

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

Hyatt Regency Crystal City  
2799 Jefferson Davis Highway  
Arlington, Virginia  
October 21-24, 2006

**COUNCIL MEMBERS PRESENT:**

James P. Muldoon	Chairman, Public Member
Carolyn Belmore	Public Member
Alfonso Campos	State Member
J. Edward Carter	State Member
Peter A. Chisholm	Industry Member
Robert P. David	Public Member
Pamela Dillon	Public Member
Cecilia Duer	Public Member
Randy R. Edwards	State Member
John Fetterman	State Member
Monita W. Fontaine	Industry Member
Fernando Garcia	Industry Member
David C. Marlow	Industry Member
Larry Meddock	Industry Member
Fred F. Messmann	State Member
Bruce L. Rowe	Industry Member
Scott P. Swanby	Industry Member
Raynor T. Tsuneyoshi	State Member
Ted Woolley	Public Member

**MEMBERS ABSENT**

Jim L. Manues	Public Member
Richard Moore	State Member

**U.S. COAST GUARD STAFF**

Jeffrey N. Hoedt	Chief, Office of Boating Safety
Jeanne Timmons	NBSAC Executive Director
Jeff Ludwig	NBSAC Executive Secretary
Dick Blackman	Office of Boating Safety
Vann Burgess	Office of Boating Safety
Phil Cappel	Office of Boating Safety
Elizabeth Cusumano	Office of Boating Safety
Harry Hogan	Office of Boating Safety
John M. Malatak	Office of Boating Safety
Dan McCormick	Office of Boating Safety
Barry Nobles	Office of Boating Safety
Bruce Schmidt	Office of Boating Safety
Marty Jackson	Office of Lifesaving & Fire Safety Standards
Sam Wehr	Office of Lifesaving & Fire Safety Standards

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**MEETING ATTENDEES**

Rear Admiral Brian Salerno  
Warren McAdams  
Al Marmo  
Carl Perry  
Brenda Warren  
John Flynn  
Marion DeCruz  
Karen Steely  
Nita Boles  
Dick Snyder  
Bob Sweet  
Phyllis Kopytko  
Cindy Squires  
Maureen Healey

Jesse Harrup  
Virgil Chambers  
David Carter  
John Adey  
Katherine Hall  
Trisha Batt  
Janet DePaoli  
Joanne Dorval  
Alan Richard  
Bill Husted  
Jim Getz  
Dan Maxim  
Ruth Wood

**SATURDAY, OCTOBER 21, 2006**

**CALL TO ORDER**

Chairman Muldoon called the meeting to order at 12:59 p.m. and declared the presence of a quorum. He introduced Rear Admiral Salerno.

**REMARKS, SWEARING IN OF NEW COUNCIL MEMBERS, PRESENTATION OF AWARDS**

RDML Brian M. Salerno, Director of Inspections and Compliance for the United States Coast Guard and sponsor of the National Boating Safety Advisory Council (NBSAC), expressed his full support for the Council's work and goals. He stressed the importance and value of advisory groups. In addition, RDML Salerno emphasized/highlighted the importance of the Council's strategies focused on: increasing PFD use, raising safety awareness in training, enhancing manufacturer compliance, and to decreasing boating while intoxicated. He also applauded the Council's use of metrics, since the Office of Management and Budget (OMB) and the Government Accountability Office (GAO) compare measurable results in relation to money spent. RDML Salerno then encouraged the Council to refine its strategic priorities, objectives, and metrics with the ultimate goal of reducing fatalities, which have leveled off at 700 per year.

RDML Salerno noted that the cause of death for approximately 70 percent of boating fatalities is drowning and 90 percent of those drowning victims are not wearing PFDs. He stated that increasing PFD wear will reduce deaths and must continue to be pursued. He reported that the Council's recommendation on a federal standard for operator proficiency did not get through Congress this fiscal year (FY), but that it will be resubmitted for FY 08. He also said that propeller strikes remain a significant issue, and

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staff is reviewing casualty data as well as test and evaluation procedures for various prevention technologies.

Due to the U.S.'s increased concern with tying safety and security issues together, RDML Salerno observed that Admiral Allen is looking for greater transparency on the water, with regard to vessels and people. As a result, an identification system for boaters, improved boat registration system, and other strategies are in the works to increase both safety and security.

His remarks concluded, RDML Salerno swore in the new NBSAC members: Commodore Carolyn Belmore, Cecilia Duer, Major John Fetterman, and Larry Meddock.

After the swearing in, RDML Salerno and Mr. Hoedt presented public service commendations on behalf of the Commandant of the United States Coast Guard to Bob David, Pam Dillon, Randy Edwards, Dave Marlow, Richard Moore, Bruce Rowe, and Chairman Muldoon, for successfully completing their term on the Council.

Mr. Carter then read a proposed Resolution: 2006-78-01. "Whereas a cornerstone of a democracy is a government of the people, by the people, and for the people; and whereas the quality of the people in government is reflected in the quality of the services provided; and whereas there is no better example in government of quality in government than Cheryl Jeanne Timmons, who left her native Oklahoma to begin an ongoing career of public service in Washington, D.C.; and whereas for over 26 years, Ms. Timmons served as congressional staff for four U.S. congressmen, including direct work with the U.S. Coast Guard subcommittee where she played a crucial role in shaping and furthering vital Coast Guard and boating safety legislation; and whereas her current career has spanned over 17 years with the Coast Guard's Office of Boating Safety where she has served as Chief of the State Affairs Branch, program analyst, and currently is Chief of the Program Management Division and Executive Director for the National Boating Safety Advisory Council, all the while striving successfully to gain increased funding for boating safety programs; and whereas through her invaluable experience, personal tenacity, and unwavering devotion, she has walked the path of leadership where quality is clearly reflected in every position she has served; now, therefore, be it resolved, that the National Boating Safety Advisory Council meeting in regular session in Arlington, Virginia on October 21, 2006, with the utmost appreciation, does hereby recognize Cheryl Jeanne Timmons as an exemplary employee and gifted leader; and be it further resolved, that a copy of this resolution be forwarded to Admiral Thad Allen, Commandant of the U.S. Coast Guard, and to Michael Chertoff, Secretary of Homeland Security." **Mr. Messmann moved to accept the resolution and Mr. Swanby seconded. The motion carried unanimously.** Ms. Timmons was then presented with a framed copy of the resolution.

The Chairman then had the participants around the table and in the audience introduce themselves.

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**RECREATIONAL BOATING SAFETY PROGRAM REPORT**

Mr. Hoedt gave his report, starting with an update on general items. He stated that the reorganization at U.S. Coast Guard (USCG) Headquarters continues, and a new staff organizational numbering system will be adopted at USCG Headquarters, mirroring the Navy's system. G-P (Prevention) will merge with G-R (Response) to become CG-3. The merger allows closer contact with the Auxiliary, Commercial Vessel Safety program, and analysis and planning people. The merger will be beneficial both for boating safety and homeland security purposes. The Office of Boating Safety will be part of CG-3 and it will all fall under one admiral. New phone numbers and email addresses have been sent to the Council.

Jeanne Timmons was officially promoted to Division Chief and Executive Director of NBSAC in August, 2006 and Jeff Ludwig was hired to replace Carl Perry. Jeff came from the Personal Watercraft Industry Association and is the new Executive Secretary of NBSAC. Dr. Philippe Gwet, a contractor, was taken on to oversee the National Boating Survey. The Chief position for the Office of Boating Safety is still undecided due to an amendment to the Coast Guard Authorization Bill that says that the appointment of the director of the Boating Safety Office shall be in the grade of Captain. HR-5681, which would repeal that section of the law, is still going through the legislative process.

The 2005 reauthorization of the Wallop -Breaux Trust Fund changes the Recreational Boating Safety (RBS) Program funding from \$64 million per year to 18.5 percent of the revenues that go into the trust fund. This resulted in an increase in grants for the states and nonprofit organizations in FY06. In FY07, funding is expected to be \$101 million for the states and \$5.4 million for national nonprofits. This magnitude of increase is not expected in FY08. The next reauthorization will be in FY10.

In October, at the Department of Transportation (DOT) headquarters, there was a RBS training workshop for nonprofit grant applicants to help them utilize and manage funds effectively so their grants meet the strategic goals of the recreational boating safety program and remain in compliance with requirements. Feedback from the attendees was positive.

In the past, boating accident and fatality statistics have not been available in a timely manner. Due to faster reporting from the states and more effective processing upon receipt, the timeliness of this information has improved. Accident reports in the media and elsewhere are also compared against the Boating Accident Report Database (BARD) database. Where gaps appear, the state is contacted to investigate and report. Non-profit organizations like SPIN also contribute press clippings. The 2004 statistics were released in September of 2005. This year, the 2005 statistics were released in August 2006. The goal is to eventually have the statistics ready in May of each year.

For financial reasons and because over 60 percent of the incoming calls were not about safety, the Boating Safety Hotline, later called the Infoline, was discontinued.

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At the NASBLA conference, the Commandant announced that the Vessel Identification System (VIS) contract with InfoLink was completed in September. The information from VIS will be available to a boarding officer regardless of where the boat is registered. This is valuable to homeland security. Most states already have the data in InfoLink, but not all of them. All participating states will have to submit to the VIS system monthly. A Memorandum of Agreement (MOA) is being developed to guarantee compliance with state laws in exchange for participation.

As for the National Boating Survey, \$525,000 was awarded to the nonprofit wing of NMMA, which Jim Petru oversees. That wing is overseeing the project and coordinating with academic subcontractors. The Collaboratory of Partners (COP) has met and is in constant contact. The Scientific Advisory Committee (SAC) has met as well. The COP is to come up with topics for the survey. They found 64 topics at their first meeting. The process of selecting topics is ongoing. As the topics are finalized, spin-off modules will be created to deal with separate issues. The target is to keep the survey within 20 minutes. Ten highly-qualified scientists are going to organize and set up the survey. The goal is to implement the survey in a year. Because so many variables affect boater participation, more frequent surveying would help gather trend analyses data. Costs are being cut wherever possible to increase the frequency of the survey. Simply increasing the sample size may be the most cost-beneficial method of increasing the benefit.

John Malatak, Division Chief, Operations has been working with P.I.R.E. (Pacific Institute for Research & Evaluation) on a report on Boating Under the Influence and the societal impacts, as well as other issues, including the frequency of reporting accidents. Using a model similar to the National Highway Transportation Safety Administration's, the Office and P.I.R.E. concurred that 99 percent of fatalities are reported in BARD. This includes all manner in which BARD data are collected including USCG, BARD, press clippings, and other similar sources. Chief Hoedt also stated there are missing or unaccounted-for persons in the MISLE Database., however the Coast Guard does not follow up on missing people. A system has been set up to follow up on missing people, checking with the state, hospitals, coroners, and law enforcement to verify the status of these people who have been reported missing. Reporting gaps are constantly being found and closed. With hospital-admitted injuries, the percent reported range is over 70 percent. The state usually knows about these, and they are entered into BARD. After deaths and hospitalizations, the number of reported accidents gets worse. For accidents with injuries not requiring hospital admission or property damage, the reported rate is estimated to be between 5 and 15 percent, and there is no way of verifying any findings.

Another study by Barry Nobles' group looked at quick phase-in education programs compared to other mandatory education requirements. Quick phase-in is when operators are given a short period of time in which to comply, such as all motorboat operators being educated in a five to ten year period. The statistics correlate quick phase-in requirements to a reduction in boating accidents. Both reports will be on the Office of Boating Safety website.

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Mr. Hoedt stated there are new policies and information sheets that the Office has been asking for years. These new policies and information sheets will be used to make sure that Marine Information for Safety and Law Enforcement system (MISLE) data is shared with the States quickly to deal with the chain of evidence and help in investigations. The States have long been asking for a system to share information, as has the Coast Guard. The first new policy is to share accident data, and Admiral Salerno has signed a policy making it official Coast Guard policy that field units are to share information with the States in a timely manner. There are Memorandums of Understanding (MOU) with the States guaranteeing that state rules and laws will be complied with, as regards the treatment of the data.

