

**69th Meeting
of the**

NATIONAL BOATING SAFETY ADVISORY COUNCIL

**Sheraton Inner Harbor Hotel
Baltimore, Maryland**

22 - 23 April 2002

Monday, 22 April 2002

0830 – Meeting called to order by Chairman James P. Muldoon

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

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Council Members Present

Mr. James P. Muldoon, Chairman

**Ms. Caroline C. Ajootian
Commodore Carolyn V. Belmore
Lieutenant Lyle W. Belknap
Ms. Joan M. Bondareff
Mr. Robert P. David
Mr. William G. Engfer
Mr. Fernando J. Garcia
Mr. Larry R. Innis
Ms. Karen P. Kelly**

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

Council Members Absent

Mr. Edwin R. Fendig, Jr.

Ms. Lucia A. Roberts

U.S. Coast Guard Headquarters Representatives Present

**Rear Admiral Kenneth T. Venuto
Director of Operations Policy
Council Sponsor**

**Mr. Bruce Schmidt
Acting Executive Director, NBSAC
Program Management Division**

Captain Scott H. Evans, Chief, Office of Boating Safety
Mr. Phil Cappel, Chief, Recreational Boating Product Assurance Division
Mr. Carlton Perry, Regulatory Coordinator, Program Management Division
Mr. John Sukys, Budget Development and Funds Administration, Program Management Division
Mr. Randolph Doubt, Recreational Boating Product Assurance Division
Mr. Bob Markle, Chief, Lifesaving and Fire Safety Standards Division
Mr. Sam Wehr, Lifesaving and Fire Safety Standards Division
Mr. Dan McCormick, Lifesaving and Fire Safety Standards Division
Mr. Richard Kanehl, Safety Specialist, Boat Product Assurance Division

Chairman Muldoon called the 69th Meeting of the National Boating Safety Advisory Council (NBSAC) to order and welcomed Admiral Kenneth Venuto, Council members and guests. Mr. Muldoon thanked the Council members for their weekend work in light of additional tasks in the first stage of the regulatory review process and introduced Mr. John Porcari, Transportation Secretary for the State of Maryland. Secretary Porcari was appointed as Transportation Secretary in 1999 and is responsible for overseeing a \$0.5 billion dollar transit initiative and a \$1.8 billion expansion of Baltimore Washington International (BWI) airport.

WELCOME TO BALTIMORE

Secretary Porcari welcomed everyone to the State of Maryland on behalf of Governor Glendening and Lieutenant Governor Townsend. He opened his remarks by mentioning that the city of Baltimore has spent \$26 million dollars in hosting the Volvo Ocean Race and that event has a \$52 million dollar impact on the local economy. Secretary Porcari mentioned the many interests and values associated with the Chesapeake Bay from recreational, environmental, and economic interests and these three interests can coexist and flourish together.

The Secretary stated the Port of Baltimore, Maryland is responsible for 127,000 jobs and is considered the economic backbone of Baltimore's economy with 95% of imports coming in by water, not air. He mentioned four types of cargo shipped into the port: roll-on/roll-off cargo, automobiles, forest and paper products, and container cargo. He said the Port of Baltimore is the #1 port for roll-on/roll-off cargo, such as heavy machinery as well as #1 in bulk commodities, such as sugar. He noted the city just signed a new contract with Mediterranean shipping that will create an additional 1,000 jobs for the Port.

The Secretary stated that despite the heavy shipping in the region, users are also environmental stewards of the Bay as in the case of Poplar Island. The Secretary explained that Poplar Island

had eroded from 12,000 acres in 1847 to 85 acres in 1999 because of storms. Today, Popular Island is recreated into one of the premier waterfowl nesting areas on the East Coast due to dredging 4.5 to 5 million cubic yards per year. He mentioned this type of project is similar to a previous dredging project done on Hart Miller Island. The Secretary went on to describe new oyster seeding programs to help the oyster population that has dropped dramatically during the past century. He explained that the State gives the Department of Natural Resources one dollar for every cubic yard of dredge material to use as funds to reseed the oysters. He stated that further research was being conducted to combat diseases, which were destroying the oyster community. He further stated that all revenues for waterway improvement came from a \$15 million gas tax on automobiles. The Secretary explained that while environmental stewardship is important, his Department is also in the business of transferring people and goods throughout the State. Safety in doing this had taken on new meaning since September 11th and the Secretary thanked the Coast Guard for providing security with limited resources. The Secretary then commented that the greatest thing about the State of Maryland is the Chesapeake Bay and its waterways. He reiterated the Maryland Department of Transportation's goal is to keep the Bay in sound health for future generations. Secretary Porcari welcomed the guests and members to the State of Maryland and the City of Baltimore.

SWEARING-IN OF NEW MEMBERS SWEARING-IN OF REAPPOINTED MEMBERS

Chairman Muldoon introduced Captain Allison Ross, his counterpart at the Navigation Safety Advisory Council (NAVSAC), and explained how she has fostered cooperation between NAVSAC and NBSAC over the years. To be able to use the beautiful harbors, he said, you had to have cooperation between ships and personal boats.

