

**80th Meeting
of the
National Boating Safety Advisory Council**

**Residence Inn
550 Army Navy Drive, Arlington, VA
October 20-22, 2007**

The meeting came to order at 8:00 a.m., in the Pentagon Ballroom of the Residence Inn, James P. Muldoon, Chairman, presiding.

MEMBERS PRESENT:

JAMES P. MULDOON	Chairman, National Boating Organization Member
CAROLYN V. BELMORE	National Boating Organization Member
ALFONSO CAMPOS	State Member
ED CARTER	State Member
PETER A. CHISHOLM	Manufacturer Member
PAMELA DILLON	National Boating Organization Member
CECILIA R. DUER	National Boating Organization Member
FERNANDO GARCIA	Manufacturer Member
LES JOHNSON	National Boating Organization Member
FRED MESSMANN	State Member
RICHARD MOORE	State Member
BRUCE ROWE	Manufacturer Member
DICK ROWE	Manufacturer Member
RAYNOR TSUNEYOSHI	State Member
TED WOOLLEY	Public Member

MEMBERS ABSENT:

RANDY R. EDWARDS	State Member
JOHN FETTERMAN	State Member
JIM MANUES	Public Member
LARRY MEDDOCK	Manufacturer Member
SCOTT SWANBY	Manufacturer Member

USCG STAFF:

CAPT BARRY SMITH	Chief, Office of Auxiliary and Boating Safety
JEFFREY N. HOEDT	Chief, Boating Safety Division
JEFF LUDWIG	NBSAC Executive Secretary, Boating Safety Division
PHIL CAPPEL	Chief, Product Assurance Branch, Boating Safety Division
PHILIPPE GWET	Program Management Branch, Boating Safety Division
MIKE JENDROSSEK	Product Assurance Branch, Boating Safety Division
JOHN MALATAK	Chief, Program Operations Branch, Boating Safety Division
BARRY NOBLES	Program Management Branch, Boating Safety Division
SUSAN TOMCZUK	Program Management Branch, Boating Safety Division
RACHEL WARNER	Program Management Branch, Boating Safety Division

**80th Meeting
of the
National Boating Safety Advisory Council**

MEETING ATTENDEES:

JOHN ADEY, American Boat and Yacht Council
VIRGIL CHAMBERS, National Safe Boating Council
PO CHANG, U.S. Coast Guard
MARION DeCRUZ, Stop Propeller Injuries Now (SPIN)
JOANNE DORVAL, METCOR
JOHN FLYNN, Jones Walker
BILL GOSSARD, National Transportation Safety Board (NTSB)
SCOTT GUDES, National Marine Manufacturers Association (NMMA)
JESSE HARRUP, U.S. Coast Guard Auxiliary
MAUREEN HEALEY, Personal Watercraft Industry Association (PWIA)
KEITH JACKSON, Maritech Industries
MARTY JACKSON, U.S. Coast Guard
JOHN JOHNSON, National Association of State Boating Law Administrators (NASBLA)
JIM LAW, U.S. Coast Guard
MATT LONG, NASBLA
TOM MANGIONE, JSI
MARGARET PODLICH, BoatU.S.
RON SARVER, NASBLA
BRUCE SCHMIDT, Department of Homeland Security
DICK SNYDER, Mercury Marine
CINDY SQUIRES, NMMA
KAREN STEELY, Aaron Foundation
BRENDA WARREN, U.S. Army Corps of Engineers
SAMUEL WEHR, Mustang Survival
BRUCE WRIGHT, U.S. Coast Guard

SATURDAY, OCTOBER 20, 2007

Call to order and Executive Secretary Report

Chairman Muldoon called the Council meeting to order at 8:05 a.m. and called for introductions. Following introductions, Mr. Ludwig asked the members to return their travel vouchers to him at the close of the meeting and encouraged members with questions to come to him at any point during the meeting.

Introduction of the Chief of the Office of Auxiliary and Boating Safety – Chairman Muldoon

Chairman Muldoon introduced Captain Barry Smith, the Chief of the Office of Auxiliary and Boating Safety. Captain Smith joined the Coast Guard in 1979, and has served in a variety of positions during his career. He was a nautical and science leadership instructor at the Coast Guard Officers Candidate School; served as Counter Drug and Illegal Migrant Section Chief on Admiral Loy's staff; served as Assistant Chief of the Office of Defense Operation at Headquarters; Policy Section Chief and Acting Deputy Director of Coast Guard International Affairs on the Commandant's staff; and has most recently

**80th Meeting
of the
National Boating Safety Advisory Council**

served as Chief Director of the Auxiliary for the past three and a half years. On October 3, 2007 he became the Chief of Auxiliary and Boating Safety.

Captain Smith thanked the Council members for their service and explained the intrinsic, rational merger between Auxiliary and Boating Safety. He extolled the logistical virtues of having a Coast Guard Captain in charge of Boating Safety. Captain Smith served with many of the flag officers, giving him a unique ability to execute issues and locate support. He said that he sees great things from the Coast Guard at the flag level with respect to a focus on safety issues. Captain Smith predicted that the Council can look forward to a synergistic relationship with the Coast Guard flag corps at Coast Guard Headquarters.