In the past, the Auxiliary has been unable to provide testimony at state legislatures without going through the Coast Guard, which often led to delays. Four information sheets were created on the education or proficiency of operators, life jacket wear, boating under the influence, and personal watercraft use, giving the official position on the issues so that an Auxiliarist asked to give testimony can read from the sheets to provide the Coast Guard position. They will not be authorized to render further opinions. These papers are on the Office of Boating Safety's website.

Reports on propeller strikes are coming in much faster than in the past. This year, there are 25 related fatalities to date, unofficially, which is close to the total number of these accidents in past years. The quick reporting has created the illusion of a jump in the numbers, but that speed is actually helpful, since it allows monthly and quarterly comparisons. A special work group chaired by John Adey discussed the issue and made proposals, which NBSAC adopted in April. They suggested regulations requiring a cutoff switch on certain recreational vessels, requiring the operator to use a cut-off switch if it is installed, and requiring that the operator turn the engine off when someone is within a certain proximity of the propeller. This covers three of the main scenarios in which strikes occur.

There are three new brochures for: choosing the right PFD, children and personal watercraft, and boat propeller dangers. It is important to distribute the brochures to the right audience and follow-up to see if they make a difference.

NBSAC has long recommended the 17-character hull identification number. A thorough analysis will be done and a final determination made on where to go with the issue. A survey has been developed to determine cost versus benefit and get stakeholder input. NASBLA recommended a study over a survey, so at this meeting, the Office is asking what the Council would recommend, a study or a survey.

The Office awarded a grant in 2005 to the National Water Safety Congress to work with the Towing Safety Advisory Committee (TSAC), the barge industry, the towing industry, the Army Corps of Engineers, and others to figure out how to enhance the visibility of barges at night and at times of reduced visibility. Two different lighting

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schemes were demonstrated at the NASBLA conference. The project is moving forward, thanks to the U.S. Army Corp of Engineers (USACE) and other partners.

There is a continued initiative on reviewing the effectiveness of the different strategies employed to increase PFD wear and making sure resources are well used. Extra money was given to the National Safe Boating Council and BoatU.S. to target specific locations with different strategies to increase PFD wear. JSI sampled for a PFD wear baseline rate and will sample again in July and August of 2007 to measure the effectiveness of the effort. If necessary, longer-term studies can be done.

NASBLA's Boats and Associated Equipment Committee has supported a proposal on whitewater paddling. The definition to be utilized is still being voted upon: "Proposed 3.28, definition is Whitewater paddling, any activity with a vessel on Class II and above rapid as determined by the six class international scale of river difficulty. This definition applies only to these sections of the river with such rapids and not the entire river." The final determination will affect recommendations on PFDs.

The National Transportation Safety Board (NTSB) held a meeting at its Academy on October 4-5 as a follow-up to the Ethan Allen incident, which occurred in waters the Coast Guard does not have a presence on. The NTSB is encouraging the states to learn and implement safety programs on their own. Only eight or nine states in the country have commercial vessel safety programs. Mr. Messmann asked if recommendations are coming out of that workshop. Mr. Hoedt said it was possible, but unknown. They are currently looking at accident gaps.

For example, there have been questions from BLAs and manufacturers as to what constitutes a vessel. There are 18 crafts awaiting a determination, including some novel recreational devices. Once the first set of determinations is signed off, there will be a Federal Register notice posted on the process. The statute, 1 U.S.C. 3, has a long-standing definition of a vessel, and there are criteria from Supreme Court decisions. One key criterion being used is whether the device is being used outside of traditional swimming, surfing, or bathing areas. Devices that are vessels are subject to standards, requirements, and rules of operation. NASBLA will partner toward understanding these gaps and has already asked if accident reporting is necessary for some devices. There are gaps in jurisdiction of waters and whether or not reporting is required in certain waters and under certain circumstances. For example, a commercial rafting accident on whitewater on an unnavigable waterway is unclear.

The resolutions from the 77<sup>th</sup> meeting included the pre-rental education package; the engine cutoff switch installation; the use of the engine cutoff switch; the operator requirements concerning in-water activities; propeller strike prevention measure analysis; updated analysis methods; commendations for BoatU.S., PFDMA, O'Loughlin Trade Shows, Tred Barta, Scott Swanby; and Outdoor Life Network; and congratulations to the National Boating Federation on its 40<sup>th</sup> anniversary. The pre-rental package issue has been pursued through data collection, the drafting of an outline of items to be included in the rental package, and planning on how to best incorporate the outline items into the

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proper presentation. A prototype should be ready for NBSAC comment at the April 2007 NBSAC meeting.

The Office of Boating Safety will complete its work plan on the engine cutoff switch requirement by the end of the year. That work plan will then go to Coast Guard Headquarters for consideration and prioritization. The Alabama legislation is being looked at as a model and test of effectiveness. The requirement to shut off the engine is also being developed into a workplan. Analysis of propeller strike prevention is being addressed through the Boating Risk Analysis Information System (BRAINS), which can look at variables and their effect on the likelihood of a casualty. To address the resolution on the Harbor Safety Committee, the Office of Boating Safety has been encouraging the leadership of the Coast Guard Auxiliary, NASBLA, and the U.S. Power Squadrons to actively engage and participate on these local committees and encourages NBSAC to do the same.

NBSAC has said that the mission statement in the strategic plan should be changed, and it is appropriate for NBSAC to come up with a new mission statement, since the mission is actually changing with increasing homeland security involvement. Good conversations have been had on the objectives, and it is hoped they can be finalized at this meeting and put in order for presentation. Mr. Hoedt suggested that awareness, NASBLA education certificates, and advanced education be grouped together, though the important thing is that the order makes sense. He asked for suggestions on when NBSAC wanted it released. He also asked the Council to determine whether or not it agreed with the NASBLA recommendation on hull identification numbers and to think of the design of such a study and why it would be better than a survey.

He also addressed the need to fill the gaps in accident reporting by considering commercial vessels, state reporting requirements, and pressure to fulfill them by checking compliance before releasing grant funds. The Operations Division is preparing to visit states and check periodically for compliance through a checklist audit system. NASBLA and the states are helping to develop the list and will be part of the process.

The Western States Boating Administrators Association passed a resolution which concerns exempting Type IV PFD requirements on white water, and asked NBSAC to consider it. Though it is not on the agenda, he asked the Prevention Through People (PTP) Subcommittee to address the resolution.

### CHAIRMAN'S REMARKS

Chairman Muldoon commented on the Admiral's noting of the leveling off in boating fatalities. The Chairman said that the five-year leveling of funding and the additional strain brought on by homeland security requirements are the causes and that he thought

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that increased funding should make a difference. Because so many resolutions only address a part of the problem, he urged the council members to think of the whole problem and combine resolutions or add to existing resolutions to avoid cluttering the record.

Finally, the Chairman noted that there had been a full area maritime security alert exercise in Baltimore last month and that there had been a full presence and cooperation of recreational boaters.

**EXECUTIVE DIRECTOR'S REPORT**

Executive Director Timmons said Mr. Hoedt had covered all of the program reports, so all she had to report was the good job her staff has been doing and her gratitude to them.

**NATIONAL ASSOCIATION OF STATE BOATING LAW ADMINISTRATORS  
REPORT**

Jeff Johnson, NASBLA President, commented on NASBLA's 47<sup>th</sup> conference, plans for the next year, and foremost issues for potential collaboration. Commandant Allen attended the conference this year, met with the Executive Board beforehand, and addressed the body during the opening ceremonies. He has demonstrated himself to be a man of action, and Mr. Johnson is encouraged to believe it will be an excellent year.

The existing model act for charter boat safety was reviewed, modified, and updated at the conference. It gives states that enact legislation, tools to improve charter boat safety. It passed unanimously. The Paddle Boat Registration Model Act was revised to support states that choose to register or charge a fee to generate revenue to allow paddle boaters to participate in recreational boating safety. Association dues were more than doubled by a vote of the body, which will help achieve the NASBLA strategic plan.

The framework of the strategic plan is established, and the next move is toward implementation and accomplishment. Many of those goals are strongly linked to what the Coast Guard is doing, and the Executive Board and committees will look at both going after NASBLA goals as well as strategic planning items that the Coast Guard has declared critical to the recreational boating safety effort. Two ad hoc committees, the Marketing and Outreach Committee and the Training and Certification Committee have been formed to push forth that effort and help NASBLA better deliver safety programs to the public.

Mr. Johnson asked for help on the matching funds for boating safety in the Wallop-Breaux funding reauthorization, which he had hoped would change from 50/50 to 75/25. In Alaska, there is not enough money to cover the state match, so it is impossible to realize the additional money authorized. There are 14 other states unlikely to match the new federal allocation. Admiral Allen spoke with the Secretary of the Interior, and

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both agree that this should be addressed from the top. NASBLA asks for support for a fast track amendment to fix the law.

Mr. Johnson also asked for assistance in a new decision matrix developed by the Boating Accident Investigation Reporting Analysis Committee and adopted unanimously by the membership at the last NASBLA conference that proposes changes to the way that accidents are reported. It is a simplified matrix that helps to better identify risks for boaters and the effectiveness of programs. State boating administrators like it, and NASBLA asks for it to be recommended as a national standard for measuring boat accidents.

At the last conference, a new award recognizing outstanding effort and achievement in state and federal policy interventions, in honor of Bill Garner, former NASBLA president, was presented to Chairman Muldoon.

He thanked the Council and the Office of Boating Safety and announced the next conference, in Burlington, Vermont, September 5 through 10, 2007.

#### **RBS STRATEGIC PLANNING PANEL UPDATE**

Fred Messmann reported the Coast Guard accepted the goals, and the mission statement should be finalized soon. The objectives were discussed at the last meeting, but not completed. A substantial effort toward strategies was also made at the April meeting. There was an interim meeting in June to work on those issues. Mr. Messmann directed the Council to materials in the binder showing comments received, and a working document to be discussed on Monday, which he asked the members to review and comment on in advance. The document will be dynamic and will change as needed. He thanked those who had helped with creation of the document to that point. The launch date is supposed to be October 06, but there are already programs ongoing that may not currently be included in the plan, and those things should be incorporated.

The objectives were reordered, not in order of priority but by organization, grouping, and in the order of getting things done. The order is not set in stone. The next things to look at are gaps and metrics. The finished project should resemble the model used by the Alaskan Division of Public Health, and should be adopted in the presence of implementing partners at the International Boating and Water Safety Summit in San Antonio next March.

The Boating Under the Influence study is close to publication, and Mr. Messmann wants to make sure the Council gets the publication when it comes out. He was on that task force and noted that the reliability of accident statistics is always an issue. There is significant discussion of statistics and measures in the report.

The GAO recently released a report: "Homeland Security Performance Measures are Generally Sound, but Opportunities for Improvement Exist," which Mr. Messmann had forwarded to the Council. He directed the Council to important sections, indicating

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that the Council's work has helped make the Coast Guard look good in that report. Mr. Hoedt commented that the GAO had seen the draft objectives, and that had a positive effect on the report.

**CALL FOR NEW BUSINESS/MEMBERS' ITEMS**

The Chairman called for any old business. Hearing none, he entertained member items.

Mr. Woolley asked for statistics on kite tubing before the recall. Mr. Tsuneyoshi said it was on the PTP Subcommittee's agenda. Mr. David noted that biodiesel is deteriorating hoses and causing spills in Europe, so someone might look into that. He said a new international PFD standard is about to be released and asked about its effects. He said that more countries are issuing International Certificates of Competence (ICC's) and that some are fraudulent, so he wanted to know about the legislative change proposal. He did not expect an immediate response on the first two. Commodore Belmore reemphasized looking at PFD wear in vessels 20 feet and under as an issue and Admiral Salerno's request to look at security zones versus interaction with recreational boaters. The remaining member items were submitted in advance.

The Chairman called for new business. Ms. Nita Boles, of the Coalition of Parents and Families for Personal Watercraft Safety, said that she wanted to revisit NBSAC resolution 2004-74-02 on the minimum age and size requirements for safe PWC riding. She said she was grateful for the brochures but wanted to make sure they were getting out to the right people. She suggested an ongoing follow-up on children and personal watercraft with respect to fatality and injury in order to track effectiveness.