Captain Ross thanked Chairman Muldoon.

Chairman Muldoon introduced Rear Admiral Kenneth Venuto, Director of Operations Policy for the U.S. Coast Guard, to swear in new members.

Mr. Bruce Schmidt described the process of introducing new members after reading their biographies. Rear Admiral Venuto swore them in after their names were called.

Ms. Joan M. Bondareff was born in New York and went to college at American University in Washington DC. She has served at the National Safe Boating Council (NSBC) since 1999. She has also served at the merchant marine fisheries and was Chief Council for the Maritime Administration.

Mr. Robert P. David was born in Massachusetts and earned an advanced degree in chemical engineering from Rensselaer Polytechnic Institute and an MBA from Babson College. He has more than 20 years experience working for Dupont and has served as President of the National Boating Federation since 1999.

Mr. Edwin R. Fendig (absent) is a new member of the general public. He was born in Georgia and has served as a harbor pilot for the past 40 years.

Mr. Fernando J. Garcia was born in Santa Anna and earned his Bachelors of Science degree in Mechanical Engineering. He has served at Bombardier Recreational Products for three years and is also a member of the ABYC technical Committee, the ISO technical marine committee, ASC marine committee, as well as a Coast Guard technical advisor.

Mr. Jim L. Manues was born in Arizona. He earned his Masters degree in Business Administration and has served at the Dana Point Marine Company for six years. He retired from the U.S. Navy in 1982.

Mr. Fred F. Messmann was born in Nevada and earned his Bachelors of Science degree in Wildlife Management in 1978. He served three Vietnam tours as a radioman and now serves as a Chief Game Warden and Boating Law Administrator for the State of Nevada. He is also an active member of the National Association of State Boating Law Administrators (NASBLA) and Chairman of the Boating Accident Investigation, Reporting and Analysis Committee (BAIRAC).

Ms. Lucia A. Roberts (absent) was born in the U.S. Virgin Islands and serves as Boating Law Administrator for that Territory.

Mr. Scott P. Swanby was born in Idaho and earned his Bachelors of Science degree in Marketing from Boise State University. He has just sold his company of which he was a Chief Executive Officer (CEO) for 15 years and now serves as President of SOS Incorporated and as President of the Personal Flotation Device Manufacturers Association (PFDMA).

Mr. Ray T. Tsuneyoshi was born in Hawaii and earned his Bachelors degree in Communications and his Masters Degree in Business Administration from Pepperdine University. He now serves as Boating Law Administrator for the State of California and as Director of the California Department of Boating and Waterways.

Mr. Edwin "Ted" R. Woolley, Jr. was born in Utah and earned his degree in Zoology in 1974. He is a lifelong boater and serves as Boating Law Administrator for the State of Utah. He is an active member of NASBLA where he served as President in 1998. He continues to serve on NASBLA committees that provide guidance on boating safety matters.

Rear Admiral Venuto described the honor of being part of NBSAC and showed appreciation for the Council members volunteering to serve. He thanked them and stated he was looking forward to working with them.

Mr. Schmidt announced reappointed Council members: Mr. Larry Innis, Mr. David Marlow, Ms. Linda Jo Moon, Mr. Bill Engfer, and Mr. Jim Muldoon. He thanked Council members and Mr. Muldoon for the work they have done and will continue to do.

COUNCIL SPONSOR REMARKS

Rear Admiral Venuto told the audience this would be his last meeting, as he will be moving to a new job. He will now be running human resource programs in the Coast Guard. He thanked everyone for their hard work in improving boating safety for the 70 million boaters who enjoy it every year. He acknowledged the difficulty of getting things done, but thanked the Council and the public for their commitment to boating safety. He reminded the audience of North American Safe Boating Week, May 18 – 24, 2002. He stated the Coast Guard has been working with many groups, particularly the National Safe Boating Council (NSBC), NASBLA and their Canadian Counterparts. He noted that the Wallop-Breaux Trust Fund and TEA21 are due for reauthorization in 2003 and that NASBLA President Steve Hall would give a progress report on the equitable reauthorization efforts to date.

Rear Admiral Venuto took a few moments to describe operations at the Coast Guard in the wake of what has happened over the past 6 months. Six months previous left us in the wake of September 11th, he said, and he assured that the Coast Guard was still very much focused on safety and security issues. He then explained the Coast Guard budget and how budget funds are allocated. After 11 September, the Coast Guard received an additional \$2.9 million budget supplement to protect the nation's ports. However, he cited the Coast Guard needs an additional \$255 million to keep the organization running at 100 percent. Prior to the terrorist attacks, he stated that the Coast Guard used 2 percent of its resources for port security. This number jumped to 58 percent shortly following the attacks. With the required focus now on port security, he stated the Coast Guard had to cut back on Immigration and Drug prevention services. To keep other operations and missions running, he announced that the President expanded their budget by \$1.3 billion dollars. He claimed that these additional funds would be able to add 2,000 new people to the Coast Guard. He said the Coast Guard has recently purchased fifty 87-foot patrol boats to provide additional security and protection to the nation's ports. While 2,000 new people are a start, Admiral Venuto claims it will take much more to continue to operate at their present level. Admiral Venuto opened the floor to questions.