Business Update – Jeff Hoedt

Mr. Hoedt said that the Council will see changes across the nation in positions and seeing new faces come aboard as well as some retirements. The Division is currently processing the hiring of a new mathematical statistician, which will be funded through the Sport Fish Restoration and Boating Trust Fund monies. The turnout at the Small Vessel Security Summit was good, and the summit attracted several high level speakers. A report on the summit has already been drafted. The Division is very pleased with the strategic plan. Nineteen organizations have already signed on with the plan and the official report for the plan has already been drafted.

If everything goes well, the National Boating Survey will be implemented in January. The survey has been submitted to OMB for final approval. The Division wants to push the boating accident statistics further to an early May release, prior to National Safe Boating Week. Mr. Hoedt noted that having two clipping services has provided the Division with better information. Of the cases reported by Burrelles, 38% were not captured in the BADs or in any other source. Mr. Hoedt said that the news clipping services act as a check and balance system for the Division to acquire knowledge regarding more incidents in a timely manner. The Division is still in the process of defining the criteria for states to be eligible for grant monies. This process should be finished by the end of 2007.

The administration submitted a legislative change proposal on recreational vessel operator education and identification to Congress earlier this year. Congress has struck out the language authorizing a federal education certification as per the NBSAC Resolution of 2004 as well as an identification requirement. Mr. Hoedt said the Coast Guard officially requested reconsideration by Congress. The intent is to require, within a phase-in period, that all motorboat operators pass a NASBLA-approved course leading to certification. A government issued ID, such as a driver's license, would serve as the form of identification.

Mr. Hoedt said that the vessel identification system is up and running and contains data. Five states, including Georgia, Mississippi, and North Carolina, have already signed the memorandum of agreement to begin participation in the system.

**80th Meeting
of the
National Boating Safety Advisory Council**

Turning to the subject of propeller injury avoidance, Mr. Hoedt said that the Division published a withdrawal of the former propeller injury avoidance regulatory proposal for houseboats. The reasons for the withdrawal included the NPRM lacking definitions for “houseboats” and “propeller guards”; the NPRM lacking performance standards for propeller guards; and costs were underestimated, and the benefits (casualties avoided) data ultimately did not support the need for rulemaking. From 1990-2005, there were 28 injuries and 4 fatalities attributed to this class of vessel.

Mr. Hoedt reported that the draft education package for rentals is almost ready and ABYC is developing performance standards for propeller guard type devices.

Mr. Hoedt said one of the questions that the Council needs to confront is whether it still supports a federal requirement for the education and certification of recreational boat operators. After the Council passed a resolution supporting such a measure in 2004, organizations that NBSAC represents came out to oppose the proposed measure. Mr. Hoedt said that the Boating Safety Division relies on the Council to know when to move forward with proposals, and needs the Council to indicate when they think their organizations will oppose the Council’s recommendations.

Members Items – Chairman Muldoon

Before asking if there was any old business to come before the Council, Chairman Muldoon urged all of the Council members to continue to work hard to try to keep the strategic plan aloft and in the forefront of their minds. Mr. Dick Rowe said that an operator education/identification requirement is a great idea, just like the Vessel Identification System (VIS), but expecting all of the states to agree on one proposal may be unrealistic. Mr. Woolley said he sent a letter to the Boating Safety Division asking if there is any statistical data that would show that off-throttle steering has helped reduce some of the PWC involved accidents. Ms. Dillon proposed beginning a discussion on other options for display lights on sea kayaks operating in channels. She said there is confusion in the paddle sport community as to why they cannot display an all round white light. Mr. Carter asked if the Boating Safety Division could provide the Council with an annual report on the state of their budget so that the Advisory Council can make certain the Division is fully funded. In response, Captain Smith pointed out that the Division keeps various pots of money separate, and that monies and staff are not going to be switched back and forth. However, there is shared ability and now the Division has the means to bring in additional Auxiliary talent to assist with boating safety initiatives. Captain Smith added that Sport Fish Restoration and Boating Trust Fund funding issues are separate from Division funding through the Coast Guard.

NAVSAC and TSAC Reports

Mr. Carter said that much of what was taking place in TSAC is a continuation of what he previously reported to the Council. There has been an increased interest in piracy. The anti-piracy policy coming from the White House will be incorporated in the maritime operational threat plan as appropriate. Ms. Duer noted that seven test sites for the barge lighting project are finished and that the concerns of the towing industry were addressed and alleviated. Final recommendations from industry were requested and if received, will

**80th Meeting
of the
National Boating Safety Advisory Council**

appear in an addendum to the final report. More research is needed to determine how to make the container for light fixtures explosive proof (so that the fixture itself is not a potential source of ignition for explosions) and to determine, per industry requests, how many accidents result from poor visibility. Industry is very interested in putting lights on barges especially if there will be insurance or tax incentives. If NBSAC can show industry demonstrable benefits, industry will use the new lights. However, Ms. Duer has not received an industry response in writing. The barge light fixtures are about \$100, will last on a battery for nearly two weeks (longer if used flashing and indefinitely if used along with solar panels), and have a shelf life of 14 years. Three lights per barge seemed to be the consensus.