Ms. Phyllis Kopytko of SPIN said that she has noted that many PWC users are being struck by propellers. She asked the Subcommittee to look into off-throttle steering as a retrofit aftermarket device.

The Chairman recessed the meeting at 4:15 p.m.

**MONDAY, OCTOBER 23, 2006**

**CALL TO ORDER**

Chairman Muldoon called the Council to order at 1:30 p.m. and had Mr. Tsuneyoshi read the National Boating Safety Council Resolution #2006-77-10, Congratulations to Boat Owner's Association of the United States on its 40th Anniversary, which read: "Whereas the Boat Owner's Association of the United States has been one of the nation's most powerful advocates for advancing the interests of boaters by providing savings, service and representation to millions of boat owners

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nationwide since 1966; and Whereas with over 640,000 BoatU.S. members behind them, BoatU.S. has been able to fight unfair taxes, fees and regulations that single out America's boat owners; and Whereas Boat U.S. led the fight for safer boat reforms by working with Congress to successfully pass the Federal Boat Safety Act of 1971; and Whereas BoatU.S. fought tirelessly for the passage of the Recreation of Boating Safety and Facilities Improvement Act of 1980 so that a portion of the millions of dollars that boaters spent on fuel taxes would be applied to boating safety programs, enforcement, and access and increased recovery of boaters' fuel taxes through its support of legislation, establishing the Aquatic Resources Trust Fund, better known as the Wallop-Breaux Trust Fund; and Whereas, BoatU.S. continued to promote boating safety by creating the Boat U.S. Foundation for Boating Safety in 1981, and whose mission is to educate boaters about safe boating practices; Now, Therefore, Be It Resolved, that the National Boating Safety Advisory Council meeting in Las Vegas, Nevada on this fourth day of April 2006, does hereby congratulate the Boat Owner's Association of the United States on its 40 years of exceptional service to the nation's millions of recreational boaters." Ms. Wood thanked the Council on behalf of BoatU.S. and was presented with a copy of the resolution.

### US COAST GUARD AUXILIARY REPORT

NADCO Warren McAdams reported on the Auxiliary. He will become National Chief of Staff of the Auxiliary in November, and Jesse Harrup will replace him. The new National Commodore is Steven Budar from Hawaii, and there will be a new Executive Committee and new appointments.

The programs and initiatives already developed will be sustained in order to maintain a balance between maritime security and recreational boating safety while focusing on the goal of service to the members, Coast Guard, and nation.

The deadline for the personnel security investigations is at the end of the year, and the Auxiliary expects to lose 4000 members at that time. In the short term, this should not greatly affect the ability to carry out the missions. By the end of the year, all members must also complete two courses of Incident Command System training. Members in operational roles must also take classes on National Incident Management Systems and the National Response Plan. Progress is being made toward those requirements.

Some programs are being updated and streamlined, including operations. The Auxiliary will take over more duties for the Coast Guard, including commercial fishing vessel inspections and uninspected passenger vessel examinations. The communications systems are being updated. The Auxiliary will support the regional examination centers for commercial vessel licensing

Boating Skills and Seamanship is in a new edition, and Sailing Skills and Seamanship has been revised. The popularity of America's Boating Course continues to increase. The Education Department has introduced seminar-length courses for certain

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skills and updated the Instruction Development Course. Vessel safety check and RBS visitation programs are stable, but the focus is changing, with a focus on educating the boater on boating safety issues. Basic safety programs and operations are going well.

There are, however, challenges facing the Auxiliary. Recruiting will be a significant challenge. Members have to undergo security checks, go through long training programs and challenging qualifications, wear a uniform, and conform to expected behaviors and requirements. It is difficult to find people to do that. Comprehensive communications programs and disaster response systems need more work. Incident Command Systems training will take advantage of newer modules as they become available. As the Coast Guard reorganizes, the Auxiliary will adapt to match the needs of active duty units.

The Commandant issued a U.S. Coast Guard Auxiliary policy statement that concluded with the words, "Every Commander, Commanding Officer, Officer in Charge and Program Manager shall work closely with their Auxiliary counterparts to fully leverage the resources, skills, qualifications, profound dedication, that resides within the Coast Guard Auxiliary, and that such focus collaboration is essential to our own unwavering commitment to mission excellence in serving and protecting the public trust." That shows the Coast Guard's commitment to backing the Auxiliary's efforts.

### **REPORT FROM THE TSAC LIASON**

Mr. Carter was unable to attend the last TSAC meeting, which conflicted with the NASBLA meeting. He has spoken with TSAC members and concludes that the primary interests have not changed. The towing vessels were moved to the Coast Guard's list of inspected vessels this year, so the big issues are safety management systems, crew training, licensing requirements, changes in the designation of inspected vessels, and the new TWIC (Transportation Worker Identification Card) standards. He reminded the Council that TSAC usually meets in Washington DC, so they are close to the Coast Guard Headquarters.

The barge lighting project was administered through a grant that was given to the National Water Safety Congress and has been well-accepted by TSAC. Ms. Duer reported that two lighting products were demonstrated at NASBLA using two barges from American Commercial Lines. One product used LED units and a strobe to make the towing craft and the barges visible. The other device used was Sun-Up's photo luminescent paint on magnetized panels. The Sun-Up device was not as bright as it had been hoped, but that may improve with larger panels of paint being used. It is important that a boater be able to identify a barge and know its length by the illumination device and not mistake it for more than one vessel off of a harbor. The next demonstration is scheduled tentatively for November in Washington.

Ms. Wood asked about illuminating tow lines. Ms. Duer said she was considering both Sun-Up and woven LEDs as options, though the lines would still not be as visible as the barges. Mr. Tsuneyoshi pointed out that tugs can push barges as well as pull them.

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Ms. Duer said that the LEDs were made with battery-power and portable so the crew could rearrange the lights for different configurations. Testing is planned for five regions of the country, continuing through the winter months and into the opening of next year's recreational boating season. Mr. Hoedt asked if a demonstration would be possible at the next NBSAC meeting. Ms. Duer said she hoped to make that happen. There will be a demonstration at the Summit in March in San Antonio. The website will give notification of test sites.

### **FACTORS INFLUENCING KIDS' IN-WATER PERFORMANCE**

Susan Balistreri, a lifejacket designer and former NBSAC member gave a presentation related to Council's resolution number 2004-73-03. Life jackets designs have varied greatly in the past few decades, since the CFR changed from a construction standard to a design standard. Since then, jacket design has responded to activities. Mandatory wear had a great impact, since consumers became much more interested and designs became more specialized. Mandatory wear for children created consumer responsiveness about sizing and performance expectations.

Weight ranges regulate children's life jackets: 50-90 lbs, 30-50 lbs, and under 30 lbs. When looking for a life vest for a child, the consumer balances what he or she thinks they need against what is legally required. One expectation is that the vest fit in such a way that it will work. However, age, anatomy, and experience affect how the device will work. Experience is largely related to swimming ability and comfort in the water. Children with no swimming experience will often fight against their buoyancy while a child with swimming experience will adapt to the additional buoyancy. Even children who cannot swim should become acquainted with how their body and the jacket will act in the water. Parents often ask why their children go face-down when wearing a vest and blame the device. The media has also reported on this phenomenon by which children spin and go face-down.

The spinning and going face-down is caused by a number of factors. The supplemental buoyancy mandated in the requirements often conflicts with the child's anatomy. A child's center of gravity is typically in the sternum, the center of buoyancy near the groin. For the device to work optimally, it would have to be designed so that as the device is cinched to the individual anatomy, those two points will come to a congruent converge in the center, and the child floats.

However, many children do not know how to float. The leaning-back position required for a type III device to work is not natural to a child. It is not instinctive to flip over if floating face-down. Children naturally feel safe when they are perpendicular to the water, and many will fight to reach this position.

Direct involvement by a parent or guardian is crucial to making the device work. The parent can acquaint the child with water and natural buoyancy in safe settings in order to avoid creating fear. Using a velcro belt, the child is taught his or her own buoyancy before foam blocks are gradually added to the belt. Without the kind of

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comfort such training will provide, the child will usually fight the vest, spin uncontrollably, or go face down. She encouraged the Council to look at offering consumers tools to employ this sort of training.

Children who use life jackets become adults who use life vests and purchase them for their children. Mr. Tsuneyoshi asked about jackets for babies. Ms. Balistreri said that babies are especially difficult. She is trying to design a vest for children that will hold them vertical, though the standards require that a device for a child under 30 lbs flip the child over. Perfectly sized devices would be impractical. She expressed hope that the minimum required buoyancy could be reduced to accommodate new designs and smaller children.

**BOATU.S. ANNOUNCEMENT**

Ruth Wood announced that Jim Ellis, President of BoatU.S. will retire at the end of the year. Nancy Michelman, Vice President of Membership, will replace him.

**OVERVIEW OF THE NEW UNITED STATES POWER SQUADRONS  
EDUCATIONAL STRUCTURE**

The Chairman introduced Robert J. Sweet, Assistant National Education Officer for the United States Power Squadron (USPS). Mr. Sweet said that the program is in the midst of a major upgrade and expansion. The emphasis is on teaching safety in a positive way. Because there are so many boaters who either are experienced or think they are, the Squadrons offer both basic boating education and advanced boating education, with the objective of attracting both new and experienced boaters. The Squadrons' other objective is to enhance the skills of those who have taken a boating course.

With the basic course, the USPS is working toward improving the programs by updating the material and teaching style while working toward mandatory education. For experienced boaters, there are short seminar programs that are more attractive than boating courses. The short seminars will be single-topic, giving people access to the specific information they want. These programs get more advanced boaters in the door, and the boaters then take the advanced boating programs or more seminars as incremental education. These seminars are about two hours long and are not NASBLA certified. The plan is to hold seminars at local marine stores and feature useful take-away guides. The VHF radio seminar comes with a laminated guide and a PC-based simulator on CD. The seminars are easy to present and well-received.

There is a seminar for GPS that comes with books, one on using a chart that comes with a waterproof guide to charting, one for on-board weather forecasting, and a seminar on handling a boat under power. More products are in development, and the goal is to have 20 released by the end of next year.

McGraw-Hill revised and republished Charlie Wing's One Minute Guide to the Nautical Rules of the Road, which now meets the carry-aboard requirement.

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Traditional programs have been structured in the past as a generic course for everybody, and the advanced courses were just as linear and offered no choices. The new concept is that of a USPS University, which offers classes tailored to the boater and the type of boating he or she is doing. Also, the students are given credit for the classes, which encourages them to return for further instruction. The credits go toward Boat Operator Certification, an international certification of competency.

The Boat Operator certificate will be a recognized credential below the Coast Guard License, and the testing for this certification will be based on general boating competency and specific skilled demonstration after completing a curriculum of courses. The curriculum would be USPS or partner courses that are structured and heavy in navigation techniques, classroom courses with practical exercises, simulated and on the water. Classes are completed with a graded examination, usually either practical or open-book. Auxiliarists would receive credit for their training. Seminars can serve as part of the credit toward certification. USPS is looking at other organizations for appropriate training and for partnerships. There are four levels of certification: in-shore, within two miles of the shore; coastal, further out on the coast, but regional; advanced coastal, for coastal cruisers; and off-shore for the blue water. There is much enthusiasm in the USPS about this program and feedback has been excellent.

Ms. Wood asked about the pricing structure for the courses. The courses cost \$30 to \$35 and include \$25 to \$30 worth of retail product, the guides. The students would definitely see a value. Ms. Wood further asked about the hands-on testing. Mr. Sweet said that applies to certification, which is tested for after the courses are completed. The courses would include hands-on exercises where practical. Mr. Carter asked about purchasing the materials separate from the class. Mr. Sweet said that was not yet set up, but there has been talk with the Auxiliary about sharing the materials. However, the guides are all retail products available through McGraw-Hill or in stores. Mr. Campos suggested a possible collaboration between the Boat Operator Certification program and the Captain's License for Charter Boat Operators on inland waters. Mr. Tsuneyoshi hoped that the USPS could participate in setting national standards for hands-on training. Both the Council and the audience showed enthusiasm and interest.