Mr. Tsuneyoshi asked if the \$2.9 million infusion to maintain operating strength has increased effectiveness.

Rear Admiral Venuto said the Coast Guard did acquire new capabilities and were able to get things done more quickly. However, in the long-term, he explained that it would be more difficult for the Government to continue these programs with the same amount of funding. While all agencies want more funding, Admiral Venuto was pleased to see the new budget.

Mr. Tsuneyoshi asked Admiral Venuto how many resources he envisioned being put into boating safety and Search and Rescue (SAR) over the next two years.

Rear Admiral Venuto claimed that Search and Rescue was still the primary mission of the Coast Guard, while maritime security and boating safety will always come rubric to SAR. He reassured that the resource levels for SAR would remain constant.

Chairman Muldoon said since you had to shut down some planes and boats, when will the new equipment be available.

Rear Admiral Venuto reminded the audience of the Deepwater Project that is partially funded for \$320 million to continue to contract new vessels. Fiscal year 2003 has a budget of \$500 million dollars to replace one hundred ships and 200 aircraft over the next 15-20 years. Admiral Venuto speculated that the first to go would be the major cutters and the medium endurance cutters. He stated the Coast Guard also needs new 110-foot cutters for anti-narcotic operations in the Caribbean.

Mr. Shepard asked about assets for Homeland Security and whether there was the possibility of these resources to again return to boating safety issues. Especially in terms of patrol boats, which were used for education and safety and are now being used for security.

Rear Admiral Venuto said that Port Security is taking place in twelve key ports across the United States and all boats will be readily mobile to provide maximum reach and security. The Coast Guard plans to add an additional 8 high-speed small boats to provide better coverage and better security for major ports.

Mr. Shepard asked if these new assets would allow other units to provide education and enforcement programs as in the past.

Rear Admiral Venuto said that the Coast Guard still has 1,800 reservists on active duty, which should drop to 1,400 by the end of the year. He said you have to make decisions as to use of the boats to provide security or to provide support for other programs.

Commodore Belmore reiterated Mr. Shepard's question for the support of the recreational boating community, which is the Council's primary responsibility. She described an example of the Coast Guard Auxiliary being used to give backup support.

Rear Admiral Venuto agreed they rely heavily on the Auxiliary, acknowledging that they are a tremendous asset to the Coast Guard and its missions. While the missions have changed, the Auxiliary and Power Squadrons have been very helpful in certain areas. He emphasized that Coast Guard rhetoric is not Coast Guard centric, it was global centric. The Coast Guard has to have security standards for some of the 7,500 foreign carriers and 200,000 foreign sailors that enter our ports every year. He shared the Coast Guard's goal to push the boarders out as far as possible, relying on Auxiliary, Power Squadron and international partners in the International Maritime Organization (IMO) to assist in this responsibility. On the other hand, Admiral Venuto emphasized that while there needs to be a balance between homeland security and economic prosperity, our economy is built upon free trade.

Mr. Tsuneyoshi continued with his line of questioning and admitted that the Coast Guard did help with security patrols and such, but States are paying some of these funds. He wanted the Coast Guard to give a number displaying their shortcomings and what they expect States to make up. He needed this information to help make his case for the reauthorization of Wallop-Breaux trust funds.

Rear Admiral Venuto said that it was up to the State's operational commander to decide what that number is, and then try to aggregate that number on a national level. Mr. Steve Hall has also raised the same issue and is also trying to open Wallop-Breaux for additional funding. However, Washington has many different political voices and interests and the Coast Guard must be able to put forth a solid argument. He said that it would be a tough battle with so many competing for the money, but that they would get there eventually. Firstly, he said, they must get a permanent appropriation; secondly to get it in a permanent appropriation that is a percentage of the motorboat fuel tax. He did not know exactly what that percentage should be, but it is currently 33 percent. He said if the measure is not permanent and not a percentage, it would put them back in a due loop that they had been in previously. He thanked those in attendance for their dedication to this cause, the Coast Guard depended on these type of people to keep the agency focused. Since passage of the Federal Boat Safety Act of 1971, the number of boaters has doubled and fatalities has decreased by half. Although the boating deaths have fallen and the number of boaters increased, 800 people per year are still killed. He said there are a lot of things that the federal government needs to take care of and he brought up their needs to be more between sport fishing and boating safety. It's the Coast Guard's job to do the best with the money we have been provided and to save as many lives as possible. He again thanked the Council and the State Boating Law Administrators for their important work.

Chairman Muldoon congratulated the Admiral on his new job and voiced appreciation for his work with boating safety. He then introduced Mr. Bruce Schmidt to deliver the Executive Director's Report.