NAVSAC expressed a desire for greater education among recreational boaters. Ms. Duer introduced them to NASBLA and NASBLA recommended that an education specialist be part of the NAVSAC team. Ms. Duer recommended that a NAVSAC representative attend NBSAC meetings. Mr. Carter said that TSAC remains involved with the Transportation Worker Identification Card (TWIC) and added that the project is progressing according to schedule. Chairman Muldoon thanked Mr. Carter and Ms. Duer for their work with the other councils and expressed interest in asking representatives from NAVSAC and TSAC to attend NBSAC meetings.

Admiral Pecoske

Chairman Muldoon introduced Rear Admiral Pecoske, who is assigned as the Assistant Commandant of Operations (ACO). The Admiral is tasked with overseeing a wide range of Coast Guard programs essential to public safety, homeland security, and national defense. He also directs the allocation and distribution of Coast Guard forces. Admiral Pecoske thanked the NBSAC members for their service on the Committee and emphasized the tremendous value the Committee provides to the Coast Guard. Admiral Pecoske explained that the Coast Guard is undergoing a modernization over the next two to three years. In the future, Coast Guard headquarters will be more focused on policy development and resourcing rather than current operations.

Admiral Pecoske said that the Coast Guard's intent for boater education is aligned with the recommendations made by the Council. The Coast Guard wants to achieve a level of education that is standard across the country, as well as agreement on an already-issued ID (e.g. driver's license) serving as the proper identification card for a boater. Admiral Pecoske would like to see reciprocity among the states so that a boater education course taken in one state is accepted in another. Admiral Pecoske stressed the need to move toward establishing a national baseline for boater education within a quick timeline. He stated that it is an unacceptable situation when there is an active national safety campaign and the data suggests that recreational boating fatalities are level. Admiral Pecoske urged all present to continue to work to push the number of fatalities down.

The re-authorization of the Sport Fish Restoration and Boating Trust Fund (SFRBTF) presents an opportunity to assume a larger slice of the pie. Admiral Pecoske suggested reviewing the cost share methodology and perhaps moving from a 50/50 to a 75/25

**80th Meeting
of the
National Boating Safety Advisory Council**

formula to assist the neediest states. If the contribution formulas are altered, NBSAC and the Coast Guard need to make certain that no state reduces the amount of money they currently contribute to boating safety. The end objective is to have more money available for the safety mission.

Touching on security and safety matters, Admiral Pecoske said the Coast Guard is concerned about the use of small vessels to conduct terrorist attacks as well as engage in other nefarious activities. These concerns prompted a national summit to examine small vessel security in June 2007. The Coast Guard is planning to have a series of regional conferences on small vessel security in order to share perspectives, establish dialogue, and develop ideas. One obvious area where the Coast Guard is acting now involves improving marine inspector capability throughout the country. Admiral Pecoske said that fears over the Coast Guard becoming too security focused at the expense of safety, since its move into the Department of Homeland Security, are overstated. The Secretary is very interested in boater safety and fishing enforcement. There is terrific support from the Secretary on the Coast Guard's non-security missions. Overall, the Coast Guard's implementation of security operations is moving toward a risk-based approach. This methodology encompasses the lessons learned since 9/11 about engaging in a more effective application of capability.

In regards to improving border security, the Coast Guard successfully prototyped a program called Ship Rider that allowed U.S. officers aboard U.S. Coast Guard Cutters to enforce Canadian law, and Canadian officers on Canadian Coast Guard vessels to enforce U.S. law. Both the U.S. and Canada were very pleased with the program and are planning to move forward.

Admiral Pecoske expressed his special appreciation for the Coast Guard Auxiliary, saying that the Coast Guard could not complete its mission without the help of the Auxiliary's 20,000 plus volunteers.

In response to Mr. Messmann's comment about how few recommendations from the five-year regulatory review were implemented, Admiral Pecoske said the Coast Guard has a regulatory backlog, with some projects being a decade old. The Coast Guard has a fixed regulatory staff and since 9/11 the security regulations have taken the highest priority. The Coast Guard is a more sophisticated organization than it was a decade ago and needs to model its processes to match that increased level of sophistication. Admiral Pecoske said the Coast Guard wants to take the current operations distractions for Headquarters off the table so Headquarters can focus on policy, planning, and resources.

Admiral Pecoske emphasized the importance of strategic planning. The strategic plan that the Council gave the Coast Guard was critical in making sure the appropriate goals were achieved with the limited resources available. Admiral Pecoske also noted that the Chief of Naval Operations, Commandant of the Coast Guard, and the Commandant of the Marine Corps jointly issued a National Maritime Strategy that called for more prevention activities. The prevention focus is even being embedded in strategic plans with the Coast Guard's Department of Defense counterparts.

**80th Meeting
of the
National Boating Safety Advisory Council**

After Admiral Pekoske's presentation, the following NBSAC members were recognized for their outstanding service during their terms on the Council: Ted Woolley, Peter Chisholm, Raynor T. Tsuneyoshi, and Fernando Garcia.

