

**71st Meeting
of the
National Boating Safety Advisory Council**

**Holiday Inn
Roslyn, Virginia**

April 28th and 29th, 2003

Monday, April 28, 2003

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

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Council Members Present

Mr. James P. Muldoon, Chairman

**Mr. Lyle W. Belknap
Commodore Carolyn V. Belmore
Ms. Joan M. Bondareff
Mr. Robert P. David
Mr. William G. Engfer
Mr. Fernando J. Garcia
Mr. Larry R. Innis
Mr. Jim L. Manues**

**Mr. David C. Marlow
Mr. Fred F. Messmann
Ms. Linda Jo Moon
Mr. Frederick J. Shepard
Mr. Scott P. Swanby
Mr. Raynor T. Tsuneyoshi
Mr. Edwin R. Woolley, Jr.**

Council Members Absent

**Ms. Caroline C. Ajootian
Mr. Edwin R. Fendig, Jr.
Ms. Lucia R. Francis
Ms. Karen Kelly
Ms. Eleanor C. Mariani**

U.S. Coast Guard Headquarters Representatives Present

Rear Admiral Jeffrey J. Hathaway, USCG
Sponsor, NBSAC
Director, Operations Policy Directorate

Captain Scott H. Evans	Chief, Office of Boating Safety
Mr. Jeffrey N. Hoedt	Executive Director, NBSAC & Chief, Program Management Division
Mr. Carlton Perry	Regulatory Coordinator, Office of Boating Safety
Mr. Bruce Schmidt	Statistician, Office of Boating Safety
Mr. Jeffrey Glossop	Data Analyst, Potomac Management Group

08:30 Chairman Muldoon called the meeting to order at 8:30 a.m. He introduced Mr. Charles Sledd, the Program Development Director for the Virginia Department of Game and Inland Fisheries. He became the Program Development Director in 1997, and was designated as the Boating Law Administrator in January, 2000, and is in the third year of serving as the National Association of State Boating Law Administrators (NASBLA) Education Committee Chairman, and also serves as the President of the Southern States Boating Law Administrators Association. He retired from the Coast Guard Reserve in June 2002. Chairman Muldoon welcomed Mr. Sledd.

Mr. Sledd thanked the Chairman for the introduction. He stated that Virginia had 250,000 registered boats, a couple hundred thousand acres of lakes and ponds, 25,000 miles of streams and rivers, 5,300 miles of tidal rivers, and 225 public launching ramps. In the top 10 most popular outdoor activities in Virginia, boating is the 8th most popular. He said that their success comes from a long partnership with the United States Coast Guard Auxiliary (USCGAUXUX) and the United States Power Squadrons (USPS). He said that he had retired from the Coast Guard Reserve after thirty years last June and mentioned that it was a tremendous beneficial partnership and relationship. He welcomed the National Boating Safety Advisory Council ("Council" or "NBSAC") and hoped they enjoyed their visit.

Chairman Muldoon then introduced Captain Evans.

Captain Evans said that it was his pleasure to introduce Rear Admiral Hathaway, who had recently come in to take over as the Director of Operations Policy. The Admiral attended the Coast Guard Academy where he graduated in 1974 and has an MBA from the University of California at Irvine. He also graduated from the Industrial College of the Armed Forces with a degree in National Resources Strategy. He was stationed at the Rescue Coordination Center in the Pacific Area where he dealt with search and rescue cases. He was also a military assistant to the U.S. Secretary of Transportation, and was on the Congressional and Governmental Affairs Staff, and was also the Executive Director of the United States Interdiction Coordination Center. His most recent duty was Director at the Navy Command Center and Interagency Support Division at the Pentagon. Captain Evans asked the Council to welcome Rear Admiral Hathaway.

Admiral Hathaway welcomed the Council. He said that he had spent the majority of his career on the water, and that he was an avid recreational boater who rents and borrows boats whenever he can. He began by saying that the Coast Guard had moved to the Department of Homeland Security (DHS) as of March 1. The good news is that the Coast Guard came over as a whole instead of divided. He said that it has been business as usual for the Coast Guard, but it has been difficult to get the new Department up and running. The Coast Guard has divided their missions into homeland security and non-homeland security categories. Recreational boating safety (RBS) falls under non-homeland security missions, which Secretary Ridge has been challenged to pay close attention to. He assured that they were not leaving anything behind. Rear Admiral Hathaway said that he challenged Captain Evans and his staff to start moving ahead to a new plateau when it comes to their attention to RBS. He said that he ran the Coast Guard's Congressional Affairs Office for three years and represented the Coast Guard on Capitol Hill. He said he had challenged the Office of Boating Safety to move toward a risk based decision-making program, to think about where the greatest risks are and how to best mitigate them in not just fatalities but also injuries and accidents. Rear Admiral Hathaway stated that if you prevent the accidents you prevent the fatalities and injuries. The Office needs to find common ground and needs support in moving forward with this new way of thinking and asked for the Council's help with the big items and their assistance to identify these items to get the most bang for their buck. He said that he was amazed that the majority of the deaths in recreational boating are drownings; wearing life jackets can prevent these deaths. He also said that in the vast majority of accidents, the operators had not taken any boating education and that those with education are less likely to be involved in an accident. He said that education would reduce not only fatalities but also injuries and accidents all together. Rear Admiral Hathaway asked for any questions.

Ray Tsuneyoshi said that when the General Accounting Office (GAO) looked at Coast Guard operations, there was a shortfall in efforts for RBS and Search and Rescue (SAR). He asked what the Coast Guard would do to make sure the GAO doesn't say that next time.

Admiral Hathaway said that while the Government is getting smaller, the Coast Guard is getting larger by a few thousand people, and they are on an upslope while the rest of the military is being downsized. He said that their budget has also grown substantially, and they will become a larger organization. They are being asked to do more for homeland security and will allow more resources to fulfill that role. The GAO audits state that they are spending as much time in the air and on the water for these missions. He said the Coast Guard has moved to risk-based management and have asked the GAO to change the way they measure, to measure results instead of hours. He mentioned that while they were spending less resource hours fighting drug trafficking, they still had the third best year in 2002 because they focused on doing things differently. They got positive results.

Eric Shepard said that he comes from a State with four shipping ports where Coast Guard assets are being taxed, leaving boating safety efforts to be tasked to local authorities. He asked what they would do to relieve the burden on the States.

Admiral Hathaway said that he wants to get more money to the States. Through Wallop Breaux, a lot more money needs to funnel through to State RBS Programs. He said that the majority of new people in the Coast Guard will be dedicated to port security, and the multi-tasked agents will be able to go back to boating safety projects. He

added that while the U. S. Coast Guard Auxiliary (USCGAUXUX) does not fall under his umbrella, they have been doing very good work.

Larry Innis asked that with increasing emphasis on the States, will there be money outside of Wallop Breaux to fulfill this mission?

Admiral Hathaway answered that as the Department gets more organized, he will help them focus on where they can get the most bang for their buck. However, there is only so much prioritization that the Government will do before giving the money to the States, so he can't guarantee that more money will come. It starts with a better-coordinated effort from DHS.

Norm Lemly asked if the Transportation Security Administration (TSA) is a player in the operating level that the States should talk to; and if so, should they do it soon while they're getting their plans in place?

Admiral Hathaway responded that TSA is involved in security for all modes of transportation, and they have an emerging partnership with the Coast Guard. However, he did not believe that TSA would be able to focus much money into boating safety as opposed to security.

Norm Lemly said he thought they could provide support for patrols.

Admiral Hathaway said that maybe that could happen over time, but he doesn't see a lot of effort and a lot of play for them in that arena. He said it was a pleasure to meet the Council and looks forward to working with them in the future.

Chairman Muldoon said that most who work with the Coast Guard know how much is being asked of the upper management and thanked the Admiral. He introduced Captain Evans as the Chief of the Office of Boating Safety. Previous to this assignment, the Captain served as a helicopter pilot for over 21 years.

Captain Evans thanked the Chairman and the members and friends of the NBSAC. He emphasized his drive for recreational boating safety. He also wanted to thank the members of the audience for attending, many who pay out of their own budgets. He also thanked the paddlesport industry for coming to the meeting.

He then updated the Council on everything that they would be discussing at the meeting, on maritime security rulemaking, paddlesports, and windmill farms in New England. He said that he would be introducing the Council to Risk-Based Decision Making (RBDM). He stated that it was a process that organizes information and after processing this information, focusing on the highest risk of an activity. Their objectives were to reduce fatalities, reduce injuries, and accidents. He then showed the Council the top five causes of recreational boating accidents, injuries, and fatalities. The number one cause of accidents is collisions between vessels, which is also the highest cause for injuries. The biggest cause of fatalities is capsizing. Only 22% of operators involved in accidents reported receiving some boating instruction. Of the 681 fatalities, only 11% occurred onboard boats where the operator reported having education. He then showed, by using that data, that by increasing proficiency of boaters it would save 76 lives, 1192 injuries and 1759 accidents. By increasing PFD wear, 323 lives could be saved, resulting in a 74% decrease in drownings.

Ted Woolley said that in a case in Utah, a girl drowned on Bear Lake. While the PFD would not have saved the girl, it would have made it easier to find the body and provide closure for the family.

Captain Evans thanked him for making a good point. He said that same thing happened this weekend, a girl disappeared without a PFD. He said they are already addressing the

top causes of accidents, collisions, and are pursuing a Federal regulation regarding a safe-maneuvering standard for additional recreational vessels in addition to personal watercraft (PWC). He said that there was a good article in the "Small Craft Advisory" that gave a good explanation on the history of off-throttle steering. He said that they have also commenced a multi-year public outreach campaign called "You're in Command," which focuses on modifying the behavior of recreational boaters and supports the principles of Operation Boat Smart and its partners. He then showed a video to demonstrate where the Office is going with this campaign. He said that they have a variety of public service announcements (PSAs) that will be released over the next few months addressing boating safety issues. He said that the Office had hired a contractor to produce similar PSAs in the future. He asked the Council to help come up with ways to increase vessel operator proficiency and to increase use of PFDs to reduce fatalities due to drowning. He asked if they wanted to start considering mandatory use of PFDs or would continue to rely on voluntary usage. The Captain stated that these topics would be addressed in further detail at future NBSAC meetings. He said that he wanted to find what they could do to move the numbers down for fatalities, injuries and accidents by increasing proficiency and PFD usage.

Commodore Belmore asked the Captain to explain what is a safe maneuvering standard in Federal regulations.

Captain Evans answered that the issue started with off-throttle standards for PWCs, but realized that it wasn't a problem for only PWCs. It held true for other boats.

Commodore Belmore wanted to know about industry standards.

Phil Cappel said they are talking about a Federal regulation.

Commodore Belmore clarified that it was directed toward industry, not towards boaters.

Phil Cappel said that was correct.

Captain Evans stated that at a certain distance, a vessel should be able to make a turn.

Ray Tsuneyoshi asked how you tie in behavioral activities (inattention, excessive speed, etc.) that also contribute.

Captain Evans said that they were asking Bruce Schmidt, from the Office of Boating Safety, to get into the weeds and find those types of answers.

Nita Bowles asked that in developing a standard for maneuverability, are they looking at more than just PWCs?

Captain Evans said that's one of the things they are looking at because most boats involved in accidents are under 21'.

David Marlow asked if he could go over the PSA titles again.

Captain Evans said they were not necessarily a PSA, but something they envisioned running at a boat dealer or a boat show. They have two: Vessel Safety Check, and Take a Safe Boating Course, and others in the future supporting Operation Boat Smart, with PFDs and boating while under the influence (BUIs). They are also looking at carbon monoxide (CO) because that is a tough issue. Additionally, they were doing commercials and press releases to get the word out.

David Marlow applauded the PSA effort, but he believed that if they have a topic CO they should also have another topic about staying away from machinery on the vessel during operation.

Captain Evans said that they were working on it as they spoke.

Joan Bondareff thought it was an excellent approach, but was wary because they have to go to the Office of Management and Budget (OMB) and establish a cost-benefit analysis. She emphasized the cost to society to not change the standards and to ask Congress for

new statutory authority. She also asked to look to the Canadians as an example as they had implemented mandatory education.

Captain Evans stated that they were going to look into that.

Karen Steely wanted to clarify maneuverability standards; are they the same standards for different types of boats?

Captain Evans answered that they were. If every vessel under 21' should be required to miss an object at this speed, it should be the same for a PWC, a fishing boat, and a bow rider.

Lyle Belknap noted that they should be careful how they use these numbers, since 50% of reported accidents are in the unknown category and accidents do not always get reported.

Captain Evans said they would be focusing on this. He then went on to resolutions. He said they did a change, and he would give the update instead of the Executive Director. The first resolution was regarding boat propeller strike accidents. The Coast Guard is considering the parts of the revised NBSAC resolution and will address them in independent regulatory projects. The Coast Guard plans to develop independent policy involving non-planning recreational vessels such as pontoon vessels. He assured that this issue was still on the books. The next resolution was regarding certifying recreational life raft servicing stations. The Captain said that Norm Lemly would be speaking that afternoon on the topic. On the third resolution regarding the Coast Guard publishing internal policy to determine proper flotation procedures, the Office had a temporary budget problem and had to put printing on hold, but they have gotten through that and it should be published shortly and also put on the website as suggested. On the fourth resolution, to write a letter to TSA to allow exemptions for inflatable PFDs and Carbon Dioxide (CO₂) cartridges on airplanes, the Coast Guard contacted TSA staff addressing the issue and TSA advised that it was up to the airlines' discretion. The Coast Guard contacted the nine major airlines to identify which airlines allow CO₂ cartridges on board and will advise the public as soon as the list is compiled.

Chairman Muldoon said that they should make these available to challenge those airlines that don't follow their own policy.

Captain Evans said that they would do so.

Eric Shepard said that while an airline has a policy allowing it, the issue should be coordinated between TSA and the airlines.

Captain Evans said that this was a good idea. On the fifth resolution regarding PFDs for children, the interim rule is in effect. They may want to look at the rule in depth and expand it, which is why it is in the interim rule stage. On the sixth resolution regarding the NBSAC support of the proposed 50/50 split of motorboat fuel tax funding going into the Aquatic Resources Trust Fund, with 50% going to the Boat Safety Account, the Administration's bill should be headed to the Hill soon. He said that the American League of Anglers and Boaters (ALAB) has come up with a proposal that they are trying to admit into the process. He said that the ALAB proposal does increase funds. Captain Evans said that as soon as the Administration comes up with policy, they will have to stick behind it, but they will continue to monitor the situation. On the seventh resolution, regarding the Coast Guard reporting back to NBSAC on progress made on resolutions, the Office sent out an update on March 5 on the resolutions status. On the eighth resolution, regarding the Coast Guard's reorganization under the Department of Homeland Security, the Coast Guard

is under the direct supervision of the Secretary, and they are at or above the Council's recommendation. He thanked them for their support.

Chairman Muldoon introduced Jeff Hoedt to give the Executive Director's report.

Jeff Hoedt welcomed the Council to Roslyn. He let the Council know that they had an update on all Council resolutions in front of them and that it will be updated on a periodic basis. He said that they have the approved minutes from the last meeting now and will work to get them on the website, www.uscgboating.org. He said Vickie Hartberger was responsible for travel and the members should submit expenses on a separate form for reimbursement. The Council was also given a stakeholder's survey that was taken in December for all Advisory Councils. He said their chart would compare NBSAC with other Councils. Jeff Hoedt said that they also handed out an updated copy of the Council's charter with the legal authority, and they needed to continue the statutory authority for the continuance of the Council. The document also gives information on the Sponsor, Chairman, new members and current members. They hoped to have new member appointments made before the transition into DHS, but that did not occur. However, they had been informed that the new appointments for those members whose Secretary appointment expired in December 2002 have made it to the Secretary's Office for consideration. For vacancies that will occur in December 2003, we will publish the application announcement in the June 2003 Federal Register asking for people to consider applying. He said that they have ten different Advisory Council links on the Coast Guard website, and they will be getting a NBSAC link set up soon. He informed the Council that upcoming meetings would be held in

Fall 2003 Chicago, IL October 25-28th

Spring 2004 St. Louis, MO (dates to be determined)

He announced a reception at the Capital Yacht Club at 6:00 p.m. that evening, where everyone from the Council and audience were invited.

Ted Woolley asked about the approval of the minutes and a correction. He wondered if the Council would vote on it.

Jeff Hoedt said that had not been the procedure. The Chairman has been empowered to approve the minutes and he had done so.

Chairman Muldoon asked if the correction was material.

Ted Woolley said that it was not, but he wanted to know the procedure for future reference.

Jeff Hoedt said they send the draft minutes out by email to the Council members and ask for comments from them.

Chairman Muldoon called for a break.

