b>	<b>Member</b>
<b>Jim L. Manues</b>	<b>Member</b>
<b>David C. Marlow</b>	<b>Member</b>
<b>Fred F. Messmann</b>	<b>Member</b>
<b>Richard Moore</b>	<b>Member</b>
<b>Bruce L. Rowe</b>	<b>Member</b>
<b>Frederick J. Shepard</b>	<b>Member</b>
<b>Scott P. Swanby</b>	<b>Member</b>
<b>Raynor T. Tsuneyoshi</b>	<b>Member</b>
<b>N. Ruth Wood</b>	<b>Member</b>
<b>Ted Woolley</b>	<b>Member</b>
<b>RADM David W. Kunkel</b>	<b>USCG, Director of Operations Capability</b>
<b>Jeffrey N. Hoedt</b>	<b>USCG, Chief, Office of Boating Safety</b>
<b>Jeanne Timmons</b>	<b>USCG, NBSAC Executive Director</b>
<b>Carlton S. Perry</b>	<b>USCG, Regulatory Coordinator, Office of Boating Safety</b>
<b>Barry Nobles</b>	<b>USCG, Office of Boating Safety Contract Staff</b>
<b>Mitchell Cho</b>	<b>USCG, Office of Boating Safety Contract Staff</b>

## **Saturday, November 12, 2005:**

### **Call to Order**

Chairman Muldoon called the meeting to order at 1:00 p.m. and asked the Council and audience members to introduce themselves.

### **Remarks of Rear Admiral David W. Kunkel**

Admiral Kunkel welcomed everyone to the meeting and thanked the members in advance for their work. He noted that while great strides had been made in improving boating safety over the past 30 to 40 years, accidents and injuries continue to rise. He emphasized education, foregoing alcohol while boating, and the use of personal flotation devices (PFDs).

Admiral Kunkel announced that the performance goals set recommended by the Council for the National Recreational Boating Safety Program had been adopted by the Coast Guard. He noted that in spite of efforts to get boaters to wear PFDs, wear rates had changed little over the past seven years.

### **Swearing in of New Members**

Mr. Alfonso Campos, Mr. Peter Chisholm, Mr. Fernando Garcia, Mr. Jim Manues, Mr. Scott Swanby, and Mr. Raynor Tsuneyoshi were sworn in as members of the National Boating Safety Advisory Council (NBSAC) by Rear Admiral Kunkel.

### **Awards**

Mr. Edward Carter, Mr. Fred Messmann, Mr. Frederick Shepard, and Ms. N. Ruth Wood, whose terms on the Council will expire at the end of the year, were presented with the United States Coast Guard Public Service Commendation in recognition for their work on the Council.

### **Recreational Boating Safety (RBS) Report**

Mr. Jeffrey N. Hoedt, Chief of the Office of Boating Safety, welcomed everyone to the meeting. He then provided an update on the status of the Office of Boating Safety and the progress of the Coast Guard reorganization.

Mr. Hoedt mentioned that the Highway Reauthorization Bill (H.R. 3) had passed, changing yearly boating safety funding from \$64 million to 18.5 percent of the Wallop-Breaux Trust Fund. State grants will increase by around \$35 million. Similarly, nonprofit grants will also increase significantly.

The 2004 statistics reveal very little change in the number of registered boaters. Fatalities were 676, the lowest level since 1967. There were 4,904 accidents involving 6,700 boats, and there were 3,363 injuries. Mr. Hoedt showed a chart showing the increase in registered boats, the projection of fatalities, and the actual fatalities, which were much lower than predicted.

Mr. Hoedt explained how typically data has not been available until fall of the following year, but, thanks to the States and improvements in BARD Web, the data is now coming in much faster. Initial numbers for fiscal year (FY) 2005 through September 30<sup>th</sup> should be available within another two weeks. A report on 2004 PFD wear rates should be released soon, but there was no significant change in wear rates, as has been the case for the past seven years. Wear rates have been hovering around 22 percent. The objectives for PFDs are for 27.5 percent in 2005, 33 percent the following year, and 44 percent in 2007.

Mr. Hoedt expressed his excitement over Boat U.S. and PFDMA's contest encouraging new designs in PFDs. PCI, the Coast Guard's contractor for its outreach efforts, is working to spread the safe boating message; and JSI, under a nonprofit grant from the Coast Guard, is continuing to do observation studies on PFD wear.

Mr. Hoedt then discussed efforts to coordinate and improve recreational boating studies. A meeting was held at Michigan State University in November of 2004, and the recommendation that came out of that meeting was for one national boating survey conducted by the Federal Government. A nonprofit grant application has been solicited for developing the survey. Also, USCG is working to hire a contractor mathematical statistician to coordinate the study implementation.

Mr. Hoedt provided an update on the Vessel Identification System (VIS), which is in the process of being tested in three southeastern States. With regard to the 17-character hull identification number (HIN), a survey design relating to the costs to industry is being examined by the Office of Management and Budget (OMB). On the benefits side, there are three areas of U.S. Code being considered as granting the Coast Guard authority for a regulation: safety, VIS, and homeland security.

Mr. Hoedt next gave an update on carbon monoxide (CO). He noted that it was hard to confirm whether someone had been affected by CO poisoning. Even in the case of fatalities potentially caused by CO, autopsies are not always performed, so the real extent of the problem is unknown. Mr. Hoedt reported that were two and possibly three manufacturers now producing incredibly low CO emission generators. Workshops at the International Boat Building Exposition (IBEX) as well as other efforts are moving forward on the issue of CO poisoning.

Next was an update on barge lighting. A grant was approved for the National Water Safety Congress to look at different types of barge lighting with the goal of developing an effective lighting system that will actually be used.