Report from Executive Director of NASBLA – John Johnson

Mr. Johnson began his presentation by talking about the strategic plan and NASBLA's role in the plan. Each of the roughly 50 strategies are linked to one or more objectives of the strategic plan, and below is a list of strategies that NASBLA is playing a role in completing:

- Strategy 1.1 asks NASBLA to track the number of boater education certificates through the development of a national registry database.
- Strategy 1.4, NASBLA is looking at comparing the effectiveness of mandatory education and voluntary education. NASBLA released a study earlier in the year that gave positive results to those states with mandatory education.
- Strategy 2.3, NASBLA's marketing outreach subcommittee has charges this year that will help develop best practice models for marketing.
- Strategy 2.6 is related to awards. Recently, NASBLA presented the Water Sports Industry Association with their public service award.
- Strategy 3.3, NASBLA is coordinating on-the-water guidelines through their education committee.
- Strategy 4.1, at the annual conference JSI conducted a session on synchronizing state-initiated life jacket observation studies with a national observation study.
- Strategy 4.2.1, NASBLA has a special risk subcommittee to identify at-risk populations.
- Strategy 4.2.3, the marketing outreach subcommittee will be developing practices that help states to find ways to reach decision influencers.
- Strategy 4.9 focuses on strict enforcement of lifejacket carriage and wear laws. NASBLA is looking at several sub-strategies like mandatory boating safety courses for violators and enhanced officer training.
- Strategy 6.2 is to increase officer BUI training and develop sobriety test validation.
- Strategy 6.5 aims toward linking BUI violations with a violator's driver's license. Strategy 6.5 encourages the states to take advantages of all the latest equipment and technology to conduct BU enforcement.
- Strategy 8.2 is to target problem compliance areas. Both the education standards and marketing committees are charged with developing better standards from the education point of view.
- Strategies 9.1 and 9.2, Mr. Johnson said that the accident and casualty reporting decision matrix was adopted in 2006. In FY '07 NASBLA had a grant to create a policy manual that pulls together all the pieces that the states need to understand in order to improve the reporting process.

**80th Meeting
of the
National Boating Safety Advisory Council**

- Strategies 9.3 and 9.4 concern improving and providing accident reporting training. NASBLA is still working on how to get the word out in terms of outreach to the states.
- Strategy 9.5, NASBLA developed a position paper adopted in September 2007 to encourage state initiated federal and state MOUs on accident reporting.

Mr. Johnson introduced NASBLA's new Director of Government Affairs, Matt Long, and then discussed the organization's changing committee structure. NASBLA now has five major committees with 15 subcommittees. The new structure will help to test a new generation of folks who will one day be leaders in the organization. The old committee system of 13 to 14 major committees placed a strain on resources.

Mr. Dick Rowe, drawing on his experience from a recent 43-harbor trip from Miami to Eastport, expressed his concern that in contrast to the professionalism of the Coast Guard, state and local authorities were not as diligent in enforcing boating safety. In many cases, local authorities did not wear lifejackets, did not use their engine shut-off lanyards, and did not punish infractions. Mr. Johnson said the inter-jurisdictional variations are always a challenge, but that there are many great men and women at the state level who are doing a fine job. NASBLA is committed to trying to create as much uniformity as possible related to policy and experience. There are now enforcement officers on the water with strict security missions and he said these officers have not previously had the responsibility of enforcing boating safety.

Mr. Johnson said that all of the NASBLA resolutions and position papers are on the NASBLA website. In response to a question about operator training by Mr. Garcia, Mr. Johnson said NASBLA is gradually moving in the direction of uniform operator training, with 45 states having some form of mandatory education. Contrasted with the situation ten years ago, when there were few mandatory education programs, progress has indeed been made. Ms. DeCruz, on behalf of Stop Propeller Injuries Now (SPIN), thanked NASBLA for their work in creating the standalone 5.8 standard for propeller intervention education.

Admiral Pecoske reiterated the desire of the Coast Guard to have a national education standard as well as reciprocity between states across the board. He also said that Chairman Mark Rosenker of the NTSB will help to put together a boating safety "top-10" list in an event that would feature both he and the Commandant of the Coast Guard. The planned timeframe for the event is December or January.

Claude Fox Resolution

Mr. Carter proposed a resolution in honor of Claude Fox's 99th birthday. With 67 years of continuous service, Mr. Fox is the longest serving Auxiliarist in the U.S. The resolution also mentioned the service of Mr. Fox's first officer, Julie Fox. **The resolution passed by unanimous vote.**

**80th Meeting
of the
National Boating Safety Advisory Council**

Chairman Muldoon recessed the meeting at 11:56 a.m.

MONDAY, OCTOBER 22, 2007

Chairman Muldoon called the meeting to order at 7:59 a.m. and introduced the day's first speaker, Mr. Robert Gauvin. Mr. Gauvin is the technical advisor to the Chief, Office of Vessel Activities for the Coast Guard's Commercial Vessel Safety programs.

Small Vessel Security – Mr. Robert Gauvin

Mr. Gauvin spoke about the U.S. vessel security strategy development and implementation. Small vessels can include commercial vessels, recreational vessels, yachts, towing vessels, and uninspected passenger vessels. He stated that any vessel that weighs less than 300 gross tons nationally or internationally is characterized as a small vessel. Secretary Chertoff and the Commandant both feel that the most important threat to the U.S. today is the use of a small vessel as a conveyance to smuggle weapons of mass destruction or terrorists into the country. In June 2007, the Coast Guard held a summit on small vessel security in Arlington with 260 representatives from the fishing vessel fleets, charter vessel fleets, passenger vessel fleets, and recreational boating. The report from the summit will be available for download from the Coast Guard's website after the first of November. Mr. Gauvin said that several regional small vessel summits are being planned for the future in order to reach out to more stakeholders across the U.S. The Coast Guard is also working with Australia, Japan, and other countries to share information about small vessel security. Mr. Gauvin said that the Chief, Office of Vessel Activity is not looking for specific regulatory standards but performance standards. Performance standards will help everyone to reach a certain goal and particular expectations.