**RECESS**

The Chairman called for a recess at 4:30 p.m.

**TUESDAY, OCTOBER 24, 2006**

**CALL TO ORDER**

Chairman Muldoon called the meeting to order at 8:27 a.m. There had been discussion amongst some members the day before on the issue of swimming from boats. Work assignments were given out and will be reported on at the next meeting, which will be in Iowa in April. Future meetings will be in Washington D.C. in October of 07, Maine

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in April of 08, and D.C. in October of 08. Subcommittee Chairs are now given 30 days to submit their meeting minutes, which are then mailed out. None of the subcommittee reports were ready, so the meeting moved to member items.

**RESPONSE TO MEMBERS' ITEMS**

Mr. Hoedt distributed a handout on the responses to the member items from the first day of the meeting and asked the members if the questions were adequately answered. Ms. Belmore, Mr. Chisholm, Mr. David, Mr. Marlow, Mr. Rowe, were satisfied with the response. Mr. Woolley wanted to know when his response on "whitewater" would be finalized. Mr. Hoedt said that all the ballots and comments on the issue are due by the end of the month and finalization will follow.

Mr. Tsuneyoshi asked if the indicators of seaworthiness can be assembled as a set of guidelines in checklist form. John Adey said that there are checklists out there published by the Society of Marine Surveyors and the National Association of Marine Surveyors. However, both organizations require that surveyors complete a lengthy certification process, since an accurate assessment requires more knowledge than a checklist can provide. It would be better to assemble a group of regional surveyors to make a basic assessment. Mr. Richard added that the nature of seaworthiness is very complex and can change. In Florida, there is a separate definition for derelict vessels to avoid the complexity of seaworthiness. Mr. Tsuneyoshi said that abandoned boats are a huge and ongoing issue in California, so he will continue with the issue at future meetings. Mr. Hoedt said he would look into commercial vessel program standards.

Mr. Hoedt asked the audience to bring items to the members before meetings so the members can incorporate them into their own member items and submit them in advance. Due to limited time and resources, items from the audience are not addressed at the meeting. Audience members with questions can address them to the office at any other time.

**BOATS AND ASSOCIATED EQUIPMENT SUBCOMMITTEE REPORT**

Mr. Marlow presented for the Subcommittee, which met on Sunday, October 22, from 2:00 to 5:30. Members present were Mr. Marlow as Chair, Peter Chisholm as Vice Chair, and Carolyn Belmore, Alfonso Campos, Ted Woolley as members.

The first item on the agenda was the Coast Guard updated report on high-risk propeller strike boat lengths. The Subcommittee requested that Mr. Schmidt compare data already presented to the information that will emerge from the National Recreation Boat Survey that will commence in fall of 2007.

The next item was an update on the status of NPRM 2001-10163 provided by Jeff Ludwig. An action item resulted, which was Mr. Schmidt being asked to examine the

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data for statistics supporting regulation for houseboats and pontoon boats that Mr. Schmidt defines as high-risk.

The Subcommittee then looked at an update on the resolution process for engine cutoff lanyards and a presentation on the effects of Alabama's legislation on the subject as well as an update from ABYC on their consideration of creating a performance standard for lanyards. ABYC is forming a Product Interface Committee (PIC) that will meet in February. BoatU.S. has examined the devices and will soon publish an article.

The Propeller Strike Injury Avoidance Working Group gave an update on developing protocol, testing prop guards, and forming a definition for prop guards, all works in progress.

The Subcommittee received an update on NMMA's Boat Industry Risk Management Council Subcommittee label evaluation project. The Subcommittee agreed to keep this as an agenda item as they believe that proper labeling and the use of proper labeling, particularly for on-product warnings, will have a great impact on future boating safety.

Dan McCormick gave an update on carbon monoxide and progress on airflow and exhaust configurations. USCG and NIOSH will give a presentation on the subject at IBEX. CPSC is getting into the issue of portable generators.

Mr. Messmann gave an update on the 17-character hull identification number, now called 12 plus 5. The Subcommittee created an amended resolution on the issue.

There was an update on LED navigation lights and the status of adding them to the requirements under the A-16 standard, which is taking place. The last update was on ethanol and its impact on marine products. The USCG has contracted with ABYC to evaluate the issue, and the agenda item will be kept open.

When new business was called for, Mr. Rowe proposed amending Resolution 2006-77-04, operator requirements concerning in-water activities with an idea to posting a lookout prior to starting the engine. That was proposed to the Subcommittee and approved to be moved forward on an amended resolution.

Ms. Dillon expressed concern over the lack of collateral literature in owners manuals provided in craft sold to the general public. The issue was discussed and Mr. Cappel stated that the Coast Guard can have their compliance associates look for owner manuals during their manufacturer visits to determine how many manufacturers actually provide manuals with their products. The Subcommittee will keep the item open.

The Subcommittee offered the following resolutions.

Resolution number 2006-78-04, Amendment to NBSAC Resolution 2005-76-05 recommending a study to be conducted for the 12 plus 5 HIN project, read as follows.

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“Whereas the NBSAC Resolution 2005-76-05 requested the Coast Guard to disregard the previous cost benefit survey and to develop a new survey instrument compatible with the points made in the NASBLA-IAMI report to NBSAC; and Whereas, the stakeholder meeting pursuant to Resolution 2005-76-05 was conducted at the NASBLA annual conference in Louisville, Kentucky on September 24, 2006; and Whereas, the numerous concerns were identified at this meeting with the new survey instrument and reported to NBSAC at the 78<sup>th</sup> meeting of the Council; and Whereas, the stakeholders identified that a more reliable and defensible methodology that the OMB would accept as a cost benefit of the 12 plus 5 HIN project would be a cost benefit study; Now, therefore, be it resolved that the National Boating Safety Advisory Council Meeting in Alexandria, Virginia on this 24<sup>th</sup> day of October, 2006, hereby request the Coast Guard to not use the survey methodology but conduct a study that utilizes the 2004 NASBLA-IAMI report and the report presented to the Boats and Associated Equipment Subcommittee on October 22, 2006, for the cost-benefit analysis for the 12 plus 5 HIN project.” Mr. Messmann moved the resolution and Mr. Tsuneyoshi seconded. Mr. Marlow suggested that the word methodology be used in two places. **The amendment was accepted, and the resolution carried unanimously.** Chairman Muldoon gave the staff authority to determine the proper way to incorporate this amendment to the previous resolution.

The second Resolution, 2006-78-02, an amendment to NBSAC Resolution 2006-77-04 Operators’ Requirements Concerning In-Water Activities, read as follows:  
“Whereas the NBSAC Resolution 2006-77-04, the fourth whereas says a requirement for the operator to shut off the propulsion engine while a swimmer is in close proximity to the area of possible impact could significantly reduce the number of these types of casualties; and Whereas, NBSAC believes we should amend the fourth whereas to add after engine ‘and to post a lookout prior to starting the engine to determine if anyone’ and delete ‘while a swimmer;’ Now, therefore, be it resolved that the National Boating Safety Advisory Council meeting at Alexandria, Virginia on this 24<sup>th</sup> day of October, 2006 hereby amends resolution 2006-77-04 fourth whereas to read, “Whereas a requirement for the operator to shut off the propulsion engine and to post a lookout prior to starting the engine to determine if anyone is in close proximity to the area of possible impact could significantly reduce the number of these types of casualties.” Commodore Belmore seconded the motion. Mr. Marlow made minor editorial corrections. **The motion carried unanimously.**

**RECREATIONAL BOATING SAFETY STRATEGIC PLANNING  
SUBCOMMITTEE REPORT**

Mr. Messmann, Chairman of the Subcommittee, reported that his Subcommittee met on Monday from 8:30 until 1:00 and prepared a document, which he distributed. Mr. Fred F. Messmann, Chair, Cecilia Duer, Vice Chair, Randy Edwards, John Fetterman, Monita Fontaine, and Bruce Rowe were present. The first issue was the mission statement. Mr. David moved to accept the mission statement. Mr. Tsuneyoshi seconded, and the motion carried unanimously.

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The Chairman asked Mr. Schmidt to give wear rates and figures for Objective 7. He said that for 2006 the adults in open motorboats wear rate was 4.5 percent. The target rate of increase is 3 percent of that 4.5 percent, 4.63 percent in 2007. The Chairman moved to authorize the staff to add the actual number of people that percentage reflects in the document and the motion carried unanimously.

Mr. Messmann ran through the objectives. Mr. Hoedt commented that there had been questions about the numbers related to Objective 5. The information was copied and provided to the Council. Mr. David moved to accept the document. Commodore Belmore seconded the motion. Mr. Tsuneyoshi asked about the order of the objectives. Mr. Hoedt said they were arranged in chronological order over the life of a boat, starting with manufacture. Mr. Tsuneyoshi said that the objectives might better be arranged in order of priority. Mr. Messmann said that the Coast Guard will develop a plan where the Council will set priorities for the objectives after the strategic planning document is completed. Mr. Hoedt asked for guidance. He said he would like to have the document ready for the Council's signature at the next event, so he will need to know how the Council wants the objectives ordered. Mr. Messmann suggested handling the ordering in a separate document. Ms. Dillon pointed to some awkward and vague language in strategy 5.5. She recommended changing the capital "Homeland Security" to lowercase and removing the second "homeland security." Mr. Marlow seconded the amendment and it carried unanimously. **The original motion was then called and carried unanimously.** The Chairman commented that the Strategic Planning Subcommittee will not be dissolved but will work on continual evolution of the process.

The Chairman suggested authorizing the Coast Guard to reorder the objectives according to priority risk. Mr. Tsuneyoshi agreed, provided the finished version that goes to Congress conveys an order of importance. The Chairman stressed that this should not slow down the process. The Council concurred.

### PREVENTION THROUGH PEOPLE SUBCOMMITTEE REPORT

Mr. Tsuneyoshi, Chairman of the Subcommittee, reported that it met on October 22 from 8:30 a.m. to 12:00 p.m. Scott Swanby, Pam Dillon, Bob David, Ed Carter, and Ray Tsuneyoshi were in attendance. The Subcommittee looked at copper bottom paints, an international issue that has repercussions with invasive species as well. They had an update on kite tubing. Because they have been recalled, it is being taken off the agenda.

Sam Wehr and Marty Jackson, from the USCG Office of Lifesaving and Fire Safety Standards, gave an update on PFD reclassification and risk-based compliance. A developmental study is ongoing, and the move is toward making the classification easier to understand.

Virgil Chambers presented on the campaign to increase PFD wear. The current focus is the delta area of northern California. The overall strategy is to bring everyone together: manufacturers, boating law administrators, and constituent groups behind a

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single message. A survey will be done to track results. The campaign will be duplicated in other states. This is an ongoing issue.

The JSI PFD Survey Review and Report of Current Findings and Report on Partnership with NABA showed that actual adult wear has actually gone down slightly and overall average wear has not changed significantly. There will be an update at the next meeting.

Harry Hogan reported on the Quick Phase-in Education, which showed that a finite implementation period in a state results in measurable declines in accidents, injuries, and fatalities.