Next Mr. Hoedt addressed the **75<sup>th</sup> Meeting resolution updates**: National Recreational Boating Safety Program performance goals; appreciation of the Brunswick Boat Group; commendation for George Stewart, who retired from NASBLA; the NASBLA boating safety course review; Interagency Committee for the Marine Transportation System (ICMTS); and staffing levels within the Office of Boating Safety. He specifically addressed the three aimed at the office. The performance goals for the National Recreational Boating Safety Program were officially adopted and will now be computed on a fiscal year basis. The ICMTS never met, so it was re-chartered and renamed as the Committee on the Marine Transportation System (CMTS) effective August 11, 2005. CMTS staff members have been designated to work on the near- and long-term goals. Gary Magnuson from NOAA was assigned to the near-term goals, and Vann Burgess from the Office of Boating Safety is also working on the project. As to the resolution on staffing levels, there are two complications: the reorganization of USCG and its realignment to focus more on the field. Mr. Hoedt

digressed to recognize the efforts of USCG and others in response to the recent devastating hurricanes. Returning to staffing, he noted that contract staff may be a possible solution to staffing problems since contractors are not included under the ceiling caps.

The Council's challenges are to achieve the newly adopted performance goals, develop objectives to aid in the achievement of the goals, and to develop strategies and see if they are effective.

Mr. Hoedt posed questions about the program concerning whether its mission had been fulfilled, whether it should be continued at the current level or the funding increased, and whether the Federal program should be dismantled and jurisdiction given to the States. As background, Mr. Hoedt discussed the Government Performance and Results Act (GPRA), which shifted the focus of government decision-making and accountability away from activities undertaken to the results of those activities. As a result of the Act, the Program Assessment Rating Tool (PART) was developed as an ongoing process to measure effectiveness.

NBSAC chartered the Blue Ribbon Panel following an October 2004 action item. The Panel met in February of 2005 and drafted goals, which were approved by NBSAC in April. A resolution on goals passed by NBSAC sought to improve the reliability of accident reporting; identify categories of casualty data, commercial and recreational; use the National Survey on Recreation and the Environment (NSRE) denominator of ten million participation days and look at the use of exposure hours; set goals for fatalities and injuries for 2006 through 2011; look at calendar year fatalities and combined fatality and injury calendar year goals; make computations by Federal fiscal year as well as calendar year so there can be an apples-to-apples comparison with the commercial data; and reconvene the panel to work on objectives and strategies. Since the panel is done working out goals, it was renamed as the National RBS Program Strategic Planning Panel.

Mr. Hoedt then discussed risk-based decision making (RBDM) in USCG and went over the top five types of accidents. He noted that drowning is still the number one cause of death in recreational boating, making up 484 of the 676 fatalities in 2004. Of those who drowned, 431 were not wearing a PFD. Next was a discussion of possible topics for objectives, including increase PFD wear rates; decrease alcohol-involved accidents; reduce navigation rule violation accidents; increase compliance with safety equipment carriage; increase accident reporting and accuracy; increase the number of boaters having completed a NASBLA-approved boating safety education program; increase awareness of safe boating practices.

Chairman Muldoon asked when the 2005 PFD wear rates would be available, and Mr. Hoedt said that preliminary numbers should be available in the next couple months. The Chairman then asked those who arrived late to introduce themselves.

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

Ms. Jeanne Timmons thanked Jeff Hoedt and Carl Perry for their help preparing for the meeting. She instructed members with questions about travel forms to ask Caroline McNeary for assistance. Noting that the agenda had changed three times in one afternoon, Ms. Timmons declared it was flexible. Finally, she noted that there was another function scheduled for the room that evening so everything would have to be removed and then brought back the following morning.

## **RBS Strategic Planning Panel Report**

Fred Messmann, Panel Chairman, thanked everyone who worked on the panel. He then highlighted the importance of USCG's approval of the strategic goals. The goals having been decided, it is now time for NBSAC to review the objectives developed at the October meeting, and the next step for the panel will be to develop strategies. The objectives will be discussed in depth at the new RBS Strategic Planning Subcommittee meeting.

### **Report from TSAC Liaison**

Ed Carter, Towing Safety Advisory Council (TSAC) Liaison, said that the most important common goal of TSAC and NBSAC, other than increased communication, was the barge lighting project described in Mr. Hoedt's report. A particular topic of concern at the last TSAC meeting was the May 2006 change that will require towing vessels to be inspected by the Coast Guard. One suggestion that emerged from a working group was to create a subsection in the Code of Federal Regulations (CFR) to bring together all tow boat regulations. A bigger issue was the safety management system and whether the Inland Safety Management System (ISM) should be adopted or two separate systems should be used since ISM is already in place for those in coastal areas or the Great Lakes.

There were also concerns about personnel training and the Crew Endurance Management System. Standardization of horsepower was one safety concern in that boats will handle differently depending on the horsepower so there should be standardization of measurement of horsepower. Other issues were the lack of bridge visibility standards, standards for inflatable life jackets, whether the automatic identification system (AIS) should be capable of being turned off, licensing requirements for oil and gas towing vessel captains, and the Gulf Coast Mariners Association's desire to have their travel funded and to add four working mariners.

The NASBLA education standards are an area that NBSAC and TSAC are heavily involved in. TSAC requested that they include information about the interface between commercial and recreational vessels.

As to the Barge Lighting Initiative Study, TSAC focused on visibility of the area between the lighted end of a boat being towed or pushed and the vessel that is pushing or pulling. As Mr. Hoedt said earlier, the Water Safety Congress has been awarded a grant, and requests for proposals (RFPs) have been sent out. Mr. Carter asked whether Mr. Hoedt knew what kind of timeframe they were operating under, and Mr. Hoedt responded that grant projects were typically allowed one year but that extensions could be granted. Mr. Carter said that no extension had been requested and said that NBSAC and TSAC members would eventually evaluate the products submitted.

### **Report from NAVSAC Liaison**

Eric Shepard, Navigation Safety Advisory Council Liaison, said that NAVSAC's role was to advise USCG on application of the rules of the road and other issues that occur related to navigation of large vessels. He reported that Captain Allison Ross-Schulte had retired from NAVSAC and been replaced by Captain Jeff Monroe.

One issue was the hazard of containers overboard which float just below the surface. Another was the importance of places of refuge, particularly for sinking tankers leaking oil. A resolution was passed to make Annex 5 of the Navigation Rules dealing with lights part of the actual rules themselves. The navigation bridge visibility with regard to tow boats was an issue NAVSAC passed off to TSAC. Another issue was what to do about Regulated Navigation Areas that were established and never removed.