In regard to transponders for recreational boats, Mr. Gauvin said that they are beyond anything to do with the recreational boater. It is going to take some time to arrive at a good solution. Perhaps building matrices like the Coast Guard does with large vessels is part of the solution. At the summit, many questions arose about the America's Waterway Watch (AWW) program. The biggest complaint came from people who did not know whether any action was taken from their report to the program. AWW has played a part in getting some unsavory individuals deported. AWW is a good program, but needs some bolstering. Mr. Carter suggested that in future summits there be a larger emphasis on recreational vessels.

Coast Guard Auxiliary Report – Jesse Harrup

Jesse Harrup provided the Council with an update of Coast Guard Auxiliary activities since the Iowa meeting. All of the Auxiliary public education courses have been updated in the last year. The 13th edition of Boating Skills and Seamanship is proving to be a popular seller. Sailing Skills and Seamanship is back in print and America's Boating Course continues to rise in popularity. This coming year, 2008, marks the 60th anniversary of the public education mission in the Coast Guard Auxiliary.

**80th Meeting
of the
National Boating Safety Advisory Council**

Commemoration plans include promotions and incentives for the Auxiliary's instructor course. Last year, the Auxiliary had 3,100 courses taught and over 40,000 students. Resolutions, proclamations, and letters of congratulations were received from distinguished boating safety organizations from around the world. Commodore Dan Maxim, a branch chief in the Boating Department wrote a grant proposal to the Coast Guard to revise the boating accident report form. Mr. Harrup also briefly informed the Council about Auxiliary activities in the Districts. For the next meeting, Mr. Harrup asked the Council to provide him with topics that they would like him to cover so that he can include them in his report.

Update on USCG Approval of Life Jackets – Marty Jackson

Marty Jackson from the Office of Design and Engineering Standards gave an update on the Coast Guard approval of life jackets. Mr. Jackson noted that the Coast Guard does test life jackets based on risk-based analysis, as well as for mannequin validation. The risk-based compliance for life jackets is a less restrictive evaluation process. Mr. Jackson expects a computer model to come out of the risk-based analysis that would allow the Coast Guard to virtually test subjects and life jackets that may be a little experimental. Industry has given support for the risk-based compliance through a funding fee authorized by the Personal Flotation Device Manufacturers Association (PFDMA).

The latest Standards Technical Panel working group put together a draft proposal on inflatable life jackets for youth. Some of the provisions the Coast Guard expects are that youth have parental supervision and that they be competent swimmers. Development of new criteria for life jackets for 50 to 90 pounds youths are in the works.

Mr. Jackson noted that the Coast Guard has three mannequins completed: a three-year old child, a fifth percentile female (5' and 110 pounds), and a fiftieth percentile male (5'11" and 180 pounds). The mannequins were tested at the Naval Service Warfare wave tank in Carderock, MD. Life jackets from Coast Guard approved manufacturers performed as expected and as they were classified. Some of the international life jackets, including some SOLAS ones, did not perform as expected. For several years the Coast Guard has been involved in developing a life jacket standard with the European Union. Mr. Jackson said that European manufacturers are pushing the U.S. to approve life jackets that they make. In response to this request, the Coast Guard is working to harmonize the test procedures, so that one set of consensus test procedures can be used to approve life jackets for sale in the United States and the European Union.

The Coast Guard has received complaints suggesting that infant life jackets don't turn infants upright, but no complaints relating to heat stroke. Mr. Jackson said that the infant seat is inherently buoyant and is probably the only means of getting an infant out of a life jacket. Captain Moore expressed his concern that the boating safety community may be stifling innovation when it comes to life jacket options for small children. There are not many devices on the market for people to take their infants out on the water. Mr. Jackson agreed that better choices for youth and infants are needed, however, the vast majority of the market is in the youth/adult range. Standards for Type II lifejackets, which require

**80th Meeting
of the
National Boating Safety Advisory Council**

some turning ability, are still the requirement for infants. A Type III life jackets is the one that does not require turning capabilities. With the use of risk-based compliance, the idea is to tradeoff certain performance parameters for others, e.g. thermal capability for riding capability. The Coast Guard is willing to look at these tradeoffs and work with industry on risk-based standards that promise to bring better safety outcomes in the future.

Following the end of Mr. Jackson's presentation, council member Alfonso Campos was recognized for his outstanding service during his term on the Council and former Coast Guard staff member Mr. Bruce Schmidt was honored for his outstanding contributions to boating safety.

National Observation Wear Rate Study Report – Dr. Tom Mangione

Dr. Mangione is the project director for the National Observation Wear Rate Study financed by the Coast Guard. Dr. Mangione said that the study was designed to develop a national picture rather than to report on individual states. For the first couple of years, the study kept reporting the national average wear rate. Since there is variation in the wear rate among groups, it now seems more appropriate to split the rate up into specific groups so that policies and actions can be properly targeted.