EXECUTIVE DIRECTOR'S REPORT

Mr. Schmidt explained that the Executive Director's Report was to bring the Council up to date on resolutions passed as of October 2001 and progress made on those resolutions. He provided status reports on resolutions pertaining to the Coast Guard setting priorities to reduce fatalities in boats less than 26 feet in length. He cited important grant projects that were awarded to conduct human factor and risk analysis on reported boating accidents. He added the Coast Guard and States have a pilot project underway to identify human errors in accidents and to capture those human errors in the Boating Accident Report Database (BARD) system.

Mr. Schmidt brought Council members up to speed on initiatives to develop and define a lifesaving index for innovative products needing approval under the current personal flotation device (PFD) standards. He also stated that more research is currently being done in this area. In regard to carbon monoxide initiatives, he provided a status on resolutions exploring carbon monoxide detectors and why the detectors do not work well on boats. He stated a fiscal year 2001 grant was awarded to investigate levels of carbon monoxide buildup relative to vessel design and equipment configuration. Although the study is still in progress, he stated the Coast Guard has a memorandum of understanding with the National Institute for Occupational Safety and Health (NIOSH) to conduct further analysis in this area.

Mr. Schmidt also said the Coast Guard is working on a strategy discussion for the Transportation Equity Act for the 21st Century as well as the equitable reauthorization of the Wallop-Breaux Trust Fund. He was happy to report recreational boating fatalities for 2001 were going down after reading recent accident reports submitted by the State agencies. He stated this was a very important finding and the number of reported fatalities should continue along a downward trend.

In regard to recent rule making projects, he began with the regulatory initiative that looked at navigation lights for recreational vessels, published on January 17, 2002, and made effective November 1, 2003. He then brought up the issue of the federal requirement for children 12 and under to wear PFDs. NBSAC had proposed a resolution in October 2001, the rule was published February 27, 2002 and was planned to be effective March 29, 2002. However, he said a notice of withdrawal was published on March 27, 2002. We are developing an Interim Rule with a revised alternative. Mr. Schmidt also described the federal requirement for propeller injury avoidance measures, published on December 10, 2001. The comment period had closed March 11, 2002 and was reopened until May 11, 2002. He asked all those with questions to consult with Mr. Carl Perry. Finally, he brought up the NAVSAC recommendation to adopt the ISO HIN systems of country code prefix. Mr. Schmidt then stated that subcommittee reports would be delivered tomorrow, 23 April.

Acting Executive Director Schmidt announced the following meeting dates and locations:

Fall 2002	October 28-29	San Francisco, California
Spring 2003	April 28 – 29	New Orleans, Louisiana

RECREATIONAL BOATING SAFETY (RBS) PROGRAM REPORT

Captain Scott Evans commented on how beneficial NBSAC has been for him as he led the National RBS Program, and all that has happened since taking over as Chief of the Office of Boating Safety. He then recognized and welcomed the new members to the Council. He briefly discussed the history of the Coast Guard Office of Boating Safety, and described how the office was organized in three divisions. He discussed how G-OPB-1, the Program Management

Division, dealt with regulatory projects, legislative initiatives, non-profit grants, budget information and accident statistics. G-OPB-2, the Program Development and Implementation Division, dealt with outreach and coordination of State/Territory initiatives. G-OPB-3, the Product Assurance Division, dealt with boat manufacturer compliance through boat building standards. He commented how the three divisions worked together on boating safety issues, and how NBSAC complemented this organizational structure by gathering together representatives from the States, Industry and public to work on RBS issues. He then introduced Mr. Tomoyuki Ishizuka, Special Assistant to the Director of the Ministry of Land, Infrastructure, and Transportation (MLIT) in Japan. Recreational boating has been increasing rapidly in Japan, and Mr. Tomoyuki was working with G-OPB to learn how the U.S. administers boating safety programs.

Captain Evans introduced issues he thought were important to the meeting. The first was reauthorization of TEA-21, and the vital need for the RBS program to receive a more equitable distribution of the Aquatic Resources Trust Fund that must be accomplished through the reauthorization process. Mr. Steve Hall, president of NASBLA would be discussing the issue in detail during his presentation. Another important issue was the upcoming Lewis and Clark Commemoration, starting in January 2003. The event could last up to seven years, and would involve boaters reenacting and experiencing the Lewis and Clark cross-country exploration. He said the majority of boaters would be in canoes and kayaks, and the event would cross Coast Guard and State boundaries. This will be an incredible opportunity to show the Nation how well the Federal, State and local governments and public organizations can work together. He went on to point out how the occurrences of September 11th had affected the Coast Guard. He said that the Coast Guard was working hard to involve recreational boaters in the security of our waterways, and how things that were once considered normal in the past, such as fishing under a bridge, are now considered suspicious of terrorist activity. He discussed how the boating public needs to be more informed and involved with the Harbor Safety Committees (HSC) that were popping up all over the country, and the importance of getting the information from HSC meetings out to the boating public. He then described the new industry standards G-OPB was working on, and said that they were close to finalizing an off-throttle steering standard for Personal Watercraft (PWC). He also discussed a new initiative whereby G-OPB obtains daily news reports of boating accidents from the Internet, and how the timely information was being analyzed, disseminated, and used to help determine new accident trends and preventive actions.

