

Southwest Conference Center  
Hampton Inn Tropicana  
Las Vegas, Nevada

APRIL 1-4, 2006

PRESENT:

**COUNCIL MEMBERS**

James P. Muldoon	Chairman, Public Member
Alfonso Campos	State Member
J. Edward Carter	State Member
Peter A. Chisholm	Industry Member
Robert P. David	Public Member
Pamela Dillon	Public Member
Randy R. Edwards	State Member
Monita W. Fontaine	Industry Member
Lucia Francis	State Member
Fernando Garcia	Industry Member
Jim L. Manues	Public Member
David C. Marlow	Industry Member
Fred F. Messmann	State Member
Richard Moore	State Member
Bruce L. Rowe	Industry Member
F. J. Edward Shepard	Public Member
Scott P. Swanby	Industry Member
Raynor T. Tsuneyoshi	State Member
N. Ruth Wood	Public Member
Ted Woolley	Public Member

**MEMBERS ABSENT**

Barbara Sands	Public Member
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**U.S. COAST GUARD STAFF**

Jeffrey N. Hoedt	Chief, Office of Boating Safety
Jeanne Timmons	NBSAC Executive Director
Vann Burgess	Office of Boating Safety
Phil Cappel	Office of Boating Safety
Mitch Cho	Office of Boating Safety
Harry Hogan	Office of Boating Safety
Mark Mancuso	Office of Boating Safety
Dan McCormick	Office of Boating Safety
Caroline McNeary	Office of Boating Safety
Barry Nobles	Office of Boating Safety
Audrey Pickup	Office of Boating Safety
Bruce Schmidt	Office of Boating Safety
Sam Wehr	Lifesaving & Fire Safety Standards

**Saturday, April 1, 2006**

### **Call to Order**

Chairman Muldoon called the meeting to order at 8:34 a.m. and recognized Fred Messmann. Mr. Messmann welcomed the Council to Las Vegas and gave a brief description of Lake Mead. Lake Mead was formed by the construction of Hoover Dam in 1935, and the sheer size of the lake, 9.3 trillion gallons and 700 miles of shoreline, represents challenges to Arizona, Nevada, and the National Park Service. There are six marinas on the lake, including Callville Bay, which includes Forever Resorts, which the Council will visit on Monday. He reiterated his welcome and offered his help to the Council members with navigating the town.

### **Chairman's Remarks**

Chairman Muldoon had the members, staff, and audience introduce themselves. After describing the itinerary for the meeting and handling some logistic issues, he urged those present to forget their positions and affiliations and instead work for the good of the public. He introduced Jeff Hoedt, announcing that Mr. Hoedt's position as Chief of the Office of Boating Safety has been made permanent.

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

Jeff Hoedt, Chief of the U.S. Coast Guard Office of Boating Safety, passed on a welcome on behalf of Rear Admiral Craig Bone, the new sponsor, who was unable to attend due to legislative activity on port security. Mr. Hoedt's report consisted of general updates, project updates, 76th Meeting resolution updates, and challenges.

Under general updates, Mr. Hoedt reported on many organizational changes within Coast Guard Headquarters. Operations has been changed from G-O (Operations) to G-R (Response) and is headed by an Assistant Commandant for Response, and it is currently still headed by Rear Admiral Sirois. G-M, which was Marine Environmental, is now G-P, Prevention; Admiral Gillmore is still in charge, though there are upcoming changes in flag officers.

The Office of Boating Safety has transferred from G-P to G-PC, the Prevention, Inspection, and Compliance Directorate. RDML Bone, who is being promoted to Assistant Commandant of Prevention, G-P, is the current G-PC Director; and CAPT Salerno, soon to be promoted to G-PC, is currently RDML Bone's deputy. This move constitutes quite a change, since it combines the Office of Boating Safety with other G-PC offices they have not previously worked with, including commercial vessel safety, documentation, and Auxiliary. Under the new arrangement RBS is working closer with the Auxiliary than in many years, and the daily communications with the other offices is beneficial to the program. After the Lady D and Ethan Allen incidents, the National Transportation Safety Board (NTSB) has been pushing for the Coast Guard to look at weight and stability factors in vessels. The issue has come over to the recreational side because recreational vessels are sometimes used for commercial purposes.

In the Office, Jeanne Timmons continues to serve as Executive Director of the National Boating Safety Advisory Council (NBSAC). The position of Regulatory

Coordinator has been restructured to include less regulatory issues and to include the new Executive Secretary to the Council in the job duties; the Office is in the process of filling the altered position. The Office is also looking at adding positions. An additional contractor, Dr. Philippe Gwet, has been hired as a statistician.

Wallop-Breaux funding has been amended. The reauthorization legislation for the highway bill was passed last year and went into effect at the beginning of FY06. It drastically changed the funding base for all the programs formerly under the Aquatic Resources Trust Fund, which is now called the Sport Fish Restoration and Boating Trust Fund. The changes add to the funding base. Marine fuel taxes that used to go toward deficit reduction now go back into the program, well over \$100 million. With the increase in funds, the distribution of the funds was altered. The Boating Safety Program now receives 18.5 percent of the Trust Fund, rather than the flat \$64 million previously. That percentage equals \$101 million this year and is expected to be about \$115 million next year. The state grants went up to over \$91 million this year. The states' matching share has not been reduced as was hoped, so some states that got increases may not be able to match the funds. Nonprofit grants are up from under \$3 million to \$4.7 million, and the applications are currently being scored.

States are reporting on accidents faster and the Boating Accident Report Database (BARD) system has improved, so the 2005 statistics on boating accidents should be available in May, in time for National Safe Boating Week. In the past, the statistics were not available until fall of the following year or later. The statistics will be laid out both in calendar year and fiscal year formats.

PFD wear rate was addressed at a strategic planning meeting in February, at which the initial figures on the 2005 PFD Wear Rate Study were shown. The numbers show no significant change in wear rate, still around 22 percent. In fact, if personal watercraft are excluded, there was a small drop. Wear is up on sailboats and down on canoes and kayaks. This may be due to the increase in kayak use, which leads to the increase in inexperienced kayakers. Mr. Tsuneyoshi agreed and noted that his state is losing people who operate kayaks outside of bays and protected areas.

Mr. Hoedt then moved to specific updates, starting with the National Boating Survey. The Survey is being revised to reduce overlap, eliminate conflicting results, and meet common needs of the various agencies and entities involved. A meeting was held in November of 2004 at Michigan State University. Between 40 and 50 organizations, including NASBLA, industry, academia, and private surveying corporations, attended to discuss issues. They looked at all of the studies being done on recreational boating and identified gaps, redundancies, and data not updated frequently enough. Nonprofit grant applications are being received to develop the instrument and design the methodology of the new study, and it will be awarded in the next few months. The plan is to budget to do the survey every two years and to have a well-done, defensible survey. Items on the survey outside of the mandate of RBS can hopefully be funded by partners. Dr. Gwet, the contractor statistician, will coordinate the implementation of the study. The plan is to implement the study in fall of 2007. The survey will have to be cleared with OMB prior to its implementation.

The Office of Boating Safety (G-PCB) is the link to the states on the Vessel Identification System (VIS). G-PRI is in charge of putting VIS together. They have been testing different databases that gather registration data and put it in a common format. These database companies usually sell the data, and working with one of those databases is being considered, though the companies would not be allowed to distribute select data

collected for law enforcement or Homeland Security purposes. Testing of the system has been completed in three southern states, Florida, Georgia, and South Carolina. The state staff that used the system offered positive comments. It is hoped that the system can be up and running this year.

There has been great progress on carbon monoxide issues, due to action in the industry and by private individuals. Manufacturers are producing low CO and no CO emitting generators. That has been one of the two primary sources of CO in boats. There are older generators out there, but word is getting out about the danger, due largely to the work of volunteer organizations. States have adopted laws on teak surfing. Although there were only three confirmed fatalities in 2004, autopsies are not always performed, so the number might be greater. A nonprofit grantee was looking at trying to develop standards for the medical community to do toxicology tests in autopsies so that the number can be more accurately determined.

The National Water Safety Congress is still working on the Barge Lighting project. They were given a \$127,000 grant to work with the Towing Safety Advisory Committee (TSAC), the barge industry, and the Army Corps of Engineers (USACE), and others to look at strategies to enhance the visibility of barges at night and during periods of low visibility. Ideally, the illumination would also help the barge crews and increase safety, since falls and falls overboard are leading causes of casualties on barges and crewmembers overboard are invisible to the crew. This is not a regulatory effort but a voluntary approach intended to benefit all concerned.

New brochures have been developed: "How to Choose the Right Life Jacket," "Children and Personal Watercraft," and "Beware of Boat Propellers: A Hidden Danger." Mr. David has distributed 500 of the lifejacket brochures and says the reaction has been unusually positive. Ms. Steely commented that she has not been able to find "Children and Personal Watercraft" on the Safe Boating Campaign website or to get a distribution. Mr. Hoedt replied that feedback on improving distribution is appreciated. Because the goal is to alter behavior, G-PCB needs input and assistance in identifying and reaching the target audiences. Especially when considering the size of the boating populace, it is important to reach the target audience, not the general population. NADCO McAdams added that it is difficult to keep up with the demand with brochures, but that the local Coast Guard flotillas can access them for anyone who needs them, and Vann Burgess of the Office of Boating Safety keeps a small cache he can get to any interested organization. The biggest problem is replenishing stocks of popular brochures. Ms. Francis asked for a digital version of the brochures to facilitate the duplication. Mr. Hoedt said that he would get John Malatak and his staff to work with states that want to reproduce brochures.

The next section of the Chief's report was the Resolution Updates. There were a number of resolutions at the 76th meeting. Proposed legislative restrictions of marine weather broadcasts for recreational boating safety has not progressed. There was a resolution expressing appreciation for the Hurricane Katrina Emergency response and a commendation for Carl Perry, which was framed and presented to him, which he appreciated.

The follow-up on the amendments to boating accident reporting requirements included a meeting between the Office of Boating Safety staff and National Association of State Boating Law Administrators' (NASBLA) Boating Accident Investigation, Reporting, and Analysis Committee (BAIRAC) in March. Bruce Schmidt took the lead on that and is the liaison with NASBLA, which plays a key role in the process. The

meeting looked at gaps in accident reporting, and areas to look into enhancing the system. There is additional consideration and discussion taking place within the Coast Guard, and the plan is to bring any proposed amendments to NBSAC for consideration at future meetings.

With the resolution on propeller strike injury avoidance, the Council recommended that staff put together a working group to look at the most recent data analyses to look at strategies and come up with a recommendation. That group met in Arlington, VA in March and was chaired by John Adey of the American Boat and Yacht Council. The proposals developed from the meeting will be presented for NBSAC consideration.

There was a resolution on Hull Identification Number implementation. Phil Cappel (G-PCB-3) had plans to move forward, with the manufacturer cost survey, but was delayed so the survey could be amended to include stakeholder benefits. The survey has been drafted to look at both costs and benefits, and the draft will go to the stakeholders in April for input. The amended draft will go to OMB for clearance. The input from all the stakeholders in identifying cost and benefits will be essential to the future direction of the project.

The resolution on the primacy of the USCG in regulating vessel traffic on waters subject to the jurisdiction of the US has been a difficult issue. There are many state and federal agencies that have different jurisdictions over the water and different mandates. The best way to deal with that is to have a collective organization high in the administration that can understand the problem, discuss it, and come up with an agreement on the direction to take. G-PCB staff, Vann Burgess, has been assigned to work with the Committee on the Marine Transportation System (CMTS), and staff has met with Gary Magnuson of NOAA, who is assigned to develop near-term goals for CMTS. If G-PCB can become part of that group, it must then include other agencies involved in recreational boating.