Among personal watercraft (PWC), which have mandatory wear regulations, the wear rate for youth (everybody under 18 years of age) is 98.4 percent. Over nine years of observation data the average wear rate for youth is 58.6 percent and 9.3 percent for adults. One of the great success stories has been the increased wear rate among day sailors. In 1998 their wear rate was 27.7 percent; by 2006 the wear rate had jumped to 59.1 percent. Chairman Muldoon noted that all of the US Sailing instructors are certified and have to wear a life jacket, both in the classroom and in the boat. There does not appear to be much progress in the arena of runabouts and speedboats. When the study began, the percentage of zero to five year olds wearing life jackets was in the low eighties, now it's up to 94 percent. As an interesting aside, Dr. Mangione offered that as water temperatures go down, wear rates go up. Life jacket wear is not a simple issue and many factors must be taken into account. There seems to be a risk assessment going on in people's heads along the lines of, "How likely am I to fall into the water, and if I do fall, how severe will it be?"

The national survey is only conducted in summertime during the peak season of boating activity. States have more flexibility in thinking about year round observational studies. For example, Florida is conducting observations in different seasons. Some of the study's overall averages were statistically controlling to remove the effects of variation in the proportion of people of different ages or the length of the boats or the type of the boats. Information measured in the study includes location, air temperature, water temperature, type of body of water, time, weather, water height, wave height, boat characteristics, boat type, boat size, engine type, boat movement, and what type of activity the boaters are engaged in. Dr. Mangione then related to the Council several amusing stories of study observers being questioned by police. With their binoculars and

**80th Meeting
of the
National Boating Safety Advisory Council**

occasional foreign accents, the innocuous activities of the observers can easily be mistaken for something more sinister.

Captain Moore thanked JSI and said that working with them has been a pleasure. He added that the “Wear It Florida” campaign is about to begin and that the pre-campaign data collection is already underway.

Mr. Dick Rowe said that the Board of Directors of the National Marine Manufacturers Association distributed notices to member companies requesting that if they advertise with people on boats, the people should be wearing life jackets.

Regulatory Review – Jeff Ludwig

Mr. Ludwig reviewed the status of recommendations from the most recent regulatory review as well as the current challenges for the Council. Right now there is a large backlog of regulatory projects, but the internal Coast Guard evaluation process should ensure that the hot items receive priority. The enabling legislation for the recreational boating safety program only provides for the establishment of minimum safety standards applicable to the inspection and regulation of vessels.

Mr. Ludwig informed the Council that there is no requirement for the Council to conduct a regulatory review every five years. In addition, no new regulatory projects have been enacted since the last review. Several projects are in the regulatory pipeline now: the administrative changes, the numbering project, installation and wear of engine cut-off switches and turning the vessel off when someone is behind the boat.

Mr. Ludwig posed a question to the Council: Is a legislative change proposal necessary to give the Coast Guard the authority to bring construction standards in line with the 21st century, and are there any other general problems or broad trends that members of the Council are aware of that can be addressed through regulation? Chairman Muldoon said that the last regulatory review was a tedious and cumbersome process. Right now there are a lot of things in the pipeline, including the strategic plan. Mr. Messmann proposed having subgroups of committees review the lingering action items. Chairman Muldoon said that before setting up a working group, the Coast Guard should come back to the Council and tell them what they have done, what they haven't done, and why they didn't do it. Mr. Cappel suggested that changes could be made without going through the regulatory process. Mr. Hoedt said that the Boating Safety Division is trying to get prioritization on the recommendations.

Mr. Tsuneyoshi asked Mr. Hoedt whether it would be possible for the Boating Safety Division to identify those actions that would result in systemic changes that would allow the Division to dispense with a number of recommendations in a single stroke. Mr. Hoedt suggested that that would be a reasonable plan. Mr. Adey stated that each time the American Boat and Yacht Council (ABYC) runs into new technology, the Code of Federal Regulations (CFR) is the major roadblock. Mr. Adey offered ABYC services to make suggestions on how the Council should approach a regulatory review. He said that

**80th Meeting
of the
National Boating Safety Advisory Council**

he could give the Council a matrix of what changes should be considered in the CFR to give flexibility for new technologies and standards.

Mr. Hoedt explained that in the Department of Homeland Security (DHS), the Coast Guard's regulations are prioritized for review along with all of the other DHS component agencies. Mr. Ludwig added that the Boating Safety Division's three active projects are above the range where they should get resources to move them forward. Mr. Ludwig reiterated the comments of Admiral Pecoske who indicated that the Coast Guard's regulatory staff is overworked and is moving resources in the direction of getting through the backlog. Mr. Hoedt reassured the Council that the Boating Safety Division is looking for ways to get projects that would save lives up to the range of work. Mr. Hoedt then reminded the Council that it usually takes three years to get a rule promulgated. While the Department of Homeland Security does not prioritize the Coast Guard's projects, they hold the Coast Guard accountable to determine whether it is a substantive project or not. It also takes a year or more to withdraw projects.

50th Anniversary of California Department of Boating and Waterways

Mr. Tsuneyoshi provided the Council with a brief exposition of the storied history of recreational boating in California. Overall, the anniversary presentation reached 800,000 people with the message of boating safety.