“Right whales” (*Eubalaena glacialis*) are a species that travel in shipping lanes off the East Coast and are struck by large vessels. NOAA wants to establish navigation rules with regard to the right whale, and the Coast Guard and mariners want to be involved with that. Vessel safety is one of the biggest issues, and there is a desire for vessels to slow down to such a rate that they do not have steerage in some cases. There are also issues related to entering ports on certain tides and making it into port in time for dock reservations when boats may have to slow down for a group of right whales.

Margot Brown, a former NBSAC member and current member of the Harbor Safety Committee of San Francisco Bay, brought the issue of universal lighting of vessels to NAVSAC. There is currently an exception allowing unpowered vessels less than seven meters in length to carry only non-fixed lights such as flashlights. But high-speed ferries in San Francisco Harbor often cannot see these vessels, and, depending on the direction of the wind, people on these vessels may not hear the ferries. There have been many injuries, though fortunately no fatalities, related to this issue. Ms. Brown suggested that all such vessels be required to carry navigation lights as prescribed for all other vessels or a fixed all-around white light visible for one mile. A kayaker on NAVSAC said this would be difficult, particularly for kayakers, but it was pointed out that life jacket lights or lights on top of the head would be feasible. NAVSAC passed a resolution on universal lighting, and Mr. Shepard will bring the issue before the Boats and Associated Equipment Subcommittee so that a parallel resolution can be made.

Another issue was the visibility and navigation hazards associated with placing wind farms in the middle of the water.

## **U.S. Coast Guard Auxiliary Report**

Commodore Warren McAdams of the RBS Directorate began by acknowledging the efforts of the Auxiliary and others with regard to the recent hurricanes. He then discussed the Coast Guard reorganization. The Auxiliary Act of 1996 gave the commandant authority to expand the Auxiliary’s role beyond public education, vessel safety checks, and safety patrols, and Commodore McAdams described some of the other roles the Auxiliary now serves. He also described the risk of this expanded role to the core missions of the Auxiliary, including RBS.

Operation Patriot Readiness pushed the Auxiliary to focus more on operations, and each unit needs to find a balance of missions and resources in RBS and maritime homeland security. The Coast Guard can assist by prioritizing missions and through collaborative planning. Commodore McAdams concluded by saying that the Auxiliary needs to be prepared to enhance its capabilities and increase its capacity.

## Old Business

Mr. Edwards asked about Pam Dillon's report on definitions of white water, and Ms. Timmons said that Ms. Dillon would be in attendance at the general session on Monday. Mr. Edwards then brought up the NASBLA resolution on VHF radio NPRBs, which is available to members, and asked about Cindy Squires's presentation on NMMA's PFD work. Ms. Squires said that it wasn't on the agenda, but Chairman Muldoon said he would talk with her about fitting it in sometime.

Mr. Messmann asked about an update on changing the Maritime Law Enforcement Manual to ensure States are notified of accidents that USCG responds to, and Ms. Timmons said that they would have information on the status of that issue. Mr. Messmann then expressed concerns over the continuing staffing problems within the Office of Boating Safety. Mr. Hoedt said the update on the manual was in the works and explained some of the challenges and privacy concerns involved with sharing information from the MISLE database with States. He then addressed the staffing levels and said the position lost in the past year was a term position that was reimbursable, so it could not be renewed, but if it had not been called reimbursable it might not have fallen under the caps imposed. Mr. Hoedt said that a new contract staff person would soon be coming on to make up for the loss. He also said that, after the office moves to a new directorate, the concern will be raised with the admirals in charge but that the alternatives he described earlier might still be the only viable solution.

Mr. Messmann said that he wanted to be able to identify the staffing need versus current levels given the number of issues before the Council. Mr. Hoedt said that the Federal Boat Safety Act gave the majority of education and law enforcement roles to the States. He agreed that there were areas that needed more staffing but said that the Wallop-Breaux funding could only be used for new initiatives. Mr. Messmann said that his concern was damage to the program resulting from the remaining staff having to take on additional duties.

Chairman Muldoon asked whether the Coast Guard was required to tell the Council why they were not going to implement a resolution passed by the Council, and Mr. Hoedt clarified that they had to consult with the Council but not necessarily comply with every resolution. With regard to the needs of the office, Mr. Hoedt said that that was being defined as the Council works out goals, objectives, and strategies. Mr. Tsuneyoshi suggested some sort of timeline associated with the planning process based on the current staffing levels.

Mr. Woolley asked about the gentlemen's agreement with the PWC manufacturers. Mr. Hoedt said that the last concern over the top speed had been over a year ago and that the craft subsequently passed the Coast Guard's test.

Mr. Shepard asked that, at the Prevention Through People (PTP) Subcommittee, someone give a history of propeller strike initiatives. Mr. Messmann asked for an update on the National Park Service 36 CFR Part 3 rewrite. Mr. Carl Perry said the new project manager was Jerry Case, who would talk about the status at the PTP meeting.

Ms. Anita Boles from the Coalition of Parents and Families for Personal Watercraft Safety stressed the importance of an unresolved part of the resolution on minimum age and size requirements for PWCs dealing with reaching out to non-boaters. Mr. Hoedt suggested she talk to John Malatak about the issue.

## **New Business/Members' Items**

Mr. Tsuneyoshi asked about initial findings from the survey regarding accident statistics. Mr. Hoedt said the report was excellent and that Amy Rigby and the Boating Accident Investigation, Reporting, and Analysis Committee of NASBLA were looking to enhance BARD Web. One particular challenge is States where local law enforcement entities gather accident reports rather than the reports going directly to the agency of the State Boating Law Administrator. Mr. Messmann said he was going to raise the issue at the PTP meeting, including some suggested changes to the CFR. Mr. Hoedt talked about gaps in the regulations, including when neither an owner nor operator is involved in the accident. There is currently no requirement for anyone else to report such accidents.