Mr. Hoedt put two challenges before the Council. The first was to continue developing the strategic plan for boating safety. The performance goals designed by the Council have been adopted, and the Council has to finalize the objectives, identify and prioritize the strategies, and discuss measures of effectiveness. He reviewed the NBSAC resolution on goals, which were to improve reliability of boating accident reporting, identify categories of commercial and recreational casualty data; use the National Survey and Recreational Environment (NSRE) denominator of 10 million participation days, state goals of fatalities and injuries from 2006 through 2011; look at calendar year fatalities; develop five-year averaging of fatalities to match the commercial side; combine fatality and injury calendar year goals; compute on the fiscal year as well as the calendar year; and reconvene the panel to work on objectives and strategies. All of these things have been done.

Mr. Hoedt reviewed the draft objectives. The first was to increase adult PFD wear in open motorboats each year by three percent of the observed rate from the previous year for five years. The rate comes to about a tenth of a percent per year, and he is concerned that OMB and GAO will not view the number as aggressive enough. There was an objective to decrease alcohol-involved boating accidents and to create a measurement system by 2008. The system will use BARD data, BUI violations from the USCG Form 4100, State Performance Report Part II reports, and the National Boating Survey to create a baseline measurement for tracking trends. Progress is being made on that objective; the data is being collected. On the objective to reduce navigation rule

violation-related accidents, create a single measure using State accident data, and reduce fatalities due to navigation rules violations to less than 20 percent of total fatalities by 2008, Mr. Hoedt asked if the number should be a percentage of the total fatalities or just a reduction of the actual number of accidents involving violations of navigation rules. The reason for the question was that the objective can be met simply by increasing the number of accidents in other categories. On the objective to increase compliance with safety equipment carriage requirements, create a data system annually from Coast Guard vessel boardings and State vessel boardings, use this data to evaluate percentage of compliance, and establish targets for compliance, the data has been gathered and will be presented to the Council. The next objective was to increase accident reporting and accuracy, establish a baseline of BARD data reporting and completeness using boating accident reports investigated in 2005 on a State-by-State basis; then reduce the occurrence of inaccurate and or incomplete accident reports (investigated) by an average of 5 percent per year, from 2006 to 2010. The Office is continuing to work, especially with BAIRAC, on that.

The next objective was to increase boater knowledge and skills, create a database to measure boating operator knowledge and experience through the capture of “hours of experience” via BARD, National Survey on Recreation and the Environment, and the National Boating Survey by 2008. The Office is looking at those options.

The next objective was to increase the number of boaters who have completed a NASBLA-approved boating safety instruction and education program, create a database by 2007 to track the number of NASBLA-approved boating safety education certificates issued annually, and compile that on a State-by-State basis. That has been initiated and will be reported to the Council.

The next objective was to increase the level of awareness of safe boating practices, establish a baseline measurement through the National Boating Survey of the boating public's awareness of safe boating practices by 2008 and use that data to establish a measurement to increase the level of awareness by 2010. Awareness should ultimately lead to a change in behavior.

The last objective was to decrease recreational boat manufacture discrepancies by five percent annually, given baseline data initially gathered in 2003 by the Office of Boating Safety. Phil Cappel has made some impressive progress on this. The project is nearly complete and is on track to establish the measurement system, finalize it, and have a baseline and set a target at the meeting.

The challenge to the Council is to finalize the objectives and measurement systems, prioritize the strategies from the February meeting, and discuss plans for implementation.

Finally, there were two challenges related to propeller strike injury avoidance measures: to consider recommendations made by the Work Group and to provide advice to the Coast Guard on recommended strategies for aggressively reducing propeller strike casualties. This issue has gained attention in the past few months and the administration expects aggressive approaches and effective results.

## **Executive Director's Report**

Jeanne Timmons gave a brief overview of the contents of the binders. There were three special meetings in the past four months: the Strategic Planning Panel in February, the Propeller Workshop in March, and the meeting on Performance Report Part II. She

thanked Mr. Messmann for his help in arranging the meeting. She pointed out that the increase in Wallop-Breaux funding is the result of the 4.8 cent increase and that future increases will be much smaller. All members whose terms expired in December continue to serve under a Commandant's appointment until the vacancies are filled by the Secretary. Due to medical emergencies in her family, Barbara Sands could not attend. By Council consensus, she was sent a message of condolence. Ms. Timmons thanked the staff and the contractors for their work.

### **Testimony on Propeller Strike Avoidance**

Pam Moody presented on the death of her son, Kyle, due to a propeller strike. Her son, who was 21 years old, was hit in the leg by the propeller of a 26 foot rented pontoon boat when he was swimming. He died after two days in the hospital. She urged the Council to require propeller guards on all rental boats.

### **RBS Strategic Planning Panel Report**

Fred Messmann thanked Mr. Hoedt, Executive Director Timmons, and the Panel members for their work on the strategic plan. He commented on the Chief's report, which covered most of the issues related to the Strategic Plan. The Strategic Planning Goals were signed off by the Coast Guard. The objectives were addressed at the three-day meeting, and the draft objectives document came out of that meeting. The prioritization document was assembled by staff and will be addressed on Sunday in the Subcommittee.

### **Propeller Injury Avoidance Workshop Report**

John Adey presented on the Propeller Avoidance Workshop. Much of what he had to report was covered in the Chief's report. He expressed excitement about the possibility of a unique solution. The workshop was in Alexandria, VA, and four ideas came out of the meeting. The first was an educational package for rental boats, which would quickly teach people about boating rules and safety. The second was that every original equipment manufacturer (OEM) install a cutoff switch and the cutoff switch be installed immediately on all boats. Third, a law could be passed requiring that, if the boat has a cutoff switch, it must be attached to the operator. The last idea, which was similar to California's AB 2222, was that if you are in the water holding onto a boat, the engine must be turned off. All of these items were to be addressed at the Boats and Associated Equipment Subcommittee.

### **Report from Towing Safety Advisory Council (TSAC) Liaison**

Ed Carter reported on the three-day TSAC meeting in March. The meeting looked at drydocking procedures, special needs of small companies, and safety management systems. They discussed Public Law 108-293, which added boats 8 meters or longer to the list of Coast Guard inspected vessels. This brings towboats into the inspection side of the Coast Guard; they were previously uninspected. There are three segments to this: inspection, audit, and the safety management system. Safety management systems were a large concern, and the drafting group talked about what kind of audits they would like.

They also discussed training, since there will be a licensing statute. They are looking at distance learning, but they want to concentrate on an apprentice mate to mate program. They see a benefit to the USCG commercial license, since that will allow other licensees, such as fishermen, to move into the towing industry. They made a point of the local licenses and making sure people met the standards. A licensee may have multiple local endorsements for a Master's License or a maximum of 100 miles on a limited Local Area License.

The Gulf Coast Mariners Association voted unanimously to lift the license exemption for towboat operators in the Gulf area that were involved with oil and gas exploration. USCG is going to Congress to request legislation.

The safety management systems are still a big concern as to whether auditing will be internal or there will be third-party audits. The preference is third-party audits with Coast Guard oversight. This will shorten the turnaround time, resulting in more boats being inspected.

As a homeland security issue, Transportation Worker Identification Credentials, TWIC, are going to be issued. This will make it easier to control access to secure areas on a boat or in any area with limited access. TSA is leading this effort, and the Coast Guard rulemaking is underway. The TWIC program will be applied in the maritime industry first, but will eventually be applied to all transportation industries.

There was much discussion of mariner deaths as relates to barge lighting. A study of the Mississippi River from Baton Rouge to New Orleans showed that most fatalities occur between 2300 and 0600 hours, and 59 percent are due to falls overboard. They felt that inadequate lighting was the primary problem and that they should combine the project to have barges lit to be visible to recreational boaters with a project to have better visibility on deck. They've been disappointed by the limited response to the RFPs (Request for Proposals) for industry to work on the problem, but on April 6, the group will meet with manufacturers on a barge to see if the measures will work.

TSAC discussed the lack of PFD wear on commercial vessels. The Coast Guard presented two models that meet the standards, the Mustang MD3183 and the Stearns 1470. The requirements are that vessels longer than 40 feet must have an orange upper body to aid in visibility. Annual maintenance is required on the commercial side but not on the recreational side.

The last part of accident categories was collisions between towboats and bulk carriers. An investigation revealed that when vessels were operating in fog, there was a problem with the radar settings. This came down to heading problems and improper use of the navigational equipment. This brings up the issue of electronic charting and the Automatic Identification System (AIS) for commercial vessels. Public Law 108-293 requires electronic chart systems by 2007 in commercial vessels, though in which vessels is not yet set. USCG is focusing on the Great Lakes and coastal areas while the USACE is working on inland waters. The goal is to incorporate the AIS into the system.

The next meeting is September 19-20, 2006.

Mr. Tsuneyoshi asked about TSAC's funding. Mr. Carter said that they don't have the funding yet, but they are trying to allow some of their members to attend NBSAC meetings.

Sam Wehr from Lifesaving and Fire Safety Standards pointed out that all life vests require maintenance. The difference between the recreational and commercial side is the tracking of the maintenance.

## **Report from NAVSAC Liaison**

Eric Shepard reported that there has been no NAVSAC meeting since the last NBSAC meeting. NBSAC needs a new NAVSAC liaison and is looking for volunteers.

## **US Coast Guard Auxiliary Report**

NADCO Warren McAdams reported that the Auxiliary continues to be pulled in many directions: recreational boating safety missions, USCG operations support, and support during emergencies. Many Auxiliary members supported FEMA and provided direct support in the Katrina disaster area.

In Recreational Boating Safety, comparing 2004 and 2005, the number of multi-lesson courses was about the same, but the number of class hours is down 10 percent and enrollment is down 20 percent. This is largely due to the shift from the 13 week course to the 8 hour course. Some members question the value of the 8 hour course. There has been significant turnover of instructors, and the hurricane affected the numbers. Book sales are up 20 percent, and the sale of 8 hour courses is up 47 percent.

Vessel examinations were steady, and safety checks have been focused toward educating the boater. The Marine Dealer Visitation program has been trying to broaden its scope to include other retail outlets to which boaters go.

The security clearances are still slowing down member training and deployment. Many new members want to contribute to homeland security but have no boating background, and it can take two years to qualify them. To perform some missions, members must be qualified to some level in the Incident Command System and the National Incident Management System. Paperwork and standards put a burden on the volunteer members. He encouraged the people present to encourage the Auxiliary members by emphasizing boating safety. RBS programs are the primary source of new members, and 2006 is designated the year of RBS for the Coast Guard Auxiliary.

## **Call for Old Business**

Chairman Muldoon called for old business. Mr. Edwards congratulated BoatU.S. on the PFD contest and asked to hear more about it at some point in the meeting. Ms. Wood said she would address it in her presentation.

Mr. Woolley wanted to look at UL's proposal on the definition of a "whitewater" river. Ms. Francis wanted to see the statistics on the types of injuries sustained by children on personal watercraft. Mr. Schmidt said that they were in *Boating Statistics*. He said he would report on children who drown while wearing life jackets. Ms. Dillon wanted to address capsizing and falls overboard measures.

## **Call for New Business**

Chairman Muldoon requested that the Prevention Through People Subcommittee discuss the issue of the Coast Guard requiring the presence of recreational boaters on Port Security Committees.

## **Members' Items**

Mr. Garcia asked for more details on resolution 2005-76-06, “**Primacy of U.S. Coast Guard in Regulating Vessel Traffic on Waters Subject to the Jurisdiction of the United States.**” He saw no indication of how the Office is taking lead authority. There is no mention as to whether or not it was presented and discussed at the Committee meeting, and the update lacks metrics. Finally, he considered the ban on personal watercraft (PWC) in the Intracoastal Waterway to be a safety issue.