BREAK: 10:16

Chairman Muldoon asked those in the audience to introduce themselves.

Bruce Schmidt from the Coast Guard Office of Boating Safety.

Kiko Villalon from Ancon Marine Consultants.

Dick Snyder from Mercury Marine (retired).

Kirsten Rowe from the Personal Watercraft Industry Association (PWIA).

Mitchell Cho from Potomac Management Group.

Barry Nobles from Potomac Management Group.

Vickie Hartberger from the Coast Guard Office of Boating Safety

Commodore Warren McAdams representing the U. S. Coast Guard Auxiliary

Sam Wehr from the U. S. Coast Guard

Phillipe Ras from the American Boat and Yacht Council (ABYC).

Bruce Rowe from Forever Resorts.
Mark Suttie from ARAMARK.
Bob Markle from the Radio Technical Commission for Maritime Services.
Jeanne Timmons from the Coast Guard Office of Boating Safety.
Alston Colihan from the Coast Guard Office of Boating Safety.
Pam Dillon from the American Canoe Association (ACA).
Cheri Nylen from the ACA.
Tom Thompson from the U. S. Marine Safety Association (USMSA).
Norm Lemly from the USMSA.
Jeff Lantz from the U. S. Coast Guard.
Ruth Wood from the BOAT/U. S. Foundation.
Todd Lemke from Mercury Marine.
Matt Menashes from the Professional Paddlesports Association (PPA).
Dick Snyder from Mercury Marine (retired).
Karen Steely from the Aaron Foundation.
Chairman Muldoon asked for old business and then for new business. He then moved on to members' items.
Jim Manues had no new issues.
David Marlow wanted to discuss the proposed requirement for reflective tape on vessels in Illinois and have some form of investigation take place to fully know where this rulemaking is in the State.
Fred Messmann wanted a report on the status of their request for the creation of a Federal recreational boating safety committee involving numerous federal agencies across the country. He also would like an update or direction in regard to the Spritzma case. He had a request for comments for a Federal rule dated February 12th, where the Coast Guard is conducting a review of certain regulations. Included are defects in boats and identification requirements and safety standards for boats and associated equipment. It has to do with Section 610, Small Entities Review.
Carl Perry answered that Section 610 requires that they do a consideration of impact on small entities for the regulations that they promulgate.
Fred Messmann also wanted a report on the social cost and impact of boating accidents.
Jo Moon said that she was happy that the representatives from the canoe and kayak community were present, and she wanted to continue the dialogue with the industry to reach the casual paddler. She had become aware of a problem with commercial vessels not being able to pick up sea kayaks by radar, and she wanted an agreement to make the boats more visible. She also mentioned high-speed recreational vessels and wanted to see a standard for what is a high-speed vessel; and then, examine the need for mandatory education for operators of high-speed recreational vessels. She wanted more information regarding life vests for infants and wanted a display of what's available. She was concerned with rising levels of injuries from children riding on PWCs and wanted a report to see if they should do something regarding their safety. Finally, she wanted to analyze the cost to society involving boating accidents.
Eric Shepard had no new issues.
Scott Swanby wanted to recognize that the Coast Guard has gotten much good publicity and that the President has been noticing their effort.
Ray Tsuneyoshi brought up the current State exemption for boats over 40' from requiring children to wear PFDs and wondered if the Coast Guard would take a look at fast boats over 40'. He asked if the Coast Guard has looked at infants on board boats. He

said that there were many regulations for car seats, but no regulations for child seating on board boats.

Ted Woolley was still interested in finding out what a “whitewater” river is on the PFD inflatable label. He mentioned the need to clarify whether two-stroke watercraft need to be changed over to fuel injection. He said that the National Park Service (NPS) put a rule into place in Lake Mead causing the two-stroke to be prohibited in the year 2012. He stressed the need to have organization among Federal agencies.

Ray Tsuneyoshi reinforced what Ted Woolley and Fred Messmann had said. In his State, there is a marine life protection area, and the National Oceanic and Atmospheric Administration (NOAA) is attempting to set rules to define a PWC as something that can go fast and make turns. They are also trying to regulate tow surfing in the Monterey area.

Chairman Muldoon asked how NOAA gets jurisdiction.

Ray Tsuneyoshi said he believed they took over to protect the species.

Kirsten Rowe said that it was because it was a Marine Sanctuary.

Larry Innis thanked the Coast Guard for improvements in reporting statistics. He also complimented the Coast Guard professionals for reducing fatalities to a record low. He said that U. S. Customs has issued a rulemaking, requiring all corporate boats with 12+ people to have a captain, and asked why Customs did this rather than the Coast Guard. The Coast Guard, with the National Conference of Commissioners of Uniform State Laws (NCCUSL), are developing a uniform titling act, and he wanted an update on that process. He wanted to support the Office of Boating Safety as they are negotiating the President’s budget with OMB and the Department of the Interior (DOI), and they have strong concerns with boating safety. He was concerned with the increased number of anglers who are taking the flotation foam out of boats for a place to put their live wells. Also, he is concerned with the increasing number of recreational boaters who are buying commercial boats for recreational purposes, and he would like the Coast Guard to follow up on this issue.

Fernando Garcia thanked the Coast Guard for acting on the Council members’ request for submitting comments on the NPS proposal. He also wanted more details on the action on NBSAC resolution 2000-66-05.

Bill Engfer had one item regarding an USCG/State Memorandum of Understanding (MOU) on homeland security efforts. Some States have received a draft, and while they need to work together for homeland security, they are moving away from one of their previous duties of boating safety. He wanted to ensure that the RBS grants would not be used for homeland security efforts.

Bob David said he had four items. First, he said that he wanted to include automatic identification systems on recreational vessels as well as commercial. Secondly, he stated that education was a key to boating safety and added that one part of that is on-the-water vessel instruction. Both the USCGAUXUX and USPS have embryonic programs active in this area, and these should be encouraged. Third, he said that educational certification and reciprocity was being worked on through NASBLA and the States, and Europe as well. He believed that it was coming soon. Finally, he had a brand new book called “GPS for Mariners” and it was the first time a book had been written on the subject the conventional mariner.

Chairman Muldoon stated that the U.S. Sailing Association has been conducting on-the-water training for twenty years and have never had a liability issue.

Joan Bondareff wanted to support the move to risk-based management. She said it was one of the best presentations she's heard. She also wanted to look at how costs are calculated and add in social costs to the cost-benefit analysis system. She would like to move to an improved and standardized collection of information from State and Federal waters. She wanted to ensure that State and Federal resources are not diverted from RBS to homeland security efforts. She also wanted the Coast Guard to monitor the Canadian example of boater education and report on how that could be used in the United States. She wanted the Coast Guard to continue to work for PFD wear for children and report back if that program should be expanded to other high-risk areas. Finally, she wanted to increase funding for a PFD campaign for canoeists and kayakers and others who enjoy paddlesports.

Commodore Belmore emphasized her concern with the flare disposal issue. The video seen by the Council had shown that there is a misconception that you can just throw them into the trash, which is illegal and dangerous. She said that there needs to be a way to dispose of these safely. She also stressed the need to reach the casual paddlers with the PFD message.

Lyle Belknap stated it was his last meeting and thanked Sandy Brown and Jeanne Timmons from the Coast Guard's Office of Boating Safety.

Chairman Muldoon encouraged everyone to thank Jeanne Timmons.

Eric Shepard was worried that the Coast Guard would suggest that Wallop-Breaux funds could be diverted to port security and would establish a dangerous precedent.

Chairman Muldoon asked if there were any more items. He then thanked the Council and welcomed Commodore Warren McAdams for the USCGAUX report.

Commodore McAdams said it was interesting to hear remarks from State representatives regarding the possible allocation of resources for homeland security efforts and ties into how the USCGAUX is asked to help in both areas. Homeland security has added a new dimension to the USCGAUX's mission. He wished to report on the traditional mission of the USCGAUX in recreational boating safety, but also on their new role in homeland security. Their mission in homeland security is to provide direct support to the Coast Guard and to delivering the homeland security message to the public. Their traditional mission is supported in two Coast Guard programs, Operation Boat Smart and You're In Command. Operation Boat Smart stresses five key principles: PFD usage, boating under the influence (BUI) avoidance, importance of education, importance of getting a vessel safety check (VSC), and abiding by Coast Guard regulations in regard to naval protection zones and other security measures. You're In Command is an outreach effort to get the boating safety theme to the boating public. The campaign will help boaters recognize that they can make choices that will make boating safer and more fun. Our volunteers who teach classes and examine boats should also view the campaign as a big helping hand. In a typical year, they teach USCGAUX courses to 55,000 students, another 20,000 students in State courses, and speak to 100,000 children, providing them a safe boating message. They also work with several outside groups to reach hunters and fishers and plan to add more elements in public education to the paddlesports community. The USCGAUX examines 125,000 boats each year, and has contact with many more. They are encouraging States to join the VSC program. He asked the Council to imagine the impact of the USCGAUX, the USPS and the States all using the same program. They are also working with the American Cane Association (ACA) and other paddlesport people to work with manually propelled craft in all high-density traffic areas. Concerning

homeland security, they provide support to Coast Guard operations and marine safety. Under Operation Patriot Readiness, the USCGAUX is preparing itself to be written into the Coast Guard's operational plan, in order to facilitate planning and further training. Operation Patriot Readiness is aimed at direct Coast Guard support, but they must find ways to engage recreational boaters in security zones and have them working similar to neighborhood watches. They want to watch for suspicious behavior and notify the Coast Guard of any such activity witnessed. He said that they get the word to the boating public through safety classes, boat shows, and safety booths. He then thanked the Chairman.

Eric Shepard praised the USCGAUX as they had an expanded presence and most boaters perceive them as law enforcement. In essence, they have been supplementing the effort of State officials. He then thanked the USCGAUX.

Jeff Hoedt said that the next speaker, Commander David L. Scott, USCG would be making a presentation on maritime security rulemaking efforts. Commander Scott was commissioned as an Ensign in November 1999. He has served as an interagency liaison on port security issues, developing national policy for port security committees, cargo security, and also ensuring that U.S. policy conforms to international requirements.

Commander Scott asked the Council what a recreational boater needs to know about new regulations and the Maritime Transportation Security Act (MTSA), which was enacted in the fall of 2002. It was the most significant rulemaking project the Coast Guard has engaged in since the Oil Pollution Act of 1990. Congress required them to get all security regulations in place by November 2003. Because this regulation is so important, they waived the Coast Guard's process from complying with the Administrative Procedure Act to allow them to come out with interim rules without public hearings and extensive comment periods. The Coast Guard typically engages the public as much as possible, so in January and February they held seven public meetings throughout the country. At these meetings, they talked about where they wanted to go with the security rules and got public input. He stated that the maritime industry was their most international of endeavors, and to promote global security, they needed global solutions. Last December, the International Maritime Organization made an amendment to the Safety of Life at Sea (SOLAS) Convention and adopted the International Ship and Port Security Code, which comes into force in July 2004. It establishes that all the member nations develop plans for security measures, including measures for shore side facilities that service vessels in international trade. This is a dramatic change because it usually dealt with equipment on the ship. The MTSA was passed and fortunately dovetails nicely with the SOLAS Convention. He is part of a team at Coast Guard Headquarters with the task of developing brand new regulations to implement Congressional mandates. They will be establishing a new Subchapter H, Maritime Security, 101-106. The Automatic Identification System (AIS) requirement will be rolled into security regulations. He said that he would send information to anyone that wanted it.

Bob David thanked him and the Office for providing information for a trip to Europe.

Commander Scott said he was specifically involved in overall port security and also for offshore platform and drilling security. The recreational boater is not directly affected by any of the regulations that deal primarily with large ships, international traffic and commercial vessels. However, in the larger scheme, the recreational boating community could be impacted on a port-by-port basis. Instead of the five alert levels

used by DHS, they have developed three levels, MARSEC 1, 2 and 3. They created a new position of Federal Maritime Security Coordinator in lieu of the current title of Captain of the Port, who would be additionally charged with developing a port security scheme. The second new thing MTSA brings is the Area Maritime Security Committee. Most Captains of the Port have a port security committee, originally created following September 11, 2001. He stressed that if members of the Council were not engaged with their Captain of the Port in their security committee, it is essential that the voice of the recreational boating community be heard. In case of an emergency, it is possible to restrict traffic in an area, which would include recreational boating. He stressed that it was important that the recreational boating groups, USPS and others, do have a seat on the area maritime security committee. He said that the time for the international summit is July 2003, and they are looking to get a temporary interim rule published by the first week in July. Once the interim rules have been published, industry has 6 months to reply to the new regulations. He said the job was not done with the publication of the interim rules; and afterwards, they will have one more public meeting at the end of July. If anyone has questions, he can be contacted at his email address, dlscott@comdt.uscg.mil.

Chairman Muldoon said that Major Alvin Taylor, would give the National Association of State Boating Law Administrators (NASBLA) report. He grew up in Mullen, South Carolina and was a graduate of Clemson University. He has worked with the South Carolina Department of Natural Resources for twenty-five years in the field of boating safety. Major Taylor is the supervisor of Region II, the Boating Law Administrator for South Carolina, the Past President of the Southern States Boating Law Administrators (SSBLAA), and is currently the President of NASBLA.

Major Taylor said that much had happened since he last spoke to the group in California. He said that their top agenda item was to secure more funding for boating safety that year. He thanked the Council for the support they have given, and they could not have asked for a better ally in the funding issue. He thanked Chairman Muldoon personally. He was shocked to find that the issue was much more complex than he originally had anticipated and may not have been as successful were it not for the support from boating safety groups across the country. He said that they no longer have to worry about the scoring issue with the new proposal. The proposal also gives them permanent appropriation, so they could plan better in the future. He noted that the legislative package has not been developed and he was reporting on things that he believed would be in the package. The new proposal allotted 18% of the total funding source to go to boating safety, and they will go to a 75/25 match. Also, in this package will be the recovery of \$87 million in the Boat Safety Account for redistribution. It will also recoup 4.8 cents of the marine fuel tax that has been diverted to deficit reduction. That would bring an extra \$110 million per year into the Aquatic Resources Trust Fund. NASBLA thought the 50/50 split was fair, but will support the ALAB proposal. He then brought up the Memorandum of Understanding (MOU) on homeland security. If it becomes a part of their RBS program as an allowable expense, many States would take boating safety money. His State had a 36% budget cut in the last 18 months, California is in a \$38 billion deficit. If homeland security becomes an expenditure in Wallop-Breaux, it will become very expensive to fund homeland security as well as boating safety. He believed they were at a critical crossroad when they look at boating safety funding issues and then throw port security into the mix. He thanked the NBSAC and asked that they continue to

support NASBLA. He also wanted to thank the USCGAUX and the USPS for the help they have provided in port security. He said it was a critical time for RBS programs. He asked if anyone had questions.

Commodore Belmore said that at the USCGAUX national conference she asked the Commandant about RBS losing support to homeland security, and his answer was that there will be more boats on the water and no Coast Guard boat would ignore a search and rescue call. She believed that State officers would do the same thing.

Major Taylor agreed with her, and he said that the problem is a funding issue and that Officers would help in any safety issue, but they lack the funding to keep the Officers on the water. He wanted to take a moment to present awards and asked Fred Messmann to help him present the award.

Fred Messmann said that as Chairman of the NASBLA Boating Accident Investigation, Reporting and Analysis Committee and as a member of the Executive Board, he has observed people in the audience trying to give a message; and he sat and listened to what they had to say, and took that information and incorporated it into the boating safety program and boating accident investigation seminars. While NASBLA doesn't necessarily agree with everything they say, they listen and are open-minded. He will try to do something, if not everything they recommended. He asked Monica Key to make a presentation at the International Boating and Water Safety Summit (IBWSS). He presented a NASBLA public service award to Monica as well as Nita Boles for making the presentation. Nita influenced and helped sponsor a bill for mandatory education in Nevada. He then presented an award to Karen Steeley for making a presentation at the IBWSS; she volunteered the jet ski that her son was killed on and donated it to NASBLA for study. Finally he presented an award for Phyllis Kopytko from S.P.I.N, because of her work they decided to integrate different training into accident investigation seminars.

Major Taylor said that every year NASBLA gives the NASBLA award to someone who promotes boating safety and has gone above and beyond normal work. He presented the 2002 award to Jeff Hoedt.

Jeff Hoedt thanked Major Taylor and the members of NASBLA.

Major Taylor thanked the NBSAC.

Chairman Muldoon introduced Jerry Miente from the USCG Office of Environmental Standards for an update on the Towing Safety Advisory Committee (TSAC). Mr. Miente is a graduate of the Massachusetts Maritime Academy and a retired Merchant Mariner who has been working for the Coast Guard since 1962.