Captain Evans concluded that he found the RBS Program to be an amazing cooperative effort; a prime example of how well our Federal, State and local governments, organizations, and the industry can work together to make a difference. He also claimed that the reason he was in the position he was in now was because he had learned early on to surround himself with very smart people, and that NBSAC were some of those “very smart people” he was alluding to. He stated excitement about his job as Chief of the Office of Boating Safety and looking forward to continuing to improve boating safety in this country.

HONORING MR. AL MARMO PAST EXECUTIVE DIRECTOR

Captain Evans said that **Mr. Al Marmo** is the one person who is responsible for the success of the National Recreational Boating Safety (RBS) Program. He further stated that we are all sitting here today because of the accomplishments made by Mr. Al Marmo.

Chairman Muldoon pointed out that the Coast Guard has honored Mr. Marmo and they have all paid appropriate amounts of homage to his distinguished career and the contribution he has made to boating safety throughout the United States. For this, the members of the Council also honor him.

Chairman Muldoon noted that Mr. Marmo has guided the Council with his wise counsel, experience, receptive ear, and with his steady hand in the Council's attempts to make recreational boating safer. He thanked Mr. Marmo for his steadfast dedication and his willingness to always help. Over the last decade, all the new members of the Council have found their tasks easier because of the enormous amount of experience that Mr. Marmo always made available so we did not wander into perilous waters. Chairman Muldoon said that as a new chairman, he especially appreciated the guidance that Mr. Marmo provided. For that helping hand and all the other things that Mr. Marmo has done for NBSAC and on behalf of the members past and present, the Council presents this award.

Mr. Muldoon presented **Mr. Al Marmo** with a replica of the Coast Guard Eagle. Mr. Marmo said he was very appreciative and thankful to receive such a beautiful replica of the Coast Guard Eagle. He mentioned he was very fortunate to come into the Coast Guard at a time when boating safety was just beginning and is thankful he had an opportunity to be part of the program developing, maturing and being successful. He noted he had many highlights in a nearly 40-year federal service career, but serving as Executive Director of the Council during past 11 years has been near the top. He expressed that working with so many great members over the years, working closely with the great chairmen, and associating with the many guests in the audience who provided beneficial input has been a very rewarding experience. He said he still has mixed feelings about retirement, but will try to remain available to the Council as a consultant or to lend assistance on anything that comes up. In closing, he thanked everyone.

CALL FOR OLD BUSINESS

Chairman Muldoon called for old business.

No old business was raised.

CALL FOR NEW BUSINESS MEMBERS' ITEMS

Ms. Ajootian requested a full status report on the Vessel Identification System (VIS).

Commodore Belmore raised the same issue as Ms. Ajootian as well as support for the Child PFD rulemaking.

Lieutenant Belknap had no new business besides the property damage accident reporting threshold being raised that is now a finished project.

Ms. Bondareff raised two issues, continuing the Child PFD rulemaking and the reauthorization of TEA21.

Mr. David raised the disposal of flares as well as the reauthorization of Wallop-Breaux trust funds.

Mr. Engfer brought up the Vessel Identification System (VIS).

Mr. Innis brought up continuing the life jackets for children rulemaking and the reauthorization of Wallop-Breaux trust funds.

Mr. Garcia had no new issues.

Ms. Kelly was very happy to see Mr. Steve Hall to discuss the Wallop-Breaux trust fund.

Mr. Manues had no issues.

Ms. Mariani asked a question about the Vessel Safety Check (VSC) program and asked to get something in writing with routine boardings because she was looking into getting a Memorandum of Understanding with the Coast Guard Auxiliary.

Mr. Marlow was interested in Wallop-Breaux as well as a detailed assessment of Carbon Monoxide Monitoring Equipment.

Mr. Messmann had no new items.

Ms. Moon said her main concern was the canoe/kayak issue and was happy to hear that Mr. Yeager was in attendance. She also wanted to move forward with Child PFD rulemaking project.

Mr. Shepard: was very concerned with child PFD rulemaking as well as the Wallop-Breaux and TEA21 reauthorization.

Mr. Ray Tsuneyoshi wanted to discuss Wallop-Breaux as well as VIS as it ties in with the 17-digit Hull Identification Number (HIN) and how to meld that into the BARD system.

Mr. Ted Woolley agreed with what everyone else had to say and brought up one more issue. He was concerned with the noise from motorboats with no mufflers or a muffler bypass system. This, he said, has hampered others from enjoying the water and also the engine noise makes it impossible to hear warning signals from other boats.

Chairman Muldoon asked if the Navigation Safety Advisory Council (NAVSAC) had any items they wanted discussed.

Captain Ross said NAVSAC did not.

Chairman Muldoon asked if anyone in the audience had an item that had not been mentioned.

Unidentified man said his biggest concern was the role of the boater in the relationship between security and exclusion zones.

Rear Admiral Venuto said that Coast Guard had security zones before September 11th around high interest vessels and facilities, as many as a half dozen throughout the United States. Since September 11th, however, he stated that there were as many as 130. He agreed that much has been going on now than before the terrorist attacks and hoped that no one would be injured as a result of the heightened threat level.