Ms. Phyllis Kopytko of SPIN asked for clarification on the significance of the NASBLA model act concerning kill switches and whether NASBLA could have some sort of campaign to promote the model act to the States. Chairman Muldoon said NBSAC couldn't tell NASBLA what to do but could encourage them. Mr. Marlow said that the issue was the first agenda item for the Boats and Associated Equipment Subcommittee.

Ms. Wood asked whether there would be weight recalculation on the recreational side as there was on the commercial side to cope with heavier boaters. Mr. Perry said that Phil Cappel was working on the issue and hoped that something applicable to recreational boating would come out of those efforts. He also thought that the Council had previously made a recommendation to upgrade weight capacities.

Mr. Carter asked for more information on the AIS issue as it related specifically to recreational boating, and Mr. Hoedt said that materials would be made available.

Mr. Edwards asked about any official statement from NTSB on the PDF forum. Ms. Timmons reported that she had learned from Bill Gossard that the report probably would not be available for the NBSAC meeting.

Mr. Woolley asked whether horsepower would be addressed in concert with the weight issue. Mr. Perry said that Mr. Cappel's office would look at horsepower when they could.

Ms. Marion De Cruz asked whether the Marine Safety Office regulations would apply if RBS is moved to the commercial side. Mr. Perry said that, although they would all be reporting to the same directorate, there would continue to be separate regulations.

Mr. Tsuneyoshi asked whether stability would be looked at along with the weight issue, and Mr. Perry suspected that it would be.

## **Recess**

Chairman Muldoon entertained a motion to adjourn that was seconded and unanimously approved. He adjourned the general session at 4:47 p.m. to reconvene Monday at 1:30 p.m.

## **Monday, November 14, 2005:**

### **Call to Order**

Chairman Muldoon called the Council back to order at 1:30 p.m.

### **Awards**

Captain Gary Felicetti, Chief, Office of Legislation, USCG, presented Jeanne Timmons with a Spirit of Excellence award from the Judge Advocate General of the Coast Guard for her work on reauthorization of boating safety funding in the highway bill.

### **Remarks of Mark Rosenker**

Mark Rosenker, Acting Chairman of the National Transportation Safety Board (NTSB), presented remarks on recreational boating safety. The Board's three most-wanted objectives for the States in this area are to require education for boat owners and operators, use of life jackets by children, and safety instruction prior to rental of personal water craft. Only five States do not have some requirement for PFD use by children, and General Rosenker hoped all 50 states would have a requirement by the end of 2007. He also stated that, as a result of an accident in Virginia, that State may soon mandate education. General Rosenker wondered how one could argue with any policy aimed at making boating safer. He predicted that the final report resulting from the PFD forum would be available by the end of the year but declined to comment on it as the report had not yet been approved by the Board.

Mr. Carter expressed how important it was that improvements in recreational boating safety remain high among the priorities of the NTSB and on the Most-Wanted list.

Mr. Shepard brought up the importance of mandating seat belts in automobiles and encouraged the NTSB to look into mandating PFD wear for all boaters. General Rosenker discussed the challenges of mandating safety belt use and the importance of voluntary use and suggested alternative approaches before mandating PFD use for all boaters. He emphasized the importance of protecting children as the most vulnerable, educating operators, and enforcing the rules already in place.

Mr. Tsuneyoshi thanked General Rosenker for his help dealing with California's Department of Resources on mandating boating education. General Rosenker said that education would lead to fewer accidents and thus fewer injuries and fatalities.

Ms. Dillon asked about any initial findings from an accident that happened in New York. General Rosenker said that there was no requirement for a safety briefing before departing, PFDs were stored in such a place and manner as to make them useless in a quick capsizing situation as occurred, the vessel had been structurally changed and was not subsequently certified, and there should have been a second crew member on board. He said that New York was addressing the problems and urged other States to look into those sorts of issues.

## **NASBLA Update**

Mr. Edwards expressed the regards of current National Association of State Boating Law Administrators (NASBLA) president Charlie Sledd, who was unable to attend the meeting but hoped to join them later in the day. The 46<sup>th</sup> annual NASBLA conference convened in Portland, Oregon in September. A new executive board was elected and the membership celebrated the passage of Wallop-Breaux. The new board met the previous week in Cincinnati. The board was restructured and is reevaluating the organization. They are planning a more comprehensive government affairs program. Mr. Edwards stated that there had been more than 50 percent turnover in boating law administrators (BLAs) in the past couple of years and that NASBLA was developing a better training program for BLAs. NASBLA has planned a BLA workshop for the spring to provide an opportunity for the BLAs to discuss any issues. Mr. Edwards mentioned the passing of H.R. 3 and talked about looking at which programs were working and which were not.

Mr. Messmann congratulated Mr. Edwards for all his work as president of NASBLA the previous year.

Mr. Hoedt presented Mr. Edwards with a plaque recognizing his work as the immediate past president of NASBLA. Mr. Edwards expressed his pleasure at being a part of NBSAC.

## **Introductions**

Chairman Muldoon asked for any spectators not present at the first general session to introduce themselves.

## **Lee County Boating Safety Campaign**

Captain Richard Moore said that there was a crisis in Florida of boating fatalities. California and Florida have many more fatalities than the next closest state, Louisiana, and Capt. Moore and Mr. Tsuneyoshi have begun collaborating since they face similar issues in their respective States. He reminded everyone that boating fatalities tend to rise and fall in poorly understood cycles so we should not make too much of the recent decline in deaths. With one month left in 2005, Florida has already matched its number of 68 from 2004.

The majority of Florida's boating accidents occur in ten counties, and the specific issues vary by location, and a single message or campaign is not necessarily the most effective way to deal with the problems Florida faces. So they have developed a pilot project for one particular area. The three issues that arose are operator awareness, since most accidents are caused by inattention, PFDs, and alcohol use. Lee County was chosen for the pilot since it is one of the top ten counties, it has a large boating population, and because there was already a task force coordinating Federal, State, and local agencies in the county that could help spread the campaign message.

