

**72nd Meeting
of the
National Boating Safety Advisory Council**

**Hyatt Regency
Chicago, Illinois**

November 1st, 3rd, 4th, 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)

**Commodore Carolyn Belmore
Ms. Joan Bondareff
Mr. Robert David
Mr. William Engfer
Ms. Lucia Francis
Mr. Fernando Garcia
Mr. Larry Innis
Mr. Jim Manues**

**Ms. Eleanor Mariani
Mr. David Marlow
Mr. Fred Messmann
Ms. Jo Moon
Mr. Frederick Shepard
Mr. Scott Swanby
Mr. Raynor Tsuneyoshi
Mr. Ted Woolley**

Council Members Absent

**Ms. Carolyn Ajootian
Mr. Lyle Belknap**

Coast Guard Representatives Present

Mr. Jeffrey N. Hoedt
Executive Director, NBSAC
Director, Operations Policy Directorate

Captain Scott Evans
Chief, Office of Boating Safety

Mr. Phil Cappel	Office of Boating Safety
Mr. Carlton Perry	Office of Boating Safety
Mr. Bruce Schmidt	Office of Boating Safety
Mr. Ross Middleton	Office of Boating Safety
Mr. Richard Kanehl	Office of Boating Safety
Mr. Jeffrey Glossop	Potomac Management Group

Saturday, November 1, 2003

Chairman Muldoon called the Council to order. He began by thanking members of the Council, especially those serving on extended appointments, which showed their dedication to boating safety. He said that the new appointments have taken longer due to the Coast Guard changing Departments. He then notified the Council of the death of Mr. Bill Seldon. Mr. Seldon was a member of the Coast Guard Auxiliary for 38 years, a member of the Power Squadron for 43 years where he served as Chief Commander from 1988-1990, and was a member of the NASBLA Education Committee for ten years. He also served on the National Safe Boating Council; and he served on NBSAC for ten years and was Chairman from 1994-1998. He asked the Council to stand and observe a moment of silence. He would introduce a resolution on Tuesday to send a proclamation to Mr. Seldon's wife. He said he would ask Ted Woolley, Carolyn Belmore and Bob David to work on the resolution.

Larry Innis suggested that NBSAC ask the Coast Guard to get a Congressional statement on record noting Mr. Seldon's public service.

Chairman Muldoon asked if Captain Evans would be in charge of that.

Captain Evans responded that he would.

Chairman Muldoon stated that one of the key components of the boating community is the boats and associated equipment manufacturers. The mission of the National Marine Manufacturers Association (NMMA) is to create, promote, and protect an environment where members can achieve financial success through excellence in manufacturing, selling, and servicing the boating community. They are also dedicated to supporting boating safety in the United States, making them a valuable partner in NBSAC's efforts. NMMA's headquarters are in Chicago, which provided NBSAC an opportunity to extend their partnership with NMMA. He said that they were privileged to have their President, Thom Dammrich, there to welcome them to Illinois.

Chairman Muldoon thanked Mr. Dammrich for hosting the reception and introduced him.

Thom Dammrich thanked Chairman Muldoon and Jeff Hoedt for inviting him to speak; he said that it was an honor to address the National Boating Safety Advisory Council. Being in Chicago was not a new experience because it was the venue for the largest gathering of the marine industry every year. However, they are fortunate to be back in Chicago because people miss coming here each year for the annual pilgrimage. He welcomed the first time and returning visitors. He said it was a great city with a great boating community. Chicago has the largest municipal marina in the United States with 7,000 slips managed by the Chicago Park District. He said that their reason to be in Chicago was an important one both to the industry and to the public because a safe boating experience is an enjoyable experience. Safety is an issue to everyone and the NMMA enjoys their partnership with the Coast Guard and other organizations involved in boating safety. Over the next few days they have a very full agenda with many issues to address. He asked them that as they work through the issues to think of the need to keep boating fun and affordable. In the extreme, the safest boating is no boating at all. The benefits of boating to the American people are stress relief and the ability to be with friends and family. Boating is in more demand today than ever and is growing again. Boating was up 6% with 72 million people going boating. Traditional powerboat sales were up strongly with a 9% increase in unit sales and 12% in dollar sales. J.D. Power recently reported that customer satisfaction with their boats and engines is also improving, consumer confidence is on the rise, and 2004 promises to be a great year for the boating public. He wished NBSAC luck with their meeting and asked them to keep making boating better and safer while keeping it fun and enjoyable. He thanked them and welcomed them to Chicago on behalf of NMMA.

Chairman Muldoon said that the State's new Boating Law Administrator, Captain Greg Hunter, would also welcome them. Captain Hunter has been involved in Natural Resources Law Enforcement for 16 years, was recently promoted to Captain of the DNR Region I Office in Sterling, IL, and was also selected as the BLA for the State of Illinois. In the past week, he attended NASBLA and was on the fast track to be introduced to the boating safety community. He readily accepted their invitation to welcome them to Illinois. Mr. Muldoon indicated it was his pleasure to introduce Captain Greg Hunter.

Captain Hunter said it was his pleasure to be there and said all of this was new for him. He said that NASBLA was a great learning experience for him. He brought Sergeant Neil Shurtar, who is in charge of Lake Michigan patrols. He said that he was a field officer who has logged thousands of hours on boats and has been involved in a number of rescues, and on December 16, 2002, he was promoted to Captain of Region I. Sergeant Shurtar had a similar history as a water patrol officer, and is very good at what he does. He said that they were both field people in a new world. He said that the week before at NASBLA he was pleasantly welcomed into the National boating community where he learned more in one week about boating than he had in a long time. He stated that he was confident doing work on the water, but was less confident doing the type of work the Council does, but they had made the transformation easier for him. He said that it was their intention to make the transition from being field officers into boating administrators and that he wanted to learn from the Council and

become part of this community. He welcomed them to Illinois and to the Chicago area and hoped they would have a pleasant and safe experience. Sgt. Shurtar would leave contact information if anyone needed assistance.

Chairman Muldoon asked the Council to welcome Cathy Hammond as the liaison from the Towing Safety Advisory Committee (TSAC). He then said that the Council's work would be more important because there was a 10% increase in boating fatalities in 2002. He said that this was a concern for all of them and, while they wouldn't overreact, they needed to think of what they could do to help this problem. For more information about that, he introduced Captain Scott Evans, Chief, Office of Boating Safety with the Coast Guard.

Captain Evans thanked the Chairman. He welcomed the Council, and said they were good friends and dear partners. He also said that it was always good to see their partners in the crowd and thanked them for coming and being a part of the process. He thanked Mr. Dammrich for coming and said that it meant a lot for him to come and be a part of this meeting. The Office of Boating Safety works extremely close with the NMMA, American Boat and Yacht Council (ABYC), and other boating organizations. He then thanked Captain Hunter and welcomed him to the forum. Captain Evans said that he had been stationed in Chicago for three years. Captain Evans indicated that today, he was speaking on Admiral Hathaway's behalf whom he said is one of the busiest men in the Coast Guard. Admiral Hathaway's job is in Operations Policy where he has nine other Captains under his supervision covering a wide diversity of vital responsibilities. Admiral Hathaway was able to briefly attend NASBLA and was planning on attending NBSAC but was called away. The Admiral regretted that he could not make the meeting, but the Captain reminded the Council that he is a huge supporter of the boating safety program. Captain Evans indicated that the format of this NBSAC meeting would be different. During the last Council meeting, there were requests to present information earlier in the meeting so it could be used in Subcommittee meetings. He said he would present an update on the Coast Guard and then wanted to ask the Council for its input on specific concerns. He said they would be working on some serious issues in the Council and Subcommittees in the next two days, and then wrap up with some resolutions on the final day. In an update on new appointments, he said that the Coast Guard moved from the Department of Transportation to the Department of Homeland Security (DHS). During the switch, the old appointments were still in that mix and still at the Department for approval. He said that new appointments could not go forward until the previous ones were taken care of and he thanked those members who were serving on extended terms. He said he would now update the Council on projects and resolutions. Captain Evans began by talking about Hurricane Isabel, which hit Coast Guard Headquarters and damaged the building's infrastructure. However, due to Admiral Hathaway's foresight, they had a contingency plan, and the Coast Guard did not miss a beat. He said that some phones were still not operating but should be fixed within the week. He said since they moved to DHS, there was concern that traditional missions of the Coast Guard would be forgotten. The Captain assured them that they are still getting as much support as possible. If anyone has read any of the Secretary of the Department of Homeland Security's recent speeches, he has mentioned boating safety many times, and is fully aware that the Coast Guard does not want to neglect their traditional missions. On Wallop Breaux, there were two issues. The first is that the

reauthorization did not get passed by the end of September. They have to continue on current funding for which Congress offered a five-month extension. A full year would give 64 million dollars, however, the five months allowed for much less. This extension affected State grants, nonprofit grants, and the Coast Guard was very concerned. He said that there were two bills, the first being Senate Bill 1669 to get the full year's funding and push it through. As far as the Wallop Breaux reauthorization, it is buried in the SAFTEA Act. Senator Breaux introduced Senate Bill 1804, which is the American League of Anglers and Boaters (ALAB) proposal. They would get into this issue more on Monday, but he wanted to let the Council know that it is high on their priority list. A new initiative called "You're in Command" has been an incredible success over the last six months in trying to change the behavior of boaters. They distributed 150,000 materials with 200,000 more on the way. They did a huge carbon monoxide (CO) campaign over the summer, with over 90 million impressions. He said they were also working with the industry to get the brochures out to manufacturers. They have a huge resource center on their website that can be downloaded to the different partners; the goal was to get the word out, and it is working. The Captain stated that the Lewis and Clark reenactment is underway, and was currently located in Stevensport, Kentucky. He said that many might ask, "What is the big deal with this event?" He stated that they have reenactors tracing the original river path, which often conflicts with commercial traffic. The first major event on the water took place a few months ago in August with two replica vessels and 60 other vessels. The Coast Guard was working with the United States Power Squadrons (USPS), United States Coast Guard Auxiliary and other local marine patrols to ensure everything ran smoothly. In a Vessel Identification System (VIS) update, the Captain stated this was a 15 year-old project, and he found that it was next to impossible to implement. Currently, they were working on it with the additional concern of homeland security. A company is preparing a business case to determine how the system would be implemented. Jeanne Timmons, of the Coast Guard's Office of Boating Safety, is an integral part of the process and would be attending these business case meetings. He compared building the system to a Cadillac, and while they still want the Cadillac, they would use a Geo now, and work towards the Cadillac in the future. He said they brought the 17 digit hull identification number (HIN) back onto the table. NASBLA has addressed it as well as the Council, and there has been a lot of interest in using a 17 digit HIN instead of the current 12. The Office could not tell how many lives would be saved, but when they added the homeland security aspect, it put a different perspective on things. He then gave an update on CO. He said that Phil Cappel attended a meeting at the International Boating Exposition (IBEX) and gave a presentation on the dangers of CO. He said that the industry is working with them, and some areas of the industry are making headway with dry stacks as well as a low to no CO generator within a year. He stated that they drafted a Notice for Proposed Rulemaking (NPRM) regarding a 17-digit HIN, but he believed they would go over this in more detail in a Subcommittee meeting.

Captain Evans then moved to barge lighting and stated that they had a joint TSAC-NBSAC meeting over the summer, which was a huge success. He thanked Cathy Hammond for coming to the Council meeting. He said that the two Councils had different ideas on how to get the commercial operators and recreational boaters to work together. He said that a major problem was at night when some boaters have run into the sides of barges. The Office would be putting a team together to investigate how to improve

the visibility of barges as well as the visibility of recreational boats. He said that there would be a presentation on Ultra Violet (UV) lighting by adding a chemical to PFDs or paint on the side of boats, a UV light would make the chemical visible. He believed that it would be something interesting to pursue. He said it would be beneficial at night to turn on a UV light and illuminate everything impregnated with the chemical through fog rain, snow, sleet etc. He said that the briefing would be held in the Aftermarket Marine Equipment Subcommittee as well as the full Council. Regarding ongoing regulatory projects, the child personal flotation device (PFD) requirement is an interim rule and is in effect. The Council would be addressing PFD use for a lot of boaters regardless of age. He said this was the reason it was an interim rule, because it was a hot topic and needed to be discussed further in the Prevention through People Subcommittee meeting. He then moved on to the safe-maneuvering standard. He said this was the old off-throttle steering standard in which they're addressing all recreational boats under 21'. This will be discussed in the Boats and Associated Equipment Subcommittee meeting. They would also be discussing propeller safety. Risk Based Decision Making (RBDM) did research on propeller safety, running numbers looking at every accident. He said that this would be a hot topic for the Boats and Associated Equipment Subcommittee and the issue was still on the Coast Guard's radar. He said they passed out a copy of the status of prior resolutions passed. The Captain said that he would be discussing the resolutions from the April 2003 meeting. He said at the last meeting they handed out the official responses to members' items and hoped this was an improvement on the old process. He said the Council could read if they needed any more information on any resolution. On resolution 71-01 for the 17 digit HIN, he said they would be discussing that heavily during the meeting. Resolution 71-02 was a request to explore backflow and tank overfilling. The Captain stated that the Office is working with the American Boat and Yacht Council (ABYC) and **National Fire Protection Association (NFPA)** and they could give an update in one of the Subcommittee meetings. Resolution 71-03 requested that the Coast Guard disseminate information to the public on CO. The Office was working with NMMA, ABYC, and others to get the information out as soon as possible. They had a meeting in Annapolis last winter and Phil Cappel recently held a meeting at IBEX, which will be discussed during Phil's update in the Boats and Associated Equipment Subcommittee meeting. He said that the Office was still working on the fire ports issue and Phil would give an update. Resolution 71-05 requested the Coast Guard to research what changes would need to occur to accomplish recalls on associated equipment. He said this was a tough issue that they would discuss in the Subcommittee. The next resolution was 71-06, requesting an educational campaign for canoeists and kayakers. The Captain responded that they were targeting the next campaign on paddlesports. The next resolution, 71-07, requested that State and Federal agencies respect the designated Recreational Boating Safety (RBS) funding. Captain Evans said that this was a hot topic at NASBLA and the Coast Guard was in agreement that they could not let boating safety money revert to be used primarily for security missions. He said that the hot topic this summer was resolution 71-08, on the mandatory wear of PFDs, and this would be one of those issues where he would ask the Subcommittees to continue the discussion. He presented an overview of RBDM that means to focus on the highest risk of an activity determined by the type of losses, frequency as well as the effect they may have. Their goal would be to not only reduce fatalities, but also to reduce injuries and property damage. If they could reduce overall accidents, the other numbers would fall as well.

The 2002 statistics showed that there were over 13 million registered boats, 5,705 accidents and 750 fatalities, 4,000 injuries, and \$40 million in property damage. The 750 fatalities is the highest number since 1998 when there were 815 fatalities. Most accidents were collisions, but capsizing accounts for 56% of boating fatalities. He stressed that 70% (524 of 750) of fatal boating accident victims were not wearing a life jacket. The accident data showed that wearing a life jacket could have saved approximately 440 lives. He said that there were instances where a life jacket could not save a person, such as blunt trauma or hypothermia. The Captain said that 28 children under the age of twelve died and nearly 40% of those were not wearing a PFD. Alcohol was involved in 39% of accidents, up from 34% in 2001. He said that the accidents have decreased because the Coast Guard also increased the reporting limit to \$2,000 from \$500. While it looks like there were fewer accidents, it was just that the reporting limits have changed. Fatalities had been in a gradual decline but spiked in 2002. When the types of accidents are sorted, the most common accidents were collisions between boats, followed by a collision with fixed object. When researching injuries, they are primarily caused by collisions, then skier mishaps, collisions with fixed objects, and then falls overboard. The number one cause of fatalities is capsizing, then falling overboard, and then collisions. The Captain said that these numbers could be reduced by increasing operator proficiency as well as increased use of PFDs. He stated that their first challenge would be to look at operator proficiency in the Prevention Through People Subcommittee. He wanted to know what the Coast Guard's role was in this issue. He did not believe that the Coast Guard had the statutory authority for this rule but they would wait to see if the Council would have them look into the issue further. Only 22% of vessel operators involved in accidents reported receiving any type of instruction. Even worse, of the 750 fatalities, only 10% of those operators have received education. The second challenge would be to look at a whether there should be a Coast Guard PFD requirement onboard vessels of certain lengths. He said that Mr. Dammrich said that they did not want to take the fun out of boating. On the other hand, if they ran the numbers, a person wearing a PFD would be safe. Captain Evans said that there were many dimensions to look into, and they were concerned they would drive people away from the industry. He asked for their help and guidance on the issue.

Commodore Belmore asked if there was a vessel size breakdown.

Captain Evans said that he believed that they did, and Bruce Schmidt would run the numbers later. He said that the next challenge would be regarding propeller safety. He said that they had the people from Stop Propeller Injuries Now (SPIN) there to assist the Council in addressing the dangers of propellers. At the spring meeting, he said they would look into it, and until then, had been concentrating on certain types of boats. Phil Cappel held a workshop addressing this issue as well. When looking at the fatalities, the Office went through every accident, which mostly occurred on open motorboats (71%). He asked Mr. Marlow to address these issues during his Boats and Associated Equipment Subcommittee meeting. The next challenge would be on barge visibility. They met with TSAC, NBSAC, and the Navigational Safety Advisory Council (NAVSAC) over the summer, and he said it was great to find out the different ways that recreational boaters and commercial pilots think. He said they would have a report in the Subcommittee and he hoped that Cathy Hammond would be able to participate. He said he wanted to tell them what the Office had accomplished in the

last six months and would ask the Subcommittees for their help. He hoped they approved of the new format, but he hoped they saw where the Office was coming from in making the change. He asked if there were any questions.