There was a discussion on defining and developing standards for hands-on boating education. There seems to be reluctance to put a program together due to fear of liability. However, without standards, instruction will be very inconsistent. Mr. Tsuneyoshi moved an action item Dave Marlow proposed in the Subcommittee. The action item called for an investigation to evaluate the level of boating education, what levels exist today, where the gaps are in providing education to the public, and then take action on the gaps. **Ms. Dillon seconded the motion and it carried unanimously.**

Under the call for new business, Mr. Woolley proposed a resolution requesting changes to the CFR requiring the carriage of type IV PFDs on certain vessels. After discussion, the Subcommittee formulated a resolution: "Whereas 33 CFR Part 175, Subpart B, Section 175.15 requires the carriage of a Type IV personal flotation device in a recreational boat 16 feet in length or longer; and Whereas CFR Part 175, Subpart B, Section 175.5 exempts canoes, kayaks, and sailboats from carriage requirements of this Type IV personal flotation device, but does not exempt inflatable rafts, drift boats, and other water craft when being operated on moving water; and Whereas Type IV personal flotation devices are of limited value on moving water conditions when all occupants of a vessel are all wearing Coast Guard approved PFDs; Now, therefore, be it resolved that the National Boating Safety Advisory Council at its 78<sup>th</sup> meeting in Arlington, Virginia on this 24<sup>th</sup> day of October hereby requests the Coast Guard to amend 33 CFR Part 175, Subpart B, Section 175.15 to exempt inflatable rafts, drift boats, and other water craft while being operated on moving water if all occupants of the vessel are wearing a Coast Guard approved PFD." Mr. Messmann moved it and Mr. Woolley seconded. Ms. Timmons noted the redundant "all" in the third whereas. Mr. Carter pointed out that the phrase "moving water" could be misinterpreted in court and suggested a definition of white water. Mr. Woolley said that it is safe enough if everyone is wearing a PFD, even if they have no type IV devices on board. Ms. Dillon noted that canoes, kayaks, and sailboards are already exempt and suggested simplifying the resolution by removing the condition of moving water. Mr. Hoedt pointed out that the resolution was drafted specifically for white water, though a definition of white water has not yet been made. Mr. Woolley noted that rivers vary by segments, time of year, and weather and the rule could get very confusing if it applied only to a certain class of water. Ms. Dillon moved to strike the references to moving water throughout the resolution. Mr. Messmann said that the intent of the resolution was not to exempt on lakes and reservoirs. Ms. Dillon

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agreed to leave the moving water references in the second whereas and wait for the Coast Guard to report back. Mr. Carter seconded the amendment. Mr. Garcia asked for clarification of "other water craft." Mr. Woolley described craft on which it was impossible or impractical to carry type IV devices. For those craft, the idea is that everyone should wear a PFD rather than have a Type IV thrown to them. Major Fetterman said there were too many vague and undefined terms in the resolution and that he could not support it. Chairman Muldoon sent the motion back to the Subcommittee for clarification.

Mr. Tsuneyoshi read the next Resolution, 2006-78-05: "Whereas Resolution Number 2004-73-03 called for promoting the usage of unconditionally approved Type I and Type II for children weighing less than 50 pounds because they provide superior in-water performance; and Whereas, the reclassification of personal flotation devices is an ongoing project in which conditional approval for Types I, II, and III is still conceptual; and Whereas, research relating to distinct anatomical and stability factors for children is still in the fact-finding stage; and Whereas, the preferred in-water stability position may differ for children as compared to adults; and Whereas, a simplified PFD label could educate the consumers so that the selection of the PFD is a personal issue based on intended use; Now, therefore, be it resolved that the National Boating Safety Advisory Council meeting in Arlington, Virginia on October 24, 2006 reconsiders Resolution Number 2004-73-03 and requests that the U.S. Coast Guard continue its attempt to reclassify and simply the PFD label process including those factors unique to children's physical and psychological makeup; and Be it further resolved that by the passage of this Resolution, NBSAC Resolution Number 2004-73-03 is rescinded." Mr. Garcia suggested changing "personal issue" to "child-specific decision." Mr. Carter did not accept the amendment and it was withdrawn. Mr. Marlow and Mr. Ludwig suggested that the language be changed to reflect that the selection of the PFD is an informed decision based on intended use. **Mr. Carter accepted the amendment, and the amendment carried unanimously.** Chairman Muldoon moved that Mr. Hoedt suggest corrections to the motions at the next meeting. **The motion carried unanimously.**

Mr. Tsuneyoshi read the last Resolution his Subcommittee made, 2006-78-03: "Whereas one of the key components of the most recent re-authorization of Sport Fish Restoration and Boating Trust Fund formerly known as Aquatic Resources Trust Fund is that the boating safety program's share is a greater percentage of the tax generated by fuel used in recreational boats, thereby increasing the scope and effectiveness of their programs; and Whereas the Sport Fish Restoration and Boating Trust Fund provides dollars for sport fishing restoration programs matched at the 75/25 federal to state ratio; and Whereas boating safety programs are required to match federal money at a 50/50 ratio; and Whereas the difference in matching requirements in the same trust fund sets up a gross inequity, especially in 38 states whose sport fishing restoration and recreational boating safety programs are managed by the same natural resources agency; and Whereas one-third of the existing three part formula for allocation of federal dollars is based on prior year's state expenditures; and Whereas all states support a maintenance of effort clause requiring that a state maintain its current level of state spending or be penalized accordingly by reducing the amount of federal funds for which they would ordinarily be

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eligible; Now Therefore, be it resolved that the National Boating Safety Advisory Council recommends that the U.S. Coast Guard immediately seek a fast track amendment through an appropriate legislative vehicle that will change the recreational boating safety grant match requirement to a 75/25 ratio so that all states may fully participate in recreational boating safety program.” **The Chairman moved the resolution, Mr. Carter seconded, and the motion carried unanimously.**

**CHAIRMAN’S SESSION**

The Chairman called for other business. Mr. Hoedt announced that before the NASBLA conference the Executive Board of NASBLA and their key committee Chairs met with Coast Guard Commandant Thad Allen, and they brought up the issue addressed by Resolution 2006-78-03 regarding the 75/25 split of Wallop-Breaux funds with the Commandant, who has delegated staff at Coast Guard Headquarters to address it.

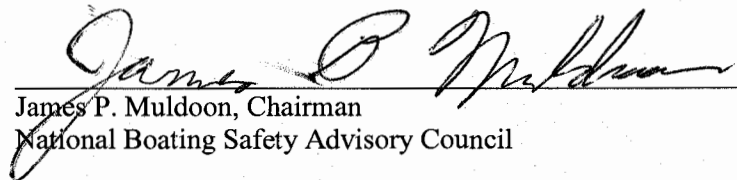
An audience member introducing herself as Marion DeCruz applauded the U.S. Coast Guard propeller strike brochure produced since the last meeting. She stressed the importance of getting the brochure to the public through industry.

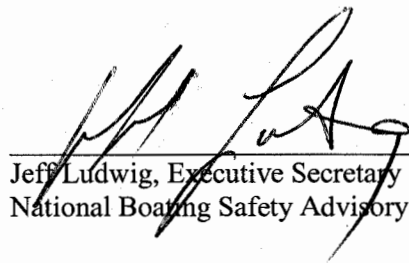
The Chairman called for other business and hearing none thanked the staff, the industry and government partners. He charged Mr. Hoedt with producing a first draft of the procedures necessary for the preparation of a NBSAC meeting within 45 days.

**Mr. Tsuneyoshi moved to adjourn, and the motion carried unanimously.** The Chairman closed the meeting at 10:05 a.m.

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

 James P. Muldoon, Chairman 20 June 07  
National Boating Safety Advisory Council Date

 Jeff Ludwig, Executive Secretary 6/20/07  
National Boating Safety Advisory Council Date

**National Boating Safety Advisory Council (NBSAC)  
October 22, 2006 – Arlington, VA  
Subcommittee Minutes**

**Prevention Through People Subcommittee**

**Discuss current projects and new issues impacting prevention through people**

**Members Present:**

Mr. Raynor T. Tsuneyoshi, Chair  
Mr. J. Edward Carter, Vice Chair  
Mr. Robert P. David  
Ms. Pamela Dillon  
Mr. Larry J. Meddock  
Mr. Scott P. Swanby

**Agenda Item 1:**

**Copper Bottom Paint: National/International Perspective**

Mr. Tsuneyoshi presented on the copper bottom paint issue and how they related to the copper boat bottom paint problem. The California State Lands Commission adopted a resolution in April 2006 to help educate the public about the impacts of the copper-based paints. The current EPA standards for copper are 3.1 parts per billion (PPB) max and the Federal EPA is contemplating adjusting that threshold down to 2.1 PPB. The new criteria for copper should be available by the end of 2006.

Bob David updated the committee on a meeting from the European Union. He mentioned that in the harbors in the Baltic area, copper sediment is building up and giving rise to serious concerns, especially in the marinas. The involved parties continue to search for alternative anti-fouling paints. Mr. David also stated new products, especially an enzyme based anti-fouling paint have, thus far demonstrated disappointing results. The Europeans have no viable solutions yet and this issue is not going away.

**Agenda Item 2:**

**Kite tubing update**

Bruce Schmidt provided an update on the Wego kite tube, which is designed to be towed behind an open motorboat. Some of the safety issues with this product include: sudden changes in speed and direction as well as gusts of winds causing the rider to impact the water. Mr. Schmidt stated that the primary causes of the accidents are that the units are too difficult to control and boat operator inexperience. On July 13, 2006, the Consumer Product Safety Commission announced the voluntary recall of this product. Accident reports received have declined since the recall. Mr. Schmidt stated that the Wego kite tube is just one of many of the flying types on the market.

Chairman Muldoon wanted to know what happens when an item is recalled. Dave Marlow stated that the manufacturer, Sportsstuff, makes a variety of inflatable products and they replaced the item with other Sportsstuff products. Phil Cappel thanked everyone who sent the reports in to PCB and stated that it was the reports sent in to the Coast Guard and forwarded to the CPSC, which was a driving factor for the recall.

**Agenda Item 3:**

**PFD Wear Campaign to increase wear: Tiger Team**

Virgil Chambers provided an update on PFD Wear Campaign. He stated that we need to offer alternatives to the traditional Type II pfd's. We need to do face to face contact marketing, which he called experiential marketing. They are going to target "trailer" boats and anglers in order to show a measurable increase in PFD wear rate.

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The team will employ this experiential marketing tactic by using young, responsible adults and putting them in a “decal wrapped” boat as the “Life Jacket Lookout Team”, to patrol waters, give away bottled water, coupons and various items in order to meet with people to talk about PFD wear. They will also be giving out “belt pack” and suspender type life jackets as well as cash prizes and other incentives to induce individuals to wear PFD’s. They are trying to have the public experience wearing comfortable pfd’s. Mr. Chambers stated that people need to see the same message 7 times, 7 different ways in order to be cognizant of that message.

Mr. Tsuneyoshi stated that they are looking at using pledge cards to commit the recipient to wearing PFD’s for a year (Pam Dillon suggested a follow-up survey among the participants to track results). In addition, this is part of the larger NBSAC strategic plan.

Mr. Chambers stated that FL, TX, TN, LA will be moving forward with a similar type of effort. Mr. Chambers mentioned the Web site will be “WWW.WEARITUSA.COM”. Carolyn Belmore hopes that the US Power Squadron and USCGAUX will be involved. Dave Marlow asked if the campaign has written to the major TV networks and suggested the message of PFD wear be shown on TV shows. John Malatak stated that PCI wrote all major networks and the only favorable response was from ESPN.

**Agenda Item 4:**

**JSI PFD Survey: Review and Report of Current Findings & Report on Partnership with NABA**

Bruce Schmidt provided an update on the JSI pfd survey and the latest findings at a national level. JSI monitored PFD wear for 9 years. He stated that trying to increase PFD wear is a difficult job especially with the target population: adults in open motorboats. National campaign observations are conducted in July and August only. Observations were taken in 30 state areas, 19 coastal, 11 inland, in 124 sites. Observation in 2006 showed a slight decline in the “17 years old and under” boating population. Wear rates over the past 9 yrs. show that the rate is stable across the nation. When examining specific types of vessels- of concern is the open motorboats- there was a decline from 2005 -2006, (4.5% to 3.7%.) The wear rate did not increase through voluntary means. Wear rates in cabin sailboats have increased since 2004 through 2006, 10%, 15%, 19%, respectively. Day sailer rates increased to a 60% wear rate at the national level. Mr. Schmidt stated the perceived impact of law enforcement wearing a PFD is worth looking into. 2006 observations will serve as a baseline for the 2007 targeted campaign. In 2006, over 4100 boaters were observed- 5% fishing, 14% intended to fish, 81% other activity. 2006 wear rates for this area were – 16.6% who fished, 14% who intended to fish, 3.7% other activities (which is the national average wear rate).