Mr. Edwards wanted more information on NTSB’s survey on commercial boat safety inspections on sole state waters.

Ms. Dillon asked for a review of safety information that is required from manufacturers to purchasers of new boats.

Mr. Carter echoed Mr. Edwards’ comments. He also said that it was important to follow bills in Alabama and Georgia to ban boats of certain sizes on certain reservoirs. Mr. Hoedt said that there was a similar bill in Minnesota. Mr. Carter will meet with USACE, TVA, and several agencies on that subject.

Mr. Marlow asked for information on the International Rule that eliminated the requirement of a bell on boats 12 to 20 meters in international waters. However, an Inland Rule requires bells. The two rules contradict each other.

Mr. Messmann asked about the western states’ resolution supporting a change to the federal requirements for carriage of type IV PFDs. He also reminded the members that they had passed procedures to send staff the member items in advance. He also wanted to know if a private lake could have its vessels inspected by the Coast Guard.

Mr. Swanby asked about the status of the NASBLA applied safety and ergonomics grant for label classification and the ISO standardization or standards for PFD classifications. He asked for a report on the results of the lifesaving index research and compliance progress as well as an update on the contract to develop dummies for testing PFDs. He asked why there were no inflatables for children.

Mr. Tsuneyoshi suggested looking into getting R. Lee Ermey as a spokesman for RBS and PFD use. He mentioned Tred Barta, who gave an hour-long demonstration of an abandon boat drill on the Outdoor Life Network and suggested that NBSAC write him a letter of appreciation. The NTSB has requested an MOA with the states regarding accident investigation that would make NTSB the sole investigating source when certain criteria are met. However, he does not think his state has the authority to do that, since it has no jurisdiction over some waters.

Mr. Woolley said, regarding Mr. Messmann’s item, that he was unable to have a boat inspected by the Coast Guard on non-Federal waters when he tried in the past. Mr. Hoedt said he would look into it, but that the regulations usually pertain to navigable waters. Mr. Edwards commented that gambling boats in Iowa are on navigable water, but they are permanently moored, and the Coast Guard won’t inspect them.

## **Recess**

The meeting went off the record at 11:38 a.m.

## **Tuesday, April 4, 2006**

## **Call to Order**

The meeting came to order at 8:32 a.m. Chairman Muldoon announced that there had been a large boating accident that staff would report on as data came in.

### **National Association of State Boating Law Administrators (NSBLA) Report**

Charlie Sledd, the President of NASBLA, updated the Council on NASBLA's recent activities. The Executive Board has met twice since the annual conference and will meet two more times this year. The Executive Board shares three members with the Council. The Executive Board is committed to completing its strategic plan and vision document this year.

NASBLA will have its first Boating Law Administrator (BLA) workshop in Lexington in June. The Homeland Security and Emergency Response Committee met in January, and the Numbering and Titling Committee met in February. Law Enforcement, Boats and Associated Equipment and Boating Accident Investigation, Reporting and Analysis Committee (BAIRAC) all met in March, and Paddle Sports, Waterways Management, and the Education Committee will meet at the International Boating and Water Safety Summit in April. The Education Committee will address the NTSB recommendations from the PFD Forum. The next annual conference will be in Louisville, Kentucky, September 24 through 27.

He asked for the Council's help understanding the role the Coast Guard and the Coast Guard Auxiliary can provide in terms of State legislation and how that could affect mandatory boating education. Mr. Hoedt said that he would report back on that soon. He said that the USCG and the Auxiliary are often asked by States to provide testimony to State legislatures involving safety legislation. The Coast Guard cannot endorse or oppose legislation, but it can provide facts and promote uniformity with the States under 46 USC 13101.

### **NTSB Recommendations from the August 2004 PFD Forum**

Bill Gossard of the National Transportation Safety Board briefed the Council on NTSB recommendations for PFDs. NTSB issued the Lady D recommendations and report, which may have ramifications in recreational boating because it addresses weight issues. Because most people weigh more than 140 pounds, the Board recommended that the number be increased. The Ethan Allen accident followed soon after, but it was not under USCG authority. NTSB sent a survey to the States to see who has authority for what boats and to gather information about accidents.

The Board is investigating recreational boating safety, targeting six States: Massachusetts, South Carolina, North Carolina, Virginia, California and Maine. Those States don't have mandatory boating safety education programs, and one has no PFD requirement. There are four states that do not have mandatory PFD wear for children. US Virgin Islands, New Mexico, and Wisconsin have recently passed mandatory education laws, and Massachusetts and Oklahoma both have initiatives to pass such laws. The Board feels that a number of factors make boating safer and that no single factor is a cure-all. Laws and enforcement are part of the solution, but voluntary approaches are very important.

Mr. Gossard addressed the recommendations document. Drownings without PFDs are high. Most drownings are people in small boats without PFDs. The 1993 recommendations are still the basis for the NTSB's efforts in the State legislative process. The Board had hoped that increasing the wear rate among children would increase the wear

rate among adults. This proved not to be the case. Only 10 percent of adults are wearing PFDs. RBS efforts have made a difference. There were 1042 deaths in 1982; last year, there were 491.

The PFD Forum made two recommendations to the Coast Guard: “Develop measures of recreational boating activities, boaters, and boats that can be used to identify and evaluate the risks in recreational boating. Once those measures have been developed, collect the appropriate data at the Federal and State levels, and use it to evaluate the effectiveness of recreational boating safety programs. Provide the data and the results of the evaluations to States for use in their own boating programs.” and “Ensure that the measures of recreational boater characteristics include documentation of boater educational experience that can be used at both the Federal and State levels to plan, coordinate, and evaluate recreational boating education and licensing programs.”

The Board also issued a safety recommendation to the National Association of State Boating Law Administrators: “Modify National Boating Education Standard 2.3 to ensure that boating safety education courses adequately discuss high-risk boating populations, boats, and boating activities and present detail about the current range of personal flotation devices.”

The last recommendation was to the National Marine Manufacturers Association: “Develop a marketing strategy that promotes the increased use of personal flotation devices, and integrate that strategy into the promotion and sale of boats and accessories.” The Board was impressed with the Personal Watercraft Industry Associations approach to safety and wanted to see the same approach with boats. The Board is not looking for a regulatory change, just a voluntary program.

There is some unrest in the Board with the recommendations, and they will wait to see what the result is. NBSAC and USCG have moved aggressively on these issues, and lack of a specific mention of adults in small boats does not preclude action on that.

Mr. Gossard is trying to raise the mandatory PFD wear age in Florida to under 13 and hopes to make that age uniform across the country.

Mr. Shepard expressed disappointment that the Board recommendations to the Coast Guard did not include a statement about initiating legislative opportunities for mandatory PFD wear. Mr. Gossard said that the recommendations come from the Board members and the letter to the Commandant comes from the staff, and there is internal disagreement at NTSB. Mr. Shepard requested that Mr. Gossard carry back a message to reconsider recommending mandatory PFD wear.

Mr. Edwards asked about the second recommendation to the Coast Guard, whether “educational experience” meant operational experience or having taken a class. Mr. Gossard said that NTSB is trying to get details on experience as well as education. The licensing programs referred to in the recommendation are operator licensing programs.

Mr. Tsuneyoshi asked if the NTSB uses a risk-based analysis to come up with the recommendations. Mr. Gossard said that the Board does not do risk analysis, though it gets information from other DOT organizations and ranks dangers to try to address the areas where fatalities can be prevented. Mr. Tsuneyoshi expressed disappointment with the lack of solid direction that comes from the Board’s recommendations.

Mr. Messmann expressed consternation with a sentence in the recommendation document: “The Safety Board also believes that the Coast Guard’s boating safety program would be most effective if States could use Coast Guard data to evaluate their own recreational boating safety activities.” Usually, it is the States that provide data to the Coast Guard. Mr. Gossard said that the Coast Guard gets data from all of the States, so perhaps it

would be helpful for the States to get the Coast Guard's results. Mr. Messmann asked that the statement be revised or clarified. Chairman Muldoon added that the Council has requested more personnel for the Office of Boating Safety to process the data. Mr. Messmann noted that there were no recommendations to the States, and a recommendation would have been useful. Mr. Messmann noted that the document says "As a result, the Safety Board is concerned that the Coast Guard's risk based approach to recreational boating safety is not consistent with standard practice in system safety," on page 7 and the opposite on page 10: "The Safety Board believes that a risk based approach is an appropriate strategy for reducing risks and enhancing safety." He further noted that there are many useful statements in the document that did not become recommendations.

Ms. Dillon commented that she believed that the table on page nine had inaccurate information about kayaks. Mr. Edwards pointed out that on page 11 Iowa is listed as a State with no education requirement, which is inaccurate. Mr. Gossard asked for a formal letter to the Acting Chairman to correct the mistake.

Mr. Gossard said he would take the Council's comments back to the Board.

### **Report on Propeller Strike Injury Avoidance Working Group Meeting**

John Adey, Chairman of the Propeller Strike Avoidance Working Group, reported that the Group's first discussion was on the Notice of Proposed Rulemaking (NPRM) 66 FR 63645 [USCG 2001-10163], which included a number of mitigation strategies as options for non-planing houseboats. There was discussion on the cost-benefit analysis and adding more scenarios could increase the benefit level. They asked the Coast Guard contractors to prepare a report on what options were in there. When the report comes in, the Working Group will make an educated decision on what items can be added to assist with the promulgation of the NPRM.

The Coast Guard had the Working Group discuss four items. The first was education and the large percentage of accidents that occur on rental boats. They looked at PWIA's initiatives on personal watercraft and the uniform training setup for all rental PWCs. The Working Group decided that the Coast Guard should compile a rental package that could be sent out to everyone who rents boats. If a hold harmless agreement were developed, it might be an incentive to include education.

The second item was the suggestion that engine manufacturers offer an assortment of propeller guards as optional equipment. There are three problems with propeller guards. First, propeller guards are not well-defined. The second issue is that the guard may not be suited to the intended use of the motor, since the manufacturer does not know where the engine will be put into service. The third problem is the lack of an industry standard dealing with propeller guard installation and use. Manufacturers rely on 33 CFR, which says nothing about propeller guards. There are no performance requirements and no standards.

The next item of discussion was looking into requiring that manufacturers of recreational boats install cutoff switches and requiring operators of boats with the devices to use them. There is a NASBLA model act on this subject. The final discussion was on a recommendation to require that operators of motor boats shut off the engine when someone is in the water. The distance from the boat will have to be determined.

The Working Group had been given four questions to discuss and answer. The first question was, "What problems does the solution address?" The second was, "What is the expected effectiveness of this solution? How effective will this be? If you have a population of 100 and you employed this solution, what percentage will be saved if this

happens?” The third was, “If implemented, when would this become effective?” It is slated for the boating season of 2007. The last question was, “Who has the responsibility of implementation, and what is the perceived participation of this group?” The Federally mandated laws would have to be enforced on Federal waters. Another layer of enforcement would be needed to reach the States. The questions were discussed and the final answers will be addressed in the Group’s final meeting minutes.

The Working Group discussed the USCG’s propeller brochure and will send it to the industry for comment. They recommend that the American Boat and Yacht Council reopen the Occupant Protection study from the early ‘90s, which addressed propeller injury mitigation. Additionally, impartial testing must be done for propeller guards and performance issues by the USCG, since testing is generally done by manufacturers.