Ray Tsuneyoshi requested that they make the challenges available to all Council members not just to the Subcommittees.

Captain Evans said they could get that out. He said that they are on the agenda items for the Subcommittees. He said he wanted honest feedback from the Council. He asked if they liked the new format. *Council responded that they did.*

Chairman Muldoon said he wanted to comment further on the NAVSAC/TSAC/NBSAC joint meeting. He said that during their meeting, it was apparent that they were speaking in different languages because no one had continual exposure to the other's viewpoint. He said that Cathy Hammond's presence was a sign that this will get better in the future. He introduced Jeff Hoedt for the Executive Director's Report.

Jeff Hoedt welcomed the Council to Chicago and said that he had a list of items to go through. First, for all guests, he said he appreciated them attending the meeting and asked them to sign in. He also wanted to introduce the Council to Mr. Ross Middleton, the newest member of the Office of Boating Safety. He said that the Council's reimbursement forms came with their invitational orders. He also said that they were passing around a master address sheet and asked members to update it as needed. He let the Council know that they would be in the Gold Coast Room for Subcommittee meetings and in the Columbus Room for the General Council meeting. The reception would be held that evening in the Crystal Ballroom, he thanked Mr. Muldoon and the National Marine Manufacturers Association (NMMA) for sponsoring the event. He said that the Council had Subcommittee and full Council agendas in their folders. They also have the TSAC task statement with the minutes from the joint meeting in August.

Jeff Hoedt said they also have a copy of the draft minutes from the spring meeting. The Council was given them as a reference. He asked that they take the minutes home and make comments which would go to the Chairman for approval and then would become public record. Mr. Hoedt also stated that they also have a lot more handouts coming out during the Subcommittee meetings. Members of the public could contact the Coast Guard for copies of any information they needed. He said that they have copies of a Canadian study of mandatory PFD wear as well as observational studies from the United States. Their Office's contract staff performed an in-depth propeller strike study that would be made available as well. Regarding appointment updates, he said that in the transfer to the Department of Homeland Security, a new Secretary is now involved in the appointments; and this has resulted in a delay while the new Department gets established. He was, however, pleased to announce that they have temporarily filled the Advisory Council Coordinator position with Georgia Abraham, the Coast Guard Advisory Council Coordinator. They were hopeful to receive announcements on last year's applicants soon. There was a gap left in the Coast Guard though, with Mrs. Abraham taking the position, which they hoped would not delay this year's applications. He said he greatly appreciated everyone's presence,

especially those whose terms had expired last September. Mr. Hoedt said that they would discuss the location of the next NBSAC meeting later.

Chairman Muldoon said that he forgot to thank Joanne Dorval, from his staff, for preparing this room ahead of time. He called for a break at 2:46 p.m.

Chairman Muldoon called the Council back to order at 3:11 p.m. He asked the Council to identify themselves, which they did, along with others at the head table (USCG staff and Ms. Hammond (TSAC)).

Chairman Muldoon asked Fred Messmann to stand and be recognized as the new NASBLA President.

Chairman Muldoon then asked members of the audience to introduce themselves, which they did (see sign in sheets).

Chairman Muldoon welcomed them, and said he would ask for questions from the Council first and then from the public. The Chairman asked for old business. Hearing none, he then moved onto Member's items.

Jim Manues had nothing new.

Larry Innis had nothing new.

Lucia Francis had no issues.

Bill Engfer said he had no new issues.

Bob David said that he would address one of the Subcommittees on the International Certification for Pleasure Craft Operators in connection with UN Resolution #40, which is operating in Europe.

Joan Bondareff stated that she had three items of continuing interest. The first was related to the Coast Guard enforcement of the child PFD rule and wanted to know how the Coast Guard's campaign to add additional States was going and how is enforcement going where there is no law. She also wanted to know if the Coast Guard planned to review the Canadian Safe Boating Council's study on mandatory PFD wear, and it's applicability to the United States. Finally, she wanted to know how they justify issuing regulations using cost-benefit methodology, especially under the new Department. She also said that the Canadian study is worthwhile in terms of how they evaluate the cost of accidents.

Commodore Belmore said she still had an issue with flare disposal. She also said they would discuss PFD wear in the Subcommittee. Most importantly she said she brought greetings from Admiral Hull, who extended his welcome and thanks. He invited the Council to hold a future meeting in Virginia so he could join them.

Cathy Hammond (TSAC) had no issues.

Ted Woolley wanted to make the Council aware of a resolution passed by the Western States Boating Administrators Association (WSBAA) similar to the one NBSAC passed during the spring meeting. The resolution requested NASBLA to prepare a model act on vessels 21 feet and under, and went on to say that WSBLAA pursues State regulations to require wear of PFDs for all recreational vessels under 21 feet while underway. In new business, he wanted to ask the Coast Guard about a gentlemen's agreement four or five years ago between the Coast Guard and Personal Watercraft (PWC) manufacturers, limiting the top speed of PWCs at 65 mph. He wanted to know if this agreement would continue. He said he noticed that BARD keeps shifting on what is considered a boating accident and was concerned that they did not lose anything that they may need to deal with as a safety issue. He wondered if there was any thought to adding another part of BARD that would be associated with boating, but, in many people's minds, was not really a boating accident. He said that the Coast Guard needs to keep the data together in order to keep the data accurate over the past ten years. He said that he never saw the actual resolution as passed and wondered if they were written up to get a copy of the PFD resolution in its final form. Finally, he said that there was an issue with inflatable sponsons on canoes and kayaks. He heard that the Coast Guard did some research and a report and that he would like to see the report if it is available.

Ray Tsuneyoshi said that California also has concerns over PFD issues. His second issue had to do with adding swim fins as a defining mode of propulsion under the definition of vessel. The reason for this is because they have float tubers who say they are not covered by that definition and therefore do not have to wear a PFD. On the other hand a semi-rigid hull, rowing type pontoon boat require PFD carriage. They have already captured accidents where the boat flipped, and were it not for someone in the area, could have resulted in a tragic situation.

Scott Swanby had no new issues.

Eric Shepard said that he brought greetings from J.J. Marie, who brought up the issue of certification of recreational life rafts and the development of standards. This would be to insure that manufacturers have minimum standards to follow. Another issue he brought up involved inflatable boats with transoms, and treating them as boats, which they currently do not do. He believed they should bring them into the realm of certifiable boats.

Jo Moon said that her member items were carried over from the previous meeting. These included an ongoing dialogue with the canoe and kayak industry. She hoped that they would continue to attend NBSAC meetings. She was still concerned about high-speed recreational vessels and whether there would be a standard as to what constitutes "high speed" and if there is a need for mandatory education for these operators. She had previously asked for a report regarding rising level of injuries resulting from children riding on PWCs and wondered whether this has been addressed. Finally, she wanted them to analyze the cost to society for boating accidents.

Fred Messmann stated that he did not see anything on the agenda dealing with the customs ruling. He believed that they were going to get a report from the interagency customs ruling. He agreed with Joan as far as the Canadian Safe Boating Council study and

wanted to know what the Coast Guard was planning on doing with the report. He also agreed with Ted Woolley and wanted to know how many accidents actually dropped out because of the \$2,000 limit change. He said that the swim fins are an issue, whether or not it is considered a method of propulsion. He believed that States were not preempted from requiring that, but it is not a Federal requirement. Finally, he believed that they were going to get a report on the societal impact from boating accidents and did not see this on the agenda.

David Marlow said that he had two items that he needed information on before Tuesday morning if it was possible. He wanted to know if the rumor of the using of Wallop Breaux Funds for homeland security would be covered in Monday's presentation.

Captain Evans said that they could enter that discussion on Monday.

David Marlow also wanted information for his Subcommittee meeting, as to what wear requirement exists for engine cutoff lanyards. He asked if there is any Federal or State requirements and what vessels they cover.

Eleanor Mariani said that as part of the Waterways Management Committee in NASBLA, they were concerned with trying to get Federal agencies more uniform in their regulations in regard to recreational boaters. She wanted an update on the possible resurrection of the interagency task force created to study this. She was also interested in barge lighting as they had an accident in Connecticut as a result of not being able to see a barge. Finally, she said that she wanted to study removing capacity labels for inflatable boats.

Chairman Muldoon asked if anyone in the audience would like to put an issue before the Council.

Marian DeCruz said that the Captain usually gives a summary of the status of the grants. She was concerned with the \$143,000 that went to the Emergency Nurses Association (ENA). She said they got a preliminary response a few years ago, but they have never seen any results from the report. She also wanted to know the results of the study of societal costs.

Chairman Muldoon asked if they have had a grant cycle since the last meeting.

Jeff Hoedt said that they have had grants approved since the last meeting.

Chairman Muldoon said that he knew there had been a delay in getting requests for new grants out. He said that they would have a Chairman's housekeeping session, so he asked the Council to write any issues down so that they can go over them. He asked if there were any further issues from the audience. He then introduced Bill Engfer for a report on the TSAC/NBSAC workgroup.

Bill Engfer thanked the Chairman for allowing him to act as liaison to TSAC. He said that there were many things that the recreational side does not understand about the commercial side and that it was the job of liaisons to make these issues more understandable. He also thanked Cathy Hammond for her openness, as she made the

process enjoyable. He said that TSAC had three major concerns: barge lighting, boater education, and boater information. Many of these concerns were spurred from the joint meeting in August attended by Larry Innis, Joan Bondareff, Carolyn Ajootian, and Chairman Muldoon. During the full TSAC meeting these concerns were discussed, as was the need to work together with the other Councils. Four immediate steps were looked at by TSAC. The first was to gather as much information as possible before making any decisions. They asked the Coast Guard to gather data related to barge accidents, with the realization that close calls rarely end up in accident reports. They wanted information related to location, time of day, and cause of these accidents. At the August meeting, it was also suggested that the Coast Guard look into grant money to address lighting concerns, which TSAC supported. TSAC also looked at what State's were producing as far as educational material for recreational boaters. He said that he requested information from the States, and has had a great response. Finally, TSAC wanted to know what was being produced as far as PSAs or other announcements intended to make boating safer. Mr. Engfer stated that he received a good response from the States for this as well, and suggested that the Prevention Through People Subcommittee look at that information. He said that there were also strong feelings amongst the members of TSAC for mandatory education. TSAC said they would ask the commercial industry to support the States in their push for education. They also discussed the political realities of licensing versus education, with licensing having a much harsher reaction from the public. He said that often the commercial industry could work as a negative and they would have more success working with the BLAs. He said that Cathy Hammond gave a report to the full Committee and asked the commercial industry to identify areas where there are problems with recreational boaters. He had copies of the TSAC approved task 0202, which included the five items the task asked for. The first was to determine the scope of the problem and reconsider the adequacy of navigational lighting currently required on barges and tows and navigational lights for recreational vessels. Secondly, they wanted to consider the advantages and disadvantages of requiring supplemental lighting on each barge coupling, and any additional or improved lighting for recreational boats. Third, they wished to consider mandatory licensing and education. Fourth, they wished to continue to work with NBSAC and NAVSAC to work together in resolving this issue. Finally, they requested that they submit a report back to the Coast Guard with their findings and recommendations. He said that they had taken the first step by working together. He asked Cathy Hammond if she would like to add anything.

Cathy Hammond said that she was overwhelmed by the welcome. She stated that the task has been around for a long time. When she agreed to look into the issue, she said that she had no idea it went back to the early 1990's, and that they have just passed the football back and forth. Her expectations have been exceeded because they have gone from pointing fingers to sitting down and having a discussion on how to solve the problem. She told TSAC that changing the lighting would not resolve the problem because the recreational boaters will not know what they would be looking at without education. She said that she did not know how much was involved from the recreational boating side. Mrs. Hammond stated that the towing industry was a small industry and that barge lighting costs are tremendous. Her hope was that they would continue to take baby steps toward an agreement. She thanked Bill Engfer for being open with them in TSAC and she looked forward to working with them in the future.

Bill Engfer thanked TSAC for their openness and for allowing him to participate in their meeting.

Chairman Muldoon asked if there were any questions.

Ray Tsuneyoshi said that California's Boating and Waterways Department, with Fish and Game, Recreational Boaters of California, and the Pacific Interclub Yacht Association, put together a video for recreational boaters on the Bay on proper operating procedures and radio procedures when approaching commercial vessels. When they completed the video, he hoped to share it with the Council and with NASBLA.

Chairman Muldoon asked if there were any more questions or comments. He thanked Bill Engfer on behalf of the Council for doing this and TSAC for welcoming him. He then asked Eric Shepard to give his NAVSAC liaison report.

Eric Shepard said that during NAVSAC meetings, Captain Allison Ross gives a can of alphabet soup for those who use too many acronyms and do not explain them. NAVSAC is the Navigation Safety Advisory Council. They were very welcoming and tend to be blue water primarily, meaning that they're interested in oceans and bays, while towboat operators are more interested in rivers and lakes. He said that in the past they have seen NAVSAC as more of a competitor than a cooperative organization, but he said that they were very interested in cooperating and see recreational boaters as a significant issue. Although they appear to be competing, NAVSAC realizes that they need to share the water. Their meeting was held at the Marine Institute of Technology Training and Conference Center (MITAGS), which was an extraordinary conference center. Due to budgetary issues, this was NAVSAC's first meeting in over a year. Their key concern was homeland security and how it would affect their business. There were several presentations on homeland security and how it affects the blue water carrier as well as navigation rules in ports. Captain Ross made a presentation on the interaction between recreational boats and commercial vessels in port and showed pictures of what recreational vessels look like on the Chesapeake Bay from an 800-foot vessel. He said that there is a significant problem with the lack of boater education and the inability of the large carrier to do anything about the recreational boater. The boater will often put himself in a position where an accident with a large vessel is the boater's fault because it takes as many as three to five miles to stop. NAVSAC also discussed Automatic Identification Systems (AIS) which are now required on large vessels to identify ships to the port operation centers. He said that he presented a response to NAVSAC's concern with regard to recreational boating education. Fred Messmann helped him by giving him NASBLA's work on testing for recreational boaters. He gave the quiz to NAVSAC members and a few members did not pass. There were some complaints that the test was True/False. The questions were not easy, and some were out of their genre, but he showed them that NASBLA is working hard with education. Their challenge to NBSAC was that NBSAC pay attention to the very large carriers when educating boaters. The barge lighting issue was a non-issue to NAVSAC in the past. After the TSAC invitation, NAVSAC agreed that it was an issue. Several environmental issues were raised, mainly dealing with no discharge zones. Commercial and recreational vessels both have to deal with no discharge zones. Some zones are appropriate, but

others are sometimes very inappropriate. There was a movement to prohibit gray and black water discharge in Casco Bay. He said this would be difficult on a recreational boat with only one holding tank. Most large commercial vessels have waste processing to produce cleaner waste, but there is also the opportunity for recreational vessels to have a similar system to produce cleaner waste. He said that the no discharge zone meant no discharge of any type and there was no justification for this rule. He said that the leaf fall every autumn does more damage to the ecosystem than the commercial traffic could do in twenty years. NAVSAC's concern was that the waste treatment systems were more than adequate and to police them would be inappropriate. Finally, places of refuge were discussed, which was a difficult issue because many areas do not want vessels in their area to avoid an ecological catastrophe. He brought a resolution to lower the death rate among recreational boaters, but NAVSAC did not do anything about it or make such a resolution. Finally, he said that the MITAGS facility is an extraordinary conference center, which they should consider in the future.

Bill Engfer asked if they discussed the monitoring of the waste treatment systems to determine whether they were functional or not. They have had issues with carriers with malfunctioning treatment systems.

Eric Shepard said that it was a significant issue but vessels were required upon entrance to the U.S. to have a functioning waste system that could be inspected by the Coast Guard. He said that there had been more searches by the Department of Homeland Security.

Commodore Belmore said that on the issue of disabled commercial vessels, they had an experience in Buzzard's Bay where there was a vessel that went aground and spilled oil. They patched it and determined it to be safe until they moved it and the patch came off and spilled more oil. Until this problem was fixed, she didn't see the situation changing in coastal areas.

Eric Shepard said that places of refuge were a real problem. He said that this was difficult, with oil spills in particular. He said that the issue of the vessel off the coast of Spain was in danger of breaking up; they refused harbor and it hit the rocks. They towed it out to sea where it broke up and leaked oil. He said that places of refuge were not going to be easy, but they must exist. These places must have the proper equipment to manage the vessel as it seeks refuge.

Commodore Belmore said that the key was to demonstrate that the equipment and technology was available to do the job right.

Eric Shepard said that Coast Guard response teams are extremely speedy and effective.

Fred Messmann emphasized for the record that the test was a multiple-choice test. NASBLA standards require a multiple-choice test.

Eric Shepard said that it was a fair test with fair questions.

Fred Messmann said he had the test if anyone there wanted to try it.

Eric Shepard thanked the Council.