Bob David stated that when teenagers are required to wear the pfd during their sailing instruction, they will. However, they do not wear PFD’s when they don’t have to. Mr. Fetterman said that outreach efforts have had limited success in Maine, but Marine enforcement boardings while wearing of PFD’s has had an impact. Inflatable wear has made a difference and Mr. Fetterman believes that Maine is above the national wear rate. Mr. Hoedt mentioned that the Coast Guard has offered JSI to do training for states who want to do observational studies.

**Agenda Item 5:**

**Quick Phase-In Education**

Mr. Hogan presented the results of a quick phase in education report performed for CG. He stated that “quick phase in”(QPI) means the motorboat operating public has a short time to comply with passed legislation, typically 5-10 yrs. Mr. Hogan explained that they compared other types of state policies (PWC only requirements, youth based age requirements, etc.) with QPI. Mr. Hogan stated that QPI requirements target a larger number of the population faster than other policy types.

Specifically, they evaluated Alabama and Connecticut. When comparing the pre and post period of quick phase in completion they found that there was a 31% decline in fatality rates, and a 27% decline in fatal

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accident rates. Both these declines exceed the national levels during this time period. Both Alabama and Connecticut showed a reduction in the fatal accident rates when compared to their bordering states. When grouped by state policy type, the quick phase in states also experienced a greater reduction in fatal accident rates. He stated that some of the alternative state implementation policies will not reach the total qualifying group for a number of years and creates a drawback. He concluded that states which choose to implement quick phase in can expect a significant decline in fatality rates.

Mr. Tsuneyoshi mentioned that California is trying to implement quick phase in and they just picked up a sponsor for the legislation. Ed Carter believes the decline in fatalities is not just attributable to quick phase in, but also the publicity associated with it..

**Agenda Item 6:**

**Discussion on Defining, and Developing Standards for, “Hands – On” Boating Education**

Mr. Tsuneyoshi wanted to open the discussion on “hands on” boating education and its competencies. Randy Edwards stated that he assumes states are looking at the quality of instruction, who qualifies these instructors, what are they teaching and is the message being delivered. Mr. Malatak stated that everyone is trying figure out ways to do that and CG needs suggestions on how they can monitor the training that these people are conducting. Carolyn Belmore stated that in the New England region, they have a few states with mandatory education and, in order to teach the course, the instructors must be certified. Dave Marlow said that it is hard to interest the consumer to take a course after they have spent a significant amount of money (travel, accommodations etc.) He mentioned that they have been unsuccessful trying to identify a program that would have a “hands on” education component. Pam Dillon suggested there are 2 different tracks- national programs training the instructors and then having the instructors go into the boat shops, yacht brokers, etc. She suggests that the retailers provide the training at no cost to the purchaser, but the instructors should be the ones to travel to the training site, not the boaters themselves. John Fetterman stated that he is concerned about the skills based training. He thinks that the possibility of developing a skills based training is too optimistic. Dick Snyder believed there is a significant problem by not addressing the thousands of small boats (14 feet outboard with tiller controlled 15 to 25 hp motors)

**ACTION ITEM- Dave Marlow motioned for an investigation by CG that evaluated the level of boating education. What levels exist today? Where are the gaps in providing education to the public and what action can be taken to fill in those gaps?**

**VOTE: All in favor- voice vote**

**MOTION PASSED**

**Agenda Item 7:**

**Update on PFD Re-Classification and Risk-based Compliance**

Sam Wehr provided an update of the reclassification of pfd’s and the labeling issue. Mr. Wehr stated that the reason why the re-classification was necessary was that PFD classification impacts safety and the standards are evolving. He stated that one of the next steps they will be taking is the rough water wave tank testing to quantify drowning protection to establish baseline performance criteria. The classification goals allow important relative comparisons and determine compliance with carriage/use requirements. Mr. Wehr discussed the proposed PFD Selection Label. Some of the proposals/recommendations coming from the work will be to propose co-mingling the different types. Mr. Wehr stated that the PFD classification and labels would be re-

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crafted around the current USCG type I, II, and III. Mr. Wehr stated that they were looking at the wave and wind direction effect associated with cold-water immersion.

Marty Jackson provided an update of the SWIM manikin family. He discussed the Child SWIM instruction packet. He provided next phase highlights which will include development of computer models for child and female and update male models and test all three manikins in calm and rough water to assess response. Final phases are to develop end user computer program and survey manufacturers on new software.

Randy Edwards wanted to know if there is development of PFD's for infants, children, and larger individuals. Mr. Jackson stated that the only discussion is from the Council's resolution from a couple of years ago, but there is no particular research going on for infants and children and no proposal in place for large people.

An audience member stated that type V products have been the only innovative product and she is against streamlining this product into the class I, II, III since it would provide type Vs with a negative connotation. Another audience member stated that we need to find language that people understand which would make it simpler and not so complex. There is more chance that people will wear something they understand.

**Agenda Item 8:**

**Call for New Business**

Ted Woolley discussed a resolution, which came from NASBLA in 2003- requesting there be changes to the CFR, which requires carriage of Type IV on certain vessels. He felt we need a resolution to address this. Fred Messmann is asking for action by committee to bring this issue up so that NBSAC may consider it. Mr. Hoedt asked for clarification regarding whether it would apply to all boats on white waters or non powered boats? You may want CG to look at this issue in depth. Ted Woolley stated that the resolution is looking at non-motorized crafts.

No resolution was proposed at that time.

Meeting adjourned at 12:03.

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**Boats and Associated Equipment Subcommittee- Discuss current projects and new issues impacting boats and associated equipment.**

**Members present:**

**Dave Marlow – Chair**  
**Peter Chisholm – Vice Chair**  
**Carolyn Belmore**  
**Alfonso Campos**  
**Ted Woolley**

**The Boats and Associated Equipment subcommittee convened on Sunday October 22 at 1:50pm.**

**The first item on the agenda was the USCG updated report on high-risk propeller strike boat lengths.**

Bruce Schmidt presented on the effort to narrow the type of vessel in accidents involving prop strikes. While Bruce presented the information from 2002-2004 at our last meeting, he was able to bring forward additional data from 2005. Results were similar from before outlining that boats 16 - 20 feet with stern drives contributing the largest number of casualties by percentage of population. While this information continues to be refined, the subcommittee requested again that Mr. Schmidt work to compare this data with the information that emerges from the National Recreation Boat Survey that is planned to commence in the fall of 2007. He will then be adjusting the casualty data based on the metric for use. The subcommittee will retain this as an open agenda item and look forward to future information from the Office of Boating Safety.

**Next on the agenda was an update on the status of NPRM 2001-10163 provided by Jeff Ludwig.**

Mr. Ludwig went through the comments received from the public. Some of the issues that were brought up in which there was concern were: what is a prop guard, the costs involved, inspection and maintenance costs, potential damage to the environment, the population estimate for houseboats, and the effectiveness of propeller guards. Additionally, Jeff stated that there has been no independent analysis of the effectiveness of propeller guards.

Casualty figures were provided from Mr. Ludwig's presentation. Since 1999, there have been a total of 2 propeller related fatalities on houseboats. Comments from the SBA stated that the cost burden may be substantial to small businesses. Additionally, he provided some examples of cost which included the estimate for a propeller guard and its installation. Mr. Ludwig stated that based on the comments and the evaluation of the costs, the potential benefits do not justify the (costs) for regulation. He concluded by stating that 10163 should be cancelled so the CG could concentrate its efforts on the lanyard regulations- installation, mandatory wear, the requirement for the operator to turn off the engine when a swimmer is near, and the pre-rental package as the resolutions that they will be moving forward. There was a discussion that highlighted the efforts of the OBS to bring these NPRMS forward in an expeditious manner.

Phyllis Kopytko asked that Bruce examine the data to see if the stats would support a regulation for houseboats and pontoon boats. A discussion ensued indicating that the data will not likely support this. The subcommittee asked Mr. Schmidt to continue defining the high risk boat type which may result in the inclusion or targeting of these boat types.

Ms Kopytko also inquired about some way to include the boat capacity in the risk calculations, providing as an example that boats which can carry 30 passengers could have 30 people at risk of injury. The chair pointed out the effort to reduce capacities on houseboats and pontoon boats through industry programs. Jeff Hoedt indicated that the cost benefit analysis formula does not take vessel capacities into account.

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**The subcommittee turned to an update on the resolution process for engine cutoff lanyards and a presentation on the effects of Alabama's legislation of the same. It included an update from ABYC on their consideration to create a standard.**

The previous minutes were reviewed and it was reported by Fred Messman that Nevada has introduced a bill to require use of lanyards in concert with the model act provided by NASBLA on this topic.

Bruce Schmidt provided an analysis of the Alabama legislation which targets boats less than 24ft in length and greater than 50 horsepower. Bruce analyzed data from BARD for 2001-2005 and specifically, looked at Alabama accidents that involved persons being struck by the propulsion unit or boat, falls overboard, or person being ejected. Based on the analysis, he found 44 total fatalities during that time period. He concluded that there may have been 12 preventable deaths but 5 of the 12 deaths were aboard boats less than 50 hp. He identified 67 total injuries - 7 may have been preventable with use of a lanyard.

Dick Snyder reported on work that Mercury is doing to increase the ease of use of engine cutoff lanyards. Pete Chisholm reported that the length of the lanyard is not specified by any standard and that alternate lengths might be appropriate for different applications. Mr. Campos expressed a law enforcement view encouraging the use of wireless devices and his desire to have manufacturers look at that.

John Adey reported that due to the range of performance of engine cutoff lanyards, the need for a standard exists. Their organization will be discussing that at their next Technical Board meeting. Additionally, BOAT US has also examined these devices and their examination will result in an article in their monthly publication due out shortly.

**The next agenda item was an update from ABYC on their new PTC Product Interface Committee.**

Mr. Adey reported that the technical board of ABYC has established a new project technical committee on product interface. The committee will look at how people are using marine products and vessels and how that may affect the way the product is built. Members for this product interface committee will be appointed by ABYC's membership committee at the end of this year. They plan to have their first meeting around February 2007.

**The agenda moved to an update on the actions items from the Propeller Strike Injury Avoidance Working Group.**

Dick Blackman reported that the USCG has put together an independent group to look at the action items from the meeting. USCG is developing a protocol for testing prop guards and a definition for prop guards is a work in progress.

Mr. Adey provided the background on the creation of the test protocols which were broken down into three parts: human factors, boat characteristics, device durability & practicality. Mr. Adey provided the thought process and method for the testing to evaluate a propeller guard. It included: their review of a previous study on propeller guards from 1997, the set up test protocols and data collection, the accumulated industry expertise, their search for commercially available product, and their preliminary testing of a boat with guard in some real world scenarios. Their desire is to eventually work towards finding what levels of acceptability are and how they will affect the test outcomes.

Projected timelines have the group meeting to evaluate data and solidify the protocol by the end of the year. They will continue their search for commercially available product, and start their evaluation of Phase 1, Human Factors. Monita Fontaine inquired if the impact of a device on emissions was being considered. Mr. Adey reported that emissions would be considered as the project progresses. Marion De Cruz inquired about initial performance loss and Pam Dillon made several inquiries about various aspects of boat handling with the guard in place. Mr. Adey reported in general that the tests performed with the guard made the boat handling cumbersome but not unsafe. The subcommittee looks forward to the future results from this group.

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**After the break, the subcommittee received an update on NMMA's BIRMC subcommittee label evaluation project.**

The chair and Mr. Adey brought the assembled up to speed on the latest developments within this group. Because of the successes in creating an industry and state accepted set of CO warning labels, the subcommittee is using the established method to send out a new statement of work to contractors. This new statement of work will ask for the analysis of accident data to risk rank potential on-product warnings and establish the language to address those warnings. Additionally, warnings deemed to be relegated to collateral literature will go through a similar evaluation and method. The subcommittee agreed to keep this as an agenda item as it will have an impact on future boating safety.