Mr. Marlow presented the resolutions that came out of the meeting, which are attached at the end of these minutes. The first resolution to the Council is called Pre-Rental Education Package, and Mr. Tsuneyoshi seconded the resolution. Ms. Dillon pointed out that the education package should only apply to powered boats. Mr. Marlow accepted the amendment. Mr. Adey asked that the parenthetical “(size/type, behaviors determined to be supported by BARD analysis) be added to the resolution after “for all rental motorboats for the general public.” Mr. Marlow and Mr. Tsuneyoshi accepted the amendment. Regarding multi-agency distribution of literature, Mr. Rowe reminded the Council that literature has to be reapproved by every agency that distributes it, so it is impossible to tell other agencies what to approve. Mr. Edwards asked to remove the word “inexperienced renters” from the language “No uniform pre-rental education program exists for inexperienced renters,” feeling that experienced boaters should see the information as well. Mr. Marlow and the seconder accepted the amendment. Mr. Messmann asked that the BARD acronym be spelled out. **The amendment was accepted and the motion carried unanimously.**

The second resolution was called, "Boat Builder Engine Cutoff Switch Installation Requirement," and seconded by Mr. Tsuneyoshi. Mr. Rowe asked if the resolution would specify open motorboats and cabin-type boats as regards the kill switch. Mr. Marlow pointed to the language: “the size/type determination to be supported by BARD analysis.” He did not think it would apply to crafts larger than 26 feet. Mr. Marlow accepted Mr. Messmann’s amendment to spell “BARD” out. **The motion carried unanimously.**

The next resolution was "Required Use of Engine Cut-off Switch Link," and Mr. Edwards seconded the resolution. Mr. Marlow noted that there was a previous recommendation to require that all operators of motorboats without engine cutoff switches install one, and manufacturers have pointed to the cost issue. Ms. Wood commented that it would be difficult to operate a boat alone under that resolution. Mr. Tsuneyoshi commented that the lanyard could be an issue for fishermen as well. Mr. Shepard said that the lanyard issue can be resolved through proper adjustment and use of the lanyard. Mr. Marlow said that if the language could include that the requirement only applies when the boat is underway, it might resolve the problem. Captain Moore noted that an exception could be made for docking. These things can be resolved at the legislation phase. Ms. Fontaine was concerned about the parentheticals at the end of the resolution. Chairman Muldoon said that the parentheticals were for the Council’s discussion and would not be included in the final iteration. Mr. Marlow said that Senate Bill 6364 uses language to give exceptions to the rule. Ms. Wood said that it could mitigate the difficulty to insert the language "This does not apply while assisting with the docking or departure of the vessel, while exiting or entering the vessel, or while the vessel is engaged in law enforcement or emergency rescue activity" after “while the engine is running.” The amendment was accepted by the mover

and seconder. Mr. Garcia was concerned that the edit conflicts with the model act. Mr. Manues said that electronic devices could be used in the place of lanyards. Mr. Chisholm said that the wordsmithing will all be done at a later point. Mr. Marlow recommended removing the sentence beginning "this rulemaking shall not conflict," since it does. **The motion carried unanimously.**

Ms. De Cruz pointed out that of the 3,800 boat manufacturers, only 400 of them belong to NMMA, so many boats do not have cutoff switches. The hope is that the general public will retrofit the switches. Mr. Marlow pointed out that manufacturers have been attaching switches for 10 years in great numbers. Ms. Wood suggested including information on the cutoff switches in the "You're in Command" brochures.

The next resolution was "Operator Requirements Concerning In-Water Activities," and was seconded by Mr. David. Two parentheticals were added for discussion: that the Council should add the installation of an interlock device in the last paragraph and that danger does exist if the engine is on during the boarding process, whether you are touching the boat or not, and the resolution does not reflect that. Mr. David asked that the language "This does not apply while assisting with the docking or departure of the vessel, while exiting or entering the vessel, or while the vessel is engaged in law enforcement or emergency rescue activity." Mr. Marlow did not accept the amendment. Mr. David said that his only concern was the law enforcement and emergency rescue portions, so Mr. Marlow accepted the amendment: "This does not apply while engaged in law enforcement or emergency rescue activity." Mr. Rowe pointed out that under the third Whereas, 39 percent should have been 29 percent. Mr. Garcia recommended changing the language under the third Whereas, "caused by an operator unknowingly coming in contact" to "vessel unintentionally coming in contact," since it is the craft hitting the person, not the person hitting the craft. Mr. Marlow accepted the amendment. Mr. Garcia asked if there was a need to turn the engine off on boats with a bow entry point. Mr. Marlow said all access points applied. Mr. Chisholm suggested that the language in the third Whereas be "accidents involving propeller injuries/fatalities researched," for consistency. Mr. Marlow accepted the amendment. Mr. Manues mentioned situations in which an operator might want the engine running but out of gear. Ms. Fontaine suggested, under the third Whereas, that the change, "the vessel unintentionally," be changed to "the operator's vessel unintentionally." Mr. Marlow accepted the amendment. Mr. Hoedt reminded the Council of 46 USC 13101 on uniformity and noted that acquiescing to State laws does not enhance uniformity. In response, Mr. Marlow removed the second to last sentence in the resolution. Mr. Carter pointed out that this can lead to overlapping and conflicting laws. Ms. Timmons asked to change "a operator's vessel" to "an operator's vessel" and "swimmer that was in the water" to "swimmer in the water." Mr. Marlow accepted the changes. In the same area, NADCO McAdams suggested removing the word "unintentionally," since the contact, not the intention, is the issue. Mr. Marlow accepted the amendment. Mr. Messmann suggested and Mr. Marlow agreed to require the operator of a motorboat to shut off of the engine if there is a swimmer in close proximity to or holding the boarding ladder. They settled on the language, "require the operator of a motorboat to shut off the engine if a swimmer is in close proximity to or holding onto." Mr. David accepted. Mr. Woolley pointed out that the propeller, not the ladder, is the thing to avoid. Ms. Irving de Cruz of Stop Propeller Injuries Now (SPIN) pointed out that interlock devices should be installed and that it is ultimately behavior that needs to be modified. Mr. Marlow said that interlock devices are mentioned in 10163. Ms. Wood identified the education programs as an opportunity to let people know

about safety device availability. **The resolution carried unanimously, as amended, and without the parentheticals.**

Mr. Marlow presented his last resolution, which was untitled, and seconded by Mr. Shepard. **It carried unanimously.** The resolutions, as passed, are attached to the end of this document.

Ms. Irving de Cruz asked whether it would go to a supplement or a final rule with regard to kill switches and 10163. She also wanted to point out that people don't rent pontoon boats and houseboats to plane, so horsepower on those boats could be cut back to match with a guard. Mr. Hoedt said that the Council will have to see what direction it is going in before making a determination for a supplement or any other action. As for 10163, they were unable to come up with substantiating data to move forward with the project as written. Ms. Irving de Cruz said that if there was willingness to pay, there could be a regulation next year. Mr. Hoedt said that once there is a positive benefit over cost, the most expedient method will be chosen. Ms. Irving de Cruz asked which boats were considered to be at risk, since the effort stagnates until the targets are named. There was no answer. She rephrased her question to ask when there would be a broad rule for all recreational boats regarding length and the various safety options. Mr. Hoedt said that the contract staff has defined the problem and that the next step would be analyses. Regulatory effort would be premature at this point. Chairman Muldoon felt that the Council should not give the USCG specific recommendations until then. Ms. Irving de Cruz referred the Council to a Council resolution 2001-67-02, "Recommendation and Request that the U.S. Coast Guard Institute Rulemaking Addressing the Following Requirements to Prevent and Minimize the Occurrence of Boat Propeller Strike Accidents." Mr. Cappel said that was still on his plate, but he was trying to concentrate on what he could move forward with. Chairman Muldoon stressed that the resolution asks the USCG to be flexible and that the Council is very cautious about increasing the workload of interested parties. Ms. Greenleaf of SPIN, a Katrina survivor, challenged the Council to require propeller guards.

Robert Townsend of SPIN noted that the demonstrations at Lake Mead were videotaped. He asked if the video was generally available. Chairman Muldoon said that NMMA paid for the footage to be made, so it was theirs. Ms. Fontaine said that NMMA shot the video so an educational product could be made from the footage. Mr. Townsend asked whether the product would be educational or promotional. Chairman Muldoon said that the issue was not relevant to the Council. Mr. Townsend asked if there was any propeller guard testing scheduled for this year. Mr. Cappel said that there were plans to do testing but no specific testing schedule has been made. Gary Mullins of Ringprop said that his company has done testing with substantial findings and will present the data when the time is right. Mr. Rowe said that the Thruster is being tested, the Enviroprop will be, and there are discussions with Ringprop. Mr. Townsend asked to be invited to the test, and Mr. Rowe said he could attend. He commented that industry puts a lot of money into R&D and challenged industry to spend a small percentage of that reaching out to inventors. He urged the industry to go beyond minimum standards and to move ahead of the government in standards and timetables. Mr. Townsend said that it appeared that there was an attempt to benefit Forever Resorts by using their location as the site for the demonstration. Mr. Messmann expressed that he was concerned about Mr. Townsend's comments. Forever Resort was the site of the demonstrations, but there was no intent to benefit the resort over any other. Chairman Muldoon ruled that the matter was best handled outside of the Council meeting.

## **Propeller Injury Work Group**

Chairman Muldoon noted that the Propeller Injury Work Group made a statement in their minutes and read it into the record: "To require recreational marine engine manufactures to provide a selection of propeller guards as optional equipment on all new propeller driven marine engines sold. The discussion included the fact that the group felt that it could not deal with this problem within the time allotted and without certain information so that they could make the decision. They remanded it to the full Council, and they asked that we discuss the following: Lack of the definition of a propeller guard; a guard that may not be suited for the intended use of the outboard; and the lack of industry standards dealing with propeller guard installation and use." Chairman Muldoon said that this was within the intent of what the USCG had already been told and asked the USCG to include this in their deliberations concerning the matter.

He then asked Mr. Hoedt to give an update on the boating accident mentioned that morning. The accident occurred in South Carolina on a 45-plus foot vessel with 28 people aboard. The vessel had been waked by a 50-plus foot vessel and turned over. Many other vessels were nearby, so everyone was rescued. There were six minor injuries, no major injuries, and no fatalities. The state is investigating the incident.

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

Mr. Marlow presented the meeting minutes as follows:

The meeting of the Boats and Associated Equipment Subcommittee was called to order on time Saturday April 1, 2006 at 1:30pm. The Chair directed introductions and sign-ins.

Members present were:

Mr. David C. Marlow, Chair

Ms. Ruth Wood, Vice Chair

Mr. Peter Chisholm

Mr. Fernando J. Garcia

Capt. Richard Moore

Mr. Ted Woolley

First item on the agenda was an update on engine cut-off lanyards. The Subcommittee was looking for an update on any progress from the Nevada Legislature or other States on the NASBLA model act and statistical information from Alabama's use requirement for the same lanyard. Fred Messmann gave a report on Nevada's efforts indicating that it is unknown whether a draft bill will be undertaken. The next State legislative session will be in February 2007. Audrey Pickup reported on the Alabama act to require use of the lanyard switch. The state of Alabama wrote 159 citations on this law; 116 for not having the lanyard attached, and 43 for not having it on the vessel. Alabama does not measure compliance with the law, it just cites violations. Therefore, no feedback on the law's effectiveness can be drawn.

(Mr. Marlow noted at this point in his presentation of the minutes that this will be an action item on the next Subcommittee agenda and that he has asked Mr. Schmidt to explore the impact of the Alabama legislation for lanyard wear and operator licensing.)

The agenda moved to an update on the Boating Industry Risk Management Committee (BIRMC) label project. John Adey reported on the progress of the most recent statement of work. Work is proceeding and the subcommittee will get updated as necessary. It continues to be a desire to match product warnings with the items that have surfaced in BARD data as sources of fatality and injury causes. Monita Fontaine reported on the progress of the Washington State platform dragging bill and warning label requirements. The bill was passed out for the assembled. Ms. Fontaine brought the group up to speed on NMMA's interaction with the State officials on this legislation. While there were issues over sovereign rights and continuity, the State did accept the industry CO label created last year.