Chairman Muldoon said that everyone may not agree with everything the previous two presenters have said, but it is a valid point of view that they needed to listen to if they expect them to listen to us. He asked if anyone had any more comments. He invited the public to the Subcommittee meetings tomorrow and recessed. **Meeting Recessed at 4:06 p.m.**

Monday, November 3, 2002

Chairman Muldoon called the Council to order at 1:30 p.m. He announced that one of the tape recorders was broken and asked the Council to pause while tapes were changed. He also asked the audience to speak louder so that everybody could hear them. He said that they were going to alternate their schedule so they could get right into Richard Healing's report. Richard Healing was sworn in as a member of the National Transportation and Safety Board (NTSB) this year in March. During his career, he served six and a half years in the Coast Guard and retired from the Coast Guard Reserve after 29 years, as a Captain. He attended the Coast Guard Academy and Worcester Polytechnic Institute. He also graduated from the Naval War College in 1990 and was selected to participate in the President's Commission on Executive Exchange. In 1992, he was a Senior Executive Fellow at Harvard University. Before coming to Washington in 1983, he was the President and CEO of an engineering, construction and contracting services firm in Connecticut. He has received the distinguished civilian service medal from the Navy, the highest civilian honor. Mr. Healing has also served as director of sailing safety and survivability for the Navy and the Director of Transportation for Safety and Security for the Patella Memorial Institute. He said it was his great pleasure to welcome Richard Healing.

Richard Healing thanked the Chairman and the Council for inviting him to speak. He said that one of the highest honors of his life was when President Bush decided to nominate him to be a part of the NTSB. He said that while it was a high honor, it was also one in which he was prepared for, and qualified for, part of which was his career in the Coast Guard. The NTSB has a list of most-wanted improvements, which is what they would discuss. In addition to himself, Bill Gossard was also present to cover his tracks because he needed to leave. One of the interesting things that have happened recently is that they have divided workloads into different States amongst the five members. He said that he had eleven States that he works with; these are the areas he is interested in, in addition to general safety interests. In the history of the NTSB, they have made about 12,000 recommendations since 1967, of which almost 19% have addressed marine safety. The most recommendations were in regard to aviation, but the last year there have been many marine tragedies. Some of these tragedies included the fire on the Norway cruise ship; the capsizing and swamping of the Taki 2, which resulted in eleven fatalities; and most recently the Staten Island ferry accident. The last three major accidents have been in the marine category rather than the aviation category. When researching recommendations, several of the criteria they looked at were whether a recommendation is achievable, technically viable, or affordable, as well as whether they are politically or socially acceptable. Recommendations are generally accepted 80% of the time. Some recommendations have been overcome with events and need to be removed from the list, while others did not pass the cut either on the social or political level. Of the recommendations put in for boating safety, some have been removed from the list because of the high rate of acceptance. He said that the boating category is very interesting with 13 million registered boats and 70 million boaters. In the last year there were 5,700 accidents and 750 fatalities. These numbers are significant; and even though there is a downward trend in fatalities, their goal is to get that number as close to zero as possible. He said that in those 750 fatalities there are some "low hanging fruit" that he says could be preventable. In 1993, the NTSB performed a survey and found that children need to be protected by

PFDs, and 88% of States have implemented such a law. Despite this, there are still six States that remain without a law, while four have legislative initiatives on the way. Until they get full cooperation, they will continue to push for this issue. The study also looked at education issues and State compliance with these issues; twenty-three States have met the Board's recommendation. They also looked at Boating While Intoxicated (BWI) laws and virtually every State has some law to address that. Another recommendation that was made in 1998 was for each State to have a safe operation course for PWCs; and they have had compliance with this law as well. States that require safety instruction prior to renting was also covered. Mr. Healing believed that they should provide basic instruction on how to operate a vessel. Thirty-eight States have completed this type of law in one way or another. In 1998, they also made a recommendation to six States requiring PFD use while operating a PWC; and all six have complied, which means that is a success story as well. They are removing certain recommendations from the most wanted list for recommendations that were made and were successfully addressed by legislation. In the future, the list will continue to have safety recommendations that relate to PFD use by children, which seems to be a moral imperative. Children need an example from adults to ensure their protection. Boating safety education and operator licenses still need to be addressed in all States. As far as PWC instruction, most States still need to adopt safety instructions for people who are renting. That was their most wanted list, where they have had successes and where they will go in the future to ensure everyone has a safe boating experience. He asked the Council if they had any questions.

Ray Tsuneyoshi asked if there was a plan of action regarding mandatory PFD use for everybody.

Richard Healing said that they recommend that the appropriate authorities, whether it be at the State or Federal level, determine whether it should be made mandatory; but they are focused on young people now. He said that there is common sense and judgment, but there are those who need guidance from the adult community. He said that it was a different issue for adults and one that they have not yet addressed. In his own belief, he said that the Taki 2 was in dangerous waters carrying people on board in violent seas and there were a number of people without PFDs. If you are required by law to carry them, it makes little sense to not wear them when there is danger. He'd rather see common sense and judgment driving this, but in reality, it may need to be turned into an enforcement issue.

Eric Shepard said that the Council has stood up for mandatory PFD wear for all people; they would be pleased if NTSB would look at that as an opportunity to the enhancement of the safety of recreational boating.

Richard Healing agreed that there was no question that it would enhance safety. However, he would personally prefer the softer hand of the law rather than the heavy hand. Therefore, he believed that the education process was extremely important. He believed that the manufacturers of PFDs had done a great job making them more comfortable and wearable. If everything is lined up the right way, it comes to whether adults need to be told to wear one or can come to the conclusion on their own.

Chairman Muldoon asked if anyone in the audience had any questions. He thanked Mr. Healing for coming.

Chairman Muldoon said that one of the premier volunteer boating safety organizations is the Coast Guard Auxiliary, which provides safety patrols and education. He said that the Council welcomes every opportunity they can to hear from the Auxiliary. Many of the recommendations created in the Council are developed and implemented by the Auxiliary. Representing the Auxiliary is the Commodore for the National Directorate for Boating Safety, Commodore Warren McAdams.

Commodore Warren McAdams thanked the Chairman and said that his usual task is to give an update on what they're doing to advance boating safety. However, in today's climate, they have a heavy burden on homeland security, performing a balancing act between boating safety on one hand and homeland security on the other. The Coast Guard Auxiliary's support missions provided over 500,000 hours of patrols and 180,000 hours of Coast Guard support. They have conducted 105,000 vessel safety checks and 45,000 Recreational Boating Safety (RBS) Visitation Program calls to marine dealers and other establishments. By the end of the year, they will have graduated 55,000 students from boating safety classes and provided youth education classes to 100,000 children. In the Vessel Safety Check (VSC) Program they have had contributions from other providers, with the United States Power Squadrons (USPS), who will reach 30,000 VSCs, and State providers will add another 50,000. States contributing or starting up include: Connecticut, Delaware, Kansas, Maryland, Michigan, and Ohio. The Kansas agreement also involves the Army Corps of Engineers. In 2004, Tennessee and Nevada will start their programs. With these additional providers, the VSC Program will greatly extend its reach as a key RBS program. They have competition for member focus from homeland security efforts. While Coast Guard leadership strongly backs RBS efforts and their role in preventative search and rescue (SAR), field units are oriented toward homeland security projects. For Auxiliary leadership, they believe that RBS and security missions are complimentary rather than conflicting. While on multi-mission patrols they provide homeland security as well as SAR services. As an added feature, a homeland security message is included in safety classes. VSC and RBS visitation programs will also be used to provide homeland security information to boaters and other members of the public. He said that the Auxiliary leadership launched initiatives, directed at their membership, to create a more balanced focus on the two missions. Increased results in RBS lend support to homeland security efforts. Another difficult but welcome challenge is the increase in membership since September 11th, with membership up 20%. There has been a new administrative demand for background checks for all members. The level of the member's involvement with the Coast Guard support missions will determine the level of required background checks. In the meantime, they have surveyed member skills and active duty members will include the Auxiliary. Over the past several years, the Auxiliary has been growing tremendously in numbers and types of missions. This has been further exacerbated by homeland security measures, and they were extremely busy addressing the challenges before them. He thanked the Chairman and asked for any questions.

Chairman Muldoon asked if the new recruits were older or younger?

Commodore McAdams said that when he was 55, the average age of an Auxiliary member was 55; but since then, the average age of the organization has gone down. They are getting a lot of younger people in as well as more members from married backgrounds. They are getting more into the air program, and are getting more and more people to contribute because of September 11th. This was good, but difficult because they just need to get the training done.

Phyllis Kopytko asked if they incorporated propeller awareness into the courses to the public during the auxiliary training.

Commodore McAdams answered that they have not to the extent that they needed to. NASBLA had updated the education standards to ensure all providers get that into their course material. They will be doing better than they have.

Chairman Muldoon asked if anyone had any more questions. He thanked Commodore McAdams for his report. He said today they have a valuable partner in the boating safety community, the State boating safety programs, which play a vital role as a force multiplier in the Coast Guard missions. NASBLA represents the 50 States and six territories, which provides a key mechanism for enhancing State boating safety laws and programs while also promoting uniformity in State boating laws. NASBLA was created over 40 years ago; and it had just completed its annual conference in Virginia. One member of the Council is now serving as the President of that organization and was happy to have him tell the Council what they were up to. He asked Fred Messmann to give the NASBLA President's report.

Fred Messmann said that he was humbled as well as proud to be there. He said that there are some home front people he wanted to recognize. First, the State of Nevada who allows him to do all this extra work. He thanked the Governor and his Department Director and Chief for allowing him to do all of this work. He said that behind every good producing male is a good producing female, who was his wife, so he thanked her. He stated that someone asked if he was nervous to be NASBLA President and he responded, not at all because it was family and no one is nervous around family. NASBLA completed its annual conference a month late due to Hurricane Isabel. The attendance was off because they rescheduled in conflict with IBEX, so many industry representatives were absent. He appreciated the support they received from everyone. This year's program featured the 2003 Stakeholders Forum on the Future of Recreational Boating. Other groups looked at the politics of land and waterway use, shoring up the boating infrastructure, securing the homeland, and boater and environmental regulations. They were also honored to have a luncheon presentation by the Chairman of the NTSB, Ellen Engleman Connors, who presented awards to Pennsylvania and Tennessee. They also had a presentation from the Canadian Safe Boating Council (CSBC), who gave a well-received presentation with a lot of valuable information. In other sessions of the conference, the participants learned about human error reporting, the American Association of Motor Vehicles Administrator's National Motor Vehicle Title Information System, the latest on carbon monoxide (CO) and boating under the influence (BUI) training, multiple use waterways management, the Connecticut Clean Marina Program, and emerging technology in accident investigation data capture. A resource book was developed for the conference and

will be available on the NASBLA website. NASBLA adopted two resolutions, one in continued support of the 17-digit HIN. There was also a resolution in support of a change to the Federal requirements for carriage of Type IV personal flotation devices on certain boats. If anyone was interested in the wording of this, he read it: *Whereas Type IV devices are of limited value on boats such as canoes and kayaks, and the carriage requirement of this type of PFD is not exempted. Now therefore be it resolved that NASBLA recommends that the Coast Guard rules regarding carriage requirements for Type IV personal flotation devices be revised to exempt non-motorized inflatable rafts and drift boats on moving water.* In committee work, they have the Boating Accident Investigation Reconstruction Analysis Committee (BAIRAC) who worked with the NTSB to offer advanced accident investigator training seminars in Maryland in conjunction with some of their instructors. In the Boats and Associated Equipment Committee, they heard what went on there in the Subcommittee meetings. The Education Committee developed a number of amendments to the National Boating Education Standards. He assured the Council that they were listening as much as they possibly could and then he read the changes: In the standard for personal flotation device types and carriages, include and emphasize discussing and describing the label restrictions. On the wearing of personal flotation devices, they're saying now that the courses will include information on any State or Federal regulation regarding wearing of PFDs by certain children on recreational vessels. Regarding visual distress signals, the course will describe the types and use of visual distress signals required on recreational boats operating on coastal waters and adjoining rivers. On navigation rules of the road, they changed a number of things there. Regarding CO, the course will describe the dangers, symptoms and avoidance practices associated with CO poisoning. He said that the accident reports were changed to the current Federal threshold. Concerning paddlesports, the course will inform paddlers and rowers about accident risks and safe boating practices unique to this group of recreational boaters. Finally, the most significant concern was in regard to testing standards and how they upped the bar in education requirements and now have standards, and wanted a standard as far as the number and format of the questions. He said the Law Enforcement Committee developed a NASBLA BUI training program for the States. It was pilot tested in Washington, D.C. and will be presented next year in three locations throughout the country. The Numbering and Titling Committee continues its work with the National Conference of Commissioners on Uniform State Laws (NCCUSL) on the development of a uniform certificate of title act for vessels and the adoption of the 17-digit HIN. The Waterways Management Committee has tracked a number of issues involving invasive species and no discharge zones. He mentioned separately that when they said that they needed to divide Wallop-Breaux funds from homeland security funds, they separated their Homeland Security Committee. Fortunately, since the NBSAC meeting is after NASBLA, they were writing notes so the Committee chairman will get a NBSAC direction to get started immediately on that work. They publish *Small Craft Advisory* every two months; Kim Hermes was in the audience and if someone wanted to be on the mailing list, they should contact her. The International Boating and Water Safety Summit is coming up in April, and the next NASBLA conference is in Tennessee from September 11-15, 2004. He said that they did pass a model act for safe towing practices in regard to teak surfing, which he had copies of. For awards, he wanted to mention that the Boat/U.S. Foundation received a public service award for their life jacket loaner program for children. The Law Enforcement Officer of the

Year award went to Corporal Bob Lynn. Alvin Taylor received the Bonner Award. Finally, he said that Larry Innis had received the NASBLA award that is given to those who have given of their time and effort to help the Association or those who have been acknowledged for making notable contributions to the betterment of boating. There were two lifetime achievement awards, one to Paul Donheffner, BLA from Oregon, and the other award went to Ted Woolley for his work. He asked if there were any questions.

Chairman Muldoon said that they ask the Council members to do more, to serve as liaisons, to give reports from other organizations, while none of this is included in their charter. They don't tell those members often enough about how much it is appreciated, and how much he felt it unified the purpose of boating safety. He thanked them for that effort. He introduced Captain Evans for a Wallop-Breaux update.

Captain Evans said that just to make sure everyone knows what Wallop-Breaux is, he was going to give a quick background. Revenues to the Wallop-Breaux (Aquatic Resources) Trust Fund come from motorboat fuel tax and other user generated fees. This Fund provides financial assistance for boating safety, fishing, wetlands and other boating programs. The authorizing legislation for a significant portion of this Fund, the Transportation Equity Act of the 21st Century (TEA 21), expired in September, so a reauthorization of the Fund is required in order to continue the related programs. Since the expiration of TEA 21, Congress has extended the authorization for a temporary five-month period at the current funding level. This means that the Federal financial assistance recipients (States and non-profit organizations) can only get 5/12ths of the annual funding. They were currently struggling to keep their programs running with the reduced funding. The Senate has heard their plea, and they were trying to get Senate Bill 1669 passed to give them a full one year funding to get them through another year. The third issue was to reauthorize Wallop-Breaux itself. Senator Breaux has put together a group called the American League of Anglers and Boaters (ALAB), and over the last two years, ALAB has been working to develop a proposal for the reauthorization of the Fund. As of six months ago, they came up with a consensus for dividing up percentages of the Fund. The Coast Guard's RBS Program would receive 18% of the revenues. Senator Breaux took the ALAB proposal and introduced it to the Senate. The Captain has three divisions in the Office to juggle through all of these issues. Since this deals with legislation and budget, he has asked Jeff Hoedt's division to track this; so he is carrying the ball along with Jeanne Timmons, the funding expert. When they ask questions, he will ask for Jeff's help.

Chairman Muldoon said that there were a few things to point out. The five-month extension is from a previous flat five-year level with no increases. The other issue is that there is a feeling that we're close to success, that they have some good things written into the proposal and will have a substantial increase if the bill passes as it is. His concern was that it is not over until it is over. They do not have anything yet except a five-month continuing extension at low rates. They will not have the funding until Senator Breaux's bill passes through both houses. He did not want them to let this go through Congress quietly. They (the Federal budget) are \$350 billion in the red, and the Aquatic Resources Trust Fund is in danger. He implored them to contact anyone in Washington they could to promote enactment of this proposal.

Jeff Hoedt thanked the Chairman and said that he wanted to help explain the pros and cons of the situation. Instead of having \$55 million for State boating safety programs, they currently only have \$22 million (plus \$2 million more for non-profit grants and administration). They have to wait to see if there will be another extension at the end of the five-month period, at which time more money may be made available for the States. Another issue is that the U. S. Fish and Wildlife Service administers all of the funds. At the beginning of the year, they take the prior year's revenues and distribute these funds to be used this year according to the germane laws. Basically, they determine the money to come off the top, and then they allocate the remainder of the money to the State fishing programs. Were the Fish and Wildlife Service to allocate the remainder of the money after boating safety gets its \$24 million now, even if there is another extension of the authorization, there would be no money left. Thankfully, Fish and Wildlife has been working as a great partner and appears to have been holding adequate money back for our program. If they pass a full-year extension in the House, hoping for unanimous consent to speed up the process, it would then go on to the Senate. Congress will be recessing at the end of the week; therefore, they are looking at January as the earliest possibility for a full-year extension. He said that a State may have to juggle and ask when they should apply and for what funding level. The Coast Guard can only grant the money that they have the authorization to provide. Thus, the question remains, should a State wait to see what the next extension is and then apply, or do they apply early on to get the money sooner? This could be a different situation for each State. Another question is whether they provide State matching funds for a full year or do they just match the first part. The Coast Guard realizes that it is difficult for the States and it will hopefully be resolved soon and as desired. Senator Breaux did introduce legislation last week that contained all of the ALAB proposal and will now wait and see how it fares as it moves ahead. The full reauthorization may take up to one to two years before it is enacted. They also have the 4.8 cents issue, the 4.8 cents per gallon of gas tax that still goes to general funds instead of Wallop-Breaux. There is a proposal to get this money into the Fund as well, but he didn't know the time frame that this would happen. He said that there were many things happening at the same time.