**The agenda moved to the update on carbon monoxide that included progress on air flow and exhaust configurations.**

Dan McCormick provided an updated on the CO issue. Two potential positive outcomes from the results of the study conducted on cruisers by NIOSH and the USCG were forced airflow and exhaust configurations. They wanted to establish forced air into the cockpit and at the swim platform that might disturb the station wagon effect. While there was some impact it did not show promising results. NIOSH has not recommended that further testing occur given the outcome. The team also evaluated and tested different exhaust configurations with initial results indicating that CO accumulation may be positively affected. NIOSH is also trying computer modeling hoping such information will assist in determining CO formation on vessels. All of this information will be presented at IBEX this month.

The successes and challenges in providing catalysts on inboard and stern drive engines were discussed. Indmar Marine was recently recognized by the USCG and EPA for their catalyzed marine inboard engines.

Mr. David reported that portable generators are very popular on boats out west. Because of the hazards associated with the use of these devices on marine vessels, CPSC has approved an NPR to require a CO warning label to be placed on the generators. Mr. David inquired as to what the best method would be regarding getting this information out to the general boating public. Mr. Malatak suggested the National Safety Council be contacted to see if they had any information that could be used by the USCG Aux and USPS to update their educational efforts on carbon monoxide poisoning. Mr. David stated that the National Boating Federation will follow up as well. Later information indicates that the NBF has no current information on this matter but are researching the issue for the Power Squadron. Regardless, both organizations will be advancing this material into their educational outreach immediately.

**The subcommittee then moved to an update on the 17-character Hull Identification Number (HIN) to include progress from the September 2006 NASBLA meeting.**

Fred Messman provided an update on the 17 character HIN Survey. He stated that the OBS asked for comments on the potential survey and there were a lot of issues. At the recent NASBLA conference, the parties involved identified their main concerns with the survey. Mr. Messman provided the subcommittee with the concerns that have arisen and he stated that NASBLA feels it is difficult to get a defensible survey done. As a result of all of the information gathered, Fred suggested a resolution that the current resolution be amended and that the previous cost benefit survey be disregarded and a study be conducted. This suggestion was moved and seconded and approved by the subcommittee and will result in resolution 2005-76-05 being amended by resolution 2006-78-1. The amended resolution is attached.

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**The agenda included an update on LED navigation lights and status of adding them to the requirements under the A-16 standard.**

John Adey reported that ABYC has continued to work on refining LED information for inclusion into the lighting standard. He reported that a meeting would be held in March with the manufacturers to address issues. Since that work is well underway, the subcommittee agreed to close this agenda item.

**An update on ethanol in the US and its impact on marine products was provided.**

The USCG has contracted with ABYC to evaluate this issue for the marine industry. They will have ABYC look at the effect of ethanol fuel in the following areas: flotation foams, fuel system components, and fuel tanks. Tank materials will also be looked at for degradation and corrosion effects.

Mr. Chisholm provided an update from the manufacturer's perspective indicating that there appears to be established material being placed in the owner's manuals of engine manufacturers and a growing example of similar information in boat owner's manuals. While this is true, there remains a significant information gap in getting the information out on ethanol to current boat owners. The results of the USCG study will be valuable in closing that information gap. The subcommittee asked to keep this agenda item open.

**Finally, a call for new business was issued.**

Mr. Rowe proposed amending Resolution 2006-77-04 "Operator Requirements Concerning In Water Activities" with the idea to add posting a lookout prior to starting the engine. That proposal was approved by the subcommittee and Mr. Rowe was tasked to provide the new resolution with the proposed amendments to the subcommittee. The amended resolution is attached.

Pam Dillion expressed the lack of a requirement that requires boat manufacturers to provide an owners manual with their products. She noted that several small boat manufacturers in the paddle sports area do not offer any kind of manual. NMMA pointed out they offer comprehensive manuals for boat manufacturers to purchase. Additionally, Mr. Cappel stated that USCG can have their compliance associates look for owner manuals during their manufacturer visits to determine how many manufacturers actually provide manuals with their products.

There was no further new business to discuss and the meeting was adjourned at 5:21pm.

**READING OF THE TWO AMENDED RESOLUTIONS.**

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

**Members Present:**

**Mr. Fred Messmann, Chair**  
**Mrs. Cecilia Duer, Vice Chair**  
**Mr. John Fetterman**  
**Mr. Randy Edwards**  
**Mr. Bruce Rowe**

**The Strategic Planning Panel subcommittee convened on Monday October 23 at 8:30 am.**

**The first item on the agenda is editing the Strategic Plan document.**

Mr. Messmann stated that the focus would be on completing the “objectives” and providing edits to the Strategic Plan document. Mr. Messmann explained that the Strategic Plan document had not changed much from what was provided in the original packet. However, it was reformatted to include the changes to calling “responsible parties” to “implementing partners” and timelines were added. Mr. Messmann also explained that Objective 9 was made the first objective but it was not yet renumbered in an effort to reduce confusion regarding the strategies.

**The proposed Mission Statement was first discussed.**

Mr. Muldoon asked, “Do we tie our mission to security while we are considering safety?” Ms. Belmore proposed adding “security” to the mission. Mr. Campos mentioned the need to be careful about losing the boating safety focus. He does not want to overemphasize security on the recreational boating mission statement. Mr. Fetterman stated that Law Enforcement’s mere presence on the water is promoting safety. Mr. Hoedt suggested that you could include objectives or just recognize that safety efforts are impacting security. Ms. Dillon wanted environmental impact to be reflected in the mission statement via words like “quality of experience”. Mr. Muldoon stated that a resolution was passed about being closer to security. Mr. Messmann asked Ms. Duer to lead a break time resolution committee to save time. Mr. Tsuneyoshi mentioned that objectives and strategies would need to be added to cover any new ideas.

**Edits to the Strategic Plan Objectives (Objectives to meet Goals 1 through 4).**

Objective 9 was renumbered to become Objective 1. The first line was to be changed from “visits” to “inspections”. There was discussion about the make-up of the ratio: total discrepancies by total inspections. Motion was made (Mrs. Duer) to accept the changes to Objective 9 and seconded (Mr. Edwards), voice vote - all in favor

Objective 4 - fatal and nonfatal injuries were combined to reflect total casualties. Mr. Messmann mentioned this was based on the BUI study and Mr. Dan Maxim and Mr. Bruce Schmidt’s recommendations.

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Mr. Hoedt recommended using the combined measurement and Mr. Bruce Schmidt backed the recommendation.

Motion was made to accept changes to Objective 4 (Mr. Fetterman) and seconded (Mrs. Duer), voice vote – all in favor

**Edits to the Strategic Plan Strategies.**

Objective 9 - Strategies - ABYC was added as a stakeholder for 9.1, 9.2, and 9.3. Mr. Phil Cappel suggested the addition of ABYC to all 3 strategies.

Motion was made to accept changes to Objective 9 Strategies (Mr. Edwards) and seconded (Ms. Fontaine), voice vote – all in favor

Objective 2 - “Messaging” was added to the Title of Strategy 2.2, “outreach initiatives” was added to the title of 2.3, strategy 2.7 was changed to 2.3.1 and in the title “Social Causal Marketing” and “aquatic resources” were changed to “Sport Fish Restoration and Boating”. Mr. Malatak suggested that 2.7 be changed to 2.3.1 and they all should be implemented at the same time.

Motion was made to accept changes to Objective 2 Strategies (Mr. Fetterman) and seconded (Mr. Rowe), voice vote – all in favor

**9:45 am Reports by Panel Members** – Members identified their organizations and voiced their support for the strategic plan, and it was suggested that a proper venue for a formal signing ceremony was the March 2007 International Boating and Water Safety Summit in San Antonio, TX.

**Edits to the Strategic Plan Strategies continued.**

Objective 8 - NASBLA was added as an implementing partner to Strategy 8.1, and USCG was added to 8.2, the timeline for 8.3 was indicated as a one-time effort. Mr. Hoedt mentioned that at this point the USCG Office of Boating Safety is hoping for the specifics related to the strategic planning process.

Motion was made to accept changes to Objective 8 Strategies (Mr. Edwards) and seconded (Mr. Fetterman), voice vote – all in favor

**Break**

**The proposed Mission Statement was discussed again.**

Mr. Jeff Hoedt was asked to explain NBSAC’s role and the program. He explained that the mandate is for safety and that resources should be considered when the mission statement is developed. Mr. Fetterman said it’s important to identify the role that we play as partners in the recreational boating community. He supported the highlighted changes “while participating in environmental and national security efforts.” Mr. Tsuneyoshi mentioned that you need strategies and objectives to support new initiatives in the Mission statement. Mr. Carter stated that his concern is that there is no “role” in National Security but rather it is just an offshoot of what we do. Mr. Muldoon mentioned the interruptions to the boater that have evolved in recent years from

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Homeland security and that the plan should be consistent with the state of boating. Ms. Belmore stated that we need to educate boaters as to some homeland security issues. Mr. Messmann believed that it would not take long to come up with objectives and strategies. Mr. Hoedt explained that the USCG is working on a multitude of homeland security plans and the USCG may not give resources for Homeland Security. Mr. Carter said that we are not tasked with the Homeland Security mission and we are not funded and he recommended mentioning that what we might “enhance homeland security”. Mr. Messmann stated that the vote on the language of the Mission Statement would occur tomorrow, 10/24/06.

**Edits to the Strategic Plan Strategies continued.**

Objective 7 –utilizing the National Boating Survey was added, mentioned in Strategies 7.1 and 7.2 that “stakeholders” are skills-based boating program providers, and removed “annually” since the boating survey will be every other year.

Motion was made to accept changes to Objective 7 and Objective 7 Strategies (Mr. Fetterman) and seconded (Mr. Rowe), voice vote – all in favor

Objective 5 – updated to use 2005 instead of 2004 statistics, added language to Strategy 5.5 to address homeland security issues (“any other homeland security issues”)

Motion was made to accept changes to Objective 5 and Objective 5 Strategies (Mr. Rowe) and seconded (Mrs. Duer), voice vote – all in favor

Objective 3 – The first sentence was removed (“For 2006, stabilize [no decrease] the observed lifejacket wear rate.”). The wear rate will be stated and figures will be provided. Mr. Hoedt recommended striking the first sentence. Mr. Edwards recommended showing the number that correlates to the 3% for the fact that it might be more informative.

Motion that we gather numbers from Bruce S. for a presentation tomorrow 10/24/06 (Mrs. Duer) and seconded (Mr. Edwards), voice vote - all in favor

For Strategy 3.2, “Started in July 2006 and is extended out for 5 years” was added to the timeline. Strategies 3.3, 3.4, and 3.5 were renumbered to be 3.2.1, 3.2.2, and 3.2.3. NASBLA was added as an implementing partner to Strategy 3.11.

Motion to accept changes to Objective 3 and Objective 3 Strategies (Ms. Fontaine) and seconded (Mr. Edwards), voice vote - all in favor

**Report on NASBLA Boating Accident Report definitions and accident matrix**

Mr. Gary Haupt and Mr. Allen Richard gave a presentation titled “What’s a Boating Accident? Accident Matrix”. They discussed a tool for decision-making or an accident matrix. Bruce Schmidt discussed some background on recreational boating accident reporting. A discussion on the definition of a vessel and the new NASBLA definition ensued. Mr. Richard mentioned that the applicability section of the regulations may be changed. Mr. Schmidt believed that 30 to 40 fatalities would be excluded from the reporting criteria under the new NASBLA definition. His example was swimmers where the boat drifted away from them and they drowned. Mr. Haupt stated that BAIRAC and NASBLA would like the accidents reported in the proposed way so that the correct comparisons could be made (“apples to apples”).

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Motion to form a Working group with BAIRAC (Mrs. Duer) and seconded (Mr. Rowe), voice vote - all in favor

**Report on NASBLA discussion and action to revise USCG State Grants Performance Report Part II.**

Mr. Ed Carter, of the Tennessee Wildlife Resources Agency, discussed a report that looked at the differences among the data items States used in their reporting. This was brought before the NASBLA body in an effort to ensure that the proper items were being captured according to what NASBLA wanted and according to the minimum USCG criteria.