Boats and Associated Equipment Subcommittee Report – Mr. Chisholm

Mr. Chisholm prepared a summary of the Boats and Associated Equipment Subcommittee meeting and provided it to the Council members. He then proposed an action item in relation to the barge lighting project. The action item was a request to the Office of Auxiliary and Boating Safety to proceed with the project titled, "Navigation Lighting on Barges." The Council unanimously approved Mr. Chisholm's action item. Following the passage of the action item, Chairman Muldoon said that he would send a letter to Rear Admiral Salerno asking that TSAC and NAVSAC be requested to send a liaison to the NBSAC meetings.

Prevention through People Subcommittee Report – Ray Tsuneyoshi

The first thing that the subcommittee discussed was the update on the campaign to increase life jacket wear. It was a joint effort by the National Safe Boating Council, the California Department of Waterways, BoatU.S, as well as the Coast Guard. Mr. Tsuneyoshi said that from a California standpoint, the state is contracting with Sacramento State University to collect their own life jacket wear data using the JSI methods that are used for the national life jacket wear studies. It is generally agreed that a multi-year study is needed on the project.

Mr. Tsuneyoshi presented Draft Resolution Number 2007-80-02 regarding federal requirements for boat operator education to the Council for approval. In the interim between proposal and approval, the Council vigorously debated the wording of the

**80th Meeting
of the
National Boating Safety Advisory Council**

resolution. When the Council was satisfied with how the resolution was written, the Chairman called for a vote, and **the resolution passed unanimously**

Mr. Tsuneyoshi then presented draft Resolution Number 2007-80-01, which addressed the reauthorization of the Sport Fish Restoration and Boating Trust Fund. There was much discussion on how to identify which vessels would be covered by the resolution. Chairman Muldoon said that he didn't think the Council was going to be able to wordsmith the resolution and thought that it would be better to draft a broad resolution with a specific intent and let the Coast Guard take it from there. Ms. Squires added that the non-motorized boaters are basically getting the benefit right now without paying for it. She said that it might be a good idea to explain that they have been receiving those benefits and have not been paying into the Fund. Following Ms. Squires' comment the Chairman called for a vote, and **the resolution passed unanimously.**

Subsequent to the passage of the resolution, Chairman Muldoon recognized Ted Woolley for his counsel, contribution and friendship.

Chairman Muldoon reminded the Council that the next meeting would be April 26th through April 28th in Maine.

Strategic Planning Subcommittee Report – Fred Messmann

Mr. Messmann told the Council that the draft report would be sent to members and participating organizations for review one day following the meeting. NASBLA has agreed to charge its Education Committee to request that the states provide historical data so that Cecilia Duer can include that information in her report on objective one, safety education certificates. There was an action item to investigate potential standards for advanced on-the-water education. John Johnson has a charge to look into the advanced education standards. NASBLA is going to work to make recommendations to the Marine Dealer Certification Board. Richard Moore suggested that the implementing partners and time lines need to be in the report.

Mr. Messmann advised the Coast Guard that the Council wants to see abstracts of the 2006 grants at the next meeting. Richard Moore presented an action item in reference to the Coast Guard's Maritime Law enforcement (MLE) manual and discussion about boating under the influence (BUI) checkpoints. **The Council unanimously approved Captain Moore's action item as presented.**

Responses to Members' Items – Captain Smith

In response to a question posed by Mr. Carter regarding child life jacket issues, Captain Smith said that there were no plans to replace the Type V designation with another designation. Ms. Dillon wondered if there were options for the display of lights on sea kayaks while in navigable water. Captain Smith said that the lighting requirements were established through the rules of the road process. Any changes would need to be vetted through the Coast Guard Office of Waterways Management. Mr. Messmann asked for a

**80th Meeting
of the
National Boating Safety Advisory Council**

report from the Boating Safety Division on the effects on the Coast Guard reorganization on the Boating Safety Division budget. Captain Smith answered that the Division, as well as many others, will suffer budget cuts as monies are reapportioned. The figure being discussed is approximately ten percent. This is not grant money, but what is known as AFC30 money (the office's administrative budget). Captain Smith suspected that everyone would suffer the normal cuts, which are called a tax. This tax is collected to meet the challenges posed by contingencies. Right now the Coast Guard is operating under a continuing resolution, which means the Boating Safety Division has to minimize funding to necessary projects and expenses through December. Captain Smith said the Council will need to help Mr. Hoedt prioritize his spending and his workload and ensure that he understands what is important to the Council.

Mr. Hoedt noted that the tax hit the vast majority of offices, and there was no targeting of specific offices for imposition of the tax. The budget going into the fiscal year was approximately \$1 million, currently the budget stands at \$900,000. \$466,000 of this budget is used for a contract for boat testing. After boat testing, the next largest budget item is the printing budget, followed by the allotment to NBSAC. Mr. Hoedt reminded the Council that the bulk of funding for the National Recreational Boating Safety Program comes from the Sport Fish Restoration and Boating Trust Fund, which is in addition to the above stated dollar amounts.

Mr. Messmann proposed a motion for a funding report at the next NBSAC meeting. **The motion carried unanimously.**

Captain Moore would like the Coast Guard to explore design options for non-lateral waterway markings. Captain Smith proposed approaching a sister office, the Navigation Systems Division of the Office of Waterways Management, to resolve Captain Moore's question. Captain Moore added that he believes that NBSAC and the Boating Safety Division need to aggressively pursue innovations for infant and small child life jackets.