Eric Shepard said that simultaneously they have the issue of the factory visit program expiring, and he asked if this was correct.

Jeff Hoedt said that Phil could answer that question.

Phil Cappel said that the program had been contracted for through the first of December, but they can't award the next contract award until early January, so there probably will be a break in the program. They were working with a contractor who was trying to conserve travel, to keep some type of program running until they get the next award.

Ted Woolley said with RBS money coming through Fish and Wildlife, it sounds like they have the money; he asked if this would be an exception to the rule that the RBS could get the full amount of the funds.

Jeff Hoedt said that while they have the cash and they can afford it, they may not have the legal authority to hold back the full amount for the RBS Program.

Fred Messmann asked if they have bill numbers that they can use to track them through Congress.

Jeff Hoedt said that he had many and he could put a list together and distribute it.

Eleanor Mariani said that the fisheries money will also be allocated for five months.

Jeff Hoedt said that the programs which were withheld to the five-month extension were four programs: boating safety and the following Fish and Wildlife Service programs: the clean vessel act, the boating infrastructure grant, and their outreach program. The mandatory appropriation aspect of the Sport Fish Restoration Account is not withheld with the five months and they have their fiscal year money in for the full year.

Phyllis Kopytko asked how they could get the bills available to the public: by email or hard copy?

Jeff Hoedt said that he could put a list together, send it out to those he has a bang list for and anyone else who wants the information. Let him know and he would get a hard copy for them.

Eleanor Mariani said that they had \$84 million in the Boat Safety Account that could not be touched. Could they get this now?

Jeff Hoedt said that it would take a piece of legislation to appropriate that money because they have no authority to touch that money. There is no movement to do that at this time. The proposal endorsed by ALAB was to divide that money out to each of the programs.

Chairman Muldoon said that they should fund their increase out of their own money. He said that the next item on the agenda would be Regulatory Review from Carl Perry.

Carl Perry thanked the Chairman. He said that NBSAC did their first review of boating safety regulations in 1981, his first review in 1986, then in 1992, 1997, and finally between 2002-2003. The Office of Boating Safety prepared a report for the Council members to follow along. The pamphlet identifies each resolution made by each full Council based on a report from each of the Subcommittees. The first review focused on fires and explosions, the second review focused on manufacturer requirements to prevent drowning, and the third focused on operator requirements and other related issues aimed at manufacturers. All three meetings resulted in 39 recommendations, 15 focusing on manufacturers requirements and 24 on operator requirements. They made note of all recommendations, then noted where they were currently at, and then they have noted what their next action was or what it would be. They have completed a number of projects, including recommendations referring to 33 CFR Part 100, Section 100.15, dealing with Marine Events. Section 100.15 deals with an obsolete paragraph and they changed the length of time ahead of the event. In 100.35 subpart (a) they eliminated the masculine terms to make them gender neutral. They went through the entire Subchapter and found a few more. In Part 173, they recommended that they change any reference from the Department of Transportation to the Department of

Homeland Security, but no references were found. If any regulation from the Coast Guard had reference to the DOT, it was fixed in the same technical amendment published on June 25, 2003 and became effective on June 30, 2003. The last thing to be completed was Part 175, dealing with safety equipment. These regulations mentioned comments on PFD wearing and PFD carriage requirements, and neither of these two recommendations required Coast Guard action. As they go along and make progress in some of the items and complete them, they will report them to the Council in the next five-year period. He asked if there were questions. He thanked his contract staff assigned to the Office of Boating Safety for their assistance in this effort.

Chairman Muldoon said that the Council should give themselves a hand because this was a very necessary thing, and many worked very hard to get this done. For the audience, the new material that has been generated was available in the back of the room. He called for a break at 2:41 p.m.

Chairman Muldoon called the Council back to order at 3:00 p.m. One of the things they did not talk about during the Wallop-Breaux discussion was the possibility that Senator Breaux may not run for reelection. In the absence of having a champion like Senator Breaux, they will need some help. They will need a champion on both the House and Senate side. He changed the agenda due to technical problems and introduced Sam Wehr for a report on Infant/Child PFDs.

Sam Wehr thanked the Chairman and said that he was here as much to listen as to give information. He would try to break this into what their philosophy on approval for PFDs offered, how they are tested and what the standards are, and then talk about the risks they deal with along with possible opportunities. Their philosophy, he said, was to provide individuals with choices. That was built into the PFD program when the Federal Boat Safety act was passed. There has been the payback, which has been a reduction in boating fatalities ever since. If there were concerns, they would probably be the ability to describe those options to the public. When people don't understand the labeling, then they have a problem. Dealing with performance levels, he grouped Type I's and Type II's together because there is little difference in performance with children. When talking about infants, one is better off with a Type II than a Type I because there is an inconsistency. In commercial vessel requirements, there would be confusion to have too many different sizes, so they have two, adult and children. However, with children, one size does not fit all. He had a sample of a Type I child PFD and said that this was just one example and that there were different designs. The neck hole was able to protect someone up to 90 lbs., but an infant's head would **not** go through the neck hole. He had about five types of Type II PFDs. They weren't the limits of what was available, but he wanted to show the Council several different types. In addition to the first style, the collar styles are the most prominent. There were complaints from parents about the performance of these, and they redesigned the reference vest to improve the product. He showed a PFD designed to fit a 30-50 pound child. This PFD was designed with no foam in the back to turn the head better. He also showed a bib style designed to meet the new standard, which preformed well. It was more complicated to make and therefore did not make a big impact in the market but it was a design that worked well. Finally, he had another design that had a rear entry with the zipper in the back and foam in the front.

Commodore Belmore asked about the safety of the leg straps.

Sam Wehr said that there were a variety of tests to deal with those issues. With small children, their arms don't hold them on as well, so the leg or crotch straps work much better in keeping the vest on. He said that the Type III's are not tested for any turning movement on the child and are not compared to a reference vest. He showed a handful of Type III's with body straps or zippers. The reason for the multiple body straps was to meet the water sports requirements; these types of PFDs are more appropriate in the Coast Guard's view. He then showed swimwear PFDs that were Type V's with Type III performance. Recently, one State asked about whether the Coast Guard should specify Type I or II, and they answered that they did not support that, as they said parents should have a variety of options. He said that Type V's are equivalent to Type III's but have conditions on their approval. For example, swimwear PFDs have two conditions. The first is that they need to be worn to be part of the carriage requirements. The second condition is that when they first started making these, they could not get the fabric that met the weathering requirement because they wanted something comfortable like swimwear. Now, when they are faded to a certain point as marked by a label, it is time to replace the PFD. He said that there was another example of a PFD without shoulders, and it would qualify as a Type III. He showed a Type V that could be a substitute for a Type I, but has similar conditions, you must wear them to meet the carriage requirement; and secondly, it is only for commercial guided operations. They don't have the turning movement of a Type I, but it's better to wear this with the buoyancy during whitewater. He then showed a hybrid that could be a Type I, II, III or V. If they wanted good performance, the hybrid was the best option. Once inflated, it provides better performance than a Type I. He said that their levels of performance were a little mixed up, and he thought they had a solution to that. He then moved on to testing and standards where there was a great deal of subjectivity, which is why they only use Underwriter Laboratories (UL) testing. In his personal view, turning is overemphasized. The reason, he said, is that they test in a swimming pool in calm water where the person is wearing a swimming suit; and they do a specific turning test instead of looking at the worst condition for testing. They then ask the volunteer to act unconscious, which often doesn't work well with children. When you take a PFD that works well in a pool, then add clothes and colder water, it may not turn as well. He stated that there are no statistics that show a serious problem with fatalities due to lack of a turning movement. He then went on to how they ran the approval tests. He said that they would test a variety of different body sizes on a reference PFD, then the test PFD, to see if the test PFD performs as well as the reference PFD. For a Type I, they test whether the same percentage of people turn face up, usually better or equal to the reference PFD. For Type II's, there are a limited type of references, they use the child design, which was changed 10-15 years ago. For Type III PFDs there is no reference test; and the volunteer does not have to feign unconsciousness during the test. For hybrids, there is a different set of reference vests for Type I, Type II performance. The international standards are being worked on for PFDs, which he has been participating in. The hybrid reference vest for children will be accepted soon as the reference against which PFDs will meet the international standards for children. There are no other candidates, but they needed to decide whether to use a more subjective reference vest or none. They will have mannequins for testing soon to broaden the database in approval testing and in the design of the PFD, but it is not available today.

There are European mannequins, and they were working to standardize them as well. He said that he hoped they got a good background of the different types, how they're tested, and asked if anyone had any questions.

Ted Woolley had a question about the Type I. He said that there are two sizes and asked if there was a bottom end weight for the child one.

Sam Wehr said that there isn't anything for anyone less than 90 lbs. They allow cruise ships to carry Type II's for infants, but hope in the future that there will be international maritime organization discussions for a revision for the infant standard.

Ted Woolley asked why they would not recommend a Type II for waterskiing?

Sam Wehr said that the data was not solid, but there were concerns about having an extra impact area at strategic places resulting in more force against the head and neck. He did not know the injury data to go along with that, but knew that there were no problems with the Type IIIs.

Jo Moon said that in relation to Type Is, where it is not safe for infants, she asked if it was safer for larger kids, as opposed to wearing an adult PFD.

Sam Wehr said that he saw no safety problem for larger kids in an adult PFD. However, he didn't recommend water skiing etc.

Joan Bondareff said that she approached NHTSA to see what their progress was with child-size mannequins.

Sam Wehr responded that they do use mannequins, and that their prime contractor is GESAC, who is also their contractor for the flotation mannequin.

Commodore McAdams asked that when they test the righting ability, what constitutes a passing grade?

Sam Wehr responded that the way the Coast Guard does it is to compare it to the reference vest. On one day a reference vest will turn 90% of victims face up, but on another day the same vest will only turn 70%; and on that given day, the test vest has to turn the same number of people up in the same amount of time. This was why there was trouble using human subjects to test. He then moved on to risk and asked how much turning is enough. He said that boating accident data doesn't show them this. He talked earlier about complaints with infant PFDs and how there was an indication of concern by parents. They didn't know if there was a real safety risk, but they felt it was important to change the design anyway. In terms of labeling, Phil Cappel had slides from their NASBLA grant. There would be three parts to the label: buoyancy, righting ability, and sizes and appropriate usage for the PFD as well as Coast Guard restrictions. These labels will be submitted to UL for new standards in labeling to ease confusion. He asked if there were any questions.

Lucia Francis said that she was concerned with turning an unconscious victim face up. What she was hearing was that a Type II may be better than a Type I. If they go to

mandatory PFD wear, why not go to the ultimate level, to show Type I or II? Why stop at Type III if you can require a Type II?

Sam Wehr said that the issue of why not to go with the best is that the best is rated on in-water performance wear only. This is only part of the picture of PFD performance. Part of the problem is to convince children to keep it on. He said that they needed the whole continuum to address all situations. When tubing or waterskiing, he would prefer that children wear a Type III rather than a Type II. The Coast Guard doesn't have good data to support that, but he wanted parents to have that option. There will be additional labels in the future so parents can make a better choice before they choose a Type III. He asked if there were any more questions.

Captain Evans said that either at the NBSAC or PFD meeting, he saw a label that made sense. He asked if this was in conjunction with the label he just showed.

Sam Wehr said that the label he showed earlier had pictures and icons, but the label just shown did not include the icons.

Eleanor Mariani asked that once they go to UL and get approval, when would they see the labels made public?

Sam Wehr said that it depends on whether or not they go forward with the reclassification. If they do, they'll have to change regulations for both commercial and recreational boating. If they get that regulation underway soon, he would think it would be a few years away before they would see results.

Jo Moon asked that when they put through new regulations like new PFD labels, do all the old labels get grandfathered in?

Sam Wehr responded that they did and that the table of equivalents would be changed.

Chairman Muldoon thanked him for his report. He said that one of his concerns was people who carried PFDs but did not know where they were or in what condition they were in. He told them a story of a sailing accident where they were hit and the boat was submerged with three feet of water. Everyone knew where the PFDs were, but they had to wade through the water to find them while trying to save the boat from sinking. They were also trying to save a polio victim, which made things even more difficult. They all had PFDs but struggled to adjust them to their size. It was fortunate that it did not happen on a windy night. Otherwise, there might have been a fatality. He said that there was the problem of getting people to keep them in good condition and also know how to put them on. He asked if there were any more questions for Sam Wehr. He asked the Captain to introduce the next presentation.

Captain Evans said the reason for the next presentation was to try to improve visibility between vessels. This issue was on the forefront because of recreational vessels and tugs/tows colliding. Members from TSAC and NBSAC and NAVSAC got together and determined that recreational boaters need to learn to drive and tug operators need to be more visible. He said that there was technology out there, which may be able to help. They were looking at grants to study night visibility for tugs and tows. He saw

a presentation a few years ago and got the idea that the technology demonstrated in the presentation may improve visibility. He wanted each group of members, the public, industry, and States to think about how they could use this technology. They could put stripes on the sides of boats and on PFDs; the Coast Guard could consider repainting the buoys so boaters will be able to see hazards as well as those people who have fallen overboard. He introduced Paul Sarvey and Charles Nassef to present their ultraviolet (UV) lights.

Paul Sarvey thanked the Captain and the Council for allowing him to introduce this new searchlight technology. He said that SUNNEX has been around since 1974 and was based in Sweden with locations in over forty countries. “Colorlight” is a sister company of SUNNEX, first delivered in 1996 and currently onboard fifteen different types of boats. He showed a video demonstrating how the Colorlight system worked. He then demonstrated how the spotlight worked and showed that it had unlimited maneuverability horizontally and vertically. Their halogen light is measured by distance and illuminate objects over two miles away. They had a variety of models, including a twin halogen and also a combination of a UV and halogen light. During inclement conditions, the white halogen light reflects back at the operator, while the UV light can penetrate snow and rain and fog to illuminate objects impregnated with the UV reflective paint. The light is housed in an acid proof, powder-coated material resistant to scratching but also available in stainless steel. He said that halogen has been around for a long time, but UV is new technology. He then demonstrated the use of the UV lamp by illuminating some samples of tape that were UV reflective.

Charles Nassef demonstrated a model four, which was a combination UV and halogen light. He also showed them a UV spotlight alone, instead of a UV/halogen hybrid. He showed that the UV lamp also illuminated PFDs that were coated in the reflective paint.

Jo Moon asked to see the reflective tape on the child PFD.

Paul Sarvey said that these PFDs could be utilized in search and rescue, port location, and vessel identification. The dual spotlight could achieve the distance of a halogen and the benefits of UV. There was no other product available that could emit both UV and white light. They can use this technology for SAR, Navy, ferries, patrol boats, cargo ships, and helipads. They have optional features such as a remote control, position indicator, and spare bulbs. He then said he would field questions from the Council and audience.

Bill Gossard asked about the range of the UV lamp.

Paul Sarvey answered that it was about 1,500 yards.

Ted Woolley asked what the price of the spotlight was.

Paul Sarvey answered that the double halogen cost \$7,500 and \$13,000 for the dual UV and halogen lamp.

Larry Innis asked if they made smaller handheld UV lights for recreational boats.

Paul Sarvey answered not at that time, but it was something they would have to look at.

Bill Engfer asked if there is the capability for each light to run independently.

Paul Sarvey answered that they work parallel and cannot do so.

Ray Tsuneyoshi said that if NBSAC is looking at this as a possible safety device, he asked when these could become affordable to someone who owned a smaller boat.

Charles Nassef answered that smaller lamps result in less distance. They have perfected the halogen size because they use a unique reflector, but it's difficult to duplicate in smaller lamps.

Bob David asked what the differential costs of the paints and fabrics were more so than their current fabrics and paints.

Paul Sarvey answered that he did not know in terms of the fabrics, but he did not think there was too much of a price differential. He did not believe that there was much difference in the paint either.

Bob David said that this was most important if they wanted the Coast Guard to buy the lights. He said that they weren't going to be buying the lights from a recreational standpoint.

Captain Evans said that he envisioned the recreational boaters to be equipped with a handheld UV light so they could see the aids to navigation, other vessels, and even PFDs. He saw a market for handheld lights in the future.

Jeff Hoedt said the issue coming up from TSAC was the visibility of vessels and barges. He said this could be an option with barges specifically or any vessel in general.

Jo Moon said that they just briefly mentioned that they require fluorescent fabrics in Europe in their PFDs.

Charles Nassef believed that to be correct.

Pam Dillion asked what was the impact of UV light on night vision. Had that been researched?

Charles Nassef answered that the lamp had a filter so it does not cause damage to your eyes, but a person cannot look directly at the beam for a long period of time.

Pam Dillon asked if it hampered one's night vision.

Charles Nassef said that in the dark a person couldn't see the black light.

Cathy Hammond said that this started with barge lighting, but her concern would be on the wear and tear of the reflective tape on the side of barges. Have they researched this?