Jerry Miente thanked Jeff Hoedt for inviting him to the meeting. He said that they had just held the TSAC meeting a month previous so everything should be fresh in his mind. He said that the Committee's sponsor was Admiral Pluta and the head of their Office was Captain Michael Brown. He began by saying that TSAC is one of the nine Federal Advisory Committees established by Congress in 1980. The web page for the Committee is www.uscg.mil/hq/g-m/advisory/index.htm. Their mandate from Congress was to meet and act solely as advisors to the Secretary related to shallow draft inland and coastal waterway navigation and towing safety and to be responsive to specific assignments and may conduct studies, inquiries, workshops and seminars in consultation with individuals and groups in the private sector. The Committee consists of 16 members including seven from the barge and towing industry, one from offshore mineral and oil supply vessel industry, two from maritime labor, two from port districts, authorities or terminal operators, two shippers and two members of the

general public. Some of the Committee's accomplishments include regulations for the licensing and manning for officers of towing vessels, comments to rulemaking for fire suppression and voyage planning, advice on rulemaking for security plans, and assistance in developing the Crew Endurance Management System (CEMS) Program. TSAC's new task involves a Port and Waterway Safety (PAWS) Assessment, which was recently conducted for the port of Louisville, Kentucky. They identified risks and proposed solutions to navigation problems for the port. The problem they found was recreational boats running into towboats. They wanted to specifically focus on impeded visibility and sufficient navigation lights on towlines and side markers for the barges. As a solution, TSAC recommended they establish a Barge Lighting Working Group made up of commercial and recreational boaters. The Group will perform the following tasks: consider the benefits and disadvantages of requiring supplemental marker lights at each barge coupling, consider the benefits and disadvantages of requiring supplemental marker lights, the mandating of recreational boater licensing and education. They were also to work with the NBSAC to discuss the scope of the task and potential solutions and hold joint meetings if necessary and submit a report to the Coast Guard outlining findings and recommendations. He asked the Council and audience for questions.

Augusto Villalon wondered if there were any international implications regarding the barge lighting.

Jerry Miente said that they have not come up with anything yet. They had come up with the task but wanted to include NBSAC and NAVSAC, and that was where they were going to start.

Augusto Villalon stated that prior efforts to do the same thing have never gotten anywhere.

Jerry Miente stated that this was correct, that nothing has been done as far as he knew. He stressed that they do want NBSAC's help and would like a few members to help out in this issue.

Chairman Muldoon asked how many they wanted.

Jerry Miente responded that three would be a good number. He also said that he wanted one from NAVSAC to be on the committee as well to advise of rules of the road.

Chairman Muldoon said that if anyone was interested, he would like a volunteer from each of the three groups to volunteer and decide who would represent the Council. He called a break for lunch. 12:19

Chairman Muldoon called the meeting back to order and said that they would have a report on boating safety interventions for anglers and hunters by Chris Edmonston, Director of Boating Safety for the BOAT/U.S. Foundation, where he had worked for nine years.

Chris Edmonston stated that he was there to talk about boating safety intervention for anglers and hunters, a grant originally authorized in 1999. He began with statistics detailing why hunting and fishing are important to recreational boating safety. He said they had done a good job reducing overall fatalities, but sporting deaths have remained constant, currently at 34%. Drowning caused the majority of these deaths, and the majority of these victims do not wear life jackets, as nearly 90% of sportsmen do not wear life jackets. Most die on boats less than 16 feet in length and most of these are open motorboats. He added that most fatalities occur on days where there is good weather, on calm days with light winds on lakes, rivers and ponds. The majority of fatalities occur because of capsizing and falls overboard. The average ages of sportsmen fatalities are 30-50 years of age with a good amount of experience on the

water, but are half as likely to have received any type of boating education. 88% of the fatalities come from drowning, 40% from capsizing, and cold water accounts for a large number of deaths as well. He added that PFD use has traditionally been lacking, but there has been a recent 50% increase in use. However, 25% did not have a PFD aboard.

The BOAT/U.S. Foundation decided to bring together groups who could reach anglers and hunters such as the N.R.A., B.A.S.S. and others to reach out to these groups. He added that they have had good cooperation from these groups, putting aside competition for a common goal. The first year of the effort dealt heavily on print ad campaigns placed in numerous regional and national sporting magazines. They also created hard weatherproof signs to be placed at launch ramps for anglers and hunters. He said that the magazines advertised in were *Game and Fish*, *Duck Hunter*, *Fisherman*, *Fishing and Hunting*, *Bassmaster*, as well as others. They received numerous requests for print ads in digital or poster format, which have been used in guides and at boat shows and stores. Safety posters have been distributed in 26 States. They tested their marketing and developed a focus group to learn if they were reaching the sportsmen and also to find out what their attitudes were as to the differences between anglers and hunters.

He stressed that fishers and hunters see themselves differently than recreational boaters. These sportsmen feel that PFD use is not important enough to become law. They think that PFDs are a symbol of childhood and inexperience because pros don't wear them, partially because professionals on TV don't wear them either. They have a strong sense of invulnerability and don't pay attention to safety messages aimed at a general audience. Many claim that they would take different safety measures with their families on board as opposed to other sportsmen. They are aware of the dangers associated with boating and support efforts to promote boating safety. They said that they would see the views of their family, peers, and professionals as the best influence on their actions, not the government or new laws. BOAT/U.S. redesigned the signs, and started "top down" marketing, meaning ad messages would come from ideas from the focus group, that they need to hear from the forum members. BOAT/U.S. also decided to emphasize on TV exposure where sportsmen got the majority of their information about fishing and hunting. They also emphasized on the heavy use of editorial exposure through their own publication as well as TV shows. They simplified the ads to appeal to the sportsmen with more simple images and less information with more of a family influence in hopes of reaching them. They used the majority of the grant money for TV sponsorships to get safety information to sportsmen. The benefit of TV sponsorships is that one sponsorship provides access to all media outlets. They have sponsored the TV shows, North American Fisherman North American Outdoors on ESPN2, Cabela's Sportsman's Quest on ESPN2, and others. With the advertisements they receive an opening and closing billboard, thirty-second commercial, points and pointer segments, additional magazine exposure, all at very aggressive pricing. They have also had editorial exposure in national and regional magazines and newspapers; these are cost effective, shows organizational support and enhances the safety message. He said that they have had great success, and in the future will try to figure out new ways to reach sportsmen involving raffles at boat

stores and a number of other ways. He thanked the Council for their time and fielded questions.

Fred Messmann said he would be interested in a partnership with B.A.S.S., who holds fishing tournaments that require PFD usage while participating. He asked if they have statistics about how many actually wear PFDs when not participating in a tournament.

Chris Edmonston said that they wear these PFDs when starting, but take them off when they stop to fish to show sponsor logos.

Bill Engfer said that regarding boat size, he asked if they have looked at motorized compared to non-motorized vessels.

Chris Edmonston said they have not. Most smaller craft fatalities involve falls overboard, swamping and capsizing. He stated that copies of the presentation are available in CD format complete with ad images and focus group reports.

Chairman Muldoon thanked Chris Edmonston. He then introduced Ray Tsuneyoshi for the Regulatory Review Subcommittee Report.

Ray Tsuneyoshi thanked the hard working members of his Subcommittee, especially Mr. Engfer, for preparing the final written report and Carl Perry and Jeff Hoedt for helping organize the meeting's agenda. He said that he will go through only the actionable items that came out of the Subcommittee. He stated that the first part discussed was Part 95, Operating a Vessel While Intoxicated, they would pose the problem, explain how it linked to safety, then offer a solution to resolve the problem. The first issue was that there were no thresholds for the amount of controlled substances to be considered under the influence. The link to safety is that "operators while under the influence of intoxicants" is a major contributor in boating accidents. They requested that the Coast Guard look at establishing thresholds and standards for illicit or dangerous drugs.

Larry Innis proposed that they know the regulations and asked if they could propose them en masse.

Chairman Muldoon asked if the Council would agree to this because there was some serious discussion on certain issues.

Fred Messmann suggested that they read the solutions and if anyone had any questions then they could discuss.

Chairman Muldoon said that was agreeable to him.

Ray Tsuneyoshi said that he would read the solution and then ask for discussion.

Chairman Muldoon said this was a good idea and if one was controversial, they would stop and have a discussion.

Ray Tsuneyoshi asked for comments on the first resolution regarding thresholds for illicit drugs.

Chairman Muldoon: *Vote carries unanimously.*

Ray Tsuneyoshi 95.010 to request that the Coast Guard make changes part by part to make definitions consistent.

Chairman Muldoon: *Vote carries unanimously.*

Ray Tsuneyoshi 95.040 to request Coast Guard to insert the addition of "or criminal" added to read "in any administrative or criminal proceeding" in paragraphs (a) and (b).

Chairman Muldoon: *Vote carries unanimously.*

Ray Tsuneyoshi: 100.15 to request that the Coast Guard address the issue that subpart (c) (d) and (e) have time frames that are no longer applicable. (d) and (e) can be removed and (c) can be re-worded to reflect the elimination of (d) and (e). Also change (f) to (d).

Chairman Muldoon: *Vote carries unanimously.*

Ray Tsuneyoshi 100.35 (a) and (b) to Request the Coast Guard change the wording of “his” to “their” in this section and wherever else it appears in the CFR.

Chairman Muldoon: *Vote carries unanimously.*

Ray Tsuneyoshi 103.35 (b) at the end of (b) the Coast Guard is requested to add the wording “broadcast notice to mariners and local media as appropriate”.

Chairman Muldoon: *Vote carries unanimously.*

Ray Tsuneyoshi 173 to request that the Coast Guard look at this as a house cleaning issue where all references to Department of Transportation need to be changed to Department of Homeland Security.

Chairman Muldoon: *Vote carries unanimously.*

Ray Tsuneyoshi 173.3 to request the Coast Guard to change the title in (h) from “State of principle use” to “State of principle operation”. This would match wording in 173.17 (b).

Chairman Muldoon: *Vote carries unanimously.*

Ray Tsuneyoshi 173.3 to request Coast Guard to define “operation” similar to the wording in statutory authority.

Chairman Muldoon: *Vote carries unanimously.*

Ray Tsuneyoshi 173.3 to request the Coast Guard to define “temporary”.

Chairman Muldoon: *Vote carries unanimously.*

Ray Tsuneyoshi 173.3 to recommend that NASBLA provide guidance on *dual* (edit) registration to address the issues related to the State of principle operation and 60 consecutive day issue. Currently there is confusion by some States as to what they can do in regards to registration of boats that travel between two or more States. Some States, such as Florida, have developed a registration system to register boats that are also registered in another State. They issue a decal to be displayed along with whatever number is currently displayed, which is legal under federal law. They do not require a Florida registration to be displayed in this case. NASBLA is requested to produce guidance that would set forth a consistent approach that is reflective of Federal law requirements. This has been a long-standing issue within the Numbering and Titling Committee of NASBLA and by utilizing the model of Florida, the subject may be resolved.

Chairman Muldoon asked if there were any comments.

Eric Shepard amend “duel” to “dual.”

Ray Tsuneyoshi 173.3 to request the Coast Guard to define “commercial recreational boat accidents”.

Chairman Muldoon: *Vote carries unanimously.*

Ray Tsuneyoshi 173.21 request Coast Guard to define “certificate of number” so that it may also mean registration.

Chairman Muldoon: *Vote carries unanimously.*

Ray Tsuneyoshi Subpart C, under new business the Committee will ask the Coast Guard to add a section in the Recreational Boating Safety Memorandum of Understanding for all States that defines the geographic location within the State where accidents need to be reported. Need specific demarcations of “Navigable Waters and Waters under the jurisdiction of the U.S.”

Chairman Muldoon: *Vote carries unanimously.*

Ray Tsuneyoshi 173.57 that the Coast Guard should ensure this section captures the current boat accident report data collection requirements and terminology.

Chairman Muldoon: *Vote carries unanimously.*

Ray Tsuneyoshi 173.59 to request Coast Guard to change this section to reflect that the accident report should be submitted to the State where the accident occurred and not where the vessel is registered. This is the current standard operating procedure in the motor vehicle accident collection system.

Chairman Muldoon asked if there were any comments.

Fred Messmann clarified the purpose of the recommendation.

Chairman Muldoon: *Vote carries unanimously.*

Ray Tsuneyoshi 174.19 to request that the Coast Guard under (b) either looks at implementing a 17 digit HIN or removes the exemption in par (b).

Chairman Muldoon asked him to read safety tie in.

Ray Tsuneyoshi said that without this information being available in this document, proper equipment requirements based on length, accurate identification of the vessel, theft, fraud, officer safety and analysis of boat accidents for safety concerns are in jeopardy.

Chairman Muldoon: *Vote carries unanimously.*

Ray Tsuneyoshi 174.21 to request the Coast Guard change the language under (i) to read certificate is "valid for the time specified not to exceed 60 days from the date of issuance".

Chairman Muldoon: *Vote carries unanimously.*

Ray Tsuneyoshi 174.21 to request that the Coast Guard add "Hull Identification Number, if any" in the appropriate location.

Chairman Muldoon: *Vote carries unanimously.*

Ray Tsuneyoshi 174.21 to request that the Coast Guard harmonizes the language in 17, 19 and 21.

Chairman Muldoon: *Vote carries unanimously.*

Ray Tsuneyoshi 174.25 to request that the Coast Guard eliminates this section due to advancements in technology and new materials.

Chairman Muldoon: *Vote carries unanimously.*

Ray Tsuneyoshi 174.121 to request that the Coast Guard revise this section as it does not represent the way accidents are currently reported and should be amended to mirror the way things are being done with the newly implemented Boating Accident Report Database (BARD) system.

Chairman Muldoon: *Vote carries unanimously.*

Ray Tsuneyoshi 175.15 comments were made about the mandatory wearage of PFD's. This issue should be handled in new business. He asked the Council if they wanted to make a resolution.

Chairman Muldoon asked if they voted on it in the Subcommittee.

Ray Tsuneyoshi said that there was no vote, just commented that it should be brought to the Council.

Chairman Muldoon asked if he would bring it under new business.

Ray Tsuneyoshi said that he would.

Bill Engfer stated that he recalled the Coast Guard said they would make a presentation on the regulations they were working on and after that they would take it up in new business.

Jeff Hoedt he said that they were alluding to the risk-based decision making presentation made earlier in the day.

Chairman Muldoon asked if it should be differed until they can write a resolution.

Jeff Hoedt said they didn't want to leave the Council without a comment for these sections in order to complete the review. He said that they wanted a formal statement from the Council to continue to look at this issue.

Joan Bondareff said that they had recommendations from the Prevention through People Subcommittee, and they could defer until their report.

Chairman Muldoon asked if there were any objections to this (none).

Ray Tsuneyoshi 175.17 comments were made about exceptions to PFD regulations. This issue should be addressed in new business.

Chairman Muldoon said to handle this the same way.

Ray Tsuneyoshi 181.3 to request the Coast Guard use the acronym and description of "PFD" in the definition section.

Chairman Muldoon: *Vote carries unanimously.*

Ray Tsuneyoshi 187.103 to request the Coast Guard under (j) adjusts the definition to include the new materials that reflect technology and materials used in the manufacturing (polymers, carbon fibers etc).

Chairman Muldoon: *Vote carries unanimously.*

Ray Tsuneyoshi Title 46 Subpart 25.30 to request the Coast Guard follow through with the 1997 recommendations as noted that apply to 25.30-1, 25.30-5, 25.30-10, 25.30-15, and 25.30-20.

Chairman Muldoon: *Vote carries unanimously.* Also mentioned that they did not take a vote on 173.3. *Vote carries unanimously.*

Ray Tsuneyoshi said that he was requested by the Coast Guard that this ends the regulatory review for this cycle and that the next comes up in 5 years and the Coast Guard has requested that breaking it up into three sections would instead prefer to compress it to one or two and are asking for comments.

Eric Shepard said that he believed the three sections worked well. However, if they make the whole book and changes are made, then it will be simpler to do an editorial change instead of making up a separate section. He said one afternoon is enough.

Lyle Belknap said that when he was a member in 1997 when they did it in one day, he felt that anything is better than one day for staff and Council and proposed dividing it into two sections.

Commodore Belmore said that if she had not had a background in boating education, she would not have been able to comprehend any of it. It is mind numbing after a few hours and difficult to concentrate. She argued that it is not fair to the regulations to do it in one weekend.

Jo Moon added that the Council has other pressing business, and that to give up their ongoing agenda for a one-year break is too long to wait on many safety issues.

Carl Perry suggested that they try to do it in two vs. three, manufacturing in April and operator requirements in October.

Chairman Muldoon said he would leave that to the next Chair.