Next item was an update on LED navigation lights and the status of adding requirements to the ABYC A-16 standard. John Adey reported that a skeleton draft will be available in the very near future. There are a number of issues to deal with such as wire gauge and suggested add-ons to the lights, but those items are currently in conflict with federal regulations. Mr. Adey stated that he expects that the LED information will be able to be added to the existing standard. While the current version of A-16 is only a year old, there is a provision in the ABYC Technical Board rules that would allow the standard to be amended prior to its normal 5-year review cycle.

Next on the agenda was a call for an updated report on high-risk propeller strike boat lengths excluding PWCs from "inboard" data. Bruce Schmidt addressed the Subcommittee and provided an analysis of data that looked at boat lengths and propulsion types. While PWCs themselves were not established to be part of any inboard data, additional information was cited regarding risk groups including rental open motorboats and pontoons. A request was provided to have the data broken down further by exposure hours and by State. This request will require collecting data from the National Boating Survey which could affect the timing of the information.

The agenda also included an update of the propeller strike injury avoidance working group meeting on March 21-22, 2006. Since this item would be covered by the full Council on April 4<sup>th</sup>, the Subcommittee deferred the topic until then. Audience inquiries were made to determine what version of the working group draft report that everyone should be reviewing. Additional concerns were that a full accounting of issues raised at the working group would be covered in the time allotted on the 4<sup>th</sup>.

The next item was a carbon monoxide (CO) update to include a report from the Miami Boat Show and National Institute of Occupational Safety and Health (NIOSH) testing results from the boat manufacturer visitations this past year. Dan McCormick informed the group that NIOSH testing included express cruiser style motorboats and houseboats. He also cited a recent development from a propulsion manufacturer, Indmar, who had displayed a catalyst equipped engine at the Miami show. The data provided by Mr. McCormick showed the extent of the NIOSH testing using the express cruiser group as an example. Testing results showed that there are higher CO concentrations at the stern

of these vessels; that canvas configurations effect CO concentrations; that exhaust terminus at the transom is the least desirable exhaust location; that generator exhaust should be located away from ventilation openings; and that slow speed coupled with canvas deployed and no attributable air flow can maximize the station wagon effect. The Subcommittee inquired as to CO levels in the passenger area, in addition to the reported transom area. Mr. McCormick stated that they are looking at a series of opportunities to enhance better air flow and exhaust configurations. He also stated that ABYC may be asked to examine their standards and to put an emphasis on ventilation issues that can lead to CO intrusions and to look at exhaust locations. The full data analysis is available on the ABYC website. Reviewing the conclusions from the NIOSH Evaluation of Carbon Monoxide from Generators on Houseboats, Mr. McCormick stated that the Westerbeke EFI catalyst equipped generator program continues to be very successful.

An update was provided by Fred Messmann on the 17 character HIN. Mr. Messmann stated the Office of Boating Safety was moving forward with OMB on a cost/benefit analysis survey. NASBLA/IAMI has a presentation available and the Chair asked that it be provided for the full Council.

The next agenda item was a presentation by Pete Chisholm on ethanol additives in fuel and its potential impact on current marine products. Mr. Chisholm informed those assembled that engine manufacturers are not opposed to using ethanol in engines that are designed to use it. Tests that have been run on engines using higher concentrations of ethanol indicate that there may be degradation over a short period of time. There are also concerns regarding ethanol in older fiberglass fuel tanks and aluminum tanks where it may contribute to early failure of the tanks. Minnesota is currently attempting to increase ethanol content in their fuel to 20% by 2012. NMMA has a draft position paper opposing this action citing safety concerns. The issue is at hand and is not going away. It will need close attention by the marine industry. The Subcommittee has asked for continuing updates on this topic.

Finally, a review of the weight factor used in the calculations of occupant capacity in recreational boats was presented. John Adey updated the Subcommittee on the method that is used to calculate the boat capacity. While this is under scrutiny on the commercial side from recent accidents, Phil Cappel reported that his staff have reviewed the data and believe that it will continue to stand the test of time. The Office of Boating Safety will keep the Subcommittee apprised if that situation changes.

The Chair called for any new business. Hearing none, a motion to adjourn was accepted and seconded. This concludes the report of the Boats and Associated Equipment Subcommittee.

Chairman Muldoon called for questions from the Council. There being none, he called for the next report, after taking the opportunity to remind the members that the potential dates for the next two meetings would be discussed in the next two weeks.

## **Prevention Through People Subcommittee Report**

Mr. Tsuneyoshi presented the minutes of the Subcommittee meeting to the Council as follows:

### **Prevention Through People Subcommittee Notes**

#### **April 2, 2006**

Mr. Raynor T. Tsuneyoshi, Chair

Mr. J. Edward Carter, Vice Chair

Ms. Pamela Dillon

Mr. Robert P. David

Mr. Jim L. Manues

Ms. Lucia Roberts Francis

Mr. Scott P. Swanby

#### **Agenda Item 1**

##### **Integrated Ocean Observing System (IOOS): Future availability of weather data/Sen. Santorum's Bill (S. 786).**

Mr. Tsuneyoshi was concerned that the program will require users pay a portion of the cost to maintain this system. He stated that Senate Bill 786 - National Weather Services Duties Act of 2005, was a bill from Sen. Rick Santorum (PA). The purpose of the bill is to prevent the National Weather Service from competing with the private sector. IOOS has a series of goals including: safety of mariners, homeland security, and the health of ocean ecosystems. The portion which collects and distributes weather information for free is threatened by Senate Bill 786.

Monita Fontaine said that the Subcommittee should be aware that the bill proponents are trying to soften the bill and amend it to get it through. Mr. Tsuneyoshi added that it does have some bad implications such that people who think they cannot afford this service will go out on the water and not know there is a storm coming and face possible disaster.

Mr. Tsuneyoshi said that some commercial weather service providers do not charge for access to basic weather information but may begin charging if people can no longer get weather information for free from the National Weather Service. He requested that NOAA include a seat for the recreational boating perspective on the IOOS Executive Council, no response to date.

#### **Agenda Item 2**

##### **Update on PFD design contest**

Ruth Wood said the contest received over five million press clippings and generated more interest in PFD wear than anything in the past, and they met the goal of generating interest. They received 182 submissions, with 132 drawings and 50 prototypes.

They had five honorable mentions due to the amount of good ideas, such as a new t-shirt concept and used kapok filler with ventilation tunnels to help keep the body cool. Another used a novel foam buckle that allows suntanning. One Virginia Tech student used fabric that keeps the body cool and was environmentally friendly with beads that conform to body movement. Another honorable mention was the Aqua Aid that you

wear on the wrist and can inflate it to a vinyl float that you hold on to. The final honorable mention proposed a series of stylish shirts that can change from a shirt to an inflatable life vest.

The winning design was from Adam Malcom, a graduate student in the University of Virginia's mechanical and aerospace engineering program. His device is activated by a CO<sup>2</sup> cartridge and uses a bladder system. The bladders rise up around the body and provide support under the arms, which prevents slip off.

### **Agenda Item 3**

#### **PFDMA report on industry efforts to promote PFD wear**

Bob Askew of Mustang Survival, representing PFDMA, gave a presentation which included video clips of what PFDMA is doing to promote PFD use. He spoke about the O'Loughlin trade show in Portland, Oregon as an example of innovation. He said the O'Loughlin trade show purchased 10,000 kid's PFDs that were about \$50 each and gave them away to children, which was incredibly effective.

He talked about costs and that for the people that are really wearing them, cost is not an issue. They wear it when they value it, not because it is cheap.

Mr. Messmann suggested that the Council recognize O'Loughlin and BoatU.S through letters; and, that if they recognize them, other companies would get on board if it helps them reinvigorate their show. Mr. Muldoon added that they should do it as an official resolution. Mr. Tsuneyoshi asked Mr. Messmann to put together the resolution. Mr. Swanby offered his assistance. A lengthy discussion of value versus style versus cost ensued. If the public values it, or considers it the uniform of the day, they'll wear it.

### **Agenda Item 4**

#### **Regional, interstate, inter-authority associations concerning boating issues: Wave of the future? (Example: Colorado River Law Enforcement Association [CRLEA])**

Mr. Messmann said the Boating Law Administrators of Arizona, California and Nevada came to the realization that if the one river system was entirely in a single state, it would be deemed a very dangerous body of water. They decided as an association, that they are going to pool their resources to get more opportunities. They had 120 agencies participate.

Mr. Messmann said that there is an interstate compact between Nevada, California, and Arizona. With the compact, each state has the ability to pursue up to five miles into the adjoining state's territory in pursuit situations. The compact was ratified and sent to state legislatures who approved them. He added that the compact can only enforce similar laws. Where laws differ, the person's home state laws would apply. Zoning, accident investigation, and enforcement are all coordinated through the interstate compact.

### **Agenda Item 5**

#### **Update on media outreach portion of Resolution 2004-74-02, Minimum age/size requirements for safe PWC riding.**

Van Burgess distributed and discussed a pamphlet (200,000 printed) that the USCG prepared. Mr. Burgess said he is in the process of working with PCI on organizing the website as it has slightly fewer than 1000 pages. He was hopeful to complete the organization by June or July to make it easier to find information.

Mr. Muldoon raised a concern that on the issue of a USCG pamphlet on PFD's there isn't enough money to do everything. Mr. Muldoon wanted to be sure that such pamphlets will make a difference because there is a tendency for people to not read brochures.

### **Agenda Item 6**

#### **Alien invasive species and elimination of copper bottom paint for boats.**

Mr. Tsuneyoshi said that there are native and non-native plant and animal species that adhere to the bottom of a vessel and can be easily transported from port to port along the coast. He stated that copper is the last effective anti-fouling paint left that is approved by EPA, and that none of the nontoxic bottom treatments are growth inhibitors and most require frequent hull cleaning. One problem is you abrade the surface when you clean, which makes it easier for species to attach to hulls.

California's Dept of Boating and Waterways (DBW) spends approximately \$6.8 million each year to control water hyacinth and egeria densa which will increase to \$8.4 in the near future.

Mr. Messmann realized that if an invasive species comes to Nevada, it could impact the money available for safety.

Mr. Tsuneyoshi expressed concern that a boater may look at all these regulations, and decide that boating is not fun anymore and sell their boats. Copper, by its nature a growth inhibitor, has to have a degree of lethality to flora and fauna to be effective. Several alternatives, including electric currents in the hull, are being tested as an alternative. There is hope that before the EPA bans copper there will be an alternative available. (Mr. Tsuneyoshi at this point in his presentation pointed out that the states are enacting the bans in response to the Federal Clean Water Act.)

### **Agenda Item 7**

#### **Call for new business.**

Ms. Dillon said she has been asking for more information on the prevention of capsizing and falls overboard. She requested that the Subcommittee request that NASBLA query what the states are developing in terms of specific awareness materials on capsizing and falls overboard.

Mr. Swanby requested a presentation on infant jackets at the next meeting and for more information on style design for infant PFDs. Mr. Askew said that that will be available at the lake field trip the following day.