Paul Sarvey said not at that time. He said that they have concentrated on the actual light capabilities to work in inclement conditions but haven't done any studies on how long the paint or tape lasts.

Commodore Belmore said that if a handheld were available for the average boater, then she could see the value for the florescent material on PFDs and buoys. However these would be useless as far as barges unless they require recreational boaters to carry them.

Jeff Hoedt said that an option would be for the barge to carry the light to illuminate the tape.

Chairman Muldoon said they asked the Coast Guard to research available technologies such as this. A lot of these questions could be answered with the grant research.

Ken Smith asked them what their patent plans were.

Charles Nassef said that the patents are on the slip rings allowing the light to turn, on the reflector to get more distance than other halogens, and they had a patent pending on the UV lamp.

Bill Gossard said that the Federal Railroad Administration uses UV in identification and marking the cars.

Chairman Muldoon thanked them for their presentation. He asked if there was any business to come before the body before they recess. He recessed at 4:10 p.m.

Tuesday, November 4, 2002

Chairman Muldoon thanked the Coast Guard, as they do more with less. The hurricane damaged phones, computers, and they did not have access to the building. It was a miracle they were still holding the meeting. He thanked the staff for their work, especially Ross Middleton, and let him know that they were appreciative. He also thanked Joanne, his assistant. He thanked the Captain for seeing that they had the finances to do this meeting as well. He said that before they get to awards, he wanted to give thanks to those who were serving under an expired term or uncertainty of appointment. He introduced Commodore Belmore for a resolution on Bill Seldon.

Commodore Belmore introduced the resolution:

WHEREAS, William (Bill) Douglass Selden, IV was a friend to boating safety and to everyone he came in contact with; and

WHEREAS, Bill worked tirelessly in making boating safer and more enjoyable throughout the United States, and

WHEREAS, Bill held many positions of leadership enabling him to make a difference to boating safety, most notably: member and Chairman of the National Boating Safety Advisory Council, Chief Commander of the United States Power Squadrons, and board member and Chairman of the National Safe Boating Council, and

WHEREAS, Bill was recognized for his many years of leadership, influence, and contributions to the boating safety arena and received many awards, accommodations, and recognitions including: Meritorious Service Award – United States Coast Guard, Lifetime Achievement Award – National Association of State Boating Law Administrators, National Boating Hall of Fame – National Safe Boating Council, Hollister Award – Western States Boating Administrators Association, and

WHEREAS, Bill also worked in the trenches for boating safety as shown by his membership with the United States Coast Guard Auxiliary for 38 years and the United States Power Squadron for 43 years, and

WHEREAS, Bill was a loving father, grandfather, great-grandfather, and husband will be greatly missed by his family, loving wife of 60 years, Audrey T. Selden, and by his many friends and associates,

NOW, THEREFORE, BE IT RESOLED, that the National Boating Safety Advisory Council, meeting on this 4th day of November, 2003 in Chicago, Illinois does hereby send our deep thanks and appreciation to Audrey and family for sharing Bill with us and the Country in making a difference to boating safety. Bill's leadership, dedication, knowledge, and warm friendly smile will be greatly missed. Thank you!

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Audrey T. Selden in honor of Bill's memory.

Ted Woolley seconded the motion.

Chairman Muldoon called for the vote, *vote carries unanimously.*

BOATS AND ASSOCIATED EQUIPMENT SUBCOMMITTEE REPORT

Chairman Muldoon asked David Marlow for his Boats and Associated Equipment Subcommittee report.

David Marlow

The Boats and Associated Equipment Subcommittee meeting was called to order at 1:30, Sunday November 2, 2003, with the intent that we would do three things with each agenda item, review past statements made on that item, ask the presenter to explain what the objective of the agenda item was and decide if any action needed to take place. After panel introductions, the first agenda item discussed was off throttle steering (OTS) and safe maneuvering standards. After reviewing the draft minutes from the last meeting, Phil Cappel gave an update on the project.

Mr. Cappel recognized the SAE standard, J2608 (Off Throttle Steering Capabilities of Personal Watercraft) which is at council level for SAE, has been balloted out positively and is ready for publication shortly. Along those lines, there is also a grantee looking at accident data to see if the addition of OTS by PWC manufacturers has been useful or aided in avoiding PWC accidents.

Mr. Cappel reviewed the USCG's off throttle steering project and the outcome of some testing this summer in which they discovered that the PWC's off throttle steering mechanism could provide some enhanced maneuverability characteristics to those vessels. Collision data was also looked at in open motorboats indicating that the USCG may consider looking into a maneuverability standard for all vessels. There is a draft work plan being developed to initiate a regulatory project and publish an NPRM for such a standard in conjunction with the ABYC, which could be approved by the next meeting. ABYC plans to review their current standard on maneuverability for any correlating improvements. The audience was concerned about limiting maneuverability by vessel length to which the USCG stated that they would ensure that accident data drove the relevance of their findings and suggestions.

Additionally, there were some questions from the audience who were curious about OTS as it applies or should apply to small jet boats. Comments from the audience indicated that there has been an appearance of OTS in some of these models already by manufacturers who also build their PWC counterparts.

The next agenda item before the Subcommittee was on the status of the carbon monoxide (CO) casualty prevention effort. After reviewing the minutes from the last meeting, Phil Cappel said the industry had their second meeting on CO and was pleased to announce they were making progress. He reviewed many of the updates provided by engine manufacturers, on-going development programs, educational initiatives, grants and technological improvements as they applied to generators and main propulsion engines.

With regards to education, the USCG has come out with a new brochure on CO that has been provided for distribution to manufacturers via the NMMA and to State entities via the Office of Boating Safety. While they are already looking at suggestions for improvement to the current brochure, they have printed 200,000

copies to be distributed through the U. S. Power Squadrons and USCG Auxiliary. Included with the brochure is a warning label intended to be placed near the generator exhaust identifying that area as a potential for problems.

Mr. Cappel outlined the testing going on at Southwest Research dealing with a catalytic device that appears to show promising early results for main propulsion engines. He noted that the houseboat exhaust stack testing information provided by the National Institute for Occupational Safety and Health (NIOSH) confirmed that this system continues to offer appreciable generator CO avoidance where applicable. He also noted the continued development of the emission control device for generator exhaust. The next workshop will be held at the Miami Boat Show next February, 2004.

John Adey (ABYC) stated that they have been working in their Hull and Deck Structures Project Technical Committee (PTC) to add a combination prop hazard and CO warning label to the transom areas of boats. Additionally, they spoke to the results of a distance tow-behind study they did for the USCG. While they have not yet provided recommendations for a safe tow-behind distance, they did note that the Water Ski Industry Association (WSIA) recommends 20 feet, as does NIOSH. ABYC also mentioned that they felt the use pattern of boaters should be analyzed against their CO collection data, as it appeared that high levels of CO present themselves at low speeds at the stern of the boat. ABYC plans on applying for a new grant for more testing funds to include thru hub exhaust systems etc. Finally on that topic, a NASBLA representative stated that NASBLA passed a model act to prevent teak surfing as well as using a tow rope less than 20'.

The next agenda item was on the development and discussion of regulations to prevent propeller strike injuries. After reviewing the minutes from the last meeting, the Subcommittee asked Phil Cappel to talk to them about the proposed rule which exists today and the updates to that.

Mr. Cappel stated that in an effort to address the negative comments received in response to the USCG proposal for non-planing vessels, they developed an in-depth report of propeller-related injuries and fatalities. This new draft report provides scenarios of how people get injured and that they had contract staff going further in-depth into the narrative data to try to identify information that they may not currently be seeing. Mr. Cappel stated that they don't feel comfortable moving forward without that justification. He discussed a variety of devices that have made their way onto the market and new technologies including infrared systems.

Dick Snyder from Mercury Marine updated the group on the infrared system stating that the problem is where to place the sensor and that it only works for a body above the surface, not underwater. He said that they have a lot more work to do, but the Coast Guard is being kept updated.

One new technology advancement discussed by Mr. Cappel was a seven second ignition delay that sounds an alarm that the propeller is about to engage. He said that this may be an interesting device for boat manufacturers with add-on swim platforms to look at. He also stated that the Boating Industry Risk Management Council is looking at labels that warn for CO and propeller injuries as well as other opportunities to create a combination label, such as those used in the PWC industry.

While working with NBSAC's other original recommendations, the USCG is developing a draft work plan that would outline required manufacturer's labeling and

a four option approach to propeller avoidance on both newly manufactured planing vessels 12-26 feet with propellers aft and non-planing vessels greater than 12 feet with propellers aft. The four options would be to provide one of the following. An emergency engine shut off switch, a boarding ladder interdiction device, jet propulsion or a prop guard. Hopefully by the next Council meeting a work plan will be approved, and we can have a Draft NPRM in place. Finally, he said that if they go forward with kill switches, there may be a need for a NBSAC resolution requesting NASBLA to prepare a model act to support mandatory emergency engine shut off switch wear. A resolution was established by the Subcommittee and was passed unanimously requesting for NASBLA to look into such an act. Additionally, the Subcommittee discussed and approved the current direction of the USCG on this matter with the understanding that emphasis would be placed on establishing a model year compliance date and size range of the vessels that it will apply to for easier enforcement by the states. This resolution will be presented to the full Council at the end of the report.

The next agenda item was to review the results of the BARD HIN data to identify NMMA certified vs. non-certified boats. After reviewing the draft meeting minutes, it was identified that the USCG is still in the data collection mode. One of the tasks outlined in the data collection was to understand the methodology that was used by those that created the current statement that NMMA-certified boats were six times safer than boats that were not NMMA-certified. While the USCG may believe that certified boats are safer, they do not know how many times safer they may be at this time. Combined with the understanding of the latest statistical compilation and information from NMMA's website about safety measures, Bruce Schmidt reported that he has been working with the BARD data to give them a way to query the database about NMMA vessels from any number of variables and circumstances to find out the level of safety that they can measure and report.

The Subcommittee believes the information is valuable to the boating public. If it can be reaffirmed that certified boats are safer, it's worth doing the research. In addition, it was noted that NMMA and ABYC just agreed to investigate moving forward to get all NMMA boat-manufacturing members to become certified members and thus increase the use of the industry's third party certification program. The Subcommittee asked that they be kept abreast of the USCG's findings on this issue and that it remain an agenda item until an answer can be provided.

The next agenda item asked for an update on aligning the Vessel Identification System and the BARD system. As it stands, it would additionally align the terms used in the standard numbering system of vessel registration, the Vessel Identification System and the boat accident reporting data. Carl Perry stated that this was an ongoing regulatory project that may result in publication of a notice of proposed rule making (NPRM) by the next meeting.

The final agenda item was a discussion of the proposed NPRM for the 17-digit hull identification number (HIN). After reviewing the draft NBSAC meeting minutes for April 2003, it was noted that the Council had already provided the USCG with an approved resolution. Phil Cappel and Captain Evans noted that while the USCG has not been a strong proponent of the 17-digit HIN in the past, security concerns, in addition to safety and other concerns, may move this effort forward. He asked the Committee to take the draft information and see if they can get some better ideas to come up with language that would help the proposal progress.

Pat Roland, from IAMI, explained some of the benefits of the expanded HIN citing that it would be a big help to the insurance industry, enforcement officers, homeland defense (security), and private investigators.

The Subcommittee asked that a small team be established consisting of the USCG, IAMI, NASBLA, and the Subcommittee Chair to review the IAMI/NASBLA paper and the draft USCG paper and provide recommendations given the fact that NASBLA and IAMI had already collaborated on what was passed out by Mr. Roland previously.

The Chair asked that if members of the Subcommittee or audience had any comments or suggestions for the USCG on this issue that they submit them directly to Phil Cappel by the first of December. ABYC offered to provide their standard on HINs, T-10, for everyone's review.

Finally, new business was discussed. There were three items concerning inflatable life raft regulations, high-speed vessels and PFD ratings on children's life vests that were brought forward that could not be acted upon and were tabled.

The PFD rating question was remanded to the Aftermarket Marine Equipment Subcommittee for further discussion, and the high-speed vessel issue awaits data to be supplied via member's items.

The meeting was adjourned at 4:15 p.m. With the Chair's permission, I will now read the resolution for Council review on emergency engine shut off switches. Thank you.

David Marlow read Resolution BAES 1

WHEREAS, Boating Accident Report Database (BARD) data indicates that falls overboard and capsizing contribute substantially to injuries and fatalities in recreational vessels, and

WHEREAS, propeller(s)/engine strike injuries and fatalities continue to be at high incident rate,

NOW, THEREFORE, BE IT RESOLVED, that NBSAC requests that NASBLA create a Model Act for enforcement of the wear requirement for emergency engine shut off switches (kill switch) on boats equipped with such devices and that it parallel the PWC lanyard requirement in the Model Act.

Commodore Belmore seconded the resolution.

Chairman Muldoon asked for discussion and called for a vote: *vote carries unanimously.*

Commodore Belmore noted that on page three, under "final agenda item," the Council should change the language from "by manufacturers" to "from manufacturers."

Marian DeCruz said that in paragraph three on page two, it takes five years to build a trend, and the Subcommittee expected to see the established trend by the next meeting. She believed that this was an important rule. She also had another question that she would submit in writing. She wanted to add an addition.

Chairman Muldoon said that to bring up an addition, it needed to be brought up as an amendment by one of the Council members. He asked if anyone wanted to add this.

Ted Woolley moved.

Ray Tsuneyoshi seconded.

Chairman Muldoon stated that he would need exact wording before they vote on it. He asked what the second part of her comment was.

Marian DeCruz said that in the language in paragraph three, they wanted to submit it in writing rather than use the Council's time.

Chairman Muldoon said that it would need to be read. He asked that they do it when they write out the amendment.

Carl Perry said that on the second page, when discussing the manufacturer lengths, it should be twelve feet and longer rather than greater than twelve feet.

Dick Snyder said that his comments were not quite right. He stated that the device would notify when it is in neutral, but the operator would choose when they put the engine in gear.

David Marlow said that Mr. Snyder wanted to clarify that on page two, paragraph five should read "sounds an alarm when the engine is going to start," rather than "propeller is about to engage."

Chairman Muldoon asked that that be added to the minutes. In addition, he added that Subcommittee chairs take on an additional burden, and they owed them gratitude for that. He introduced Eric Shepard for the Aftermarket Marine Subcommittee report.

AFTERMARKET MARINE EQUIPMENT SUBCOMMITTEE REPORT

Eric Shepard

Chairman Shepard called the meeting to order at 8:30 a.m. on Monday, October 31, 2003. Committee members present included Fred Messmann, Jim Manues and Bill Engfer. A quorum was present with four of the seven members.

Mr. Engfer reported on the joint TSAC/NBSAC/NAVSAC meeting held on August 4, 2003. The meeting was held to look at alternative ways to light barges and tows in order to prevent collisions with other vessels. The USCG has instituted the grant process for a report on "Navigation Lighting on Barges". It is #9 in the Federal Register vol. 68, no. 195. It was noted that statistics for incidents occurring in 2000 and 2001 were available. Cathy Hammond of TSAC thanked the USCG for the very prompt action in exploring this issue.

Messer's Charles Nashef and Paul Savory of SUNNEX made a brief, preliminary presentation of two specialized searchlights. One was an extremely high powered, dual halogen device and the other was a unique, UV searchlight. The intention of the

presentation was to make the Council aware of alternative technology for vessel visibility.

Richard Kanehl of the Office of Boating Safety presented a report on work progress on canoe and kayak sponson research. The contractor had prepared a final report. It was not yet ready for publication and Mr. Kanehl stated that it needed some more work. He noted that the report clearly identified some of the negative issues surrounding sponson use.

John Adey of ABYC made a presentation on a grant project awarded to ABYC to study proper methods of flare disposal. He discussed a partnership with Orion, the leading manufacturer of flares. He noted the extreme difficulty of disposing of flares. He stated that the intention of the grant was to develop a national database of disposal solutions.

Phil Cappel gave a report summing up the USCG's efforts at developing a need to regulate aftermarket, associated equipment accessories. He noted that all of the testing done to date has precluded the need for regulation as none of the tested products have failed. The USCG will continue a program of testing products that may present a hazard to the consumer, but there appeared to be no need to actively control such product at this time.

Boat capacity issues were presented by John Adey of ABYC. ABYC has published their standard S-30 and will maintain it on an annual basis. It specifically defines the calculations necessary for safe powering of recreational vessels with specific regard to different brands, sizes and types of engines. He noted that the engine manufacturers cooperated fully with the effort and has pledged continued support for accurate updates. Phil Cappel of the USCG noted that an attempt to modify federal regulations to reference S-30 has been thwarted by other federal regulations. ABYC and the USCG are working on means to correct the problem. NASBLA member, Ted Woolley, reported on NASBLA's efforts to create a model act regarding overpowering of boats. He noted that the responsible Committee in NASBLA had reported an act out, but that it is not acceptable and has been returned to Committee for further work. He stated that NBSAC would be updated as soon as their work was completed.

The discussion changed into a discussion of enforcing capacity plates on vessels. It was noted that the plates are interpreted differently in different jurisdictions. Fred Messmann suggested that an ad hoc Committee including Messer's Snyder, Marlow, Adey and Messmann report back to NBSAC on capacity plate issues.

Captain Evans gave a brief update on the status of Digital Selective Calling (DSC/VHF) radios. The USCG is working with a group to develop an educational program to enhance the public's purchase and correct installation of DSC equipment. The contractor has had issues with the realities of the general boating market. The system is nearly complete and he is sure that the public will receive the information necessary for proper operation.