Eric Shepard said that the two sessions in one year would make sense. It would be possible that the two sessions occur the same time as the three sessions if they had done their job well. He knew that it took a lot longer for the Office of Boating Safety to put their information together, and if they could do their job once, and the Council could do it in two sections, that would be fine.

Chairman Muldoon said that the idea was to get it done in the same year.

Eric Shepard said he'd support that too.

Bob David said he could not handle one session, two is possible, and he also wanted to compliment the Office for getting the information out in advance so that they could study it before the meeting. He said if they got the information to the Council far enough in advance, that they could study it and cut the process time down even further.

Ray Tsuneyoshi added that Mr. David was the first responder.

Chairman Muldoon thought it's tough work.

Ted Woolley asked where do the recommendations go now that its all been reviewed.

Carl Perry answered that they had a final status report for the last review, he would prepare something similar for this review for the October meeting, including recommendations and status and next action. They work with three categories, does the recommendation need research to figure out what to do, is there an existing project ongoing for it, or do they need to make a new project right away.

Chairman Muldoon asked if this was an information thing for the Council.

Carl Perry said that they get an update at every meeting.

Ted Woolley on items where changes requested, when will they see the wording?

Carl Perry said that in the past, they specify the exact recommendation in the report. He said that Ray had done a great job identifying the issues.

Chairman Muldoon asked for comments, thanked Ray for his report.

Commodore Belmore recommended two meetings.

Bob David seconded the motion

Chairman Muldoon called for a vote, which *carried unanimously*.

Ray Tsuneyoshi thanked the Council and staff.

Chairman Muldoon called for a ten-minute break. **14:30**

Chairman Muldoon asked anyone else who had yet to introduce themselves to do so.

Monita Fontaine from NMMA.

Chairman Muldoon then introduced Pam Dillon from ACA and Matt Menashes from the Professional Paddlesports Association (PPA). Pam Dillon is the Executive Director of the American Canoe Association, the country's largest and oldest paddlesport organization. She has been a certified instructor for twenty years, she is a former deputy chief of the Ohio Department of Natural Resources, Division of Watercraft and assisted in the development of the Ohio River rescue-training program. She serves as a board member on the National Safe Boating Council and is a board member of the Professional Paddlesports Association. Also Matt Menashes will be presenting who is the Executive Director of the Professional Paddlesports Association, and is a member of the board of directors of the American Recreation Council and a member of the newly formed Paddlesports Leadership Council. Matt received his Master's degree in Marine Policy from the University of Delaware, he has also spent time with NOAA.

Pam Dillon thanked the chairman and said it was a pleasure for her to be here on behalf on the ACA. She was happy they were looking into safety issues regarding the ACA. The ACA's mission is to promote canoeing, kayaking, and rafting as a safe and enjoyable pastime. It was established in 1880, it is nonprofit, has over 50,000 individual members, and 270 affiliated clubs representing roughly 300,000 members; the ACA also owns *Paddler* and *Kayak* magazines. They have a formal partnership with the PPA, a trade association. They are a multi-mission organization, but the safety and education and instruction was most important. The instruction component was established in 1972, and they have 4,000 certified instructors in canoe, kayak, raft and swift water rescue with an estimated 100,000 students taught annually.

The issue she most wanted to discuss with the Council was the report entitled *Critical Judgment, Understanding Canoe and Kayak Fatalities*, all info in her presentation is based on this report, and she wanted the members to pick up a copy. The report stated that 76.5 million people went boating in 2002, with 48 million of these using some sort of paddlecraft, 20.6 million canoeing, 20.2 million rafting and 7.3 million kayaking. Kayaking was the fastest growing of all outdoor recreation in the last 7 years, with a 182% growth rate. All paddlesports are not the same, and she gave some examples, flat-water canoeing, whitewater, dragon boating, canoe sailing, poling, recreational kayaking, sea kayaking, whitewater kayaking, squirt boating, surf kayaking, and more were all very different sports with different interests and use patterns and safety characteristics. She demonstrated this by showing the extreme differences just in three types of canoes; she showed a similar difference in kayaks.

The vast majority of paddlers have a safe and enjoyable experience, but hazards exist. It is a water sport and users could be subject to immersion. Craft size and stability, perception of skill required, simplicity of design that characterizes a canoe or kayak is often misinterpreted as an indication that these craft are simple to operate and inherently safe. Good judgment can make a capsizing merely a wet experience; poor choices can lead to tragedy. She added that preparation for, and response to, mishaps determine these outcomes. She said that this report covers only data for the years 1995-2000 which showed canoe and kayak fatalities by year, roughly 75% were canoeists as opposed to 25% kayakers; however, there are fewer kayakers than canoeists. Most victims were using an inexpensive canoe and were not wearing a PFD, 90% were male, 50% were fishing, 25% of canoeing victims were believed to have consumed alcohol immediately prior to the accident, this was not the case for kayakers. The lack of learned skills in stabilizing a paddlecraft is a significant contributor to capsize, this is the reason that the first lesson in the ACA training program is boat stability. Although many may think that most fatalities occur in dangerous conditions, half occurred in calm water. 83% of all canoeing related fatality victims were not wearing a PFD and only 44% of all kayak-related fatality victims were not wearing a PFD. They are also differences, which are available in the report, the type of water conditions differ and alcohol use, with no alcohol use reported by kayakers.

Ray Tsuneyoshi asked if the demographic profiles for the users of both types were similar.

Pam Dillon said they were probably not, but it depends on the type of use, sea kayaking, whitewater etc. Sea Kayakers are generally wealthy high-educated, whitewater paddlers, are generally poorer. Another problem is that many of those who die while using a canoe or kayak probably do not even consider themselves a canoeist or a kayaker without paddling safety information. They said they were looking into creating a national outreach to paddling specific groups to be targeted to make the message effective. Paddlesport participation is increasing while at the same time the American Red Cross discontinued national paddlesport safety programs. The ACA needs strong partnerships established to fill the gaps left. They wanted to create a plan called the Paddlesport Education and Safety Awareness National Plan of Action to identify gaps in the current system of paddlesport education, identify the methods to close those gaps to help reach accident prone populations, then to develop effective messages and expand the delivery of education and instruction to the at risk

population. They have also made a number of public policy recommendations, including enhanced accident reporting, funding, safety education, waterway management, manufacturing standards, and public outreach. The ACA's partnership efforts include the National Safe Boating Campaign, USCG Grant Projects, NSBC, NBSAC, NASBLA education committee, BIRAC. They also have a current initiative involving the vessel safety check program with USCGAUXUX and another to provide more paddlesport specific information in the accident investigation courses. She concluded that 75% of all fatalities examined in this report were concerned with canoeing, 83% of these canoeing related fatalities were not wearing a PFD, occupant movement and weight shift played a major role in 50% of canoe accidents, 50% were fishing, 40% happened in aluminum canoes, and 25% are believed to involve alcohol use. Most fatal paddlesports accidents are preventable and she wanted to work with together with NBSAC and others to prevent future accidents.

Eric Shepard asked how many of the accidents are casual paddlers vs. regular canoeists.

Pam Dillon believed that the casual paddler is the majority of the fatal accidents. But there is not enough information in the reports to have more information about this.

Eric Shepard stated they would fall into the aluminum paddler.

Pam Dillon in theory, yes, less than 20% are enthusiasts that die every year. It is a high-risk activity but the enthusiasts have training and safety equipment.

Eric Shepard asked if they have any feeling on how to target that community.

Pam Dillon answered that they can learn lessons from sportsmen's forums reports.

Jim Manues said he is a paddler and he enjoys kayaking. He stated that with everyone he meets, one of the conversations is where did you get your training. He said that this does not happen with canoeists, who bought used canoes and received no training. He believed the education is the strong difference between the two. In Southern California they have a store that includes training with the purchase of a canoe and will not allow rentals until the renter goes through a training program.

Pam Dillon said that if you go to specialty shops, many have these programs. Kayaks are perceived as more tipsy so people are more likely to get education to prevent this than a canoe.

Larry Innis appreciated the ACA putting an emphasis on boating safety. He was glad people were starting to wear life jackets. He recommended that they join ALAB.

Pam Dillon said that 20 years ago, many people didn't wear life jackets, but that's changed.

Bob David asked what a squirt boat was.

Pam Dillon answered that it was a low volume kayak, it is such a small volume boat, that it does not ride on top, but just under the surface of the water.

Jo Moon asked if they get most of their money through membership dues. If so, what do they need to carry out the safety message they need to get in the future and how can the Council help.

Pam Dillon answered that they are a membership organization, and they do have a number of sponsorships from commercial entities but that does not pay for broad based national campaigns. By being a member of the boating safety community, they have applied for grants in the past from the Coast Guard and other sources, and also by raising money for the common good. They have information, ideas and capabilities but need money to get the money out.

Chairman Muldoon thanked her.

Matt Menashes thanked the Council as it was his first NBSAC meeting and he had a warm reception. He also thanked the public servants in the room for their time commitment.

The PPA was founded in 1977, and is the largest paddlesports industry association with 1,150 member companies, 60 manufacturers, 30 sales companies, retailers and rental groups. They are minority owners of Paddlesport Publishing, as well as the largest insurer, the Recreation Insurance Association. They are also partners with many other organizations, primarily with the ACA, but also with the NMMA, the Trade Association of Paddlesports (TAPS), and the American Recreation Coalition (ARC). There are an estimated 250 companies that manufacture boats and accessories worldwide. There are three categories of manufacturers, confluence watersports (Johnson Outdoors, Watermark), midsize (Heritage Kayaks, Walden Kayaks), and small companies. The second of the three consist of retailers, small specialty shops, which generally are owner operated with well-trained staff and instruction. There are also small to medium size chains, well-trained staff. They also have large outdoor sport retailers, such as REI, L.L. Bean. Generally, staff is well trained, but it is a concern for industry as to how well they are trained. Finally, there are the large retailers, Wal-Mart others, staff not trained in paddlesports activities, which is a major concern for industry.

On the rental aspect there are 3,500 businesses, but the actual number is not known. There are three types of these businesses, rental, outfitters, and guides. These are generally micro-level businesses; 96% of PPA rental members gross less than \$400,000 year. The difference can be seen comparing two rental companies. Sea Kayak in Maine with 12 boats compared with the Delaware River Livery, which holds over 2,000 boats.

He then moved on to manufacturer safety, where they have three areas of focus: manufacturing the product design, education, and marketing. Some of their companies provide supplemental flotation on all boats without sealed chambers. They have built in safety features on whitewater boats, such as rescue attachments, and reflective cords around sea kayaks. They also test the hull materials extensively for thickness, UV durability and other things. Bell Canoe Work does not allow any marketing of their products unless persons involved are wearing a PFD. The user manuals give warnings instruction and refers to professional instruction. Osage canoes are designed for the family, used by a number of liveries and therefore those who are inexperienced. Therefore they use a design with flat bottom to give more initial stability, and also straight sided so tumblehome giving greater secondary stability; the deep V keel adds great deal of stability.

He wrapped up with renter efforts from the National Livery Safety System, which focuses on customer risk management. It consists of two videotapes and a manual for business owners, which includes how to fit PFDs, use equipment, conduct trip briefings and train staff. He said that the program had gotten old and it was perhaps time to redo this program. He asked for any questions. He gave his email address: matt@propaddle.com

Chairman Muldoon questions, comments?

Commodore Belmore said that this was all great, they would try to reach the canoe retailers, who have been helpful. However, the people who die in canoe accidents are not the owners of canoes but borrowers, and she wondered how they would reach these

people. She brought up the girl who died in the Potomac, just days before in a rental canoe, who was not wearing a PFD.

Matt Menashes said that target audience will be difficult to address, but is the right one to be addressing, those who borrow or rent a boat, and does not have proper equipment or experience. They have chosen to follow a strategy to hit a target audience, but still have issues on how to fund these projects.

Jo Moon said that with the 1,100 members, what did he think the actual number of liveries were that are not connected with the organizations.

Matt Menashes said that there were three trade organizations representing the industry and between the three organizations, they have the most, they estimate those groups to be about 2,000-3,500. They estimate that 30-40% of those are also retailers. But there is little information regarding this topic.

Jo Moon now that the Red Cross no longer provides training, is the ACA stepping in to provide training at summer camps, and what about camp sites with canoes for use by campers.

Pam Dillon said that she would let Cheri Nysten answer that question.

Cheri Nysten stated that in 1994, when the Red Cross started discussions about stepping back, the ACA started two curriculums to address counselor needs and those of scout leaders, and do have a program to identify that. More and more each year they increase the number of counselors that are reached. They now have tri-annual inspection teams that prove counselors have passed training. As far as the RV camp, or a lot of bed and breakfasts, they say they need to take a basic course and then consider becoming a certified instructor.

Chairman Muldoon asked how many Red Cross chapters still teach canoeing?

Cheri Nysten answered that they know of four by name that still do it, it is chapter by chapter and the ACA offer their instructors a place to go. They also provide a national certification that transfers between states. Also, the U.S. Navy's single sailor programs are mandated instruction by U.S. Navy, and have proven beneficial.

Chairman Muldoon said they had done the same thing with their sailing program.

Joan Bondareff commented on the model international shipping that developed a code of conduct, and members were given a time to comply, if they failed, they were kicked out of the organization. She suggested a similar voluntary code of conduct for the livery business. On the Wal-Mart question, she suggested a joint training program for Wal-Mart employees.

Matt Menashes said that was a good suggestion, and where they need to be going. They do have a standard of ethics, it is not the same standard that if you do not live up to it, they will kick you out due to liability issues. He said that there were several case studies available for the Council.

Chairman Muldoon asked for comments from the Council and thanked Matt Menashes. He said they were pleased at their presence at the meeting.

Bill Engfer stated that Butch Potz passed away that past weekend and called for a moment of silence.

Chairman Muldoon called for a break: 3:40

Chairman Muldoon said they had one more report on the study on servicing of inflatable life rafts used on recreational vessels, and introduced Norm Lemly, the Technical Director for USMSA. He had participated in the Federal Boat Safety Act and the forming of NBSAC. He served on the United Nations International Marine Organization over 35 years and participated in the development of the International Marine Security Treaty

in December 2002. He served with the Coast Guard for 36 years and was a Captain in the Coast Guard Reserve.

Norm Lemly thanked the Chairman and the Council. He began by stating that his presentation was about the potential value of recreational life raft servicing stations. USMSA is an organization of professionals with 150 members, who try to address the issues relating to marine safety and life raft design, pyrotechnics, raft servicing, immersion suits, and a number of other things. Their Executive Director is Tom Thompson and the website is www.usmsa.org. Through email they send out e-blasts for a lot of thing in the boating safety field and commercial fishing as well. If anybody would like to receive this, they should contact him and they will be added to the mailing list. He believed that there was a need for better education. In the coming edition of *Ocean Navigator*, there is a very good article on life rafts. Similar to going to the doctor for a checkup although you feel fine, most recommend commercial rafts every year, and every one to three years for recreational. Servicing is of little value if the service facility that does the job is not qualified to do the job. After Carl called him, he asked himself if it can it be done and does it have any value, and the answer to both is yes. USMSA fully supports the notion that the life raft should be serviced according to the agreed standards and according to the manufacturers guidelines. USMSA has a web page that lists guides for servicing facilities, which they did to aid the commercial and recreational side. They concluded that this was a general service to the community. USMSA sent that notice to the recreational boating Offices and to a number of commercial fishing Offices. It's not without some mixed reaction about whether to certify servicing, same as whether to require servicing. It is a straightforward proposition to commercial vessels required by treaty. Most manufacturers authorize their own facilities to perform inspections. He believed that it would be useful to run this process to run this through risk-based management to see if it warrants the effort. The question they come back to is if it's possible and available worldwide, is it valuable. The answer to this yes; properly serviced with certified parts increased safety. There are a variety of servicing options and they needed to ask what are the pros and cons of the two options. One is to not do anything but address the issue through education. Another would be to have the service stations agree to a certified standard. Another option would be to manufacture a certification degree to an agreed standard. A fourth option would have inspections preformed at a Coast Guard approved facility. U.S. Certification to an agreed standard is also an option. They could use a third party certification to an agreed standard. All of these are ways one could do it, and each has its pros and cons, but he suggested that the questions they asked be the asked whether a raft should be serviced at all should be asked again if the Council goes forward with such a proposal. If you noticed in the previous report that PFD wearage is improving among kayakers, he was chief of the survival assistance branch where they came up with the type III, which was driven towards the kayak people. He thanked the Council and asked for questions.

Ray Tsuneyoshi said that the whole reason for asking the question was that they were getting complaints from people to get their rafts serviced, and found that there was a range of results, some of which were terrible. So his question was how do they deal with that?