Mr. Tsuneyoshi stated that there were three resolutions that still needed to be addressed by the Subcommittee, and proceeded to take a vote:

The first has to do with the National Boating Federation's 40th anniversary. **Mr. Carter moved; Mr. Manues seconded. All in favor, resolution carries unanimously.**

The next had to do with the harbor safety committees. **Mr. David moved; Ms. Francis seconded. All in favor, resolution carries unanimously.**

The third had to do with the Outdoor Life Network and commending Captain Tred Barta for devoting an entire show to demonstrate proper and safe procedures for

abandoning a vessel. **Mr. Manues moved; Mr. Swanby seconded. All in favor, resolution carries unanimously.**

Interspersed with his presentation of the meeting minutes, Mr. Tsuneyoshi introduced the resolutions from the Subcommittee, which are attached to the end of these minutes. First was “Innovations Life Jacket Design Competition.” **Mr. Messmann seconded the motion and it carried unanimously.**

The second resolution was “Bill O’Loughlin and Peter O’Loughlin, O’Loughlin Trade Shows.” **The motion was seconded and carried unanimously.**

The next motion was not mentioned in the minutes: “Captain Tred Barta and the Outdoor Life Network.” **Mr. Edwards seconded the motion and commented that “angler” should replace the word “fisherman”. Mr. Tsuneyoshi accepted the amendment, and the resolution carried unanimously.**

The next resolution proposed was the “National Boating Federation’s Fortieth Anniversary.” **The motion was seconded and carried unanimously.** Chairman Muldoon pointed out that the Coast Guard should make presentations of these awards for publicity reasons.

Mr. Tsuneyoshi’s next resolution was “Congratulations to Boat Owners Association of the United States on its 40<sup>th</sup> Anniversary.” **Ms. Fontaine seconded the motion, and Chairman Muldoon suggested changing the language “the nation’s most powerful” to “one of the nation’s most powerful.” Mr. Tsuneyoshi accepted the amendment. The resolution carried unanimously.**

Mr. Tsuneyoshi’s last resolution was in recognition of Scott Swanby. **The motion was seconded, and Mr. Tsuneyoshi accepted an amendment changing the word “fishermen to “anglers.” The resolution carried unanimously.**

Mr. Shepard introduced the last resolution, “Harbor Safety Committee.” **The motion was seconded.** Mr. David asked why, in the first Whereas, security is mentioned but not safety. Chairman Muldoon said that the purpose of the Harbor Safety Committees really is security, not safety, which would mean the safety of the harbor, not boaters. Mr. Tsuneyoshi said that it is an official designation that cannot be changed by the Council. Mr. Hoedt pointed out that there are Harbor Safety Committees, Harbor Security Committees, and Port Security Committees. They have not all merged. Chairman Muldoon suggested using the language “Harbor Safety and/or Security.” Mr. Carter pointed out, for the record, that the fact that a resolution should be drafted was brought forward by Mr. David and Ms. Francis in the subcommittee. **The resolution carried unanimously.**

These resolutions are attached, as amended and passed, at the end of this document.

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

Mr. Messmann submitted the minutes of his Subcommittee meeting as follows:

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

**April 2, 2006**

Mr. Fred F. Messmann, Chair

Mr. Frederick (Eric) J. Shepard, Vice Chair

Mr. Randy R. Edwards

Ms. Monita W. Fontaine  
Mr. Bruce L. Rowe

**Discuss current projects and new issues impacting Recreational Boating Safety Strategic Planning.**

The Subcommittee Chair welcomed and thanked all participants of the Strategic Planning Panel for their time at the three-day February meeting. He also thanked all the participants for completing the interim homework assignment of prioritizing the strategies. Today's meeting will be to finalize the recommendations to the Council for the objectives, begin work on strategies and discuss how we will complete the tasks. Each objective that was passed in February was discussed by the Subcommittee due to a member making a motion after reading of the objective by the Chair and being seconded by a Subcommittee member. The discussion was open to members of the Subcommittee, the Council and members of the public, followed by a vote of the Subcommittee.

The Subcommittee opened with a discussion on the objective of the original motion made by Mr. Marlow on PFD wear rates.

**Subcommittee recommends for 2006, stabilize (no decrease) the observed PFD wear rate. Starting in 2007, increase the observed adult PFD wear rate in open motorboats by 3% from the previous year's observed PFD wear rate for the succeeding 5 years. Ms. Fontaine moved, Mr. Rowe seconded. Ms. Fontaine, Mr. Rowe, Mr. Edwards all voted for; Mr. Shepard opposed, motion carries.**

The Subcommittee discussed the objective of the original motion made by Mr. Marlow on the need for a decrease of 5% in boat manufacturer discrepancies with Federal standards.

**Subcommittee recommended a decrease in recreational boat manufacturer discrepancies by 5% annually given baseline data gathered in 2005 by the Office of Boating Safety. Chairman Muldoon called for a vote: All in favor, motion carried unanimously.**

The Subcommittee discussed the original motion made by Mr. Shepard on the creation of a system to evaluate vessel boarding data annually via the MISLE database and State boarding data via redesigned Performance Report Part II. Audrey Pickup led a working group at CG HQ. The goal was to review the Performance Report Part II, which would include what is in the MISLE database and incorporate it into the new form. It would capture what they need to do to meet their goals for this objective.

**Subcommittee recommends that a system be created to evaluate data annually from Coast Guard vessel boardings via MISLE database and State vessel boardings via a redesigned Performance Report Part II form. This data would be used to evaluate the percentage of compliance of safety equipment carriage requirements as a national average and then to establish targets for compliance. Chairman called for a vote, all in favor, motion carries unanimously.**

The Subcommittee discussed the original motion made by Mr. Shepard on boating accident reporting.

**Establish a baseline of BARD data accuracy and completeness using boating accident reports investigated in 2005 on a State-by-State basis. Then reduce the occurrence of inaccurate and/or incomplete accident reports (investigated) by an average of 5% per year, from 2006 to 2010. Mr. Rowe moved, Ms. Fontaine seconded. Chairman called for a vote, all in favor, motion carries unanimously.**

The Subcommittee discussed the original motion made by Mr. Marlow on alcohol compliance

**The Subcommittee recommends that a measurement system be created using the following 3 data systems: 1) BARD alcohol “caused” accidents, 2) BUI violations from USCG Form 4100 and State Performance Report Part II reports, and 3) the National Boating Survey, to create a baseline measurement for tracking trends in alcohol use in boating. This system is to be established by 2008. Mr. Shepard moved, Ms. Fontaine seconded. Chairman called for a vote, all in favor, motion carries unanimously.**

The Subcommittee discussed original motion made by Mr. McAdams on navigational rules. Jeff Hoedt pointed out that reducing the number percent of total fatalities may still lead to an increase in the total number of fatalities and insisted that the Subcommittee confirm that it is the objective that must be achieved. This resulted in a revision of the motion. Ms. Fontaine suggested a number of possible objectives that could be retained including the possibility of reducing the number of fatalities by 1% to 2% each year. Richard Moore asked whether the goal was not to reduce the actual number of fatalities due to a violation of navigation rules to less than 130. Bob Askew suggested the following:

**For the measurement, consolidate five categories of navigation rules compliance (Reckless/Negligent, Excessive Speed, Improper Lookout, Operator Inattention, and Rules of the Road) into a single measure, “Operation of Vessel,” using State accident data. Reduce fatalities due to navigation rules violations from 24% of total fatalities in 2004 to 19% of total fatalities in 2011, in equal annual decrements. Ms. Fontaine moved, Mr. Edwards seconded. All in favor, motion carries unanimously.**

The Subcommittee discussed the original motion made by Mr. Marlow on the need to track the number of NASBLA-approved safety education certificates issued annually.

**Subcommittee recommends that a database be created by 2007 to track the number of NASBLA-approved boating safety education certificates issued annually. This information should be compiled on a State-by-State basis. NASBLA-approved boating safety education certificate historical information should be included where available by State, on a year-by-year basis. Ms. Fontaine moved, Mr. Rowe seconded. All in favor, motion carries unanimously.**

The Subcommittee discussed the original motion made by Mr. Marlow on boat operator knowledge and experience.

**The Subcommittee recommends that a database be created to measure boat operator knowledge and experience through the capture of “hours of experience” via BARD, the National Survey on Recreation and the Environment (NSRE) and the National Boating Survey, by 2008. Ms. Fontaine moved, Mr. Rowe seconded. Both removed their motions. No vote.**

**Establish a baseline measurement through the Coast Guard National Survey of the boating public’s awareness of safe boating practices by 2008, and use that data to establish a measurement to increase the level of awareness of safe boating practices by 2010. Ms. Fontaine moved, Mr. Shepard seconded. All in favor, motion carries unanimously.**

**The subcommittee recommends that a database be created by 2007 to track the number of individuals who 1) completed an advanced boating education course**

**and/or 2) an on-the-water skill-based course of instruction. This information should be compiled annually with a future objective to increase the number of those completing this type of training. Mr. Shepard moved, and it was seconded? All in favor, motion carries unanimously.**

Chairman Messmann asked members to be mindful that when they prioritize strategies, they must consider what resources are available to achieve them. He requested volunteers to help lead and implement various objectives.

#### Objective Leaders

Operator Compliance-Alcohol: Richard Moore.

Further objective leaders will be selected at the regular business meeting from volunteers from the Council.

Meeting Adjourned at 5:30 PM.

After the meeting, Mr. Messmann set about conscripting volunteers on the trip to Lake Mead. Not included in the minutes was the presentation by Chairman Muldoon on the Wiley Poole publications and some industry's offers to assist the Council. It was agreed to assemble a subcommittee from the Council to work toward awareness objectives and strategies that would establish a relationship and protocols for advertising PFD wear. Mr. Swanby has volunteered to be a part of that undertaking.

Mr. Messmann asked for a motion to accept the objectives. **Captain Moore moved the objectives' acceptance. The motion was seconded and carried unanimously.**

Before the next meeting, Mr. Messmann said, the leaders on each of these objectives must receive input from the Council. There are 33 strategies under PFD wear, and he wants to incorporate the strategies not yet prioritized with those that are. The objective leaders will also decide which strategies are of low enough priority to be abandoned. Similar strategies should be consolidated. The leader must then determine the organization responsible for the strategy. Mr. Messmann said that he would send these instructions to the volunteer objective leaders.

Mr. Tsuneyoshi said that the method put forth will be difficult and time-consuming. Mr. Messmann agreed, but he felt it was a necessary process and he was open to suggestions. Mr. Hoedt agreed that the Council simply has too long of a list of strategies to consider for each of the objectives. He said there has to be consolidation and deletion to make the list manageable and to aid in the identification of the groups involved in each strategy. He did not foresee a short timeframe to implementation. Chairman Muldoon suggested that the criteria for strategies be the bang for buck ratio. The volunteer leaders pointed out the degree of work involved and the deadline, as well as the fact that this process will prevent the achievement of any of the objectives this year. Mr. Messmann said that he hoped that the resulting document would be a rough draft, since the Council would review it.

**Mr. Shepard moved that the Office of Boating Safety set up an interim meeting,** probably toward mid-July, recognizing the fact that vacations are going to happen and that some people will not be able to be there, but that the date be issued as soon as possible so that all may plan their attendance. **Mr. Tsuneyoshi seconded the motion.** In the discussion, Mr. Messmann said he would prefer the second week in July, in Washington, D.C. **The motion carried unanimously.**

Mr. Messmann identified the objectives. Mr. Tsuneyoshi volunteered to lead the PFD objective. Mr. Marlow leads the boat manufacturer objective. Mr. Carter has the compliance of safety equipment objective. Mr. Al Compos has both the boating accident report and the navigation rules compliance. Mr. Moore volunteered to lead operating under the influence. Mr. Woolley will head up safety education certificates. Ruth Wood volunteered to lead public awareness, and Pam Dillon agreed to do advanced boating education course. Scott Swanby will lead on awareness as far as the magazine company and their advertising protocols. The titles do not match the prioritization statements, since changes have been made since then. Mr. Marlow added that Mr. Chisholm had volunteered to participate on the manufacturer compliance section and that he was conscripting Mr. Garcia.