Fred Messmann chaired an ad hoc Committee to create a response to the NPRM of the National Park Service (NPS). A letter was presented to the Committee. It was discussed at some length and Mr. Messmann promised to leave the letter open for the afternoon for comment. The final letter will be presented to the Council in the Tuesday plenary session. It is to be included with this report for acceptance.

A significant portion of this discussion revolved around interagency cooperation. Captain Evans reported that he was attending a meeting in California that would allow him to establish relationships with other agencies who are attempting to define boating regulation in their own way. Mr. Messmann provided the website address, www.partnership2003.org.

It was also noted that a grant had been issued to discover all of the various sources of data collection and research being done on boating. Jeff Hoedt noted that many Universities and other organizations were doing extensive, independent research and it was of great interest to collect information on these projects.

Mandatory life vest wear was brought up by Chairman Shepard. An animated discussion was held which resulted in a proposal made by John Adey of ABYC and presented by Phil Cappel that the USCG sponsor a PFD wear conference similar to the recent CO conference. All participants admit that mandatory wear is going to be very difficult to achieve but that the real goal is increased wear. It is felt that getting many segments of the industry together can create an achievable plan to increase wear voluntarily.

Mr. Shepard then introduced the subject of recreational life raft certification and standards. He noted that there have been many problems reported concerning life raft inadequacies. He noted that repack issue could also be addressed with proper standards.

Adjournment was moved by Mr. Messmann and seconded by Mr. Engfer. The meeting was adjourned at 11:34 a.m.

Eric Shepard stated that he had two resolutions and one letter resulting from the meeting. He read his first resolution, 01 AE 72:

WHEREAS, the National Park Service has published its intent to create boating regulations specific to the National Park System, and

WHEREAS, the USCG is the agency responsible for the promulgation of boating regulations in the United States, and

WHEREAS, NBSAC advises the USCG on issues surrounding boating regulations,

NOW, THEREFORE, BE IT RESOLVED, that NBSAC invites representatives of the National Park Service to the next meeting of NBSAC to discuss the National Park Service's plans and need for boating regulations beyond those already put in place by the USCG.

Bob David seconded.

Chairman Muldoon asked for discussion and called for a vote: *vote carries unanimously.*

Eric Shepard read his second resolution, 02 AE 72:

WHEREAS, more than 80% of recreational boating accident deaths are due to drowning, and

WHEREAS, more than 80% of drowning deaths might have been prevented if PFD's were worn, and

WHEREAS, available technology allows PFD wear in all weather conditions and during all types of boating activities,

NOW, THEREFORE, BE IT RESOLVED, that NBSAC requests that the USCG organize a PFD workshop where representatives of all appropriate segments of the industry are brought together to explore any and all means of increasing wear of PFD's while boating.

Commodore Belmore seconded.

Chairman Muldoon asked for questions or discussions.

Joan Bondareff wondered whether the term "industry" is limiting, and recommended "recreational marine community."

Eric Shepard accepted this as a friendly amendment.

Commodore Belmore accepted as well.

Chairman Muldoon asked for further discussion and called for a vote: *vote carries unanimously.*

Eric Shepard then read a letter to the United States Marine Safety Association regarding recreational life rafts to be signed by Chairman Muldoon on behalf of NBSAC.

Life rafts are the last chance of survival at sea. Commercial life rafts are subject to strict construction and service standards that are rigorously enforced.

The National Boating Safety Advisory Council has been notified of several deficiencies in construction of certain brands of recreational life rafts being sold in the U.S.A. The Council is very concerned that there is no standard for the construction of recreational life rafts.

Recreational life raft repacking is also an issue that has come before the Council. The Council believes that repack stations need to be subject to the enforced standards of competency.

The Council requests that the United States Marine Safety Association (USMSA) work with the USCG Office of Fire and Life Saving to develop and implement standards of construction and service for recreational life rafts. The Council is concerned that more rafts are entering the marketplace and that the consumer needs the protection offered by proper certification.

The Council respectfully requests that the USMSA and USCG keep the Council apprised of progress in this matter.

Sincerely,

Jim Muldoon

Jim Manues seconded the letter.

Bill Engfer noted a typo.

Chairman Muldoon called for a vote: *vote carries unanimously*.

Carl Perry said he believed the website was www.partnerships2003.org.

Fred Messmann asked when they would discuss the National Park Service (NPS) letter.

Eric Shepard said that it would be separate because it was created under a separate Committee created by the Chairman.

David Marlow said he was ready to present his amended version.

Chairman Muldoon asked David Marlow to give his changes to his Subcommittee report.

David Marlow said he had the amended resolution:

WHEREAS, the Boating Accident Report Database (BARD) data indicates that falls overboard and capsizing contribute substantially to injuries and fatalities in recreational vessels, and

WHEREAS, propeller(s)/engine strike injuries and fatalities continue to be at a high incident rate,

NOW, THEREFORE, BE IT RESOLVED, that the National Boating Safety Advisory Council (NBSAC) requests that the National Association of State Boating Law Administrators (NASBLA) create a Model Act for enforcement of the wear requirement for emergency engine shut off switches (kill switches) on boats equipped with such devices and that it parallel the personal watercraft (PWC) lanyard required in the PWC Model Act and that the U.S. Coast Guard provide NASBLA, by the spring 2004 Committee meetings, five years of the most recent data available showing accident statistics involving propellers by length and type of boat.

Ray Tsuneyoshi seconded.

Chairman Muldoon asked for any questions or discussion.

Jeff Hoedt said that the Office could get five years of data that they already have in their system. The in-depth data analysis for the 2001 data took a long time, an estimated 1,000 hours; and he was not sure they could produce a report in that much depth for this many years of time by the next meeting.

David Marlow said that the audience understands that the Office will do the best job they can to provide the most amount of data presented.

Chairman Muldoon said that it should be noted in the minutes that the Coast Guard would do their best within the time frame. He called for a vote: *vote carries unanimously*

Fred Messmann asked if he could get the resolution sent to him as soon as possible so he could get it to the relevant Committee in NASBLA.

Chairman Muldoon introduced Commodore Belmore for her Subcommittee report.

PREVENTION THROUGH PEOPLE SUBCOMMITTEE REPORT

Commodore Belmore:

The meeting was called to order at 8:32 a.m. with the following members present: Commodore Carolyn Belmore (Chair), Joan Bondareff, Bob David, Eleanor Mariani, Larry Innis, Lucia Roberts Francis and Jo Moon.

Commodore Belmore said the Subcommittee's goal was to assist the Coast Guard in finding ways to educate boaters to have a safe boating experience. Captain Scott Evans indicated that according to the 2002 Boating Statistics, 65% of fatalities could have been saved by better knowledge. Captain Evans is concerned that there was a 10% increase in fatalities in the boating community in 2002. He asked the Council to consider and advise as to whether the Federal Government should get involved in operator proficiency and/or PFD requirements.

Bruce Schmidt presented the 2002 statistics. However, a clear comparison of the 2001 and 2002 statistics could not be made as the data input rules have changed. In 2002, accident data for swimmers swimming off a boat were added to the statistics. There were 33 fatalities that would not have been counted earlier. He said that people rendering assistance would also be counted as they have not been counted in the past either. These data are found in the "Departed Vessel" category of BARD. A significant number of casualties occurred on vessels 21 feet and under, including canoes, kayaks and rowboats. This was something that the Council discussed at a previous meeting and felt should be included as a boating accident statistic. It should be noted that in 2002, canoe and kayak statistics were broken out separately. Also, accident-reporting guidelines for property damage resulting from an accident have increased from \$500 to \$2,000. If boaters had worn PFDs, there would have been an estimated 72% drop in fatalities. Statistics also show that 80% of the operators in fatal accidents had no boater instruction. It was clarified that these numbers applied only to recreational vessels.

Discussion then moved to consideration of whether the Coast Guard should mandate education or work with the States to encourage more and better education. At this time, the Coast Guard does not have the statutory ability to mandate education. A list of States and their educational requirements was provided. It shows a great diversity within the 43 States that have some type of educational requirement, and highlights leaving thirteen States (and Territories) with no educational regulation. Many questions were asked about changes in the reporting figures from previous years. The possibility of putting requirements for education on funding to the States was discussed. Resolution PTP-01 was developed to address this issue.

Commodore Belmore asked Jeff Hoedt to make some comments on the Canadian report.

Jeff Hoedt said that he had shared with the Subcommittee a report from Mr. Daniel Hache from the Canadian Coast Guard. He gave out the Canadian's position on mandatory education requirements. He also gave several verbal comments that were not in the writing and Mr. Hache wanted to share with the Council. He said that the problems they have identified were testing and costs, where some providers were selling the certification cards without the individual taking the test, and allowing others to retake the same test. They also had concern with who was taking the online tests on the Internet. He said that they have considered accreditation of course providers and proposing that the Canadian Coast Guard come up with the test questions. They have 700,000 certified operators in Canada and they estimate that they have 2.7 million registered boats and eight million boaters.

Chairman Muldoon asked if there was any range of acceptability for them for what they know might be proper certifications.

Jeff Hoedt said that they want a standardized approved set of questions to choose from and also want to know who is taking the test. They're not concerned with individuals taking the course online, just testing online. He said that the Canadian program had a ten-year phase in period that was started in 1999 for all motorboats.

Commodore Belmore said that it sounds like they have discovered some of the things they have worried about happening. She continued on with her report:

Jo Moon asked if State education programs included material on PFD wear and information on available PFD's. It was confirmed that this information is part of a NASBLA standard. Any States with education standards would include that. This is also included in other NASBLA approved courses.

The danger of carbon monoxide poisoning was discussed; and its impact on statistics was also discussed as well as how to best address this problem.

Children's PFDs were discussed and various examples presented. Discussion centered around the turning ability of PFD's and whether children should be wearing Type III PFD's, which are not designed to turn an unconscious wearer face up. Resolution PTP 02 was approved to address this issue.

The next topic for discussion was a recommendation to establish a Federal requirement for all people aboard a recreational vessel less than 21' in length to wear a PFD at all times, while the vessel is underway. It was noted that at the NASBLA meeting the BLAs indicated that from a law enforcement prospective it would be easier to enforce than a carriage requirement.

Captain Evans went over the type of vessel and PFD wearage statistics, with PWCs at 95% and kayaks also high. The 2001 accident statistics were broken down according to type of vessel, 20' and under was 78%, and 49% on vessels 16' and under. He said that they needed to raise the incidence of PFD wear, and should they focus on boats under 21' or on boats under 16'.

Discussion involved where the cutoff should be, 25', 21' or 16'. The economic costs related to lives lost, and the fact that since there is already a carriage requirement, means there would be no additional cost to the boater by a wear requirement. PTP-03 was approved to address this issue.

Bruce Schmidt presented a report which was presented to NASBLA on human errors in boating accidents. The purpose was to try to find a good picture of causation in boating accident reporting data. The goal was to identify errors which lead to a boating accident. They used narrative data from BARD using three errors per accident and sorted them by type of vessel. The 2002 National Recreational Boating Survey showed that 75% of boaters would support an education initiative. On the second point, to wear a PFD, only 44% would support it. It was suggested by a member of the public that human factors in the manufacturing industry also needed to be considered.

An update on the Emergency Nurses Association Study was given that said that they have data for 2001 from hospital emergency room departments rather than from BARD. They captured type of accidents, with water skiing, falls in boat, and ejected from boat leading the way. The cause of accident was led by passenger/skier behavior, followed by excessive speed and operator inattention. The types of boat were lead by open motorboat, PWC, then cabin motorboat. By length, boats under 16' represented 32% of accidents, and another 30% were under 21'; and an additional 19% under 25'. The largest segment of operators were between 30-50 years of age. Only 26% had received boating safety instruction and 65% had over 100 hours of operation.

Bruce Schmidt said the Coast Guard wants to continue the study just to find the severity of boating injuries. He said they could use it to develop societal costs of boating accidents. They can use this to assign cost to society related to the severity of the boating accident or injury. It is a boating version of "NICE" (the National Electronic Injury Surveillance System ("NEISS")).

Bill Engfer made a presentation on the need for education materials for recreational boaters on the dangers when sharing the waters with commercial shipping and towboats. Bill showed a very brief but very effective tape on towboat vs. recreational boats. The Subcommittee voted to put forward a resolution supporting development of educational materials on towboats, barges and other commercial vessel traffic, operating characteristics, rules of the road and dangers of operating in the vicinity of large commercial vessels. Resolution PTP 04 was approved by the Subcommittee.

Commodore Belmore then called for member items.

Bob David had a resolution related to the international environment. He could explain more about UN Resolution 40, which concerns Americans who had problems boating in Europe due to reciprocity. Discussion was held on the fact that UN Resolution 40 has not been adopted in the U.S., causing Americans wishing to boat abroad problems in obtaining certification. Resolution PTP -05 was moved and passed.

Eleanor Mariani had a resolution requesting NASBLA to include a section in the National Boating Education Standards to include information on avoidance of propeller strikes. Resolution PTP -06 was moved and passed.

Larry Innis said that the American Automobile Association (AAA) has been working State Houses for changes in alcohol laws. They want to make a "super drunk" bill,

meaning if you are over a certain level far above the BAC of .08 your penalty would be increased substantially. Resolution PTP -07 was moved and passed.

The meeting of the Prevention through People Subcommittee was adjourned at 12:17 p.m.

Chairman Muldoon asked for comments on the report.

Eleanor Mariani asked what 78% referred to, was it to wearing life jackets?

Commodore Belmore responded that 78% of accidents occurred on boats 21' and under.

Jeff Hoedt said that he had two items for consideration. On the third paragraph, he said that he would prefer they include Territories, and therefore 13 States and Territories with no educational regulation.

Chairman Muldoon asked if Commodore Belmore would accept this.

Commodore Belmore accepted this.

Jeff Hoedt also said that "NICE" should be "NEISS" the National Electronic Injury Surveillance System.

Commodore Belmore accepted this.

Roger Hagie wanted to note that as they approach the concept of universal PFD wear, PFD wear by PWC riders were at a high level before being mandated. He cautioned against assuming that the model that worked for PWCs would work for other boats.

Commodore Belmore said their intention was to pass this on to NASBLA for their recommendations.

Pam Dillon said that the second paragraph seemed to indicate that even though the reporting requirements for 2001 were changed midyear, the 2001 stats were under the old reporting system. She asked whether the 2001 statistics were based on the rule before or after the reporting requirements were changed.

Jeff Hoedt said that the published statistics were a combination of the two. He said if they wanted a cleaner comparison, they would need to compare it to 2000, instead of 2001.

Commodore McAdams said that there is research and investigation that has been done on proctored versus non-proctored testing. He said he would be glad to give anyone information regarding proctored testing.

Chairman Muldoon asked for further comments, asked for a motion to accept the report.

Ray Tsuneyoshi moved.

Larry Innis seconded.

Chairman Muldoon called for a vote: *vote carries unanimously.*

Chairman Muldoon asked if they accepted the Aftermarket Marine Equipment Subcommittee Report.

Bob David moved.

Jo Moon seconded.

Chairman Muldoon called for a vote to accept the report with changes.

Captain Evans wanted to clarify, in the comment referring to SUNNEX as an alternative technology to SAR; the intent was to show alternate technology to give increased visibility for vessels and barges.

Eric Shepard asked if he could shorten that to vessel visibility.

Captain Evans agreed.

Ted Woolley pointed out spelling changes for Fred Messmann's name.

Fred Messmann pointed out spelling changes to Ted Woolley's name.

Chairman Muldoon asked the mover to accept the changes and called for a vote: *vote carries unanimously.*

Commodore Belmore thanked Ted Woolley for his assistance in writing the Bill Seldon Resolution. She read the first resolution, PTP-01

WHEREAS, U.S. Coast Guard statistics show that in 80% of all reported boating fatalities the operator had no boater education, and

WHEREAS, 43 States have some form of operator education requirements, but many do not meet the National Association of State Boating Law Administrator's (NASBLA's) model act for mandatory boater education,

NOW, THEREFORE, BE IT RESOLVED, that the U.S. Coast Guard work with NASBLA to promote the accelerated development of State boater education programs by:

- 1. Conducting a campaign to encourage those States that do not have boater education laws to enact such laws;*
- 2. Tailoring statistics on boating accidents to those States that lack boater education laws that meet the NASBLA model act;*
- 3. Reviewing the efficacy of existing State boater education laws;*
- 4. Establishing a program on **financial and other** incentives for States to develop mandatory boater education laws; and*
- 5. Reporting back to the National Boating Safety Advisory Council in six months, or periodically as needed, on the progress in developing this campaign and programs.*

Joan Bondareff seconded.

Chairman Muldoon called for discussion.

Jo Moon asked if the term “Territories” should be included with “States.”

Carl Perry said that the U.S. Code defines “State” as including the “Territories.”

Larry Innis had a concern with number four; he did not want new money to impact old money.

Bill Engfer suggested eliminating “financial and other.” The intent is still there until they can find where the financial source is coming from.

Commodore Belmore read four again, “Establishing a program on incentives for States to develop mandatory boater education laws”.

Larry Innis wanted to ensure that the new incentives don’t take away money that was currently available for the States.

Carl Perry said that if they would be taking it away, it would be a disincentive, but by using the term “incentive,” it would imply that it was added.

Commodore Belmore said that if they took out the words “financial and other,” and just said “incentive,” would that clarify it?