Norm Lemly said a certain place in the Northeast puts rocks in to test the weight. He suggested that they come up with a recommended servicing standard. The way you deal with that is the first step, the Coast Guard should publish a recommendation for someone who does that. USMSA would gladly develop that standard. They

discovered in some of their studies that certain manufacturers do nothing to recommend servicing schedules for their life rafts. There is no question for a need to have the inspection done, and secondly to do it in a facility that's competent do to it and follows the rules and procedures.

Chairman Muldoon made a strong distinction between the person who carries one, and who doesn't service one, and the guy who does everything right, but still has a problem.

Norm Lemly thought it would be useful to develop a standard.

Chairman Muldoon thanked him. Said that the cocktail party was between 5:30-7:30.

Commodore Belmore said that Mr. Donolon would be there tomorrow, and asked if he could make his presentation.

Chairman Muldoon requested that the members come early tomorrow to read resolutions. He thanked the Council, and recessed at **4:05 p.m.**

Tuesday, April 29: 08:31

Chairman Muldoon called the Council to order.

Jeff Hoedt asked Vickie Hartberger to detail travel claim instructions for Council members.

Vickie Hartberger gave details on how members should fill out travel claims.

Chairman Muldoon thanked her. He then passed an article around regarding prop guards written by Mike Shula, Vice President of Government Affairs for BOAT/US. The article stated the Coast Guard Boating Safety Advisory Council has an agenda, which is decidedly anti-guard. The article stated that there needed to be an independent third party to look at prop guard efficiency, from the NTSB or the GAO. He passed the article around and asked permission to send a letter defining the Council's position. He said that Russ Levin would not be able to make his presentation but they would fill that time with John Donelan's presentation on windmills. He then introduced David Marlow for the Boats and Associated Equipment Subcommittee Report.

Boats and Associated Equipment Subcommittee Report

David Marlow said that there were two motions made in the Subcommittee. He would read the notes then entertain these two motions. The first agenda item was an update on current regulatory projects. Phil Cappel discussed the status of allowing the country code before the vessel HIN. This will go out as a published NPRM in June or July. Phil also addressed prop guards, stating that the draft work plan was in place. Carl Perry spoke on this issue saying that there was "some progress but not enough". He stated that accumulating facts with regards to the proposed rule was making this a lot harder to determine costs associated. The resolution is currently broken into four parts. The first proposal is in hold status, the second and third parts are in work plan stage, and the fourth is in notice of proposed rulemaking stage. He stated that they must conduct an independent regulatory analysis on all costs. Our current options are to either move forward with a supplemental NPRM or to withdraw the regulation all together.

The next item on the agenda was an update by Phil Cappel on the status of ongoing grants and contracts. Phil started off this discussion with the very sobering fact that the special five million dollars for new initiatives in boating safety runs out this year.

Given that, they have funded the first year of the factory visit program that ends in September of 2003. The virtual reality PWC contract is in the process of gathering data. Users gave the model an 85% reality rating. The USCG will use the VR simulator to test off throttle steering. The simulator also can show how the level of the rider's competence affects their handling of the vessel in extremis situations. Phil noted that the USCG owns the programming rights to the simulation but its proliferation is limited as not many venues have the necessary cave like environment to run the simulator. Jim Muldoon stated that work has been done on sea conditions at MIT who might be interested in working on the project as well.

The USCG has also been doing PWC helmet research, but is uncertain how to test the helmets. They are currently trying to replicate accident scenarios and measure these forces. They have looked at different types of designs and are trying to find a happy medium between helmets that would exhibit the bucket effect and those that would offer impact protection. Dick Snyder offered the fact that professional ski jumpers have been wearing low profile helmets for some time now.

Catalytic converter testing on inboard boats starts in June at Southwest Research. Phil informed the group that the USCGAUX had volunteered to run the boats, which will translate to a significant cost saving to the contract.

Finally, the USCG rewarded an accident investigation contract to Ancon Marine. This was brought about because of reports that some boats under 20 feet were sinking. The contractor has made a presentation to NASBLA recently at their Southern States Association Meeting. There is a lot in question concerning these sinkings. Phil pointed out that many reports state that the boat sank when in actuality it may have swamped. Larry Innis mentioned an issue that anglers have been reported removing foam to make their live well space larger and are even going over to commercial craft to avoid the foam flotation presence.

The agenda then moved on to the Coast Guard's update on foam and fuel hoses. Phil described the fact that Canada recently found out that a major distributor of foam was not differentiating between residential and marine foam. Because of that, the USCG has started collecting samples of foam for testing before contemplating an "approved" list. They are concerned because there is no method to determine the best type of foam to use. In addition, Phil mentioned that the factory visit program will be looking at foam placement in their inspections and that the Coast Guard has also been reviewing older versions of previously tested program boats to evaluate the current state of the foam flotation and compare it to the results they saw years ago in their initial inspection of the model. Canada's investigation has resulted in an approved foam list.

Phil also outlined that they have recently started buying fuel hose after testing revealed that two imported and one domestic product failed. The CG has gone out and asked boat manufacturers to donate hoses that are being installed in new boats for testing. This project is ongoing.

Bruce Schmidt addressed the Subcommittee on the next agenda item; the Coast Guard's update on whether certified NMMA vessels are safer than non-certified NMMA vessels. Bruce related that he had looked currently at two data sources; one was a manufacturer ID code to determine which were NMMA certified and which did not. The second source was the Boating Accident Reporting Database (BARD), which showed the frequency of accidents among certain types of vessels, including HIN and boat manufacturer. They have looked at 2000 data, which was comprised of about 11,000 accidents, which translated into 701 fatalities and 1455 injuries. From this, Bruce projected 1/3 of all accident fatalities involved NMMA certified boats. There were many comments from the assembled audience over what should be in the profile and what should not. Bruce stated that they were still in the data collection mode and that next meeting's update should be more revealing. The chair asked that Bruce obtain the NMMA study declaring that NMMA boats were 5 times safer using Coast Guard statistics which was agreed upon by Mr. Schmidt. Ray Tsuneyoshi suggested that Coast Guard get a hold of the chair as progress was made on the issue.

Jeff Hoedt provided the Subcommittee with an update on VIS Development. He provided the Subcommittee with the history that the Coast Guard has been developing the system for the past 14 years. A couple of years ago, the General Accounting Office approached the CG on whether the project should continue or be shelved. After review, the CG has decided to continue with VIS and is in the process of putting together a business plan. Jeff stated that the biggest challenge is to try and get all the separate data points and systems to be collected under one umbrella. We should be given an update on their progress by the end of the year.

The next agenda item was to provide a Carbon Monoxide (Carbon Monoxide) Summit update. The chair outlined that there was a Carbon Monoxide summit recently held in Annapolis, MD, sponsored by the Coast Guard and the National Institute for Occupational Safety and Health (NIOSH). The Center for Disease Control (CDC) and the National Park Service (NPS) were present as well as approximately 70 industry representatives. The main objective was to have dialog on achieving the goal of eradicating or mitigating the presence of Carbon Monoxide from marine vessels. The two-day Summit consisted of many presentations by experts, manufacturers and government agencies on the current problems and state of the art technology. The meeting was touted as a success and was well received by those in attendance. It seemed evident to those in attendance that given the significant government interest in the topic that the momentum would continue. Phil Cappel went on to say that the minutes would be distributed by CD later that week and would be sent to the members of NBSAC.

While many of the audience members were happy over the outcome of the Summit, they wanted to know what drove such interest on this topic and how were we seeing such quick results? Phyllis Kopytko asked why the bar was so high for propellers when Carbon Monoxide deaths are as low as prop strikes in BARD. The Chairman stated that the answer to that question would have to come from the Office of Boating Safety, but recognized the fact that there had been a few recent traumatic events that may have fueled the Carbon Monoxide situation. In addition, he noted that the industry had been made aware that Carbon Monoxide was present in "open air" which

changed everyone's perspective on the gas. Captain Evans thought it would be worthwhile to consider the Summit concept for propeller avoidance.

Phil Cappel gave the Subcommittee his update on the 17 character Hull Identification Number (HIN). Phil stated that this project was currently on the USCG's back burner. They are currently composing a response letter to NASBLA, and he said they would rather focus their energy on VIS instead of the expansion of the HIN. He stated that the 12-digit HIN meets the safety needs the Office has. Ted Woolley stated that the angle they needed to take was to use the 17 character HIN to make sure that boat data recorded in BARD was accurate. He stated that NASBLA is disappointed that this is not high on the Office's list of priorities. Ray Tsuneyoshi said that collection of information in California is important and his statistician is pushing for the system to give a wider window of what happens when an accident occurs. Fred Messmann stated that since USCG is part of the Department of Homeland Security (DHS) maybe they could use this system in the new Department for security purposes.

In new business, the Chairman commented on a new state requirement. He had heard that the State of Illinois has required boats to be wrapped in reflective tape. Several audience members confirmed this fact and that its intention was to make a boat easier to locate in a disaster situation. Evidently, this issue will be addressed at the upcoming American Boating Congress meeting next week in Washington. Larry Innis stated that he believed that Illinois' NASBLA representative was opposed to the rule. Jo Moon brought up a very interesting point about whether the tape may act as a navigational hazard at night.

In old business, Phyllis Kopytko wanted to ask if the comments from the Small Business Administration (SBA) had responded to or addressed in any fashion. Carl Perry stated that they have been unable to refute their objections so far. He said they had been looking into information to address all of the objections from all parties but that they needed to prove there is a problem with facts. Therefore, without facts, they would not be able to estimate cost/benefit accurately.

Dick Snyder stated that the cost of infrared sensors has been coming down remarkably, and a dual sensor is now in development to detect objects at the back of the boat. He stated that the theory is that a warm body entering a danger area behind the boat would trigger the engine to shut off, or a warning horn to blow. He stated that they had run into problems with different wave patterns and false alarms, but hoped to make the product more reliable.

Furthermore, he stated that Mercury has collected numerous videos of underwater testing of propeller guards. He said they have been compiled into a 54-minute tape, and offered them for viewing at a future time. The Chairman asked if people had access to this information. Stop Propeller Injuries Now (SPIN) said that they did not. The Chairman encouraged the Coast Guard to ask Mr. Snyder to see this information to help the Council and Subcommittee better understand and deal with the propeller avoidance issue.

Eric Shepard brought up the issue of fuel blow back. He stated that there was a major problem with this issue from both an environmental and safety perspective. Given that, a resolution was developed and will be read to the Council at the end of this presentation.

The assembled group viewed a houseboat rental operation video in response to the agenda item of the same name. The Subcommittee recognized the fine educational work being done in many of the rental operations regarding houseboats. The audience was encouraged to contact the Houseboat Industry Association for more information on these programs.

Finally, in response to the discussion on the 17-digit HIN, a motion was brought forth by Ray Tsuneyoshi, and seconded by Lyle Belknap, which the Subcommittee approved unanimously. It reads as follows:

Whereas, the United States Coast Guard has moved from the Dept. of Transportation to the Dept. of Homeland Security; and

Whereas, the new fields in the 17-character HIN will prevent fictitious registration of vessels with the check or verifying digit; and

Whereas, the new fields will quickly identify correctly registered vessels by the type of vessel, hull material, length of vessel, propulsion, and fuel type, to aid in the proper identification of suspicious vessels located in security zones; and

Whereas, the 17-character HIN will provide accurate data of boats involved in an accident as to the make, model, length and other description of the boat or boats involved; and

Whereas the 17-character HIN will provide the aforementioned additional information to verify and describe the boat on BARD, allowing better identification of developing safety trends.

Be it resolved that the National Boating Safety Advisory Council now requests the United States Coast Guard to proceed with the implementation of the 17-character HIN as it will significantly increase efforts to insure Homeland Security and allow an increased ability to identify developing safety trends.

The Subcommittee meeting was adjourned at 12:09. This concluded the minutes. Mr. Marlow entertained questions or comments at that time.

Ray Tsuneyoshi moved for the motion as read.

Jim Manues seconded this motion

Chairman Muldoon asked for comments and called for a vote.

Vote Carries Unanimously

David Marlow read a second motion:

Whereas, fuel spills during fueling procedures present extreme dangers of fire; and

Whereas, those spills create severe ecological issues; and

Whereas, current new vessel construction standards address back flow issues; and

Whereas, fueling may occur at various hull angles allowing back flow in one position and not another, and

Whereas overfilling tanks can cause tank rupture and/or fuel spills,

Be it resolved that the National Boating Safety Advisory Council requests the USCG, and ABYC to explore means of enhanced testing and/or construction techniques to better prevent fuel back flow and tank overfilling.

Ted Woolley seconded the motion.

Chairman Muldoon asked for comments:

Norm Lemly asked if it's possible to also look at permitting requirements by the Army Corps of Engineers. Someone mentioned that part of the problem is also the dispensing unit, and they could make that a permit for new marinas.

David Marlow responded that the Coast Guard should study the issue and asked if **Phil Cappel** understood the motion.

Phil Cappel said that they would study the issue, but they cannot take action on it. They can control the boat manufacturer, and they could work with other agencies involved.

Jim Manues suggested that they need to look at the terminology "fuel dock".

Mark Suttie suggested that they review the National Fire Protection Association (NFPA) standards that require fuel-dispensing hoses to not have a latch-opening device, but the NFPA addresses automatic shut off nozzles.

David Marlow requested that the Coast Guard work with the NFPA and asked if this amendment was ok.

Be it now resolved that the National Boating Safety Advisory Council requests the USCG, NFPA and ABYC to explore means of enhanced testing and/or construction techniques to better prevent fuel back flow and tank overfilling.

Eric Shepard said this was an acceptable amendment.

Chairman Muldoon requested further comments and called for a vote.

Motion carried unanimously.

David Marlow thanked the Council.

Chairman Muldoon welcomed **John Malatak** to the meeting. He then asked if anyone has not identified themselves yet.

Nagarajan Rangarajan from General Engineering and Systems Analysis Company (GESAC).

Chairman Muldoon also requested that when people in the audience speak, that they identify themselves. He thanked those on the Council whose terms have expired, thanked them for being here and to continue contributing to their work. He asked if the Council wanted him to send a letter regarding the new law about reflective tape in Illinois (no objections).

Commodore Belmore asked if every boat is wrapped in tape how does it enhance search and rescue.

Bob David suggested that they copy NAVSAC in the letter.

Chairman Muldoon introduced Eric Shepard for the Aftermarket Marine Equipment Subcommittee report.

Aftermarket Marine Equipment Subcommittee Report

Eric Shepard thanked the Chairman and began his notes. He said that Carl Perry advised the Subcommittee that a presentation on life rafts, as requested in October, would be made to the full Council. Phil Cappel reported that work is being done on PWC helmets and flotation foam. He also noted that a grant proposal on Expired Flare Disposal is pending. Mr. Shepard commented that flare disposal is a very serious issue and the Subcommittee looks forward to an early solution. Phil Cappel reported on Carbon Monoxide (CO) monitoring. Testing was conducted on a new vessel with several devices. Concerns over out-gassing and other potential causes of detector error were carefully examined. The report will be published shortly, but the result was that marine approved devices are satisfactory, and that false alarms have been dramatically reduced. He noted that UL is doing further work on detector life and it is expected that tighter approval regulations will be forthcoming. Mr. Messmann moved, and Mr. Engfer seconded, that the Subcommittee present a resolution to the full Council encouraging thorough dissemination of information on Carbon Monoxide detectors. The motion was passed unanimously.

Mr. Cappel introduced a label for generator exhaust locations that is in the process of development. It is felt that the voluntary application on new construction will preclude the necessity of regulations. There will also be posters to show exhaust issues. Emission control applications were discussed. Mr. Cappel noted that one device was extensively tested, but that after 2000 hours of operation, the device's performance degraded dramatically. Generator operation conditions also affected efficiency. Mr. Marlow expressed concern that testing continue to be thorough. Mr. Cappel noted that he knows of ongoing work on both Nitrous Oxide and Carbon Monoxide and that the testing of proposed devices will be strenuous.

David Marlow was asked to introduce his concern over the USCG's ability to recall faulty associated equipment that is sold in the aftermarket. He noted that products installed in new construction could be directed to be recalled by the boat builder, but that there is no current mechanism for the same product to be recalled in the aftermarket. The Subcommittee was advised that the Consumer Product Safety Commission (CPSC) did not have authority over associated equipment. It was moved by Mr. Engfer and seconded by Mr. Messmann that the Subcommittee resolve that the USCG work to bring marine associated equipment within the CPSC's authority in order to protect the boating consumer. *The motion was passed unanimously.*

Mr. Cappel reported on work on canoe sponsons. A report has been completed but needs refinement. The report notes that sponsons are effective. The report will be disseminated within a month.