**Edits to the Strategic Plan Strategies continued.**

Objective 6 – Added “USCG, NASBLA, States, and Boating Organizations” to the Implementing Partners. Set timeline dates of October 2007 for Checklists, May 2007 for Enforcement Patrols, and January 2008 for Inclusion with Sale. Switched positions for Strategy 6.3 and 6.4.

Motion to accept changes to Objective 6 and Objective 6 Strategies (Ms. Fontaine) and seconded (Mr. Rowe), voice vote - all in favor

Objective 1 - Removed the note from Strategy 1.1 and 1.2 (“Note: Over the years, the criteria has changed as to what is classified as a boating accident or not by the USCG – example – Carbon Monoxide, swimming to retrieve boat, etc.”). Removed the first line from the timeline section of Strategy 1.1 and 1.2 (“Sept. 06 – MATRIX finalized and presented to NASBLA”). Removed BAIRAC sentence from the timeline section of Strategy 1.3 (“BAIRAC Charge “Develop a training module that incorporates the Accident Matrix with the reporting “gaps” (i.e. reportability of accidents involving commercial vessels and commercial non-motorized vessels on sole-state and accidents on private waters) that can be identified”). Removed the first line from the timeline section of Strategy 1.4 (“Sept. 06 - Boat Accident Matrix presented to NASBLA”). The second sentence of Strategy 1.8 was changed to “The 12+5 character HIN may be established based on further study so that reliable future estimates of the population of vessels registered and involved in boat accidents can be easily determined.”

Motion to accept changes to Objective 1 Strategies (Ms. Fontaine) and seconded (Mr. Rowe), voice vote - all in favor

Objective 4 – The phrase “using a five-year moving average” was added in parentheses to the objective. Text mentioning “train the trainer” was added to Strategy 4.2. The timeline section of Strategy 4.3 was updated with the following language, “Three grant cycles (2007, 2008, & 2009)”. The reference term “wolf pack” was changed to “saturation and PULSE OP” in Strategy 4.5 and the timeline for 4.5 was slated as 2007 and ongoing.

**Goal 5 – Objective 1** – Strategy 1.3 - The first sentence was altered to read “NBSAC will review annual performance reports from the non-profit grants to ensure the strategic plan objectives are being met to move toward the stated goals.”

Objective 2 – The second sentence of the objective was changed to, “Begin exploring other possible boating activity measurements including exposure hours through the National Boating Survey to be utilized as a more sound denominator.”

**NATIONAL BOATING SAFETY ADVISORY COUNCIL**

**October 21 - 24, 2006  
Arlington, Virginia**

**Resolution Number 2006-78-01**

**RECOGNITION OF CHERYL "JEANNE" TIMMONS**

**Whereas,** A cornerstone of a democracy is a government of the people, by the people, and for the people; and whereas the quality of the people in government is reflected in the quality of the services provided; AND


**Whereas,** There is no better example in government of quality in government than Cheryl Jeanne Timmons, who left her native Oklahoma to begin an ongoing career of public service in Washington, D.C.; AND

**Whereas,** For over 26 years, Ms. Timmons served as congressional staff for four U.S. congressmen, including direct work with the U.S. Coast Guard subcommittee where she played a crucial role in shaping and furthering vital Coast Guard and boating safety legislation; AND

**Whereas,** Her current career has spanned over 17 years with the Coast Guard's Office of Boating Safety where she has served as Chief of the State Affairs Branch, program analyst, and currently is Chief of the Program Management Division and Executive Director for the National Boating Safety Advisory Council, all the while striving successfully to gain increased funding for boating safety programs; AND

**Whereas,** Through her invaluable experience, personal tenacity, and unwavering devotion, she has walked the path of leadership where quality is clearly reflected in every position she has served;

**NOW, THEREFORE, BE IT RESOLVED** that the National Boating Safety Advisory Council, meeting in regular session in Arlington, Virginia on October 21, 2006, with the utmost appreciation, does hereby recognize Cheryl Jeanne Timmons as an exemplary employee and gifted leader; and be it further resolved, that a copy of this resolution be forwarded to Admiral Thad Allen, Commandant of the U.S. Coast Guard, and to Michael Chertoff, Secretary of Homeland Security.

  
James P. Muldoon, Chairman  
National Boating Safety Advisory Council

**NATIONAL BOATING SAFETY ADVISORY COUNCIL**

**October 21 - 24, 2006  
Arlington, Virginia**

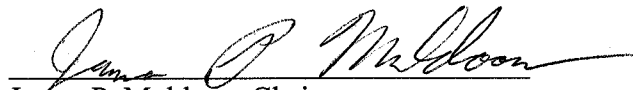
**Resolution Number 2006-78-02**

**AN AMENDMENT TO NBSAC RESOLUTION 2006-77-04, OPERATORS'  
REQUIREMENTS CONCERNING IN-WATER ACTIVITIES**

**Whereas,** In NBSAC resolution 2006-77-04, the fourth whereas says a requirement for the operator to shut off the propulsion engine while a swimmer is in close proximity to the area of possible impact could significantly reduce the number of these types of casualties; AND

**Whereas,** NBSAC believes we should amend the fourth whereas to add after engine 'and to post a lookout prior to starting the engine to determine if anyone' and delete 'while a swimmer';

**NOW, THEREFORE, BE IT RESOLVED** that the National Boating Safety Advisory Council meeting at Alexandria, Virginia on this 24<sup>th</sup> day of October, 2006 hereby amends resolution 2006-77-04 fourth whereas to read, "Whereas a requirement for the operator to shut off the propulsion engine and to post a lookout prior to starting the engine to determine if anyone is in close proximity to the area of possible impact could significantly reduce the number of these types of casualties."

  
James P. Muldoon, Chairman  
National Boating Safety Advisory Council

**NATIONAL BOATING SAFETY ADVISORY COUNCIL**

**October 21 - 24, 2006  
Arlington, Virginia**

**Resolution Number 2006-78-03**

**SUPPORT OF A 75/25 MATCH FOR STATE BOATING SAFETY GRANTS**

**WHEREAS**, One of the key components of the most recent reauthorization of Sport Fish Restoration and Boating Trust Fund (formerly Aquatic Resources Trust Fund) is that the boating safety programs share in a greater percentage of the tax generated by fuel used in recreational boats thereby increasing the scope and effectiveness of their programs; AND

**WHEREAS**, the Sport Fish Restoration and Boating Trust Fund provides dollars for sport fish restoration programs matched at the 75/25 federal to state ratio; AND

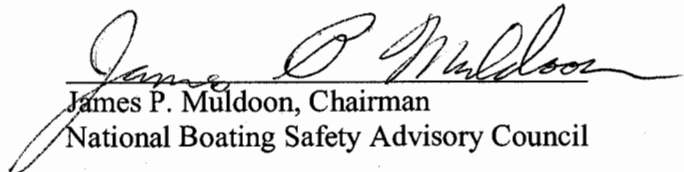
**WHEREAS**, boating safety programs are required to match federal money at a 50/50 ratio; AND

**WHEREAS**, the difference in matching requirements in the same trust fund sets up a gross inequity – especially in 38 states whose sport fish restoration and recreational boating safety (RBS) programs are managed by the same natural resources agency; AND

**WHEREAS**, one third of the existing three-part formula for allocation of the federal dollars is based on prior-year state expenditures; AND

**WHEREAS**, all states support a “maintenance of effort” clause, requiring that a state maintain its current level of state spending or be penalized accordingly by reducing the amount of federal funds for which they would ordinarily be eligible;

**NOW, THEREFORE, BE IT RESOLVED**, that the National Boating Safety Advisory Council at it's 78<sup>th</sup> meeting in Alexandria Virginia on this 24<sup>th</sup> day of October, 2006 recommends that the U.S. Coast Guard immediately seek a fast-tracked amendment through an appropriate legislative vehicle that would change the recreational boating safety grant match requirement to a 75/25 ratio so that all states may fully participate in the recreational boating safety program.

  
James P. Muldoon, Chairman  
National Boating Safety Advisory Council

**NATIONAL BOATING SAFETY ADVISORY COUNCIL**

**October 21 - 24, 2006  
Arlington, Virginia**

**Resolution Number 2006-78-04**

**AMMENDMENT TO NBSAC RESOLUTION 2005-76-05 RECOMMENDING A  
STUDY BE CONDUCTED FOR THE 12+5 HIN PROJECT**

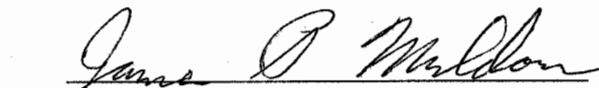
**WHEREAS**, The NBSAC resolution 200576-05 requested the USCG to disregard the previous cost benefit SURVEY and to develop a new survey instrument compatible with the points made in the NASBLA/IAMI report to NBSAC;  
AND

**WHEREAS**, the stakeholder meeting pursuant to resolution 2005-76-05 was conducted at the NASBLA annual conference in Louisville KY on September 24, 2006; AND

**WHEREAS**, the numerous concerns were identified at this meeting with the new survey instrument and reported to NBSAC at the 78<sup>th</sup> meeting of the Council; AND

**WHEREAS**, the stakeholders identified that a more reliable and defensible methodology that the OMB would accept as a cost benefit of the 12+5 HIN project would be a cost benefit STUDY;

**NOW, THEREFORE, BE IT RESOLVED** that the National Boating Safety Advisory Council at it's 78<sup>th</sup> meeting in Alexandria Virginia on this 24<sup>th</sup> day of October, 2006 hereby requests the Coast Guard to NOT use the survey methodology but conduct a STUDY that utilizes the 2004 NASBLA/IAMI report and the report presented to the Boats and Associated Equipment Sub committee on October 22, 2006 for the cost benefit analysis for the 12+5 HIN project.

  
James P. Muldoon, Chairman  
National Boating Safety Advisory Council

**NATIONAL BOATING SAFETY ADVISORY COUNCIL**

**October 21 - 24, 2006  
Arlington, Virginia**

**Resolution Number 2006-78-05**

**IN SUPPORT OF RESCINDING RESOLUTION 2004-73-03 PROMOTING  
USAGE OF TYPE I AND TYPE II PFD'S AND REQUESTING THAT THE U.S.  
COAST GUARD CONTINUE EFFORTS TO RECLASSIFY AND SIMPLIFY  
THE PFD LABEL PROCESS ESPECIALLY PERTAINING TO THE UNIQUE  
PHYSICAL AND PSYCHOLOGICAL ATTRIBUTES OF CHILDREN**

**WHEREAS**, Resolution Number 2004-73-03 called for promoting the usage of unconditionally approved Type I and I PFD's for children weighing less than 50 lb. because they provide superior in water performance, AND

**WHEREAS**, the reclassification of personal flotation devices is an ongoing project in which conditional approval for Types I, II and III is still conceptual, AND

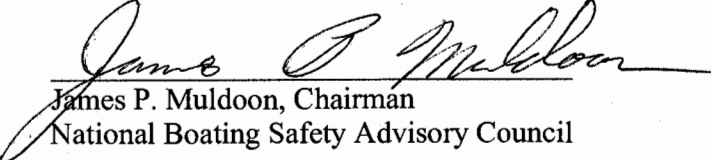
**WHEREAS**, research relating to the distinct anatomical and stability factors for children is still in the fact finding stage, AND

**WHEREAS**, the preferred in-water "stability" position may differ for children as compared to adults, AND

**WHEREAS**, a simplified PFD label could educate the consumer the selection of the PFD is an informed decision based on intended use;

**NOW, THEREFORE, BE IT RESOLVED**, that the National Boating Safety Advisory Council at it's 78<sup>th</sup> meeting in Alexandria Virginia on this 24<sup>th</sup> day of October, 2006 reconsiders Resolution Number 2004-73-03, and requests that the U.S. Coast Guard continue its attempt to reclassify and simplify the PFD label process, including those factors unique to children's physical and psychological makeup; AND

**BE IT FURTHER RESOLVED**, that by passage of this resolution, NBSAC Resolution Number 2004-73-03 is rescinded.

  
James P. Muldoon, Chairman  
National Boating Safety Advisory Council