Capt. Moore's staff found that the main problem in Lee County was male residents 36 and older who own boats less than 26 feet in length. The campaign started last May during National Safe Boating Week and ran through the summer. First they did a pre-campaign survey and got professional marketing assistance. Radio, TV, and print pieces were developed, as well as easel displays that could be put in stores, and the marine task force

delivered the message face-to-face to every boater they encountered. There were other strategies proposed that had to be abandoned to meet the deadline of starting the campaign during National Safe Boating Week. They are also in the process of doing a post-project survey, which was delayed by Hurricane Wilma, but the results so far suggest that people did hear the campaign messages. However, they also suggest that each ad should focus on one of three campaign messages rather than including all three in every ad.

The campaign cost around \$190,000, but Capt. Moore thought it was worth it considering NHTSA's Click It or Ticket campaign costs \$3 million for the two weeks prior to Labor Day weekend. Florida will do campaigns in Dade and Monroe counties and the Florida Keys next year. Capt. Moore concluded by thanking Boat U.S., the National Safe Boating Council, and the Auxiliary and Power Squadrons.

Mr. Hoedt asked whether they had looked at any accident statistics for Lee county for the current year. Capt. Moore responded that they did not use accident statistics as a measure of success because of the short term variation in numbers of accidents. Instead, they focused on raising awareness. However, they will be looking at whether accident numbers go down over the long term.

Ms. DeCruz asked whether there would be any ongoing presence in Lee County as they moved on to other locales, especially prior to the high activity periods. Mr. Carter asked whether, irregardless of any change in behavior, the campaign had given people a more positive image of the agency or the county in general. Capt. Moore explained that the pre-campaign survey asked who people called when they had a boating emergency, and the vast majority of people said the Coast Guard, even though the Fish and Wildlife Commission has the largest presence in the county. He noted that the post-campaign survey showed a dramatic increase in those who said they would contact the Commission.

Mr. Tsuneyoshi said that his agency does focus groups with its campaigns where they ask how many times people have encountered the advertising materials and whether it had changed their behavior. Forty-nine percent said they had changed their behavior, but someone in marketing told them they should next ask how they had changed their behavior. Capt. Moore said they had asked about behavior change. A phone survey found 25 percent had changed their behavior, and most said they were paying more attention when out on the water. However, the online survey had much fewer who responded that they had changed their behavior.

## **Awards**

Ms. Lucia Roberts Francis and Ms. Monita Fontaine were presented with U.S. Coast Guard public service commendations recognizing their efforts and support of the Coast Guard while serving as members of NBSAC from 2003 to 2005.

## **Recess**

Chairman Muldoon adjourned the meeting at 3:05 p.m. to reconvene Tuesday at 8:30 a.m.

## **Tuesday, November 15, 2005:**

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

Chairman Muldoon called the meeting to order at 8:32 a.m. He asked if there were any people in attendance who had not introduced themselves at the prior general sessions, but none came forward.

Chairman Muldoon then thanked Bill Gossard for his work as national coordinator for select programs, including recreational boating safety, at the NTSB. He also thanked Mr. Shepard for writing resolutions at the last minute.

### **Prevention Through People Subcommittee Report**

Mr. Tsuneyoshi, Chair of the Subcommittee, reported that the Subcommittee had met on Sunday, November 13<sup>th</sup>, 2005. The first item was the status of the 2005 boating statistics and issues of timely submission of boating accident report (BAR) data. Bruce Schmidt described how accident data is compiled from State reports and BARD-Web training will be in the next 18 months. The two types of reports that provide data are accident investigator and operator reports. Some reports take more than 30 days, but the regulations only require boat operator reports, which are submitted within 30 days. Adding to potential delays is the fact that Federal agencies such as the National Park Service (NPS) and the Army Corps of Engineers sometimes only find out about accidents from the media.

All the incidents in State jurisdiction which the Coast Guard responds to are reported back to the State. Mr. Hoedt suggested a regulation and review of reporting requirements. Fred Messmann proposed changes to the CFR to speed up the accident reporting process.

The second item was the update on interagency Recreational Boating Safety (RBS) coordination and communication. The Committee on Marine Transportation Services (CMTS) has been established at the Cabinet level. Ed Carter discussed how such interaction would allow issues such as conflicting regulations between State and Federal agencies to be brought to the table. Jeff Hoedt said that had not been the focus of CMTS although the issue comes up daily, and he is exploring ways to bring recreational boating issues before the Committee.

The third item was the update on the NPS rulemaking project. Jerry Case, regulations program manager, is doing the report. Mr. Case said the current rulemaking on Lake Mead is not yet final but is approaching completion. Some park managers at Crater Lake and Yellowstone felt the Coast Guard regulations did not apply, but their goal was consistency with USCG and State laws and regulations, including with respect to definitions of vessel and flat wake speed. A number of USCG and State laws were incorporated as they were written. NPS set a threshold of \$2,000 for accidental injury reporting but will adjust to other thresholds where applicable. Operator requirements were set at 16 and over, and their policy will be to adopt State law with regard to minimum age of operators and mandatory education.

Mr. Case noted that superintendents have discretion to require PFDs on other watercraft. A question was raised as to whether cutoff switches or the lanyards applied only to personal watercraft (PWCs). Mr. Case said the answer was yes, though he noted there could be benefits with regard to other vessels as well. A point was raised that at 18, the age which defines an adult who must accompany a 12-year old operator, a person may not know

anything about boating safety. Mr. Case said that NPS would follow NASBLA and USCG regulations in that regard and adopt all non-conflicting USCG regulations. Marian deCruz from SPIN asked whether NPS was patterning big-traffic events. Mr. Case responded that the superintendent has authority to regulate such activities.

Platform support companies, harbor pilots, container shipping and petroleum tanker companies were invited to a series of meetings on the Integrated Ocean Observing System (IOOS). Participants were asked if there were any holes in the reporting system. One problem is that industry representatives rarely attend such meetings. The meeting attended by Mr. Tsuneyoshi did not have any companies present who deal with the very heavy and dangerous vessels such as tankers and container vessels.