Dick Blackman advised that Underwriter Laboratories (UL) is working on issues surrounding the use of Light Emitting Diodes (LED) navigation lights. Various issues were raised during Perko's Mr. Bellwoar's presentation, and these are being addressed.

Mr. Steve Murray, of Murray Patent Development Corp, presented information on the capabilities of a patented device he had developed. The device would allow lanyard-less ignition interruption, man overboard detection, and many other safety functions on a vessel. While the device is not yet being manufactured, the concept was very exciting, but he is seeking a manufacturer.

A discussion on excessive exhaust noise was held. Captain Evans noted that the USCG cannot regulate noise. Mr. Belknap noted that exhaust cutouts can both increase and decrease noise. Through redirection through water or mufflers, it was noted that NASBLA had hoped for a resolution that would limit cutouts. Mr. Villanon asked if noise was really a safety issue. The end result was that Mr. Cappel noted that the EPA has recognized noise to be a pollutant and that work was progressing with federal noise abatement policies.

Old business brought up inflatable boat construction standards and overpowering standards. Both topics are to be reported on at the next Subcommittee meeting.

He read the first resolution.

Whereas, Carbon Monoxide is an unseen killer; and

Whereas, Carbon Monoxide poisoning has recently been shown to be dangerous in many places and ways not previously understood; and

Whereas USCG testing and UL certification has proven current "Marine" Carbon Monoxide detectors to be satisfactory indicators of dangerous levels of Carbon Monoxide,

Be it now resolved that the National Boating Safety Advisory Council requests the USCG to make all possible haste and effort to disseminate educational and other information to the boating public encouraging installation of Carbon Monoxide detectors in appropriate, existing vessels and that the USCG in concert with ABYC and NMMA encourage manufacturers' use of Carbon Monoxide detectors in appropriate new vessels.

Commodore Belmore seconded.

Chairman Muldoon asked for further comments and called for a vote

Vote carries unanimously

Eric Shepard read the second recommendation:

Whereas, the use of faulty associated equipment can result in a USCG recall of vessels; and

Whereas, the same faulty associated equipment can be sold in the aftermarket for use in maintenance and repair; and

Whereas, the USCG is not empowered to extend a recall to aftermarket sales,

Be it now resolved that the National Boating Safety Advisory Council request that the USCG work with the Consumer Product Safety Commission to expand CPSC's recall capability to include marine associated equipment; and

Be it further resolved, that the USCG broadly publicize associated equipment specific recalls in cooperation with the manufacturer of said equipment informing the boating public of potential hazards and solutions.

Ray Tsuneyoshi seconded the motion.

Fernando Garcia wanted to clarify the word "States", fourth paragraph last line. He wanted to know if they were speaking of equipment sold through retailers other than the manufacturer. He wasn't sure that retailer was the correct term.

Chairman Muldoon suggested "other than the manufacturer"

David Marlow was curious as to whether they wanted to give recall authority of marine devices to the CPSC.

Phil Cappel recommended that they withdraw. Their own definition of associated equipment restricts them from what equipment they can recall. That was based on the cost of the equipment. He said he would recommend that they wait until the next meeting when they can do research with CPSC on how the USCG can get authority over small items. They should be able to do that, instead of turning that over to the CPSC. They could come up with a list of associated equipment and have NBSAC approve or add to that list of things to be added. He said he recommended holding off the CPSC aspect until the next meeting.

Larry Innis suggested that they table the resolution to the next meeting.

Fernando Garcia seconded.

David Marlow put out a friendly amendment for that paragraph to read.

Be it now resolved that the National Boating Safety Advisory Council request USCG to work with CPSC to understand CPSC's recall capabilities, and....

Chairman Muldoon stated that it has been moved and seconded to table. David Marlow will offer a different motion. Vote to table (Ayes: Bill Engfer, Fernando Garcia, Larry Innis, Dave Marlow, Fred Messmann Nays: Eric Shepard, Ted Woolley, Ray Tsuneyoshi, Linda Jo Moon Commodore Belmore, Lyle Belknap, Bob David, Joan Bondareff) vote doesn't carry. The Chairman asked if David Marlow would like to offer an amendment.

David Marlow said he would, but he would like to hear comments from Mr. Garcia first.

Fernando Garcia said he was still very concerned with involving another agency until they clearly understand whether that is needed or not. Before they get another agency involved, he wanted to give the Coast Guard the opportunity to study the issue so they will have a good understanding of the situation.

Chairman Muldoon said they were still discussing the original motion, and no amendments have been made.

David Marlow said he was working on one for the fourth paragraph.

Chairman Muldoon said they would move on and come back, and asked Mr. Shepard to read his final motion.

Eric Shepard then read the final motion:

Whereas, engine compartment fires aboard vessels are a significant hazard; and

Whereas, fighting such fires by having to open such compartments can create extraordinarily dangerous situations; and

Whereas, the ABYC has recognized this hazard by implementing ABYC standard A-4.5.2.2 requiring the installation of "Fire Ports" or other means for discharge of a portable fire extinguisher into a closed engine compartment of new vessels,

Be it now resolved that the National Boating Safety Advisory Council requests that the USCG established harmonized, new construction standards to ABYC A-4.5.2.2, and

Be it further resolved that the USCG immediately disseminate appropriate information to the general boating public promoting the proper installation of "Fire Ports" or other acceptable means of discharging portable fire extinguishers within closed engine compartments on existing applicable vessels.

Ray Tsuneyoshi seconded the motion as read.

Fernando Garcia suggested that it should only apply on boats 20' and less for the Coast Guard as there is no length on the ABYC standard.

Eric Shepard said this was an effort to harmonize existing Coast Guard standards for new construction with ABYC standards.

Fernando Garcia said that the Coast Guard's scope was 20' and under, as it is written in 183.

Phil Cappel clarified that it is for certain things such as flotation but not all.

Fernando Garcia led to his second question, where would this fall in, 183? And 183 is not limited to 20' or less.

Phil Cappel replied that it is not.

Chairman Muldoon asked for any more comments and called for a vote.

Vote carries unanimously.

He then asked David Marlow to reread the resolution regarding aftermarket recalls.

David Marlow read his amended resolution:

Whereas, the use of faulty associated equipment can result in the USCG causing recall of vessels; and

Whereas, the same faulty associated equipment can be sold in the aftermarket for use in maintenance and repair; and

Whereas, the USCG is not empowered to extend a recall to aftermarket sales (deleted),

Be it now resolved that the National Boating Safety Advisory Council requests the USCG to fully research what changes will need to occur to accomplish recalls on associated equipment, and

Be it further resolved that the USCG broadly publicize associated equipment specific recalls in cooperation with the manufacturer of said equipment informing the boating public of potential hazards and solutions.

Chairman Muldoon asked if everyone understood the changes, and asked for a second.

Fernando Garcia seconded the motion.

Chairman Muldoon asked for discussion.

Norm Lemly said they should delete the third paragraph, the statement that they have no power to recall equipment is not correct and should be deleted and would not affect the sense of the motion.

David Marlow said that he was correct and it was a false statement.

Norm Lemly said the law was crafted to purposefully exclude them.

Ray Tsuneyoshi changed his second to accept the amendment.

Chairman Muldoon asked for further discussion.

Phyllis Kopytko wanted to go on record that SPIN would like to see the CPSC at least aware of the aftermarket problem and that taking them out is unsatisfactory. They do not agree with the resolution.

Chairman Muldoon stated that what he just heard is that they were excluded in the original rulemaking intent.

Nita Boles also wanted to go on record with more cooperation between the CPSC and the Coast Guard, where the CPSC consistently considers the interest of the consumer, and they wanted to see action similar to the CPSC portrayed in the actions by the USCG.

David Marlow noted what they stated. If the statement were broadly publicized, he didn't know if the CPSC would not be given the information from the Coast Guard. In an aside, he said that the CPSC was overburdened. He didn't believe the management would be any better at that time.

Phillipe Ras said that through firsthand experience with CPSC that a portable stove issue reported 2.5 years ago had yet to come up with a report. He added that there was no marine side of CPSC. He said that the USCG is generally responsive and they know the equipment involved.

Eric Shepard said that from the Subcommittee Chair's point of view, the amendment encourages the Coast Guard to include CPSC in discussions. SPIN's comments were noted in the minutes. He was sure that CPSC would be involved in the exploration.

Chairman Muldoon asked for any more comments and called for a vote

Vote carries unanimously.

Ted Woolley had a question about the report. In the discussion of cut outs, Mr. Belknap offered that exhaust cutouts can both increase and decrease noise. He believed he was referring to cut outs with mufflers, and it is misleading the way it is written in the report.

Lyle Belknap said that through water exhaust, this is true.

Ted Woolley said he was referring to something above water.

Chairman Muldoon asked them to talk about it later and come back to them. He wanted to make an observation, and asked if the Council has a policy on attendance.

Jeff Hoedt said the charter encourages members not to miss two meetings.

Chairman Muldoon noted that James Fendig was not present at that meeting and has missed two previous. He should be advised of their attendance concerns and requirements. He then introduced Commodore Belmore for the Prevention through People Report.

Prevention Through People Subcommittee Report

Commodore Belmore thanked the Chairman and began her report.

The first item on the agenda was a presentation by Dr. Stephen L. Young, PhD. of Applied Safety & Ergonomics, Inc., Ann Arbor, MI, the grantee for the PFD Labeling and Classification Project. The project hopes to separate information on labels into three panels. The first panel is selection or categorization where consumers must decide what to purchase. The second panel is use, care, and maintenance or information that consumers would need once the PFD is purchased. The third is general information of model number, etc. There is flexibility in how the information is presented. His study is now working on these options and will present the findings to the Coast Guard. There are problems with the current system. Boaters do not understand what the variables are for the different classifications, i.e. buoyancy. The second big problem is the Type V category. First, there is a need for distinct classes based on buoyancy rather than multiple factors. Revised class could be class A through E. Examples would be Class A 62 lbs, Class B 34 lbs, Class C 22 lbs, Class D 16 lbs., and Class E. The second step would be to add a qualitative descriptor, such as a life jacket; buoyancy aid, and throwable. The third step would include explicit information about buoyancy and face-righting performance. The fourth step would be to handle Type V's by assigning PFD's to class by restrictions, such as must be worn and must be inflated. Inflatable lifejackets would be included in class by buoyancy. The suggestion was also made for a poster to be placed near the point of sale, which would explain the labels. The study is now finalizing classification details and should be completed by July, 2003. NBSAC members will be sent a copy of the report.

The second item was an update on Wallop Breaux reauthorization. Captain Evans stated that the Administration has a proposal that may be out as early as this week, but since the proposal has not been presented, he could not give further information. Chairman Muldoon said that the Administration's proposal, as currently written, would still cap the funding at \$70M. Although the ALAB proposal provides more money for RBS, it is not linked directly to the motorboat fuel tax funds, but instead linked to the Aquatic Resources Trust Fund on the whole.

Commodore Belmore opened a discussion on PFD wearage requirements for canoes, kayaks, and paddlecraft by expressing concern that statistics show that even as the total numbers of lives lost each year are declining, the percentage of those in the canoe, kayak, and paddlecraft category is growing, and the largest category is those not wearing PFD's. Some States already have wearage requirements for certain times of the year. Canoes and kayaks account for 45-55% of boating deaths. While overall deaths are going down, deaths in these categories have been rising, with the majority of the cases not wearing PFDs. Ted Woolley said that Utah requires a PFD for any activity on rivers. He stressed education as well as wearage requirements. Matt Menashes from the PPA, commented that he and Pam Dillon, from ACA, would be speaking the next day in front of the full Council. He said that there are 7 national paddlesports organizations. Matt said that the paddlesport industry is concerned as well and what they mean is educating the public as well as the industry. They said the PPA had submitted a grant application to the Coast Guard to address the critical problem, which is the general recreational paddler. Chairman Muldoon stated that they should not delay with their work while waiting for new PFD labels, as many people are dying and that there are PFDs that are already on the market.

Jo Moon brought up the issue that mandatory wear would be difficult due to high temperatures and low water levels and based on the comments received previously by the Coast Guard relative to mandatory PFD wear. Ted Woolley responded that with the multitude of PFDs on the market, the excuses that people used to use are no longer valid. Matt Menashes from the PPA suggested letting the paddlesport organizations get their house in order before the Council goes forward with regulations for mandatory wear.

Joan Bondareff, Subcommittee member, made a motion to encourage the Coast Guard to promote an immediate education campaign for PFD wear on canoes and kayaks.

Motion passed unanimously.

Bob David, Subcommittee member, made a motion to ask the Coast Guard to develop a study of mandatory PFD wear for canoeists, kayakers, and paddlecrafters with particular regard to environmental and geographical conditions. ***Motion passed 3 to 2.***

Another agenda item dealt with the project for developing manikins for use in testing PFD's. Mr. Sam Wehr, of the Coast Guard, gave the presentation. The Council will be fully briefed on Tuesday by the contractor.

With regard to the agenda item on NAVSAC recommendations for boating education, Eric Sheppard said NAVSAC has not met since last year due to lack of funding and plans to meet in June or July.

The next agenda item asked for an update on the Emergency Nurse Association Injury Study. Jeff Hoedt indicated that CPSD has a data gathering system in 100 hospitals to determine the emergencies to compare to reported injuries. The nurses got entry data and would also follow up with the injured or the family. They have preliminary information, which they are comparing with the current legal networks in the system. Nita Boles asked when they could expect a report. Jeff Hoedt answered that a draft report is finished and thinks that a report could be given at the next meeting even if it is not final. The Chairman will keep the item on the agenda until more information could be given.

In a report on the status of the letter to be sent to Transportation Security Agency (TSA) requesting a review of airline policy on inflatable PFD carriage, Chairman Muldoon reported airlines still have the right to set their own policy and almost all the airlines continue to prohibit carriage of CO₂ cartridges on airplanes. The Federal Government and the Coast Guard will be reviewing this policy. The Coast Guard sent letters to nine airlines asking them for their policy, but has only received an answer from Southwest Airlines so far, who does allow CO₂ cartridges in carry on and checked luggage. Discussion showed this policy may not be carried out at the local airport check in.

In updating the Council on the PFD rulemaking for children, Captain Scott Evans said an interim rule is in effect, but is not a final rule at this time. Carl Perry emphasized that an interim rule does not mean a "temporary" rule. The rulemaking is complete

and in effect. However, housekeeping on language etc. can still be done before the final rule.

In an update on the Coast Guard Auxiliary/USPS Vessel Safety Check (VSC) Program, Commodore Warren McAdams, Coast Guard Auxiliary, reported that the boarding officer will board a boat and do the checklist and can inform the boater of the VSC program if they do not have a decal. He indicated it would be helpful if a boarding officer, when on a boat with a decal, after satisfactorily completing their boarding, would compliment the boater on taking the time to have a VSC. The idea is to promote the VSC program.

In old business, Larry Innis, Subcommittee Vice Chairman, thanked the Coast Guard and Bruce Schmidt for the continuing improvements in reporting boating safety accidents and fatalities.

Under new business, Bob David, Subcommittee member, reported that Alabama has worked out an agreement with Italy to develop educational reciprocity. He has attended meetings of the European Boating Association. Furthermore he said captains of high-speed recreational vessels must receive special on-the-water training in some countries in Europe. He identified this as a new European trend that the USA needs to watch.

Joan Bondareff, Subcommittee member, said the Canadian Safe Boating Council is studying the Canadian mandatory boating education program this year to see if it has had any effect on boating safety and suggested this should be followed. She suggested that possibly a member from the Canadian Coast Guard could attend the October meeting and report on their findings. This is an action item for planning of the October NBSAC meeting.

Ray Tsuneyoshi, Council member, said he is getting a lot of questions about the kind of PFD that is appropriate for children and infants. Discussion brought out that there are some life jackets for infants and a couple of child safety seat style flotation devices have been approved, but the market did not support them.

Fred Messmann, Council member, said the Europeans are particularly interested in working with the U.S. and U.S. boating organizations on boating safety issues.

Nita Boles, a member of the public, noted that a University of Florida study has indicated that young children are suffering serious injuries from riding on PWC's either in front or back of the operator. She suggested the Council might want to look at that study. She asked to present her two motions.

Chairman Muldoon said he had an amendment to the report on that on top of page two, people dying and adequate PFDs are on the market.

Captain Evans said that the Administration's language is out this week, not ALAB's.

Ted Woolley asked if there was a \$70 million cap.

Chairman Muldoon said that there is a cap, although they never reached it, there was a cap.

Nita Boles wanted to correct her statement that the University of Florida released a study that children are more apt to experience personal injury. She raised the question, where is a proper place to ride if under age, if at all.

Matt Menashes said that he mentioned a grant application from the paddlesport's group, and he wanted to clarify that it was a submission from the ACA along with six other organizations.