Unidentified woman asked if there was information available on the Coast Guard website.

Rear Admiral Venuto said that there was no central location for that type of information and that these issues were up to the Captain of the Port.

Ms. Moon said that the exclusion zone around vessels is on the Coast Guard Website, but wondered how the Coast Guard will tie any of this information to safe boating needs.

Rear Admiral Venuto asked Captain Evans when the Atlantic commander plans to push out information in regard to security and exclusion zones.

Captain Evans said it was close to coined as possible, despite some logistics and funding issues, but that information is currently on the website. He also mentioned that the Coast Guard Auxiliary and Power Squadrons will soon distribute information.

Rear Admiral Venuto said that they would make an effort during National Safe Boating Week to include information about security zones. The Atlantic Area had already put out its own brochure and they were working with the Power Squadrons to get the word out to local areas.

Mr. Shepard said he participated in an event in Tampa Bay, where there was an exclusion zone around McGill Air Force Base. He said he violated this security area because he did not know where it was and mentioned he was not the only one in violation because other boaters were not aware of the borders of the security zone.

Rear Admiral Venuto claimed that there is no way to mark the security zones. He noted the Coast Guard has received many requests to mark the zones, but there are not enough buoys and tows to do it.

Mr. Shepard asked if it was possible to include this information on maps and to the sponsors of these major events. The Coast Guard could possibly require this information when issuing a permit.

Chairman Muldoon said some of the permits are blanket permits.

Rear Admiral Venuto agreed that it was a problem that needed to be sorted out.

Commodore Belmore said that there were problems in Boston Harbor and if there was a Naval Ship near an exclusionary zone, nothing could move in the harbor.

Rear Admiral Venuto said that that is the responsibility of the particular Captain of the Port.

Commodore Belmore said that they sometimes use Auxiliary boats to maintain those zones

Mr. David said his main concern was the casual boater who does not go on the Internet and find out the correct information. He mentioned that the best interest was to advertise through media outlets of the new regulations.

Chairman Muldoon said this happened in the Great Lakes, but people had not been aware of the change in security. The boaters had been using the waterways for decades and might be resistant to change unless they were aware of and understood the reasons.

Rear Admiral Venuto welcomed any of their thoughts. He admitted that the waterways were not maintained centrally and for that matter would not be in the foreseeable future.. However, the information that was distributed on this level was an important issue.

Unidentified man asked about another area in the Great Lakes where there are three nuclear plants. He mentioned it is a very popular fishing area, so fishermen need to be addressed.

Chairman Muldoon asked for any more comments.

Ms. Anita Bowles, who represents the *Coalition for Parents and Families for PWC Safety and the Greater Coalition of Boating Accident Victims*, asked the Coast Guard to consider the cost to individuals and society for the traumatic injuries and deaths associated with recreational boating each year. There were 4,355 reported injuries in 2000, 38 amputations, 438 head injuries, and 833 lacerations. She also wanted to note that some amputations were listed as lacerations. She asked the Council that whenever there is talk of alterations for a vessel for increased safety, is the cost to the manufacturer the only one considered. She believed that the health care costs to individuals and society overall involved in accidents should be considered as well, but realized that there should be a balance.

Break

Chairman Muldoon welcomed Council members and asked members of the audience to introduce themselves. The list of meeting guests is included as **enclosure (1)**.

U.S. COAST GUARD AUXILIARY REPORT

Commodore Warren McAdams, National Directorate Commodore for Recreational Boating Safety, U.S. Coast Guard Auxiliary greeted the Council and updated them on what the Auxiliary was doing regarding enhancing recreational boating safety. He said that the Auxiliary revamped their education program by plugging some holes and updating some courses to meet new standards. They have also drawn up new advanced coastal navigation courses as well as a new sailing course. The Auxiliary has several initiatives underway regarding vessel safety check (VSC) programs and is planning on reengineering the Marine Dealer Visitor program. The Power Squadrons had joined them, providing 2,000 inspectors and 20,000 safety checks in the previous year. He noted the Auxiliary also has certain States helping with providing inspections. He also mentioned that in their boating department, the Auxiliary works with developing partners within States. The Auxiliary also had an initiative with Wal-Mart to support National Safe Boating Week, and was also working with Sea Ray Boats to develop partners for safety initiatives. He went on to explain that the Auxiliary has new priorities, having put in thousands of hours in support of Coast Guard operations since September 11th. Before the attacks, Operation Boat Smart was to put new vigor into recreational boating safety but the events of September 11 have caused adjustments to Coast Guard priorities. Nevertheless, he assured the Council that Operation Boat Smart is being pursued with the combined efforts of the Coast Guard.

Chairman Muldoon asked if there were any questions. No questions were raised. The Chairman then introduced Mr. Steven Hall.