Mr. Edwards commented on the minutes, noting Ms. Fontaine and Mr. Rowe's retracted motion. He noted that operators, when asked their hours of experience, usually give guesses as answers. He asked Mr. Hoedt whether the NTSB recommendations will affect this. Mr. Hoedt said that the issue at hand was more a measuring system than an objective, and the Office has been looking for other ways to capture the data long before the strategic planning process, but it does relate to the NTSB recommendations.

### **Report on the Efficacy of PFD Wear by Ratio of Wearers to Lives Saved**

One of the challenges was to determine the amount of PFD wear it would take to reduce fatalities. Dr. Gwet and Mr. Schmidt developed a model to demonstrate. Dr. Gwet said that, according to his calculations, saving one life would require an increase in PFD wear of between 5.4 and 5.8 percent. To save one life in 2007, 200,000 additional people would have to wear PFDs.

To save 10 lives in 2007, wear rates would need to go up 9.5 percent. To save 10 lives in 2008, an additional 2 million people would have to wear a PFD. To save 65 lives between 2009 and 2011, the wear rate increase would have to reach 31 percent in 2011, more than 5 million additional people wearing PFDs.

Mr. Shepard asked what would have to happen to meet Mr. Gossard's goal of no more than 300 drownings per year. To make that happen, Dr. Gwet said, the wear rate would have to be 66 percent in 2011. Mr. Shepard commented that that was 80 percent of the seatbelt-wear rate, and seatbelt use is mandatory. Captain Moore noted that this number was based on the denominator of 50 million adults using open motorboats, so this survey did not include larger boats. As a rough formula, to save one life, 200,000 people have to be made to wear PFDs every time. Mr. Shepard suggested that Dr. Gwet and Mr. Schmidt refine the study and then distribute it to the Council via email in Excel format.

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

Ms. Timmons asked that the Executive Director and the staff be given the opportunity to correct grammatical, formatting, and technical details in the resolutions. Mr. Tsuneyoshi so moved and the order was given by unanimous consent without objection.

Mr. Hoedt distributed the member items, then spoke to each member to make sure the question had been answered to satisfaction. The majority of the items were answered in writing or in the subcommittees or addressed by a resolution the Council passed.

Mr. Woolley thanked the staff for the updated definition of "whitewater," but he asked that the relevant draft of the UL definition be sent to all Council members. Ms. Dillon

said that her question was not completely answered, but it was on the agenda for the next full meeting. Ms. Timmons pointed out that that would be the fall meeting, not the interim meeting.

Mr. Garcia said that his question was partially answered; the resolution said to present the resolution to the committee, be responsive, and indicate whether it has or intends to do so. Mr. Hoedt said that the committee has not yet had the formal meeting but that the action will be taken when the opportunity occurs, at the next CMTS meeting. Ms. Francis thanked Mr. Schmidt for his help; he will provide data on the type of PFD when an accident occurs.

Mr. Edwards, Mr. Carter, and Mr. Messmann shared a question that was responded to and will be discussed at a later meeting.

Ms. Dillon thanked the staff for the information provided and asked about labeling mono-hull boats shorter than 20 feet and exceptions to the requirement. Mr. Hoedt said that the CFR addresses mono-hull recreational vessels less than 20 feet in length. Exemptions are done, but internally, not through a regulatory process. There is no requirement for any type of owner's manual or printed safety information to be provided by boat manufacturers. She said that her question was answered, and she would like to raise the topic in the future. Mr. Hoedt asked her to remind him if she does not see it in the appropriate subcommittee agenda.

Mr. Carter said of his question on litigation that the question was answered. He expects the same issue to arise in other places, and he would like to have the USCG keep in mind that they may have to render a legal opinion on the matter, and it would be good to have that planned in advance.

Mr. Marlow thanked Mr. Hoedt for answering his question, though he said he did not fully understand the answer. Mr. Hoedt said that the Office will be looking at the matter more closely. He would especially look at states that were unaware of or indifferent to Federal law changes.

Mr. Tsuneyoshi was happy with the responses he got and had conveyed California's stand toward the MOA to Mr. Gossard. Mr. Hoedt said that the Office would track that issue and make sure there was no conflict with the CFR and the states' and owners' responsibilities to report boating accidents.

Mr. Carter asked for more information on the answer on inflatable life jackets for kids that said that studies showed that primary inflation means they are not properly inflated 20 percent of the time. Mr. Hoedt said that Sam Wehr knew more about this but was no longer present. The USCG does test and approve PFDs and could get more specific information upon request.

### **Chairman's Session**

Chairman Muldoon said that a lengthy Chairman's session would be unnecessary. He addressed housekeeping items: the calendar, which will have to be done very comprehensively, and the need for the staff to get things out early due to the tight calendar. He thanked the staff on behalf of the Council.

Mr. Tsuneyoshi moved adjournment. Mr. Rowe seconded the motion, and the Council meeting concluded at 3:37 p.m.

**NATIONAL BOATING SAFETY ADVISORY COUNCIL**

**April 1 – 4, 2006  
Las Vegas, Nevada**

**Resolution Number 2006-77-01**

**Pre-Rental Education Package**

**WHEREAS,** propeller injuries/fatalities have been statistically identified as an area of concern; and

**WHEREAS,** NBSAC commissioned a panel on March 21-22, 2006 of individuals tasked with reviewing statistics, innovations and solutions to aid in propeller injury mitigation strategies; and

**WHEREAS,** this panel has identified from the most recent data that approximately 13% of propeller casualties are taking place on rented boats; and

**WHEREAS,** no uniform pre-rental educational program exists for renters of boats;

**NOW, THEREFORE, BE IT RESOLVED,** that the National Boating Safety Advisory Council, meeting at Las Vegas, Nevada, on this 4<sup>th</sup> day of April 2006, recommends that the U.S. Coast Guard develop a draft pre-rental education package for all rental motorboats for the general public. The U.S. Coast Guard will:

- Identify size/type, behaviors to be addressed which, according to the Boating Accident Reporting Database, would prevent injury or death with a goal of 40% effectiveness.
- Identify the items recommended to be included in a complete rental package (e.g. boat-specific information, “You’re In Command” literature, safety specific literature, instructional information and literature appropriate for multi-agency distribution).
- Identify the best method(s) for distribution of the completed package.
- Solicit input from both industry and livery operations.
- Involve the Personal Watercraft Industry Association (PWIA) for their experience in creating a rental information package for the PWC industry;

**BE IT FURTHER RESOLVED,** the work product will be reviewed by appropriate stakeholders and compiled to produce a package that will be available for distribution for the calendar year 2007 boating season.

**BE IT FURTHER RESOLVED,** it is understood that the U.S. Coast Guard is currently seeking legislative authority that would justify mandatory livery

education. This would comply with the NBSAC resolution from October 1995 “recommending that rental operations be required to deliver basic boating safety education to their renters.”

**NATIONAL BOATING SAFETY ADVISORY COUNCIL**

**April 1 – 4, 2006  
Las Vegas, Nevada**

**Resolution Number 2006-77-02**

**Boat Builder Engine Cut-off Switch Installation Requirement**

**WHEREAS,** propeller injuries/fatalities have been statistically identified as an area of concern; and

**WHEREAS,** NBSAC commissioned a panel on March 21-22, 2006 of individuals tasked with reviewing statistics, innovations, and solutions to aid in propeller injury mitigation strategies; and

**WHEREAS,** this panel has identified from the most recent data that approximately 28% of the accidents involving propeller injuries/fatalities researched were caused by an unattended boat continuing operation after the operator had been displaced from the helm; and

**WHEREAS,** that engine cut-off switch technology exists to address an accident scenario wherein the operator becomes displaced from the helm and is unable to regain control of the boat; and

**WHEREAS,** that this technology exists in several forms, including low cost devices;

**NOW, THEREFORE, BE IT RESOLVED,** that the National Boating Safety Advisory Council, meeting at Las Vegas, Nevada, on this 4<sup>th</sup> day of April 2006, recommends that the U.S. Coast Guard begin the rulemaking process that would require manufacturers of new recreational motorboats (size/type determination to be supported by the Boating Accident Reporting Database analysis) to install an engine cut-off device that prevents continued operation in the event of the operator being displaced from the helm. This rulemaking shall not conflict with definitions or requirements set forth by NASBLA in the model act, Engine Cut-Off Switches approved September 21, 2005.

**NATIONAL BOATING SAFETY ADVISORY COUNCIL**

**April 1 – 4, 2006  
Las Vegas, Nevada**

**Resolution Number 2006-77-03**

**Required Use of Engine Cut-Off Switch Link**

**WHEREAS,** propeller injuries/fatalities have been statistically identified as an area of concern; and

**WHEREAS,** NBSAC commissioned a panel on March 21-22, 2006 of individuals tasked with reviewing statistics, innovations and solutions to aid in propeller injury mitigation strategies; and

**WHEREAS,** this panel has identified from the most recent data that approximately 28% of the accidents researched were caused by an unattended boat continuing operation after the operator had been displaced from the helm; and

**WHEREAS,** increasing the wear rate of the ignition cut-off switch link (the lanyard or wireless cut-off device used to attach the motorboat operator to the engine cut-off switch installed on the motorboat) may be influential in preventing injuries from unattended boats continuing operation;

**NOW, THEREFORE, BE IT RESOLVED,** that the National Boating Safety Advisory Council, meeting at Las Vegas, Nevada, on this 4<sup>th</sup> day of April 2006, recommends that the U.S. Coast Guard begin a rulemaking process that would require the wearing of the engine cut-off switch link by the operator of a boat, so equipped with an engine cut-off switch link, while the engine is running. This does not apply while assisting with the docking or departure of the vessel, while exiting or entering the vessel, or while the vessel is engaged in law enforcement or emergency rescue activity.

**NATIONAL BOATING SAFETY ADVISORY COUNCIL**

**April 1 – 4, 2006  
Las Vegas, Nevada**

**Resolution Number 2006-77-04**

**Operator Requirements Concerning In-Water Activities**

**WHEREAS,** propeller injuries/fatalities have been statistically identified as an area of concern; and

**WHEREAS,** NBSAC commissioned a panel on March 21-22, 2006 of individuals tasked with reviewing statistics, innovations and solutions to aid in propeller injury mitigation strategies; and

**WHEREAS,** this panel has identified from the most recent data that approximately 29% of the accidents involving propeller injuries/fatalities researched were caused by an operator's vessel coming in contact with a swimmer in the water (e.g. attempting to re-board from activities such as swimming, retrieval of water skiers/tubing etc.); and

**WHEREAS,** a requirement for an operator to shut off the propulsion engine while a swimmer is in close proximity to the area of possible impact could significantly reduce the number of these types of casualties;

**NOW, THEREFORE, BE IT RESOLVED,** that the National Boating Safety Advisory Council, meeting at Las Vegas, Nevada, on this 4<sup>th</sup> day of April 2006, recommends that the U.S. Coast Guard begin the rulemaking process that would require the operator of a motorboat to shut off the engine if a swimmer is in close proximity to or holding onto the boarding platform, boarding deck, boarding step, or boarding ladder of the boat. This does not apply while the vessel is engaged in law enforcement or emergency rescue activity.