Captain Evans asked if they could reword that paragraph after the meeting.

Chairman Muldoon asked Commodore Belmore for her motions.

Commodore Belmore read the first resolution:

Whereas, the boating statistics clearly show that canoeists, kayakers and other recreational hand powered craft operators and passengers are the boaters most at risk for death; and

Whereas, the boating statistics also clearly show that these canoeists, kayakers and other recreational hand powered craft operators and passengers are not wearing or following the carriage requirements for PFD's, therefore contributing to the high death rate;

Be it now resolved that the National Boating Safety Advisory Council recommends that the USCG develop a study of mandatory PFD wear for canoeists, kayakers, and other recreational hand powered craft operators and passengers with particular regard to local and regional environmental and geographical conditions.

Eric Shepard seconded the resolution.

Chairman Muldoon asked for comments or questions.

Joan Bondareff opposed this resolution in the Subcommittee and continues to do so. She did not want to send mixed signals, to develop a study or to develop regulation. She would prefer to support another resolution to go forward with regulations instead of a study.

Lyle Belknap had a housekeeping issue, would it be better to identify them as recreational hand powered vessels instead of craft.

Bob David said that in support of this resolution, the discussion in the Subcommittee involved a variety of issues, non-registration, hot/cold conditions, etc. He was not for or against regulation, but if they do not study the issue now, they will have to deal with it in the future.

Bill Engfer continued to object because he had problems with studying things more, when the PFD industry has a multitude of choices to fit all geographic and environmental conditions.

Chairman Muldoon asked who would offer the additional resolution.

Ted Woolley said that he would.

David Marlow said that yesterday in the presentation from PPA, they stated you cannot regulate the PFD on the users. If you want to educate them, he was in support of the second amendment. You can educate and sponsor TV personalities, but the Coast Guard will have no luck making wearage mandatory.

Fernando Garcia wanted to provide some information that there is mandatory PFD wearage on PWCs, these craft are similar, and have been highly successful.

Larry Innis disagreed with that, as there are a lot of boats under 21' that do have adequate area for storage, and the way this is written, it can encompass many different types of boats.

Chairman Muldoon said that there is some confusion, and asked Commodore Belmore to reread the resolution.

Commodore Belmore reread the resolution about PFD study.

Chairman Muldoon asked if the Council understood the motion they were discussing.

Fernando Garcia identified an additional part of the confusion, the other debatable issue is the issue of study versus requiring mandatory wear.

Chairman Muldoon asked if this was a move to study.

Commodore Belmore answered that it was and the other is an education program.

Fernando Garcia said that there are some opposing the resolution because it is a study, and others who feel that enough information is available.

Commodore Belmore noted that the Subcommittee was not unanimous in this resolution.

Chairman Muldoon asked for more comments.

Matt Menashes asked if members of the public could have copies of the resolution also. He also wanted to comment that he was not clear if it was actually the case that paddle craft users were at highest risk for death based on the statistics. He would recommend that they strike that line. Additionally, he wanted to comment on Mr. Garcia's comments about PWC's. He stated that there are conditions where PFDs are uncomfortable, and PWCs are traveling at a higher rate of speed and provides cooling unlike a canoe where you exert energy yourself.

Chairman Muldoon said that this was discussed in the Subcommittee and he asked for new topics or for more comments.

Unidentified Man said it was obvious that there is a lack of information and is operating on opinion instead of fact.

Chairman Muldoon called for a vote.

Opposed: Lyle Belknap, Joan Bondareff, Bill Engfer, Jim Manues, David Marlow, Fred Messmann, Jo Moon, Eric Shepard, Scott Swanby.

For: Bob David, Ted Woolley, Ray Tsuneyoshi, Commodore Belmore.

Motion Fails.

Commodore Belmore then read the second motion for an education campaign.

Whereas, the boating statistics clearly show that canoeists, kayakers and other recreational hand powered vessel operators and passengers are the boaters most at risk for death; and

Whereas, the boating statistics also clearly show that these canoeists, kayakers and other recreational hand powered vessel operators and passengers are not wearing or following the carriage requirements for PFDs, therefore contributing to the high death rate;

Be it now resolved that the National Boating Safety Advisory Council recommends that the USCG immediately launch a campaign to educate the canoeists, kayakers and other recreational hand powered vessel operators on the necessity for wearing and/or carrying the appropriate PFD while operating these vessels.

Jo Moon seconded the motion.

Chairman Muldoon asked for discussion, called for a vote.

Vote carries unanimously.

Commodore Belmore said that was her final resolution.

Chairman Muldoon said that because of the number of resolutions, he asked if they could assign resolutions a number in the future to avoid confusion.

Phyllis Kopytko asked when would it be appropriate to bring up SPIN comments on PFD labeling.

Chairman Muldoon answered that it should be brought up in Subcommittee, but she could bring it up under old business if she would like. He had a few housekeeping issues to take care of; he thanked Joanne Dorvall for the work that she had done in preparation for the meeting. He then introduced the group for an update on the risk based approval process for PFDs; to be given by Sam Wehr, Bilal Ayyub, Tariq Shams and John Poland.

Sam Wehr asked how many on the Council can solve the problem, what is 1.25 squared in their head.

Eric Shepard answered 25/16.

Sam Wehr said this was right and you can do it in your head if you break the problem down and figure it out. He said that when problems get too complicated, you develop models when you cannot easily solve them in your head. They calculate a variety of factors when testing the PFDs instead of focusing on only one factor.

Chairman Muldoon called for a five-minute break to allow them time to prepare for their report.

Bilal Ayyub said he would be talking about risk based compliance approval models, which were developed for the Coast Guard. When looking at the needs of users, they use a box, divided into four regions; swimmers in calm water, non-swimmers in calm water, swimmers in rough water, and non-swimmers in rough water. Through designing standards that allow for flexibility, they make sure they capture human needs as well as those with special requirements. As a background, they have three reports where they developed a standard, and a fourth report that is currently ongoing, which gathered a group of experts to test the models and ensure accuracy. They convened a two-day workshop to form expert opinion, training, assessing models, and to provide feedback to enhance the models and data collection. Involved were PFD manufacturers, Coast Guard engineers, UL, inventors, and consultants. Several PFDs were tested. Future objectives will be to define the standards requirements and form a development group to develop requirements and an outline. The scope of coverage will include inherently buoyant, inflatable and hybrid PFDs. They will have preliminary discussions in their June 2003 meeting. They used event tree modeling, which is a sequence of events that is typical of when PFDs are used. They developed an elaborate model that used 20 top events and 71,004 scenarios. They reduced this model to 14 top events and 11,264 scenarios. Finally, they reduced it to four top events, which were: PFD Available, PFD Donned, PFD Reliable, and PFD Effective. For each event, they can construct a model with a tree, then probability of effectiveness. With this, they can come up with a probability of that specific design saving lives. They can take all probabilities and put them through the models and determine the effectiveness level of each model. He said that inflatables and hybrids were much more complicated in determining scenarios. They have a performance model which has been tested and reviewed by industry and will be considered for adoption as the standard. They may have a requirement for the future standard by the end of the year.

Chairman Muldoon asked the Council for questions.

Ray Tsuneyoshi asked if they will merge findings with the labeling.

Bilal Ayyub stated that there is a lot of coordination between the two. They attend each other's meetings and will continue to coordinate their findings.

Chairman Muldoon thanked him for his report.

Tariq Shams said his company, GESAC, was involved in helping the USCG in evaluating PFDs, one is a software tool, to model a human in water, the other is a manikin which can actually be tested in rough water. The computer model mimics a human in waves and wearing various types of PFDs, and they have been validating this against the manikin. They currently are testing a 50th percentile male, and are developing a 5th percentile female and then a three-year-old child. The computer model is intended to predict a number of indicators such as immersions and different conditions, such as wavelength etc. The manikins should physically represent a human, have buoyancy characteristics like a human and should represent an unconscious PFD user; it has a balancing system to allow them to change buoyancies to signify sinkers and floaters. There have been two tests in wave tanks, the first to examine durability, and a second series was used to compare swim motion with human volunteers and to evaluate differences in life jacket performance using, and finally to compare their manikin to a commercially available manikin called RAMI. The manikin was towed in a few passes and they examined the effects of clothing. The wave conditions were uniform and varying wave frequencies were used. They also had a test side by side with a human volunteer. The results plotted the number of immersions in a five-minute duration. As buoyancy increased in the PFDs, the number of immersions decreased, with the exception of a few points. He said that in Type IIIs, they had a low buoyancy level, but also a low level of immersion because the person lies on their back.

Ray Tsuneyoshi asked him to define immersion.

Tariq Shams responded that immersion is defined by the number of times the wave goes over the mouth. He introduced John Poland to describe the female and child manikins.

John Poland said that they had eluded to the 50th percentile male, and he would be talking about the 5th percentile female they are designing. It is 60" tall and weighs 104 pounds. They got their information from anthropometric studies and existing crash dummies. Much of the instrumentation included in the male will be included in the female. The female is 1/3 lighter than the male counterpart. The torso is box like and contains the internal data acquisition. In the skeletal structure, all limbs will have two degrees of motion. All major joints are modeled for simplified movements. The range of motion was designed to be similar to that of an unconscious human. Development of the three-year-old child manikin is also underway. This is designed to model the average three year old, weighing 34 pounds, and 34.5" tall. The instrumentation is similar to that of the adult manikins. Future activities will be to complete the female and child manikin and test them, and to update the computer model with the new manikin response data. He asked for questions.

Chairman Muldoon asked for questions or comments.

David Marlow thanked him for the presentation, and said he mentioned the terms average, and 50th, and 5th, how does that relate to the 95th. If the 50th male is 154 pounds, that is what he weighed in 8th grade.

Tariq Shams said that weight inflation goes on over the years, and many anthropometric studies in the early 1970's were done from volunteers in the military services, and they have been compared over the years with the 50th male. The target was higher in the 160 lb. range, but due to certain design issues, the weight went down, but it does have the capacity to increase weight to 160 pounds.

David Marlow said he was concerned that they were using the model to test effectiveness, but were not testing what the average person would be. Then, what's the point?

John Poland said that the 95th percentile is not average. That is in the large scale. The percentile is more like a bell curve. If they take the heights and weights of the people in the room, it is likely to develop this type of average.

Chairman Muldoon thanked them for their presentation. He had two resolutions the Council would like to propose.

Ted Woolley said he came to the meeting not intending to do a resolution, and after discussion Saturday and Sunday about mandatory wear and after the Rear Admiral talked about that and risk-based management, and the Captain afterwards. They hear a lot of things about how to save a few fatalities per year, but the statistics show that drowning is the highest cause of death and PFDs could have saved 420 lives last year. He read the resolution.

Whereas, 2001 boating safety statistics show that 73% of boating fatalities are due to drowning; and

Whereas, 84% of the drownings could have been prevented through PFD wear; and

Whereas, approximately 83% of drowning fatalities occurred from vessels 21 feet and under; and

Whereas, current technology of PFDs allows comfortable wear in all weather conditions, sea states and operating modes; and

Whereas, costs of appropriate PFDs are both reasonable and affordable;

Be it now resolved that the National Boating Safety Advisory Council recommends that the states and territories, NASBLA and USCG pursue legislation and regulations requiring the wear of PFDs on all vessels 21 feet and under while underway.

Scott Swanby seconded the motion.

Larry Innis offered a change to the last paragraph to:

Be it resolved that the National Boating Safety Advisory Council encourages NASBLA to develop a model act requiring the wear of PFDs on all recreational vessels 21 feet and under while underway.

Chairman Muldoon asked if he wanted to substitute the entire paragraph and affirmed that this change was ok with **Ted Woolley** who said that it was.

Larry Innis offered to replace the last paragraph with his amendment, but has been told that it can be an additional paragraph.

Fernando Garcia wanted to offer a second amendment to the motion.

Chairman Muldoon said they had to deal with the first one and then would come back. He asked for comments on the amendment.

Joan Bondareff preferred that it be offered as an additional clause prior to the last paragraph, it would be helpful to have NASBLA assist in this regulation.

Commodore Belmore suggested that they get together and come up with a new regulation.

Eric Shepard suggested that they withdraw it and then reintroduce it.

Bill Engfer said that the new resolution deals with Homeland Security. It was originally brought up in member's items, regarding USCG inserting in the RBS agreement with homeland security.

Chairman Muldoon asked if the people absent who were working on the other resolution needed to hear the next resolution.

Bill Engfer said that they have already looked at it and agreed to it. He read the resolution:

Whereas, the Wallop-Breaux Aquatic Resources Trust Fund designates funds for distribution to the States for specific use in Recreational Boating Safety (RBS); and

and
Whereas, States are required to designate a percentage of matching funds for specific use in RBS in order to receive Wallop-Breaux RBS funds; and

Whereas, the USCG has suggested adding a homeland security section to the state RBS Cooperative Agreement; and

Whereas, funding for RBS initiatives is grossly inadequate; and

Whereas, this homeland security addition to the state RBS Cooperative Agreement may divert needed funds to homeland security, away from RBS usage; and

Whereas, a separate funding source is needed for Homeland Security;

Be it now resolved that the National Boating Safety Advisory Council requests that all State and national agencies respect designated funding for Recreational Boating Safety, and

Be it further resolved that the USCG pursue a Homeland Security agreement with the States independent of the RBS Cooperative Agreement.

Eric Shepard seconded the motion.

Chairman Muldoon asked for discussion and called for a vote.

Vote carries unanimously.

Ted Woolley moved that the previous resolution be amended.

Larry Innis offered that the recommendation he read before be inserted between the fifth and sixth paragraph. He also made new changes to the final paragraph so that they would now read:

Whereas, 2001 boating safety statistics show that 73% of boating fatalities are due to drowning; and

Whereas, 84% of the drownings could have been prevented through PFD wear; and

Whereas, approximately 83% of drowning fatalities occurred from vessels 21 feet and under; and

Whereas, current technology of PFDs allows comfortable wear in all weather conditions, sea states and operating modes; and

Whereas, costs of appropriate PFDs are both reasonable and affordable;

Be it resolved that the National Boating Safety Advisory Council encourages NASBLA to develop a model act, requiring the wear of PFDs on all recreational vessels 21 feet and under while underway; and

Be it further resolved that the National Boating Safety Advisory Council recommends that states and territories pursue legislation requiring the wear of PFDs on all recreational vessels 21 feet and under while underway using the model act.

Chairman Muldoon asked Ted Woolley if he accepted the changes as a friendly amendment.

Ted Woolley stated that he did. He asked Scott Swanby if he also accepted the changes.

Scott Swanby stated that he did.

Bob David asked if this would include all paddlecraft.

Jim Muldoon said that it did and asked for further comments.

Larry Innis said this would recommend that NASBLA develop a model act, and let NASBLA create the committee.

Bill Engfer would encourage paddlesports' involve themselves and work with NASBLA to develop the act.

Chairman Muldoon asked for further comments and called for a vote.

Vote carries unanimously.

Chairman Muldoon asked what is the earliest someone has to leave. He said that Mr. Donelan would make his presentation about windmill farms in Nantucket Sound off Massachusetts. He introduced Mr. Donolon.

John Donelan thanked the Council for inviting him and apologized for missing his presentation on Monday. He began by saying that a private development company wanted to develop windmill farms and the boating safety community has come out against it because of navigation and safety hazards. He asked what would happen for boating safety if the project goes through. This project is the first in the country on public waters. There is no federal standard preventing them. Because of this, there are more proposals to develop them up and down the east coast. Developers are putting their interests first and are not showing any regard for recreational boaters. Also, from a homeland security standpoint, Otis Air National Guard is nearby, and the turbines create a radar shadow blocking off a large area for radar surveillance. He showed a map with over three thousand proposed turbines up and down the east coast, most within 3-5 miles from shore. Whether they are approved is unsure, but there was no federal process to stop this development. The Coast Guard has urged the developers to study the maritime affect of the project, but until now they have been reluctant to do so. Search and rescue will be hindered because of higher helicopter and fixed wing searches. The turbines are 100' taller than the Statue of Liberty; the blades are handmade fiberglass and weigh 7 tons each. The project is planned to place these windmills in the middle of Nantucket Sound right next to the shipping lanes. He claimed that the project presented safety hazards to industrial shipping and recreational boating, as well as aviation. Search and rescue is concerned, with 36 aerial rescues performed in that area in the last five years. Oil shipping also takes place in the area and creates the potential for a major ecological disaster. He showed pictures from Europe of turbines that had collapsed, not in hurricane force winds, but in high windstorms. In addition to navigation hazards, there would be several hundred flashing lights day and night, obscuring navigation in the Sound. Ferry drivers see a possibility of increased traffic due to a closed off area with recreational boaters being driven into the shipping lanes. The boating community is against this project, they have hundreds of thousands of members in agreement that this is a bad place for such a large project. He showed a picture of a test tower, which had already been built. He said that this was an issue to boaters nationwide. Since there are no federal standards, this is a threat in that they can build these in federal waters anywhere. Public access to our waters is directly at threat. This project sets a precedent for future projects across the country. He said they needed strong involvement from boating advocacy groups, such as NBSAC. They have succeeded in getting local support, but need national support. He thanked the Council.