Following an initial needs assessment, the meeting facilitators asked how all of the needs would be paid for. One idea that was suggested to industry but not warmly received was a fee system for weather reports; Senator Rick Santorum's bill, S. 786, would make the National Weather Service no longer provide weather information free to the public and would instead require a subscription service such as AccuWeather. There was much protest to this bill from recreational and commercial groups, but lobbying efforts by the pay-for-weather industry may succeed in inserting the bill's language into an unrelated bill. Mr. Tsuneyoshi noted that recreational boaters were not invited although there are far more hits from recreational as opposed to commercial boaters on Internet sites that give information from PORTS buoys such as those in San Francisco Bay. Chairman Muldoon, along with Bob David, helped Mr. Tsuneyoshi craft a resolution recommending against charging for weather information.

The fifth item was a report from Mr. Randy Edwards on NASBLA Wallop-Breux spending. Mr. Edwards noted that NASBLA had formed a subcommittee to assist States in maximizing their ability to use the increased funding. There was discussion of the failure to change the Federal/State match from 50-50 to 75-25, and Chairman Muldoon suggested the issue be raised with Congress at the earliest appropriate time.

The sixth item was an update on the PFD design contest and discussion of the man-overboard exercise by Ms. Ruth Wood. Entries to the contest have been fewer than expected, but more are expected as the deadline approaches. Entries need not meet USCG standards, and really unique designs could lead to new USCG standards. The winner will be announced at the Miami Boat Show.

The Crew Overboard Retrieval Symposium was attended by over 100 participants from around the world. There was testing of various devices with volunteers and mannequins, including of some previously unknown foreign products.

Item seven was a presentation by Lieutenant Commander Matt Fay on the possible conflict of Rule 5 on lookouts and Rule 34 on sounds and signaling of the navigation rules for the Americans with Disabilities Act (ADA) relative to deaf boaters. Commander Fay said that Rule 5 requiring a person to be able to use signals does not clearly define hearing and that while USCG would not restrain the abilities of deaf boaters, it is generally held that all boaters must be able to hear USCG patrol members' orders.

Item eight dealt with what rental operators can reasonably do to comply with the sounds and signaling requirements of Rule 35. Such companies should have all policies pertaining to any person who may fall under ADA in writing, and training videos should be closed-captioned. Phyllis Kopytko said that although she falls under ADA guidelines, she felt it was her responsibility to take care of herself without special treatment. She thought the

regulatory agencies should be responsible for offering mandatory training to emphasize personal responsibility.

The ninth item was a presentation by Betsy Wood, NASBLA Education Committee Chair, on NASBLA boating safety course approval. A validation study is ongoing to determine difficulty levels for course questions. Representatives from SPIN were disappointed that an education standard dealing specifically with propeller strikes was not developed. The subcommittee voted to recommend that the NASBLA Education Committee review NBSAC resolution 2003-72-07 to see if its intent was achieved.

Item ten, presented by Lieutenant Abby Benson, concerned responsibility for abandoned commercial vessels on predominately recreational waterways. Lt. Benson said that such vessels on Federally navigable waterways were primarily the responsibility of the USCG and the Army Corps of Engineers. Such vessels are addressed in terms of threat of pollution and hazard to navigation. The Abandoned Barge Act of 1992 is the source of much of the authority and procedures. Under the act, USCG and the Corps of Engineers do not have jurisdiction; instead, the responsibility falls to the States.

Next was new business. Ed Carter asked staff about any proposals for classification of type five PFDs, especially those for children. Eric Shepard noted the lack of education about children's devices and their intended performance. Warren McAdams raised the issue of the need for devices and information concerning newborns and infants.

The Subcommittee adopted a resolution opposing any requirement for fees for marine weather forecasts as they are essential to recreational boating safety. **Mr. Tsuneyoshi moved the resolution before the full Council. The motion was seconded, and it was approved unanimously.**

Mr. Messmann read the next resolution, advising USCG to consult with NASBLA regarding concerns in 33 CFR parts 173 and 174 and to develop amendments that would resolve such concerns related to boating accident reporting. **The motion was made and seconded. The resolution was approved unanimously.**

Stating that the Subcommittee had not voted on it, Mr. Messmann read the next resolution offering praise and appreciation to Vice Admiral Thad Allen, as well as USCG, State natural resource, local emergency response, and USCG Auxiliary personnel who responded to Hurricane Katrina, and manufacturers and retailers who donated vital equipment to the heroic effort. **The resolution was made, and Mr. Messmann seconded it. The motion passed unanimously.**

Chairman Muldoon asked for a motion to adopt the minutes of the Subcommittee. **The motion was made and seconded. It was approved unanimously.**

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

Ms. N. Ruth Wood, Vice Chair of the Subcommittee, began by thanking Pete Chisholm for his help in writing the minutes. The Subcommittee met on Sunday, November 13<sup>th</sup>, 2005. As he had to catch an early flight, Mr. Marlow, Chair of the Subcommittee, moved item six on high-risk propeller boat lengths to the top of the agenda. Mr. Marlow referenced work by the Boat Occupant Protection Committee. Carl Perry gave a history on regulatory action with regard to propeller injuries, which did not meet OMB requirements.

He said it would be withdrawn or modified by a supplemental notice of proposed rule-making. Bruce Schmidt summarized a report on propeller strike injuries and fatalities by boat length and type, which showed a higher risk with stern-drive boats regardless of length. Questions arose about whether PWCs would count as inboards, and Mr. Marlow requested an action item to identify and segregate PWCs so they would not be included as inboards. Mr. Marlow also suggested as an action item that a working group be convened to look at boat injury and death avoidance. The Subcommittee accepted this action item. Dan McCormick noted that Milligan and Tennant had been awarded a grant to do an updated review of injury mitigation devices.

Mr. Messmann gave an update on the NASBLA model act requiring cutoff lanyards. He will urge State adoption of the model act in Nevada and urged others to do the same to promote the measure. Mr. Marlow requested a report at the next meeting from USCG on the effect of Alabama's cutoff switch requirement.

Mr. Eric Johnson from ABYC gave an update on three issues. First, the CO label project has been completed. Second, 90 percent of canoe and kayak manufacturers support a new standard H-24. Third, ABYC held its first meeting on LED navigation lines at IBEX; all major manufacturers participated, and standards will be added to A-16 or be made into a new standard. There is an action item that ABYC provide an update at the spring IBEX meeting.