**NATIONAL BOATING SAFETY ADVISORY COUNCIL**

**April 1 – 4, 2006**

**Las Vegas, Nevada**

**Resolution Number 2006-77-05**

**WHEREAS,** NBSAC recommended a U.S. Coast Guard action by Resolution 1999-63-02 to develop means to reduce the occurrence of propeller strikes; and

**WHEREAS,** NBSAC did reinforce 1999-63-02 by specific recommendations in NBSAC Resolution 2001-67-01; and

**WHEREAS,** NBSAC did again reinforce 1999-63-02 through Resolution 2002-70-01 with specific recommendations for regulatory opportunities; and

**WHEREAS,** NBSAC established a working group in Resolution 2005-76-04 to further address the issues in U.S. Coast Guard -2001-10163;

**NOW, THEREFORE, BE IT RESOLVED,** the National Boating Safety Advisory Council meeting at Las Vegas, Nevada on April 4, 2006, recommends that the U.S. Coast Guard take immediate action to use all possible analytical tools, such as Risk Based Analysis and Cost Effect Analysis to pursue completion of the tasks set forth in the various council resolutions regarding propeller strike prevention.

**NATIONAL BOATING SAFETY ADVISORY COUNCIL**

**April 1 – 4, 2006  
Las Vegas, Nevada**

**Resolution Number 2006-77-06**

## **Innovations Life Jacket Design Competition**

**WHEREAS,** the Personal Flotation Device Manufacturers Association (PFDMA) and the BoatU.S. Foundation has conducted the Innovations in the Life Jacket Design Competition, “Can you build a better one?”; and

**WHEREAS,** the ongoing push by State and Federal authorities to require boaters to wear a PFD, the BoatU.S. Foundation and the Personal Flotation Device Manufacturers Association worked together to spur innovative ideas and build more comfortable and effective PFDs through the competition. Entries were encouraged from armchair inventors to high school science clubs, collegiate design programs, and others sectors. The winner received a \$5,000 cash prize; and

**WHEREAS,** this type of investment in innovation is critical to advancement of boater safety;

**NOW, THEREFORE, BE IT RESOLVED,** that the National Boating Safety Advisory Council, meeting at Las Vegas, Nevada, on this 4<sup>th</sup> day of April 2006, recognizes and applauds BoatU.S. Foundation and the Personal Flotation Device Manufacturers Association for their initiative in improving the design of PFDs and making boating safer through encouraging wear of PFDs.

**NATIONAL BOATING SAFETY ADVISORY COUNCIL**

**April 1 – 4, 2006  
Las Vegas, Nevada**

**Resolution Number 2006-77-07**

**Bill O’Loughlin and Peter O’Loughlin  
O’Loughlin Trade Shows**

**WHEREAS,** the brothers were responsible for the education and equipping of more than 10,000 children with Mustang Survival PFD’s in the Pacific Northwest this year; and

**WHEREAS,** they are the west’s largest producer of Consumer Shows; and

**WHEREAS,** with over sixty years of experience producing events, O’Loughlin is currently producing Home and Garden, Sportsman, Boat and RV shows in Oregon and Washington; and

**WHEREAS,** they are a third generation company with over sixty years of experience; and

**WHEREAS,** the O’Loughlin Trade Show has remained on the cutting edge by holding board positions or membership in key organizations;

**NOW, THEREFORE, BE IT RESOLVED,** that the National Boating Safety Advisory Council, meeting at Las Vegas, Nevada, on this 4<sup>th</sup> day of April 2006, recognizes and applauds the O’Loughlin family for their dedication to the safety of children in boating, and promotion of boating as family fun.

**NATIONAL BOATING SAFETY ADVISORY COUNCIL**

**April 1 – 4, 2006  
Las Vegas, Nevada**

**Resolution Number 2006-77-08**

**Captain Tred Barta and the Outdoor Life Network**

- WHEREAS,** it is recognized that television shows that feature fishing intensely concentrate on displaying all possible venues, techniques and conditions involved in the process of catching fish; and
- WHEREAS,** Captain Tred Barta has not only featured fishing and hunting programs primarily through the Outdoor Life Network (OLN) and has been a source of both fishing and hunting information and experiences that he shares with his viewers with great energy and no small amount of wit; and
- WHEREAS,** Captain Barta was observed on the OLN Channel on March 30, 2006, in the Sacramento, California area to have his entire program, entitled **“Abandon Ship”** devoted to simulating a recreational fishing boat taking on water and treated, in great detail, the proper steps, equipment and mindset to maximize surviving such an incident; and
- WHEREAS,** such efforts to promote greater knowledge of how to handle an emergency event of having to leave a boat under a worst case scenario of being far from land and other vessels as well as having a possible heart attack victim aboard; and
- WHEREAS,** such programs having national exposure with well known sportfishing personalities very rarely devote an entire show to serious recreational boating safety issues;
- NOW, THEREFORE, BE IT RESOLVED,** the members of the National Boating Safety Advisory Council, meeting in Las Vegas, Nevada on this 4<sup>th</sup> day of April 2006, wish to commend Captain Tred Barta and the Outdoor Life Network for their outstanding effort to educate recreational boaters and angler on the very serious issue of abandoning a vessel in order that, one day, such knowledge may save someone’s life.

**NATIONAL BOATING SAFETY ADVISORY COUNCIL**

**April 1 – 4, 2006  
Las Vegas, Nevada**

**Resolution Number 2006-77-09**

## **National Boating Federation 40<sup>th</sup> Anniversary**

- WHEREAS,** the National Boating Federation was founded in 1966; and
- WHEREAS,** the National Boating Federation is an alliance of organizations and associate members representing more than 2 million recreational boaters from Canada to Mexico; and
- WHEREAS,** the National Boating Federation serves as a watchdog for numerous issues that impact all aspects of recreational boating, and as a strong and effective advocate for sensible resolution of controversial issues at all levels of government; and
- WHEREAS,** the National Boating Federation is particularly supportive of programs to improve the safety of the boating public, such as mandatory education for boaters; and
- WHEREAS,** the National Boating Federation is committed to the wise use of boaters' tax dollars for the boaters' benefit, as demonstrated by its contributions during establishment of the Wallop-Breaux Trust Fund in the 1980s and continuing today in efforts to secure an equitable distribution of current Wallop-Breaux Trust Fund revenues; and
- WHEREAS,** the National Boating Federation has been recognized internationally by being given Observer Membership status by the European Boating Association to represent recreational boating issues to the European Commission;
- NOW, THEREFORE, BE IT RESOLVED,** that the National Boating Safety Advisory Council, meeting at Las Vegas, Nevada, on this 4<sup>th</sup> day of April 2006, does hereby congratulate the National Boating Federation on its 40<sup>th</sup> Anniversary, and express its sincere appreciation for the Federation's tireless efforts on behalf of all of America's recreational boaters.

### **NATIONAL BOATING SAFETY ADVISORY COUNCIL**

**April 1 – 4, 2006  
Las Vegas, Nevada**

**Resolution Number 2006-77-10**

**Congratulations to Boat Owners Association of the United States  
on its 40<sup>th</sup> Anniversary**

**WHEREAS,** the Boat Owners Association of the United States has been one of the Nation's most powerful advocate for advancing the interests of boaters by providing savings, service, and representation to millions of boat owners nationwide since 1966; and

**WHEREAS,** with over 640,000 BoatU.S. members behind them, BoatU.S. has been able to fight unfair taxes, fees, and regulations that single out America's boat owners; and

**WHEREAS,** BoatU.S. led the fight for safer boat reforms by working with Congress to successfully pass the Federal Boat Safety Act of 1971; and

**WHEREAS,** BoatU.S. fought tirelessly for the passage of the "Recreational Boating Safety and Facilities Improvement Act of 1980" so that a portion of the millions of dollars that boaters spent on fuel taxes would be applied to boating safety programs, enforcement and access, and increased the recovery of boaters' fuel taxes through its support of legislation establishing the Aquatic Resources Trust Fund, better known as Wallop-Breaux; and

**WHEREAS,** BoatU.S. continued to promote boating safety by creating the BoatU.S. Foundation for Boating Safety in 1981 and whose mission is to educate boaters about safe boating practices;

**NOW, THEREFORE, BE IT RESOLVED,** that the National Boating Safety Advisory Council, meeting in Las Vegas, Nevada on this 4<sup>th</sup> day of April 2006, does hereby congratulate the Boat Owners Association of the United States on its 40 years of exceptional service to the nation's millions of recreational boaters.

**NATIONAL BOATING SAFETY ADVISORY COUNCIL**

**April 1 – 4, 2006  
Las Vegas, Nevada**

**Resolution Number 2006-77-11**

**Recognition of Scott P. Swanby's Contributions**

**WHEREAS,** Scott P. Swanby lost a friend in a duck hunting drowning, and

**WHEREAS,** Mr. Swanby reacted to the accident by developing a truly comfortable and wearable inflatable life vest, and

**WHEREAS,** Mr. Swanby tenaciously pursued approval of an inflatable life vest for more than 10 years, and

**WHEREAS,** Mr. Swanby developed the first U.S. Coast Guard accepted SOLAS inflatable and the first U.S. Coast Guard accepted children's hybrid inflatable, and

**WHEREAS,** Mr. Swanby's innovation has led the inflatable vest industry in the United States, and

**WHEREAS,** Mr. Swanby's product, SOSuspenders was the first USA manufactured inflatable life vest to achieve European approval, and

**WHEREAS,** Mr. Swanby did serve as the President of PFDMA and does serve as a member of the National Boating Safety Advisory Council, and

**WHEREAS,** Mr. Swanby has traveled the world promoting the wearing of life vests and boating safety;

**NOW, THEREFORE, BE IT RESOLVED,** that the National Boating Safety Advisory Council, meeting at Las Vegas, Nevada, on the fourth of April 2006 does hereby recognize and applaud Mr. Scott P. Swanby for his dedication, innovation and dogged persistence in the development, approval and distribution of inflatable life vests, and further recognizes the exceptional contribution his work has made to the safety of mariners, hunters, and anglers throughout the United States and the world.”

**NATIONAL BOATING SAFETY ADVISORY COUNCIL**

**April 1 – 4, 2006  
Las Vegas, Nevada**

**Resolution Number 2006-77-12**

**Harbor Safety Committee**

**WHEREAS,** Harbor Safety Committees are required for planning of proper security and/or safety measures of our harbors; and

**WHEREAS,** a broad cross section of the community is recommended for membership on Harbor Safety Committees; and

**WHEREAS,** Recreational boating is a primary stakeholder in harbor usage and harbor security issues;

**NOW, THEREFORE, BE IT RESOLVED,** that the National Boating Safety Advisory Council, meeting at Las Vegas, Nevada on this 4<sup>th</sup> day of April 2006, recommends that recreational boating have a permanent seat on all Harbor Safety Committees. It is also recommended that recreational boating be a permanent member of the steering committee for each Harbor Safety Committee.

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

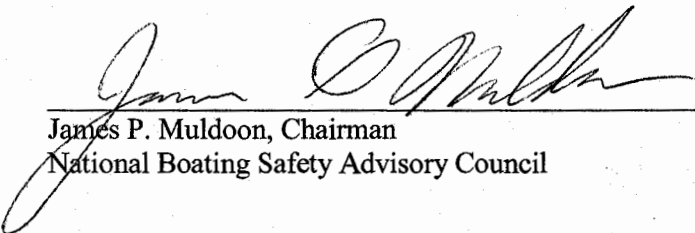
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James P. Muldoon, Chairman  
National Boating Safety Advisory Council

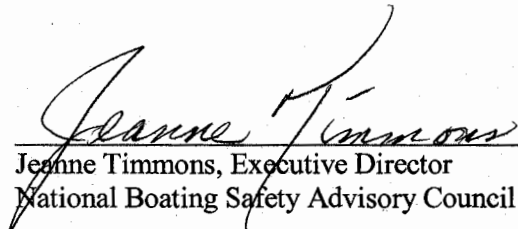
Date

77th Meeting  
of the  
National Boating Safety Advisory Council

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

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

1-19-07  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Jeanne Timmons, Executive Director  
National Boating Safety Advisory Council

2/3/07  
\_\_\_\_\_  
Date