Larry Innis did not want to take away existing money, but add new money.

Chairman Muldoon said that according to the Captain there would be no new money.

Joan Bondareff said that it would be helpful to establish a program for new incentives in States.

Larry Innis accepted this.

Commodore Belmore responded that they would take “financial and other” out and insert “new” before “incentives” to read, “Establishing a program on new incentives for States to develop mandatory boater education laws”.

Chairman Muldoon asked for further discussion.

Ted Woolley asked whether or not they should include the NTSB as part of this group?

Chairman Muldoon asked if they were even in the position to make a recommend to the NTSB.

Bill Gossard said that they were already working on the mandatory education issue and it wouldn’t hurt to include them as well.

Joan Bondareff said she would welcome the addition of the NTSB.

Ted Woolley clarified that they (the Coast Guard) “work with NASBLA and the NTSB.”

Fernando Garcia said the term “campaign” seemed non-dimensional.

Commodore Belmore said that their intention was to leave it open because of Coast Guard funding issues. Whether they use “Boat Smart” or “You’re in Command”, they can use whatever program they want. The goal was to encourage the Coast Guard to conduct a campaign.

Ray Tsuneyoshi wanted to point out that NASBLA has included NTSB in their discussion.

Chairman Muldoon asked for further comments or corrections and called for a vote: *vote carries unanimously.*

Commodore Belmore read resolution PTP-03, as the second resolution had been withdrawn.

WHEREAS, U.S. Coast Guard statistics show that 76% of the drownings occur in boats under 21’; and

WHEREAS, data from PWCs demonstrate that, mandatory wearage significantly reduces the incidence of drowning,

NOW, THEREFORE, BE IT RESOLVED, that the National Boating Safety Advisory Council supports the U.S. Coast Guard adopting requirements for mandatory PFD wear while above deck and underway on vessels under 21 feet in length.

Jim Manues seconded.

Jo Moon corrected the title, that it was “less,” rather than “greater” than 21’.

Commodore Belmore accepted the change.

Eric Shepard still believed that 26’ was more appropriate, but he would bow to the resolution if necessary.

David Marlow asked if they would stick with this current range of length because earlier they discussed aligning with the federal requirement for 20’ and below. He did not know why they were coming out with an additional length measurement than what was provided in the Federal Register. He suggested that they move to 20’ to align with Coast Guard Federal regulations in existence already.

Commodore Belmore accepted these changes.

Jim Manues also accepted.

Carl Perry believed that “under 21’” and “20’ and under” is the same length.

David Marlow said that he wanted to quote the same words as in the current Federal regulations.

Commodore Belmore suggested they say “20’ and under.”

Ted Woolley said that the Federal wording was “20’ and under.”

Jeff Hoedt said that the difference is that when one says “under 21’,” 20’ 11” is included, when talking about “20’ and under,” 20’ 1” is not counted.

Chairman Muldoon clarified that they were talking about a foot difference then.

Carl Perry said that David Marlow was right, the regulation says boats that are less than 20’.

Chairman Muldoon said that the original motion was for “under 21’,” then they went to “less than 20’.”

Commodore Belmore accepted the amendment.

Jim Manues accepted.

Fred Messmann said that this was a tough issue for him. He supported this, but he also represented NASBLA. He said that they were asking the Coast Guard to adopt requirements. States have given him the message that they should be the ones that come up with these requirements. However, they could not get concurrence at the last meeting.

Larry Innis said he had a problem with the same issue. The Council asked 6 months ago for NASBLA to develop a model act.

Carl Perry asked if Mr. Messmann would feel more comfortable if it said NASBLA and the Coast Guard.

Fred Messmann asked if they were asking NASBLA to accept this one more time.

Carl Perry said it would give NASBLA another opportunity to do it and also ask the Coast Guard to do it.

Fred Messmann responded “yes.”

Commodore Belmore accepted adding NASBLA.

Jim Manues accepted.

Ted Woolley said that when they asked NASBLA to deal with this, it was after the Subcommittee had already met. In reality, NASBLA could not react to this. A draft of a PFD model act had been prepared, but the membership wanted additional time for Committee consideration and to discuss the issue.

Chairman Muldoon asked if it could cause a problem asking them to do it again.

Ted Woolley responded “no.”

Captain Evans said that when he came to the Council for guidance; the Office needed help in direction. Their goal is to increase PFD wear, not to promulgate a legal requirement. Should other non-regulatory strategies not be effective, they have researched it, and they do have the statutory authority to promulgate such a regulation. NASBLA is also wrestling with the issue. He volunteered to get everyone together to study the issue at a PFD workshop. If he could open magazines and see all of the models wearing PFDs it would help. If they do a wear rate study, and it is 50% wearage next time, they would be hitting their target. If that does not occur, then the Coast Guard can consider the mandatory route. He asked the Council if they wanted the Coast Guard to go this route, or do they want to rely on the industry.

Chairman Muldoon asked that they read the resolution as worded.

Commodore Belmore read the resolution:

WHEREAS, U.S. Coast Guard statistics show that 76% of the drownings occur in boats less than 20 feet; and

WHEREAS, data from PWCs demonstrate that, mandatory wearage significantly reduces the incidence of drowning,

NOW THEREFORE, BE IT RESOLVED that National Boating Safety Advisory Council supports the US Coast Guard and NASBLA adopting requirements for mandatory PFD wear while above deck and underway on vessels less than 20 feet in length.

Eric Shepard moved that the motion be tabled until the next meeting, at which point they would have gone through the PFD conference resolved in the Aftermarket Marine Equipment Subcommittee. They already have an open resolution to NASBLA to work on a model act. This motion would be redundant and may create an issue they cannot get out of.

Chairman Muldoon said that the motion to table was not discussable and requires no second. He called for a vote in favor of tabling the motion until after the PFD conference.

In Favor: Bill Engfer, Fernando Garcia, Larry Innis, Eleanor Mariani, David Marlow, Fred Messmann, Jim Manues, Eric Shepard, Scott Swanby, Ted Woolley.

Opposed: Jim Manues, Commodore Belmore, Ray Tsuneyoshi.

Abstained: Bob David.

Chairman Muldoon *Vote Carries to table to a later date.*

Commodore Belmore read PTP 04.

WHEREAS, conflicts between commercial and recreational vessels exist, and

WHEREAS, there is concern from the commercial operators about the lack of recreational boaters' knowledge concerning rules of the road and commercial vessel maneuvering characteristics;

NOW, THEREFORE, BE IT RESOLVED, that the National Boating Safety Advisory Council requests that the U.S. Coast Guard develop a brochure and/or other media to assist with the education of the recreational boater concerning interactions with commercial vessels.

Jo Moon seconded.

Chairman Muldoon asked for discussion.

Bill Engfer suggested that after U.S. Coast Guard, they add “in cooperation with the Towing Safety Advisory Committee (TSAC), Navigation Safety Advisory Council (NAVSAC) NBSAC, National Association of State Boating Law Administrators and National Marine Manufacturers Association.”

Commodore Belmore accepted this amendment.

Jo Moon also accepted.

Larry Innis asked if there was something included in NASBLA education standards dealing with the interface with shipping.

Fred Messmann did not believe that there was. He could take it to the Education Committee and get the answer.

Commodore Belmore said that Auxiliary courses do address ships maneuverability in channels.

Fred Messmann said that NASBLA does that, but does not specifically address some of the issues that have been brought up.

Jeff Hoedt said that at the joint meeting, the Office presented them with two examples of publications put out for boating education. One was from Missouri and another was America's Boating Course. Both had the rules of the road; and America's Boating Course had information on commercial vessels and tows, while Missouri's did not.

Cathy Hammond did not believe the education was enough. She said that the course was touch and go about certain characteristics.

Chairman Muldoon asked if she would be willing to work with the Council to come up with something.

Cathy Hammond said “definitely.”

Bill Engfer said it was his hope that when this resolution is completed, the information would be made available to NASBLA to look at and then be made available for States to use in their program.

Chairman Muldoon asked for more Council comments.

Ray Tsuneyoshi said that he has sat on both sides of the fence. It seemed that where he is in California, the interface between commercial and recreational vessels is different than where their discussions are coming from, focusing on rivers or lakes. It is hard to come up with a one-size-fits-all set of instructions.

Commodore Belmore said that the purpose of the motion was to get people together and gather the data that's out there. Then, pick what needs to get to the recreational boater.

Chairman Muldoon said that there is basic information that should be in all education materials.

Fred Messmann invited Cathy Hammond to attend their NASBLA Education Committee in Florida.

David Dehorn requested that they add NMMA to the process.

Anatoli Sverdlin said that when boaters do not know the characteristics of their own boat, he doubted that they would know the characteristics of a commercial vessel.

Joan Bondareff said that he was talking about recreational boaters not being able to control their own vessels.

Phyllis Kopytko wanted to clarify what Mr. Sverdlin was saying. He would like included in the second Whereas, rules of the road commercial "and recreational" maneuvering characteristics.

Commodore Belmore accepted.

Jo Moon accepted.

Chairman Muldoon asked for further comments and called for a vote: *vote carries unanimously*

Commodore Belmore read PTP 05

WHEREAS, European pleasure craft operators holding international certificates of competency (ICCs) issued by their country of citizenship in compliance with United Nations (UN) Resolution No. 40 can operate their vessels in any country in Europe, and

WHEREAS, citizens of the United States cannot obtain ICCs in compliance with UN Resolution No. 40 since the United States, although a party to all UN resolutions, has never formally "accepted" this resolution, and

WHEREAS, in addition to not yet accepting UN Resolution No. 40, there are no agencies in the United States that administer the necessary examination. Thus, U.S. citizens wishing to operate private pleasure craft in Europe for extended periods are precluded and face many obstacles, and

WHEREAS, further, European citizens holding European ICCs wishing to operate pleasure craft in the United States have no identified recognition of their certificates of competency, and would be required to obtain certification as specified by each State involving additional examinations, and

WHEREAS, the world of recreational boating and pleasure craft operation is becoming more international all the time, and the time has come for all nations to adopt UN Resolution No. 40 and issue appropriate ICCs to facilitate the uniformity and flexibility of certification to all their citizens,

NOW, THEREFORE, BE IT RESOLVED, that the National Boating Safety Advisory Council

- 1. Requests the U.S. Coast Guard provide a presentation to NBSAC on UN Resolution No. 40 and the reasons why it has not been adopted, and***
- 2. Identify the actions and/or steps required to provide acceptable certificates of competency for U.S. citizen recreational boaters in Europe.***

Bob David seconded.

Chairman Muldoon asked for comments or questions. He called for a vote: ***vote carries unanimously.***

Commodore Belmore read PTP 06

WHEREAS, propeller strikes contributed to nine percent of the combined injuries and fatalities in 2001, and

WHEREAS, certain propeller strikes could be avoided if the boat operator is aware of appropriate operating procedures, and

WHEREAS, the National Boating Safety Advisory Council (NBSAC) has been concerned with the frequency of propeller strikes,

NOW, THEREFORE, BE IT RESOLVED, that NBSAC requests that National Association of State Boating Law Administrators' National Education Standards be amended to include a standard that provides information in preventing propeller strikes.

Eric Shepard seconded.

David Marlow said that they keep using the term propeller/engine strikes. He asked about the 9%; was it only a propeller, or was it engine and propeller?

Jeff Hoedt said that when you look at the form, it's typically "motor/propeller." There is no guarantee that it is a propeller strike, but the narratives usually give more detail.

David Marlow said that in the absence of that knowledge, they would include “motor” to cover the category. He would broaden the topic.

Eric Shepard accepted the change.

Commodore Belmore said that there were four places where propeller was mentioned. It would now read “motor/propeller”.

Fred Messmann said he had no problem with this; but by adding it, it could change the statistics or population.

Commodore Belmore said they would make the same change with “motor.”

Jo Moon said that they changed the regulations from “motor” to “engine,” did they want to keep this consistent?

Carl Perry said that for consistency, he would recommend keeping with the current language and to convert all resolutions in the future.

Jo Moon just did not want the resolution to become old.

Carl Perry said that when they change to “engine,” it would automatically pick it up.

Chairman Muldoon called for a vote: *vote carries unanimously.*

Commodore Belmore read PTP 07

WHEREAS, boating under the influence is a major concern for boating accidents and fatalities, and

WHEREAS, automobile laws are generally more stringent than boating under the influence laws,

NOW, THEREFORE, BE IT RESOLVED, that the National Boating Safety Advisory Council (NBSAC) requests the U.S. Coast Guard to make a presentation at the next NBSAC meeting on the American Automobile Association’s “Super Drunk” law and states who have developed this and whether it can be tied to boating under the influence statutes.

Bill Engfer seconded.

Chairman Muldoon called for vote: *vote carries unanimously.*

Commodore Belmore thanked the Chairman.

Jim Muldoon asked who led the task force for the National Park Service (NPS) letter.

Fred Messmann began by saying that he was asked to Chair an ad-hoc committee in response to the NPRM for 36 CFR, which was promulgated by the NPS concerning

boating regulations. He read the letter and wanted to talk at the end of each paragraph for changes.

Carl Perry said that it was helpful to cite the date the NPRM was published.

Fred Messmann accepted Carl's changes and read the letter:

Dear Special Assistant Hall,

The National Boating Safety Advisory Council (NBSAC) has reviewed the proposed rulemaking on 36 CFR Part 3 and provides the following comments specific only to the boating regulations.

Under the mandate of 46 U.S.C. 13110, NBSAC advises the Coast Guard with regard to major boat safety matters for recreational boats and associated equipment and reports to the Commandant of the U.S. Coast Guard. The Council members are appointed by the Secretary of Homeland Security and consist of 21 members, seven each representing state boating law officials, recreational vessel or associated equipment manufacturers, and national recreational boating organizations. We strongly recommend you adopt the following comments.

NBSAC overall supports the NPS proposed boating regulations with the following suggestions to improve the uniform application of boating regulations throughout the Nation. We commend the NPS for collaborating with the States to insure safe and enjoyable boating through uniform and understandable system wide regulations that minimize the conflicts with other boating regulations established by local, State, and Federal jurisdictions. NBSAC believes the U.S. Coast Guard (USCG) should be the authority on ALL Federal boating safety regulations on waters subject to the jurisdiction of the United States.

If the NPS adopts by reference the USCG regulations, this will standardize boating requirements nationally on Park waters as well as waters under USCG jurisdiction. The NPS could site in each section the specific USCG regulations they are adopting. This will also allow the NPS regulations to automatically be amended if the USCG requirements are amended.

Ted Woolley asked if the word "update" would be better than "change."

Carl Perry said that he didn't believe that it would make a difference.

There are some areas where USCG has no regulations and the NPS will need to address these issues by adopting State requirements, or, if none, create NPS regulations. We feel that State requirements should apply to Park boating areas and additional regulations are not necessary. This will be less confusing for the boaters of that State and increase compliance.

Some observations we have about the areas where you are promulgating regulations:

Section 1.4 definitions:

"dive flag" this is a good definition and we agree with it.

“flat wake speed” – we think the term “flat wake” will cause confusion because a wake, by definition, cannot be flat. We suggest using the term “no wake” or idle speed not to exceed five miles per hour.

“sewage” we recommend you adopt EPA definition by reference.

“vessel” you should adopt the definition found in 1 U.S.C. 3, except we agree with the need for a definition of a “non-traditional watercraft.”

Section 3.4 refers to an “authorized person” and there is no definition of who this is, so it should be defined.

NBSAC is concerned with the NPS proposal in section 3.2 (a) that will preempt any other comparable law including USCG regulations. This section also cites numerous other Federal codes and regulations that may confuse the reader.

In 3.2 (b), non-conflicting State laws are adopted, but it does not address the situation if NPS boundaries overlap the jurisdiction of more than one State. For example, the Lake Mead National Recreation Area boundaries cover the States of Nevada and Arizona. When one State has a regulation that differs from the other State, such as child wearing PFD in Nevada is less than 12 and Arizona it is 12 and under, is it the intent to enforce Nevada’s on the Nevada side by incorporating that State law and likewise for Arizona, or will the NPS enforce the stricter laws (Arizona’s in the example) Park wide? It is our suggestion that you adopt the stricter requirement.

In 3.3, you identify a broad authority of the superintendent to establish permit requirements. We are concerned and suggest that the authority relating to boating be clearly identified.

In Section 3.4 “authorized person” needs to be defined.

Section 3.5 requires the operator of a vessel involved in an accident involving property damage in excess of \$2,000. The USCG requirement is for \$2,000 or more. However, most States require property damage accidents with much lower thresholds, \$200 or \$500 is most common. This is a good example of where adopting the strictest of any conflicting laws, State and Federal, would work. Also, by adopting the State law you ensure the accidents are reported to the States as mandated by USCG regulations.

Section 3.6 is confusing as to what is meant by “having similar requirement specifying a different age or having different conditions.” This language could preclude young people from operating a motorboat who have successfully completed a boating education course and earned the privilege to responsibly operate the craft.

Section 3.7 The USCG regulations should be adopted by reference. Also, in the supplementary information you state, “Type V are eliminated because they are identified for specific functions and uncommon in recreational boating.” This is a very viable type of PFD when used in accordance with the label.

In Section 3.8 (2), what is “designated launch site”? Would this preclude the launching of car top type boats at any place except for a designated site? What about a trailer launch from a beach that is open to vehicle travel? What about “non-traditional watercraft”?