NATIONAL ASSOCIATION OF STATE BOATING LAW ADMINISTRATORS (NASBLA) REPORT

Mr. Steven Hall, President, NASBLA, and Chief, Division of Law Enforcement, Rhode Island Department of Environmental Management, said that there was only a short amount of time and would be brief on explaining Wallop-Breaux, where we are and where we are heading. He stated that the Wallop-Breaux Trust Fund was started back in 1984 and was designed to get money into the States for boating safety. Paid for by fuel tax, States received 70%, but that number has degraded to 34%, soon to be 28%. He continued to explain that every Federal program has authorization by Congress. At that point, there was \$70 million to be appropriated for States for boating safety. The Coast Guard reallocates this amount and the States end up with \$59 million. Divided into two accounts, Sport Fish Restoration and Boating Safety, no appropriations have been made to the Boating Safety account since 1999. Boating Safety had over \$80 million in its account while Sport Fish Restoration had over \$400 million. Because money has been capped, the money has been relegated to Sport Fish Restoration. He then stated the goals of where we need to be prior to meeting with Congress in the spring of 2003. TEA21 would be reauthorized, and hopefully Wallop-Breaux will be reauthorized as well. He then explained that in the early 1990s, the Boating Safety program needed to scrap for every penny it got and we would now like to see 50% of motorboat fuel tax going toward boating safety. He then talked about the American League of Anglers and Boaters (ALAB), a group of 30 organizations representing boating interests since 1982. They will be in charge of Wallop-Breaux reauthorization for the next few months. He noted that since ALAB requires a unanimous decision, it will be difficult reauthorization process. The boating safety interest have done well growing by 50% since 1984, but Sport Fish Restoration grew by 800%. Mr. Hall stated that it is time for the money to go back to boaters. He looked forward to the day where his successor can talk about PFDs and saving lives -- not dollars. The Recreational Boating Safety (RBS) program has saved an estimated 27,000 lives, but still there are several hundred deaths per year making boating, second only to highway in terms of transportation related fatalities; higher than airlines and railroads. However, the program is losing money through inflation and losing officers to homeland security measures. He concluded that if the federal government wants safe boating, they would need to pump more money into the system. He then asked the audience for questions.

Unidentified man asked about the odds of consensus in ALAB.

Mr. Hall responded that they wanted dollars they planned on getting and that Sport Fish Restoration is now asking for 300 million.

Ms. Timmons stated that it's now in the 260 (million dollar) range, between 260 million to 270 million.

Mr. Hall showed the audience a graph supporting the argument that boating safety needs a bigger share and he noted that everyone at the ALAB also says boating safety needs a bigger chunk.

Mr. David Marlow wanted confirmation that they were only going after the motorboat fuel tax from the Sport Fish Restoration account, which is supposed to be \$418 million, and motorboat tax was only \$175 million. Even if boating safety goes after half, he asked if sport fish would still get the remainder of the gross receipts that they were not going after.

Mr. Hall responded they are going after less than half of the gross receipts and explained that their constituency was declining, with fish licensing sales going down for years while boating registration continues to increase. With 2.5 million new boaters in five years, it takes a lot to

keep up with education programs. He then said that if it were not for the Auxiliary and Power Squadrons, they would be out of luck.

Unidentified man asked about getting a coalition at the ALAB meetings to present a unified front. Since Mr. Hall did not seem overly confident that this would happen, this means that they suffered through the same issue. He asked that if that was the case, what are the talking points. Since they will not easily give up their money, first, what is our recourse. How is NASBLA working to get people up to lobby that position in Washington.

Mr. Hall responded that they do have a consensus at ALAB, and if they do not get an equitable portion, they will not have a consensus. He admitted that the boating industry is not an organized group, and most people do not know what Wallop-Breaux even is. While boaters do not think a like on all issues, they are starting to agree that there are a lot of mutual goals that benefit all.

Ms. Karen Kelly said about thirty groups are in ALAB, and asked the audience who participates in ALAB (five are counted). She then asked how would the Council get to be voting members of ALAB.

Mr. Hall responds that he believes that you just need to apply and do it automatically.

Chairman Muldoon added that the group's character is so broad that everyone in the room could belong.

Ms. Kelly suggested that if they ran this room in May with 14 or 15 of them, it would be difficult for them to walk away without a consensus. She then asked if they would pack the room as well.

Chairman Muldoon disagreed with Mr. Hall that they were going to reach a consensus, but hoped that our group could. He explained that if you have a boat, many people will fish on the boat and will be torn on the subject. When his organization joined ALAB, a boating association had not joined in five years while fishing organizations joined every year.

Mr. Shepard was confused about numbers; with \$170 million in fuel tax and about \$240 million in other revenue, the Council was looking for half of \$170 million and half of the gas tax, he asked.

Mr. Hall answered that by the time it went into effect, there would be \$105 million.

Mr. Shepard responded that they need about \$300 million, so what is the problem.