Chairman Muldoon thanked him for his presentation. He said this was for educational purposes. He asked if the Council if they wanted the Coast Guard to put this on their agenda for future meetings (no objections from the Council).

John Donelan said their website was www.saveoursound.org and he would put the presentation online.

Chairman Muldoon said they would then get a three-minute update on Rescue 21 from LTJG Sam Edwards, USCG.

LTJG Sam Edwards said he was there to represent the Coast Guard's Rescue 21 program, an advanced communication system to better help boaters in distress. In order to receive signals from boaters in distress, they need towers. So they have towers to

connect boaters with communication systems to the Coast Guard and arrange the Coast Guard's response. The old system has coverage gaps which exist when a boater sends a message at low wattage. The new system modernized the system so they can hear out to 20 nautical miles. They are also able to monitor channel 16 while receiving calls, direction find on signals, record playback messages received, and receive Digital Selective Calling (DSC). The project is in various stages, first to select sites for towers, second to do some infrastructure preparation, and third to build the towers. They have begun building towers in Atlantic City and Eastern Shore, which will be operational by the end of September. They have begun preparation in Florida and Seattle, and have selected sites across the rest of the country. They will finish in 2006 with full deployment and then will require 15 years of maintenance. The fixed facilities will be installed by the end of July, tested in August and September, and operational by the end of September. The key issues are that marine band radios are the safest ways for distress notification and boaters who use DSC must register for an identity and plug the GPS into the back of the radio.

Chairman Muldoon thanked him for his report. He introduced Captain Evans for Members' Items.

Captain Evans said they had prepared written responses to member's items so they can go faster. If they need more dialog, they will discuss. He began with David Marlow's desire for an update on the status of the legislative proposal in Illinois for reflective tape on boats. The Captain stated that this proposal has passed the Illinois Senate and is to be heard in the House. The Coast Guard will investigate this further and report to the members.

David Marlow stated that this was fine.

Captain Evans then moved to a concern shared by Mr. Messmann, Mr. Woolley and Mr. Tsuneyoshi for an update on a proposed Federal interagency committee on recreational boating. The Captain stated that the Office of Boating Safety is watching for proposed boating regulations from other Federal agencies, and where appropriate, commenting on them. This is particularly true of subjects addressing boating safety. While many Federal agencies have legal jurisdiction to regulate boating on our nation's waters, should it appear that uniformity of Federal boating safety regulations is deteriorating, our Office will strive to further enhance the uniformity. If appropriate, we will attempt to convene the proposed interagency committee.

Ted Woolley asked if there is anything the Council can do to help the situation.

Captain Evans said that if they see something going on, let the Office know so they can take action.

Chairman Muldoon said they could consider a resolution for their next meeting.

Fred Messmann concurred with the Chairman's recommendation.

Captain Evans moved on to Fred Messmann's desire for an update on the Sprietsma case. He responded that following the December 3, 2002 Supreme Court opinion on the Sprietsma case, that concluded that State common law tort actions involving propeller injuries were not preempted by Federal action, the Coast Guard sent an opinion statement concerning this case to the NBSAC members on March 5, 2003. The Office of Boating Safety intends to monitor all State court cases that may ensue to determine if the results of any particular case may set a precedent that would effect boating safety. We have requested the assistance of boating groups to identify appropriate State Court Cases.

Fred Messmann said this was adequate.

Captain Evans then moved to Mr. Messmann's next issue concerning regulations on defects in boats and safety standards for boats and associated equipment, particularly with Section 610, Small Entities Review. The Captain responded that Section 610 of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) requires the Coast Guard and other rulemaking agencies to review existing rules for their economic impact on small entities. This provides small entities an opportunity to submit information about economic impacts of the rules on them for consideration in the review. In the fall 2002 agenda, we concluded the Initial Section 610 review for several rules and determined that only 33 CFR parts 179, 181 and 183 significantly affect enough small entities to warrant a follow-on 610 Review for the three parts. In the fall 2003 agenda, we will announce the results of that review. We may determine that no further action seems possible or advisable at this time, in which case we will explain the basis for that determination. Or, we may determine that a rulemaking project is needed, to delete or amend the existing rule in a way that will lessen its small-entity impact. We will indicate whether a rulemaking project will begin promptly or be scheduled at a later date.

Fred Messmann said that this was fine as well.

Captain Evans said the next issue was brought up by Jo Moon, Joan Bondareff and Fred Messmann who asked the Coast Guard to review and possibly amend their method for determining social costs of boating accidents in completing a cost/benefit analysis for regulatory purposes. The Captain responded that they are reviewing their Department's guidance on the preparation of economic evaluations concerning the value of life and injuries. This may be of assistance in determining whether our current cost/benefit analysis process, in its utilization for rulemaking, needs to be amended. As resources allow, we would also like to review the methodologies and factors used by other agencies in determining the societal costs associated with boating accidents, injuries and fatalities. Should an improved method be available, it will be considered in consultation with our new Department's Policy Office.

Joan Bondareff said that she would add regulations, it may not be a boating accident that another agency is determining the cost of, but an EPA regulation.

Captain Evans thanked her and noted the recommendation. He moved on to Jo Moon's desire to continue the dialogue with the representatives from the canoe and kayak community to reach the casual paddler. He responded that the Coast Guard intends to continue this beneficial dialogue with them and looks forward to the boating safety benefits to be gained from this.

Jo Moon said this was good.

Captain Evans moved to Jo Moon's next issue of sea kayaks not being picked up or seen by radar on other vessels and the desire to come up with a method to make these boats more visible. The Captain responded that the Coast Guard has been monitoring emerging technologies in the area of radar reflectivity to improve the visibility of all fiberglass boats, but has, as yet, not found a viable technology. They will continue to pursue this plan of action.

Jo Moon added that with visibility they need to work with more than fiberglass, include polyethylene as well.

Captain Evans said that OPB-3 is looking into this issue, looking at reflective tape and working with the industry to put stripes on the sides to make them more visible. He moved on to Jo Moon's next concern for a standard for what high-speed is, and then examine the need for mandatory education or licensing for operators of high-speed

recreational vessels. The Captain responded that as in his Risk-Based Decision Making presentation, the Coast Guard would appreciate the assistance of the Council in determining the educational needs of different components of the boating community. The Office can research the statistics associated with this user group and also any related definitions utilized in other countries for these craft and report back to the Council on this. Jo Moon also requested a display of PFDs available for infants, and the Captain responded that they will provide a display of available products at the next meeting. She also stressed a concern with the serious injuries to children riding on PWCs. She wanted more information from the Emergency Nurses Association study or other sources to see the statistics relevant to this and questions whether the Council should do something regarding that safety issue. The Captain stated that the Coast Guard will provide statistics on the frequency and type of reported injuries involving PWC and children at the next NBSAC meeting. They will also provide the findings from the Emergency Nurses Association grant project that examined the nature and severity of boating injuries treated at hospital emergency departments nationwide.

Jo Moon stated that all of these responses were fine.

Captain Evans then moved to Ray Tsuneyoshi's concern for California's exemption from child PFD wearing requirements on boats over 40' and statistics concerning fast boats over 40'. The Captain responded that the Coast Guard can look at the statistics concerning this group of boats and will provide the findings to the Council.

Ray Tsuneyoshi stated that this was ok.

Captain Evans moved on to Ray Tsuneyoshi's second question as to whether the Coast Guard has considered special PFD regulations for babies onboard boats, as there are no requirements currently. The Captain responded that the Coast Guard appreciates this concern. Their first action will be to review the statistics and fulfill the request for a display of infant PFDs to the Council in the fall, as they had requested. They will then look to see if the Council has any recommendations at that time.

Ray Tsuneyoshi said that beyond regulations, no one is looking at the dynamics of having an infant on board a boat.

Captain Evans said that they will look into it, which may be an educational outreach program as well. He moved on to Ted Woolley's request for a definition of the term "whitewater" river as it is used on inflatable PFD labels. The Captain responded that the Coast Guard is working with the Whitewater Subcommittee of the PFD Standards Technical Panel to develop a definition and will pursue this at their next meeting. A tentative definition from the Subcommittee is that "whitewater" is a Class II (2) rapid or higher on the International Scale.

Larry Innis wanted to bring up an issue with the children, that they have a life harness on the sailboat in rough weather. He suggested that they might want to look at this as a good option in the future.

Chairman Muldoon said that this was not a bad idea in that you can keep a child on the boat, and it is not as inconvenient.

Captain Evans said that his son had a harness on his PFD.

Ted Woolley said he would continue to ask them about the "whitewater" issue.

Captain Evans brought up Larry Innis' issue about the authority of U.S. Customs to issue a rulemaking requiring that all corporate boats with 12 or more people on board to have a licensed captain, and why this was Customs and not the Coast Guard. The Captain responded that this issue is not within the normal oversight of the Office of Boating

Safety. They will contact the germane Office within the Coast Guard and research the issue and will give an update at the next meeting.

Larry Innis stated that this was fine.

Captain Evans moved on to Mr. Innis' request for a report on the National Conference of Commissioners on Uniform State Laws concerning their consideration of a uniform titling act for boats and other items. The Captain responded that the NCCUSL has undertaken a project to draft a Uniform Certificate of Title Act that will include vessels as well as vehicles. Their process for drafting a uniform law can take several years. However, once approved by the entire Conference, the proposals are usually enacted into law very quickly by the State Legislatures. As a result, this vehicle may be the most expeditious way to secure vessel-titling laws in those States that currently do not have them, and to ensure uniformity among all the States. At the invitation of the Drafting Committee, NASBLA and the Coast Guard are participating in this project to address concerns on titling of vessels.

Larry Innis stated that this was also ok.

Captain Evans then moved on to Mr. Innis' concern for boating safety funding and encouragement of the Coast Guard to do what they can to get funding through the President's budget. The Captain responded that the President's budget should be released that week, and they will keep the Council apprised of the status of the Wallop-Breaux reauthorization efforts. Mr. Innis also stressed a concern with the increased number of anglers who are taking flotation foam out of their boats to make more space to put in their live wells. The Captain responded that the potential results of this action are obviously unsafe. The flotation requirements only pertain to the manufacturer of the vessel and not the owner or operator. Therefore, it is not within the authority of the Coast Guard to take any legal action under the current statutes or regulations. Should the problem be determined to be significant, the Council may deem it appropriate to make a recommendation on the issue. He then moved to Mr. Innis' final concern with boat dealers who are selling commercial boats to buyers who intend to use the boat for recreational purposes. The Captain responded that the Coast Guard uses the manner in which the manufacturer advertises his boats to determine their intent of the boat's use. If a boat manufacturer is advertising commercial boats for use by recreational boaters, the Office will intervene. However, they cannot prevent an individual boater from buying a commercial boat and then using it for recreational purposes. Should the problem be determined to be significant, the Council may deem it appropriate to make a recommendation to them on the issue.

Larry Innis stated that these were all adequate responses.

Captain Evans moved on to Mr. Garcia's desire for more details on the action on NBSAC resolution 2000-66-05. The Captain responded that the outboard weight table has become such a rapidly changing target that the Federal regulation process cannot possibly keep up with it. The Coast Guard continues to monitor ABYC's efforts to work with the engine manufacturers to attempt to keep the ABYC weight table current. The Coast Guard recommends that manufacturers meet the requirements of the ABYC table and by doing so will either meet the Federal regulations or will err on the side of safety. The Coast Guard continues to explore the possibility of adding a total engine weight to the capacity label to address this problem.

Fernando Garcia stated that this was fine.

Captain Evans moved onto a concern shared by Bill Engfer, Joan Bondareff and Eric Shepard about the proposed amendments to the USCG/State Boating Safety

Agreements dealing with homeland security and its potential negative impact on boating safety. They were also concerned that boating safety grant funding could be used for homeland security purposes, or should a separate agreement be used for homeland security. The Captain responded that the Coast Guard will take under their advisement the members' concerns about the potential impact of the proposal to include homeland security provisions in the USCG/State RBS Program Cooperative Agreements, and the recommendation that this issue be addressed in separate agreements with the States to ensure RBS funding from the Aquatic Resources Trust Fund remains dedicated to the boating safety efforts. In addition, we will explore the feasibility of obtaining separate funding through the Department of Homeland Security for state marine patrol efforts that are directly supporting the homeland security mission (no objections were made). The Captain then moved on to Bob David's question as to whether automatic identification system requirements on commercial vessels would pertain to recreational vessels. The Captain responded that they hope the presentation given by Commander Scott addressed this issue adequately. The Marine Transportation Security Act did not include vessels less than 65 feet in length in this requirement. Should additional information be needed, please let them know and they will check with Commander Scott.

Bob David said there were no questions on this issue.

Captain Evans moved onto Mr. David's next issue about on-the-water education being made available to the public and liability litigated in these situations. The Captain stated that there was no requirement under the Operator Proficiency Standards for on-water-training. The Auxiliary has implemented a test pilot of on-water training. It is not a pass/fail portion of the course, but is a voluntary add-on after completion of the course. It does not address any boat handling skills. The Auxiliary conducted this training with facility under orders, thus was covered under liability of the Government. The U.S. Power Squadrons researched a similar program, but could not execute it due to the cost of liability insurance. The States have run into similar problems. To have adequate resources may not be cost-effective, and passing this cost to the consumer may be a disincentive. Mr. David's next issue dealt with his concern with educational certification and reciprocity between States and with foreign countries. The Captain responded that the priority for boating education recognition reciprocity is for reciprocity between the States. The Coast Guard has been working closely with NASBLA to develop and implement the National Education Standards and the Operator Proficiency Standard to help foster reciprocity. Work on Phase 4 of this process is well underway with the development of standards for course examination criteria. Once this phase is complete, there will be a national database of exam questions that all course providers can draw from, thereby ensuring that all testing is according to the national standard. Once the Office has resolved these issues, they can look into the issues of pursuing reciprocity agreements with foreign countries.

Bob David said these responses were fine.

Captain Evans moved onto Joan Bondareff's desire that the Coast Guard monitor the Canadian progress on the implementation of their mandatory education requirement. The Captain stated that the Canadian program is moving ahead, though it is behind its initial goal after the recent end of its inaugural year. They are finding their capacity to deliver the course inadequate to meet the high demand. In response, they have sanctioned authorized providers to deliver courses and examinations to help meet their

delivery goals. They are using innovative ideas such as web enabled computer based training modules, as well as traditional classroom course delivery.

Joan Bondareff stated that this looked ok.

Captain Evans then moved to her second desire that the Office continue to work for PFD wear for children and report back of that program should be expanded to other high risk areas. The Captain responded that the Office will track the progress of the interim rule over the next year and beyond to check on the positive impact that this has on saving's children's lives. They will also study other high-risk areas for similar considerations and would encourage the Council to help them in this effort.

Joan Bondareff suggested an update at the next meeting.

Captain Evans moved on to an issue shared by Joan Bondareff and Commodore Belmore to raise funding for the PFD wear campaign effort for canoeists and kayakers. The Captain responded that for almost a decade, the focus on the National Safe Boating Campaign has been designed to emphasize the importance of wearing life jackets to save the lives of all boaters. Though the basic campaign information is generically designed to meet the needs of 76 million boaters, paddlers have been identified as a specific target audience and numerous valuable resources are available for their use. The Coast Guard's new National Recreational Boating Safety Outreach Program, the "You're in Command" Campaign, plans to develop and produce paddler-specific materials for national distribution. He moved to the final issue of expired flare disposal programs made by Commodore Belmore. He responded that the Coast Guard has received three grant proposals to develop a nationwide flare disposal program and were taking action on these proposals through the grant approval process. Information on Fiscal Year 2003 approved grants is expected to be available very soon.

Joan Bondareff and Commodore Belmore had no objections.

Captain Evans said he had two more issues, the first being those two issues he was going to keep track on, and focusing on during the next meeting, of PFD wear and operator proficiency. This could mean licensing, or could mean on-the-water testing, which will be the discussion topic for the next meeting. He finally thanked the Chairman and the Council for a job well done.

Chairman Muldoon stated that OMB had held the Administration's bill for one more week allowing Council Member's time to comment.

David Marlow made a motion to adjourn.

Scott Swanby seconded the motion.

Chairman Muldoon thanked the Council and adjourned.

Meeting adjourned at 11:35 a.m.