Robin Tyler shared her experience surviving a propeller strike. There was an update on off-throttle steering accidents involving non-PWCs. Bruce Schmidt said there was no data to support any off-throttle steering accidents of boats other than PWCs. The Subcommittee voted to close the issue.

Next Bruce Schmidt gave a report on accidents involving improper or no boat lights. Ted Woolley requested an action item to suggest a study to determine the effectiveness of one versus two-mile red-green navigation lights. The motion did not pass.

Dan McCormick gave an update on Westerbeke CO safe generators installed at Forever Resorts and NIOSH testing on boats. Additional engine and generator manufacturers are working on reduced CO products. Next Ms. Wood reported on the EPIRB testing. The test two years ago of the upgraded 406 EPIRBs showed they did not reliably provide GPS locations, but they passed the test last summer.

Cindy Squires gave an update on NMMA boat certification value analysis. A boat from an uncertified manufacturer was found to be seven times more likely to be issued a recall than one from an NMMA-certified manufacturer.

Next Fred Messmann reported on the response to the letter from NMMA on the 17-character HIN. He recommended that the Subcommittee accept his report, disregard the determining management cost benefit analysis prepared for the old cost analysis, and that USCG invite stakeholders to help develop a survey instrument to determine costs and a separate one to determine benefits, incorporating points made in the NASBLA/IAMI report. The Subcommittee approved a resolution for implementation of the 17-character HIN.

Jacob Brochtrup made a statement about his survival of a propeller strike and asked why devices that would prevent such accidents are not used.

Under old business, Mr. Shepard brought up the media outreach portion of resolution 2004-74-02 dealing with minimum age and size requirements for PWCs. The brochure was completed and is being distributed. The Subcommittee approved an action item to ask USCG to investigate the media outreach portion of the resolution. Anita Boles praised the effective outreach of a recent women's magazine article on CO poisoning.

Under new business, Kirkland Smith showed a new propeller guard that was inspired by a July 4, 2003 accident. Testing is underway, and resorts and rental companies are being targeted as potential customers.

Ms. Wood then read a motion from the floor recommending establishment of a working group to address propeller strike injury avoidance to convene for its first meeting prior to March 1<sup>st</sup>, 2006. **Mr. Shepard moved the resolution, and it was seconded. The motion passed unanimously.**

Mr. Messmann read a resolution requesting that USCG disregard the previous cost and benefit study for the 17-character HIN and invite stakeholders to help develop a separate survey instruments for determining the costs and benefits. **The resolution was moved and then seconded by Mr. Manues. The motion was approved unanimously.**

**Mr. Tsuneyoshi moved adoption of the Subcommittee minutes. Chairman Muldoon seconded the motion, and it was approved unanimously.**

### **Recreational Boating Safety Strategic Planning Subcommittee Report**

Mr. Messmann, Chair of the Subcommittee, reported that the Subcommittee had met on Monday, November 14, 2005. Mr. Messmann thanked all those who attended the panel meeting on October 17<sup>th</sup> and 18<sup>th</sup>. He also thanked Eric Shepard for writing the minutes.

Mr. Messmann discussed the draft strategic plan. A change was made to the education objective whereby the cutoff for boaters to complete the NASBLA-approved or other recognized boating safety program was changed from 2008 to 2010. The Subcommittee moved boating accident reporting from objectives four through seven to objective number one. The Subcommittee also approved a motion to make the Subcommittee permanent. Chairman Muldoon asked for a motion to approve the report. **Mr. Tsuneyoshi moved the resolution; it was seconded by Mr. Shepard. The motion was accepted unanimously.**

Mr. Messmann said there would be a meeting in January to develop program strategies. **Captain Moore made a motion to include the entire Council on the working group. The motion was seconded, and it was approved unanimously.**

Under new business, Monita Fontaine introduced a resolution establishing the primacy of the USCG in regulating vessel traffic on waterways subject to the jurisdiction of the United States. **The resolution was moved and seconded; the motion was unanimously approved.**

Mr. Shepard made a motion to revisit restrictions on inflatable life vests for children and commented that there was no reason to avoid mandatory PFD use if the goal is to lower the number of accidental boating deaths. **The resolution was moved by Mr. Manues and seconded. The motion passed unanimously.**

Chairman Muldoon asked for a motion to accept the Subcommittee report. **Mr. Shepard moved for acceptance and was seconded. The motion was approved unanimously.**

Mr. Hoedt asked for clarification whether an earlier vote was in regard to a document entitled "Draft Strategic Plan of the Recreational Boating Safety Program as Proposed by the NBSAC by the Strategic Planning Panel, October 18, 2005." Mr. Messmann confirmed that that was the document in question.

### **Chairman's Session**

Mr. Shepard read a resolution commending Carl Perry for his 36 years of service to the Coast Guard and for his service to the National Boating Safety Advisory Council.

Ms. Timmons expressed the regrets of Charlie Sledd, Boating Law Administrator for Virginia and current president of NASBLA, who was unable to attend due to a delay in his travel schedule. She also asked for the staff to have some latitude to correct minor errors in the resolutions with no substantive changes. Caroline McNeary, Jeanne Timmons, and Carl Perry addressed submission of travel forms.

### **Response to Members' Items**

The answers were previously distributed in hard copy, so Mr. Hoedt addressed the members' further questions and concerns. Mr. Edwards had nothing further regarding whitewater, and Mr. Hoedt mentioned that Ms. Dillon had provided a handout giving definitions for the different classes of whitewater. Ms. Dillon referred to it as the International Scale of River Rating Difficulty and said that a river section's classification could change based on current water conditions. She suggested that class two and above should be considered whitewater. With regard to the measurable facets of industry efforts to advance PFD, Mr. Edwards requested that either Cindy Squires or Bernice McArdle provide an update at the next meeting.

Mr. Messmann asked about further edits of the Maritime Law Enforcement Manual, and Mr. Hoedt stated that such manuals undergo periodic review. Mr. Messmann asked that BAIRAC work on a revision to eliminate confusion over the threshold for boating accident reporting. Mr. Hoedt asked that BAIRAC take the initiative and review the manual. Mr. Messmann also asked that USCG review future versions of the manual to look at issues affecting the States.