Captain Moore asked how the National Boating Survey was progressing. Captain Smith replied that the Coast Guard recently finished drafting responses to the first notice published in the Federal Register. The contracting effort is proceeding and hopefully the survey will be initiated early next year. Also from Captain Moore was a question concerning whether the definition for "white water" has been finalized in the UL Standard 1180. Mr. Hoedt responded by saying that the definition has been finalized, and that if a Coast Guard boarding officer stopped someone in a white water scenario, that officer will use the UL 1180 definition to determine whether the life jacket is acceptable or not. Mr. Jackson, who was on the working group that composed the UL definition, reiterated his satisfaction with the UL definition. Ms. Dillon expressed her appreciation to those who helped bridge the gaps and get a definition of "white water".

Captain Moore asked if any progress had been made on regulatory changes related to accident reporting. Mr. Hoedt responded that the Division recognizes that they need to get through the regulations and consider a proposal. NASBLA has passed some resolutions and actions in a matrix, while there has been no formal action from Council

**80th Meeting
of the
National Boating Safety Advisory Council**

that endorsed that matrix. Mr. Hoedt stated that although there was no resolution or action item from the Council that provided specifics on the exact regulations to be amended, the Council did provide direction that the Division needed to begin looking at the accident reporting regulations. As soon as the Division can fill a crucial position and have someone working on this project, it will start moving forward. Captain Moore said that he would work with the Division on the regulatory changes.

In response to a query by Captain Moore regarding the Hull Identification Number (HIN) issue, Captain Smith said that the Coast Guard expects to publish a notice in the Federal Register before the end of the year requesting comments on the costs and benefits of expanding the existing 12-character HIN.

Regarding sub-tier goal 3 of the strategic plan, the Boating Safety Division is working on a revision to its non-profit grants manual that will be completed by the April NBSAC meeting. The manual will cover the entire grant process. Chairman Muldoon noted that the Council's concern lies more with what grants were awarded and what they accomplished rather than the process. The Boating Safety Division will provide the Council with a report that includes information on grants awarded, if and/or how they relate to the Strategic Plan, what they accomplished and how they accomplished it. Mr. Hoedt thought that the more that grant applicants and grant recipients understand the grant process, the more they will enhance the quality of their projects. So, the Division is relaying the information on the manual to the Council, since many members are grant recipients and applicants.

Captain Smith added that the innovation project in Florida was funded with the Boating Safety Division's operating budget. The only competitive grants from the Boating Safety Division are the non-profit organization grants. Mr. Hoedt explained that this year, the Division did not have money available for an innovation project.

Captain Moore's next item of inquiry concerned the legislative effort related to operator education and identification. Captain Smith said that the LCP for proof of operator education cleared the Office of Management and Budget (OMB) as part of the administration proposed FY08 Coast Guard Authorization Bill. However, the House and Senate removed the language from their bills. The Coast Guard is requesting that the proposal be reintroduced.

Mr. Woolley asked if a decrease in personal watercraft (PWC) accident statistics could be in part attributed to the widespread availability of off-throttling steering (OTS) systems on PWC. Captain Smith indicated that the Boating Safety Division would research the issue and have a response at the April NBSAC meeting. There is no easy method of determining if PWCs involved in accidents entered in the Boating Accident Report Database (BARD) were off-throttle steering (OTS) situations. Also, in many cases accident reports do not provide the specific model of the PWC, which makes it impossible to determine if the PWC has OTS technology built in.

**80th Meeting
of the
National Boating Safety Advisory Council**

Mr. Tsuneyoshi asked what was happening with the National Small Vessel Security Summit. CAPT Smith responded that the report from the summit does not have an action plan. After the Secretary reviews the report, it will be put on the web. Mr. Tsuneyoshi thought it would be a good idea to send the report along with a message to Congress to take a serious look at funding for America's Waterway Watch (AWW). As a point of perspective, Captain Smith offered that AWW has two components: 1) a commercial side that the Coast Guard facilitates through the merchant mariner and 2) the recreational boating side, which the Auxiliary took on. Auxiliarists are few and far between and the most that they can do without any budget is to carry AWW brochures and distribute them while conducting vessel safety checks and education.

Ms. Squires advised Council members to get in contact with local Auxiliary units if they wish to obtain material about AWW for an event or boat show. In the RAP publication that goes to every boat show this year there will be an AWW article.

Mr. Tsuneyoshi said that the AWW materials were distributed in California at boat shows and will continue to be distributed at the 50th Anniversary State Celebration display.


ADJOURNMENT

After the close of members' items, Chairman Muldoon thanked the staff for their help and the Council for their good work. Chairman Muldoon expressed his concern about participation being down, but was confident that this could be rectified expeditiously. The Chairman also said he would make the Council members aware of changes in the strategic plan activities.

Chairman Muldoon accepted a motion to adjourn. **The motion was seconded and unanimously approved.** Chairman Muldoon adjourned the meeting at 2:13 p.m.

80th Meeting
of the
National Boating Safety Advisory Council

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


James P. Muldoon, Chairman
National Boating Safety Advisory Council

7 Apr 08
Date


Jeff Ludwig, Executive Secretary
National Boating Safety Advisory Council

7 APR 08
Date