Section 3.8 (b)(3)(ii)(B) A definition for “non-traditional watercraft” was created, and this term should replace “non-motorized inflatable or rigid buoyant device”.

Section 3.8 (b)(3)(ii)(D) The following language should be deleted “Manually propelled, anchored or drifting” and replaced with the word “any” so this distance requirement would be applicable to any vessel on the water.

Section 3.8 (b)(4) This regulation should also require the marking of the area with appropriate buoys to enable the boat operator to be aware of the area. An area less than 500 feet in width should not have a “swimming beach” designation due to the hazard of mixing swimmers with boats unless allowed by State law.

Section 3.9 (b)(1) PFD wear for PWCs Need to add “if the type of activity is approved on the PFD label” so the inflatable PFD will not be authorized on PWCs.

Section 3.9 (b)(2) This should apply to all motorboats equipped with lanyard cutoff switches.

Section 3.9 (b)(4) is not needed for PWCs because you would already have this requirement in the new Section 3.8 (b)(3)(ii)(D).

Section 3.10 Adopt the USCG operating under the influence requirements.

Section 3.11 You do not provide the same options as found in other sections to be able to adopt the States’ observer age requirement for statewide consistency.

Section 3.12 Adopt USCG, EPA or State sewage or marine sanitation device requirements.

Section 3.14 Adopt the National Association of State Boating Law Administrators Model Motorboat Noise Act. This section is incomplete and would not be enforceable.

Section 3.17 Some additional items need to be covered. A dive flag cannot be displayed unless diving is in progress. A dive flag may not be displayed between sunset and sunrise unless illuminated, or adopt the State requirement. A flag may not be placed in narrow channels or in areas where boating activities would be unduly restricted.

Section 3.17(b) should be changed to “A diver must dive and surface within a 100 feet...”

We again stress the importance of uniformity of our Nation’s boating laws and regulations so boaters will not be confused as to what waters they are on and what requirements are on this waterway. We also feel strongly about the importance of one Federal agency being the boating regulator and not several agencies. In the automobile world, the Federal authority is the Department of Transportation, and we feel in the boating arena it is the USCG. We also strongly reiterate the adoption of State boating requirements when they exist. Also, when the NPS area covers more than one State, use the strictest State requirement.

If you have questions or need any additional information, please contact me at (202) 638-2788.

Chairman Muldoon said he intended to add and copy appropriate committees of Congress, without objection.

Commodore Belmore motioned.

Bob David seconded.

Chairman Muldoon called for a vote: *vote carries unanimously*.

Fred Messmann thanked them for their input.

Commodore Belmore thanked Jeff Glossop for his help with her minutes.

Chairman Muldoon asked the Council to thank Jeff Glossop.

Chairman Muldoon then asked the Captain for the USCG's response to the members' items.

CAPTAIN'S RESPONSE TO MEMBERS' ITEMS

Captain Evans passed out a copy of the USCG's response to the members' items.

Chairman Muldoon asked everyone to take a minute and go over their item.

JOAN BONDAREFF asked about how the child PFD regulation is progressing as far as the campaign and enforcement. What is the Coast Guard doing to encourage States to adopt laws for child PFD wear? **ANSWER - We believe that our issuing the Interim Rule set the bar for requiring children under 13 to wear PFDs while the vessel is underway. The Interim Rule is flexible in that it adopts State requirements if they have a requirement with a lower age. However, it encourages States with lower age requirements to consider revising those requirements to be uniform with the Coast Guard's, and States without a requirement to consider establishing a new State requirement that is uniform with the Coast Guard's. This is based on our past experience with the Coast Guard and State Boating Under the Influence Blood Alcohol Concentration standards.**

Our staff in Washington, DC has found that after we published the Interim Rule, a number of States established new requirements:

- **Under 13-Colorado (July 02); New Jersey (July 02); Wisconsin (October 2003);**
- **Under 14- America Samoa (Jul 02); Nebraska (October 03);**
- **Under 15-Idaho (July 02).**
- **They also advised that Hawaii is working on an "Under 14" requirement, anticipated in July 04.**

Concerning Coast Guard enforcement of its regulation, between 1/1/03 and 9/10/03, 32,653 recreational vessels were boarded by the Coast Guard. 27 reported violations were recorded during this period.

JOAN BONDAREFF and FRED MESSMANN wanted to know if the Coast Guard planned to review the Canadian study on a proposed national mandatory PFD wear requirement and see whether there is any applicability to the U.S. **ANSWER – The Office of Boating Safety has already read the study and will continue to discuss it and its possible applicability to the U.S. Our recent national boating safety survey has obtained some comparable data, and we will consider future possible efforts to obtain additional data on this topic.**

JOAN BONDAREFF – noted that the cost-benefit methodology utilized in the Canadian study is worthwhile for considering regulations here. The U.S. Coast Guard is also now using homeland security as a justification for some new regulations, rather than their traditional cost-benefit analysis methodology. She asks that the U.S. Coast Guard consider a new approach to completing a cost-benefit analysis. **ANSWER - We will continue our efforts to research the various methodologies available and then to discuss this issue with the new Department. We will also continue to report to the Council as progress is made.**

COMMODORE BELMORE asked about the status of the flare disposal grant project? **ANSWER - This question was addressed as an agenda item in the Aftermarket Marine Equipment Subcommittee, where you heard of the progress being made by the grant project currently underway. Are there further questions concerning this at this time?**

COMMODORE BELMORE had concerns regarding PFD wear by boaters. **ANSWER - We have completed five years of studies observing PFD wearing by boaters while underway and find little change over that period indicating an increase in PFD wear. Overall, PFDs appear to be worn by less than 25% of the boating public, with users of PWCs, sailboards and kayaks having the highest wear ratios. We are seeking ways to substantially increased PFD wear in order to save more lives.**

TED WOOLLEY asked about the status of the informal agreement between the Coast Guard and the PWC Industry regarding the 65 mph speed cap? Did this agreement have a five-year limit? **ANSWER - The informal agreement is still in force and has no time limitation. The Coast Guard now requires a PWC manufacturer to provide the maximum speed of each new model when the manufacturer applies for exemptions to the manufacturing regulations.**

TED WOOLLEY was concerned about the Coast Guard, through the implementation of the BARD, shifting on what is considered a boating accident. He didn't want to lose anything they would have to deal with as a safety issue. He desires the collection of all recreational boating-related fatality data, and would appreciate it if we were to categorize and report fatality data separately in regard to those fatalities not directly involving the vessel, it's operation and/or associated equipment (i.e., victim swimming). **ANSWER - As a first step – we plan to work with NASBLA, through the Boating Accident Investigation, Reporting and Analysis Committee (BAIRAC), in the spring of 2004 to discuss a plan of action for implementing this item. Among other topics, it will include swimming from vessels and carbon monoxide accidents.**

TED WOOLLEY stated that he desired a copy of the April 2003 NBSAC resolution on PFD wear. **ANSWER - The full resolution is contained in the Draft minutes of the April 2003 NBSAC meeting distributed earlier to the members, along with the other resolutions. These minutes, once approved, become the official record of the actions of the Council. If there is an additional format desired for distribution of the full language of the resolutions, please let us know, and we will accommodate that request.**

TED WOOLLEY asked about the status of the canoe/kayak sponson study? **ANSWER - This question was fully addressed as an agenda item on the Aftermarket Marine Equipment Subcommittee. Are there still questions about this item?**

RAY TSUNEYOSHI and FRED MESSMANN had questions over considering swim fins as a defining mode of propulsion under the definition of vessels. Float tubers say they don't have to wear a PFD. Mr. Tsuneyoshi stated that they have experienced accidents where this or similar watercraft flipped, and if someone was not in the area, it could have been tragic. **ANSWER - The current U.S. Coast Guard regulations for PFD carriage requirements do not apply to these types of vessels, those that are not propelled by a motor, sail, oars or paddles. We recently responded to a magazine writer in California who had inquired about this. We stated what the regulation's applicability is and that we were still encouraging the carriage and use of a PFD on these vessels, even if the regulation did not apply to them.**

ERIC SHEPARD brought up the issue of certification of recreational life rafts opposed to inspection, and the development of standards so that manufacturers have minimum manufacturing standards to follow. What is the status of the certification of recreational life rafts and regulations for their construction? **ANSWER - Life rafts are considered emergency equipment, and as such they would fall within the purview of the Office of Life Saving Equipment (G-MSE-4). We will discuss this issue with G-MSE-4, and continue to monitor accident data that may justify establishing such standards. This justification is necessary for the Coast Guard to take any action on regulating recreational life rafts. Currently, we have not seen data that justifies such action.**

ERIC SHEPARD was concerned that inflatable boats with transoms are not required to comply with certain manufacturing requirements, and he would like them included with other certifiable boats. What is the status of construction regulations for RIBS/RHIBS? **ANSWER - While the Office of Boating Safety has no accident data or other information on which to base justification for such regulations at this time, we will be thoroughly discussing this issue within our Office upon our return from this meeting. As with other areas of concern, we will also continue to monitor boating accidents through daily news reports and the accident data collected in BARD.**

JO MOON was concerned about high-speed recreational vessels and a standard to what constitutes "high speed", with a possible desire for an education requirement for their operators. **ANSWER - Currently, the Coast Guard does not have a definition of a "high speed vessel." We will review the accident data according to a vessel's horsepower and hull type in an attempt to determine the potential speed capability of a vessel. That data will then be made available so that we can determine if a problem exists that warrants further action.**

JO MOON asked for a report on injuries of children on PWCs. Has this been addressed? **ANSWER - These statistics will be published in the Boating Statistics 2002 report by the end of this calendar year.**

JO MOON and FRED MESSMANN wanted further analysis of the cost to society for boating accidents. **ANSWER - As a first step - we plan to work with the Emergency Nurses Association (ENA) on the societal and associated health care costs of patients treated in hospital emergency departments nationwide (the work conducted under the boating safety grant project that collected injury data in calendar year 2001 and 2002). Data that they may be able to provide on health care costs could play a key role in revising our cost-benefit analysis methodology.**

FRED MESSMANN doesn't see anything on the agenda for the customs ruling. He wanted an update of the "Customs ruling"? **ANSWER - We checked with our passenger vessel compliance office (G-MOC-2) and were advised that the Coast Guard does have requirements for a vessel operator to be licensed under 46 CFR 15.515 if the vessel is subject to 46 U.S.C. 3301; essentially passenger vessels and small passenger vessels. Neither our commercial counterparts nor we have noted such a Customs ruling. We searched the Customs web site to try to find reference to this ruling, but found no such ruling. We will follow-up on issue quickly and would appreciate any lead that would assist us with this effort. Our efforts will include contacting Customs upon our return from this meeting.**

FRED MESSMANN asked how many accidents dropped out because of the 2,000-dollar limit. 2002 Accident Statistics – how many accidents dropped out with the increase in the federal threshold of property damage from \$500 in previous years to \$2,000 for the entire year in 2002. **ANSWER - Findings will be published in Boating Statistics 2002 by the end of this calendar year.**

DAVE MARLOW wanted information on the rumor that homeland security is siphoning off Wallop-Breaux funds. **ANSWER – We are unaware of this occurring at the Federal level and are working with NASBLA to assist them should there be concerns at the State level.**

DAVE MARLOW wanted information on what wear requirements exist for engine cutoff lanyards. Are there any State requirements and what vessels they cover? **ANSWER - The Coast Guard supports States issuing such regulations and we will monitor State action to determine what Federal action in this area is necessary. We believe that only one State, Alabama, currently has such a regulation.**

ELEANOR MARIANI stressed the ongoing concern with a coordinated Federal effort regarding waterways management. She emphasized the need to get Federal agencies more uniform in regulations in regard to recreational boating. She wanted an update on the resurrection of the interagency task force. **ANSWER – Our office is working to build stronger relationships with other Federal agencies to accomplish this goal. Many such efforts are scheduled to take place in the near future, including attendance at the upcoming Joint Venture seminar in Los Angeles.**

Chairman Muldoon said if anyone in the Council has a question, they should raise their hand and be recognized.

Fred Messmann appreciated the comment on the customs ruling and asked the Office to give an update at the next NBSAC meeting.

Carl Perry asked what the source was for that ruling.

Fred Messmann said it was brought up at the last meeting and he was expecting a response back. It was in the last meeting's minutes, and he did have the sources.

Ted Woolley said that on the speed issue, he believed it was a five-year agreement. He said that SAE PWC building standards are being created where PWCs will now be constructed to meet SAE standards in wiring and fuel systems, etc.

Captain Evans thanked him for bringing it to their attention, and he asked if they could get back to him on the checks and balances.

Chairman Muldoon asked if the proper term was a “gentlemen’s agreement” between the Coast Guard and the PWC industry concerning the speed issue?

Ted Woolley said that he did not believe that it was written.

Chairman Muldoon said that it was written because he had seen it, but he wasn’t sure if it was ever signed by anybody.

Jo Moon said that her first item was missed, which was to continue the dialogue to reach casual paddlers in the industry and an update on canoes and kayaks.

Captain Evans said their next phase after “You’re in Command” would be reaching paddlers and kayakers. The Office will also work with the industry and hopefully all ads in the future will show PFD wear.

Jo Moon thanked him for his response.

Fred Messmann said that in response to societal costs, this was a first step contacting the Emergency Nurses Association (ENA). Later, providing health care cost could play a key role regarding what cost-benefit analysis methodology was used. He asked if the Office could provide that at the next meeting.

Chairman Muldoon asked if this was a government prescribed formula.

Captain Evans said one of the issues is that the Office follows DOT guidelines; but now they are in DHS, and they are working on developing new guidelines.

Carl Perry said that the old standard for DOT is what the public is willing to pay to avoid these fatalities. He did not know where they were going with the new DHS standards, whether it would be willing to pay to avoid injuries or societal costs.

Jeff Hoedt said that they also see this as an opportunity because DHS has not established a system, so they may be able to influence the decision.

Fred Messmann agreed it was a great opportunity, but he wanted to see the methodology. It would help them understand where they are going with the issue.

Jeff Hoedt said that they would get it.

Eleanor Mariani would like to hear a response on where they’re going with capacity plate exemptions.

Captain Evans said that when they printed these responses, they accidentally left the last page out. The Office has no accident data or information to base regulations on at this time. They will discuss the issue within the Office. They will also continue to monitor boating accidents through daily news reports and accident data collection in BARD. ABYC has a draft standard out, ABYC H-28, concerning RHIVS and

inflatables that include capacity plate requirements.

Eleanor Mariani let them know that they have gotten a call from Defender Industries, and they are constantly being asked to put larger engines on their boats.

Chairman Muldoon asked if there were any more questions and thanked the Captain. He said that they were going to present awards.

Captain Evans looked back over the last two years, and these Council members have come a long way with many issues. He said that they have studied off throttle steering, PFD wear, fought incredibly to try to get money to continue the future of the program. He said that he was honored to present these awards. He presented the first award to Joan Bondareff whose legal advice has been helpful, and he thanked her for being such a valuable part of the organization.

Jeff Hoedt presented Joan Bondareff the Public Service Commendation from the Commandant of the Coast Guard.

Captain Evans then asked Mr. Bob David to come up. He said that over the last two years, he would get together and discuss the perfect world and how they could get there. He thanked him for his work on the Council.

Jeff Hoedt presented Mr. Robert David with the Public Service Commendation from the Commandant of the Coast Guard.

Captain Evans asked David Marlow to come forward. He said that they met at his first NBSAC meeting. He said that the industry had a difficult role in these meetings and Mr. Marlow has been able to represent the industry and has also been an incredible support to the Council, and his management and leadership were incredible. He thanked him for his work on the Council.

Jeff Hoedt presented Mr. David T. Marlow the Public Service Commendation from the Commandant of the Coast Guard.

Captain Evans then asked Linda Jo Moon to come forward. He said there was always someone in the group who listens intently, who is quiet but when they ask a question, they all listen. He said that she was one of those people. He thanked her for her contribution to the Council.

Jeff Hoedt presented Mrs. Linda Jo Moon the Public Service Commendation from the Commandant of the Coast Guard.

Chairman Muldoon asked Fernando Garcia to come forward.

Fernando Garcia said that they learned that Mr. Woolley had finally retired. They said that they could provide him a token of their appreciation. On behalf of the Personal Watercraft Industry Association, and National Marine Manufacturers Association, he presented him an award in thanks for his contribution to boating safety.

Captain Evans said that Ted was one of the first people he met in the boating safety community, and they've been good friends and partners since. He thanked him for his work.

Jeff Hoedt presented Mr. Edwin R. Woolley Jr. the Public Service Commendation from the Commandant of the Coast Guard.

Captain Evans then said that he has seen Mr. Muldoon in meetings battling for boating safety, and the Captain said that he was glad that he was a friend. He said that it has been an incredible honor to work with him over the last two years. Although he would not say goodbye, he wanted to thank him for being such a good supporter and such a good friend.

Jeff Hoedt presented Mr. James P. Muldoon the Public Service Commendation from the Commandant.

Chairman Muldoon asked if there was any new or old business to come before the Council. Hearing none, he thanked them for all of their hard work. He would entertain a motion to adjourn.

Eric Shepard moved to adjourn.

Commodore Belmore seconded.

Chairman Muldoon asked for a vote: *vote carries unanimously.*

Meeting adjourned at 11:01 a.m.

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

James P. Muldoon, Chairman
National Boating Safety Advisory Council

Date

Jeffrey M. Hoedt, Executive Director
National Boating Safety Advisory Council

Date