With regard to a question about TSAC and AIS issues, Mr. Carter asked that he be made aware of anything formally moving forward such as a rulemaking, and Mr. Hoedt promised to do so. As to the Oceans Commission report, Mr. Tsuneyoshi stated that it had resulted in the Oceans Commission Council, which is developing a law.

Mr. Woolley asked whether his question on whitewater had been answered yet. Martin Jackson of the Office of Lifesaving and Fire Safety Standards, said that the previous February was his first PFD standards technical panel meeting and that a working group was formed to answer NASBLA's question on whitewater PFD. They hope to have an answer by next February's STP meeting.

With regard to Mr. Woolley's question on the PWC top speed agreement, Mr. Tsuneyoshi said that members of San Bernardino marine enforcement had found two or three different model PWCs to run in excess of 70 miles per hour. Mr. Hoedt reminded members that the agreement applied only to off-the-shelf PWCs, not those that had been modified, and that there were very specific testing conditions outlined in the agreement. Mr. Manues said that he was operating a jet ski off San Diego harbor with a full tank of gas that easily exceeded 70 miles per hour. Mr. Hoedt asked that the Office of Boating Safety be informed of such things so they can check them out. Mr. Woolley said that, at last year's Miami Boat Show, dealers were bragging about off-the-shelf speeds ranging from 67 to 72 miles per hour. Mr. Hoedt again asked that his office be informed about any specific models.

Nita Boles of the Coalition of Parents and Families for Personal Water Craft Safety, expressed her dismay at the comments made, especially given that it is accepted that a person may be ejected from a PWC.

### **Old and New Business**

Mr. Edwards asked how USCG handles the issue of life jackets with regard to infants on recreational boats. Mr. Perry stated that the regulations allow for termination of a voyage for hazardous conditions, including insufficient PFDs on board, and he thought voyages should be terminated if there were infants on board without a PFD. Mr. Woolley stated that he had taken his own infant children boating and had found an infant PFD designed to keep the infant face-up in the water. Mr. Perry and Ms. Wood expressed surprise that there was a PFD designed for individuals less than 30 pounds. Mr. Woolley said he would bring one to the next meeting. Ms. Wood said that at UL meetings there were manufacturers interested in standards for infant jackets up to 30 pounds.

Dan McCormick of the Office of Boating Safety said that during his time with MSE-4, the Lifesaving Standards Division, he learned that newborns would be inappropriate to take on boats as there are not PFDs for them. Any child who does not fit the existing type two infant PFDs should not be on a boat. He agreed with Mr. Perry that an infant without a PFD would be grounds for termination of a voyage since there are PFDs for infants above a certain size. Mr. Shepard said that there were two devices for newborns in the aviation industry that are little inflatable pods and that there was also a recommended means of attaching an infant to an inflatable life vest to keep the child buoyant. He noted that, as most of an infant's weight is in its head, it is very difficult to keep them upright.

John Malatak provided an update on the condition of the education specialist for the office who recently underwent open-heart surgery and who planned to return to work the following Monday.

Ms. Dillon asked that a member item on prevention of capsizing she requested in April be added to the list and an update provided in the future.

### **Adjournment**

Chairman Muldoon thanked the Council members for their efforts

The meeting agenda completed, Chairman Muldoon entertained Mr. Tsuneyoshi's motion to adjourn. The motion was seconded and passed unanimously. The meeting concluded at 10:37 a.m.

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

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James P. Muldoon, Chairman  
National Boating Safety Advisory Council

Date

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Jeanne Timmons, Executive Director  
National Boating Safety Advisory Council

Date

**Attendees other than NBSAC members and related staff:**

Jim Getz, , retired Captain with the Illinois Conservation Police; Boating Law Administrator for four years and member of the Council in the late 1990s; currently lead instructor for the NASBLA Boat Accident Investigation Program.

Dick Snyder, retired engineer from Mercury Marine; and currently very active in ABYC and a couple of committees on NASBLA. [corrected spelling]

Commodore Carolyn Belmore, Past Commodore in the Coast Guard Auxiliary; currently President of the New England Safe Boating Council; and a past member of the Council.

Commodore Warren McAdams, Coast Guard Auxiliary's Recreational Boating Safety Program.

Karen Steely, Aaron Foundation.

Jan Iserman, Coalition of Parents and Families for Personal Watercraft Safety.

Nita Boles, a co-founder of the Coalition of Parents and Families for Personal Watercraft Safety.

Cindy Squires, Regulatory Counsel with the National Marine Manufacturers Association.

Mark Suttie, Lake Powell Resorts and Marinas on Lake Powell.

Eric Johnson, American Boat and Yacht Council.

Phyllis Kopytko, Stop Propeller Injuries Now (SPIN).

Katherine Hall, a survivor of a propeller strike in 1957.

Kirkland Smith, Enviroprop Corporation.

Robin Tyler, a propeller injury survivor.

Robert Townsend, Stop Propeller Injuries Now (SPIN).

Jacob Brochtrup, a propeller injury survivor.

Marion deCruz, Stop Propeller Injuries Now (SPIN).

Ron Sarver, Deputy Director for NASBLA.

Caroline McNeary, Office of Boating Safety.

Mark Rosenker, Acting Chairman, NTSB

Gary Felicetti, Captain, USCG, Chief, Legislative Affairs.

Jeff Glossop, PMG.

Joanne Dorval, U.S. Sailing.

Duncan Neasham, NMMA.

Janet DePaoli, SPIN.

Marty Jackson, USCG, G-MSE-4.

Athar Saeed, PMG.

Abby Benson, LT, USCG.

Bill Gossard, NTSB.

Matt Fay, LCDR, USCG.

Jeff Ludwig, PWIA.

Maureen Healey, PWIA.

Dan McCormick, USCG, Office of Boating Safety.

Richard Blackman, USCG, Office of Boating Safety.

Al Marmo, retired, USCG.

Alexandra Kim, USCG.

Lizzie Breesman, PMG