Rear Admiral Venuto said that the formula is much more complicated than that and that others have their fingers in the formula as well. Wetland and other equities get a certain percent of the tax. He agreed with Chairman Muldoon that the sport fishing industry is very complicated and would be very difficult to beat. He also agreed with Mr. Hall that they would not get equitable distribution with ALAB. He stressed that they must be careful, that sport fishermen may not be the only losers, but that wetlands could loose as well. He argued that a permanent appropriation would be the most important achievement so that we would not have to go through the funding process every year. Secondly, he argued that they should get an equitable distribution. His staff came up with the number of 37%, getting them \$73 million. Then with other interests in, their negotiating range would be between 37 and 50%. He noted that they needed to be careful because a 50/50 split between fish and boating safety would eliminate the budget for protecting wetlands. He had talked with Senator Breaux who agreed that they should have a percentage, but

did not know what that percentage should have been. He said that the negotiating range should be between 37 and 48% because the sport fishing industry will be strong and if it goes into closed doors conference, they would know the way it would turn out.

Unidentified man stated that the priority should be having an appropriation so that it did not affect the Coast Guard budget.

Rear Admiral Venuto said that it automatically gives it to the States.

Ms. Timmons interjected that five million goes to the Coast Guard to coordinate national programs and fifty-nine million goes to the States.

Rear Admiral Venuto responded those monies fund a couple of positions and also the grant programs and admitted that it is a very complicated process, but from a Coast Guard point of view he wished it to be 70-30, but he did not see that prevailing politically.

Unidentified man questioned whether he has a number.

Ms. Timmons answered that it was 37 percent a year and a half ago, and that it was 34 percent that year, next year would be 28 percent.

Rear Admiral Venuto said that the percentages would be going down every year. If they make, for example, 31% the permanent appropriation it will grow in the coming years. They could do better with a higher percentage, but until the boating public can create a stronger lobby, this will not happen.

Chairman Muldoon said that when he looks at a fight, he first sees who has the most to lose. He said that there were stakeholders who had much more to lose than they did, so they would be more reluctant to pull back. Additionally, he did not think that any of the wetlands money went to Kentucky, and with a divided legislature, there may be interest among Republicans as to how to split this money.

Rear Admiral Venuto agreed and stated that he just wanted to point out some of the equities before thinking about a strategy. While they could not lobby, they could advocate a plan.

Chairman Muldoon wanted to say one more thing that he intended to write a letter for NBSAC spelling out the position the organization has taken unanimously on two resolutions, and then asked for concurrence.

No one objects.

Ms. Timmons said that on the same subject of consensus with ALAB, they were hopeful that one could be reached. She was optimistic at reaching a reasonable settlement, because those folks don't want people to know where the Sport Fish Restoration account sits. When compared, the boating safety account has \$82 million while the Sport Fish Restoration account sits at \$1.2 billion dollars. She concluded that if the sport fish industry walked into Congress as a group, then the safe boating industry would walk in as a group as well.

Ms. Kelly asked what are the action items on this in simple terms and what would Ms. Timmons recommend the Council do when it seems as though this could happen in the next month.

Mr. Hall responded that in the short term they are limited. We need to get to ALAB members and let them know that they need to fight for boating safety, and they need consensus. If they do not, then they would go to Congress and represent the interests of the boating safety community.

Ms. Kelly asked the people in the room to join ALAB if they have not already done so, even though it is a complicated issue.

Chairman Muldoon agreed that it is thick and complicated. He said that some very smart people at the meeting have tried to simplify this for the Council, and it is in fact, not simple. However, he said that there were people that could make it very uncomplicated quickly if they felt as though there was something they could lose.

Ms. Kelly said that on behalf of the boating interest, when they sit in with ALAB on May 14 and in June, Chairman Muldoon and Mr. Hall will be in attendance.

Mr. Hall said that you only require a letter to join. They have a legislative representative named Mr. Jack Wilson.

Unidentified Man interrupted asking for the results of the May 14 meeting in case there is a need for a call to arms.

Mr. Marlow said that this type of information deserves a good lobbying effort, and that you need to strike common chords with ALAB and he asked what NASBLA's lobbying effort is for.

Mr. Hall said that they target certain legislators and friends in the boating community to apply pressure.

Unidentified Man asked if anyone has considered hiring someone to lobby for the safe boating interests.

Rear Admiral Venuto commented there are some in the ALAB contingent that find the NASBLA efforts laughable and if NASBLA received more funding, some believe they would not know what to do with it. He said that they would be in for a tough fight against ALAB and recommended that the Council consider using a lobbying effort to help the cause.

Chairman Muldoon pointed out that this was not a fight for State money, but a fight for boating money. While the fishing industry starts programs like "Let's Go Fishing" the Coast Guard needs to get money to make boating safer and more enjoyable.

Mr. Hall said that they are still discussing hiring a lobbyist, but are handicapped because of a lack of funding.

Ms. Kelly suggested raising dues and heading in this direction.

Mr. Hall said that there was much hesitation to hire a lobbyist because they feel they would do better to present their case on their own.

Commodore Belmore said that there is another part of Wallop-Breaux that has yet to be mentioned, that State dollars have to be put up to match federal funding. The percentage there was 25-75 or 50-50 for recreational boating but fisheries money is 75-25, which makes it easier for States to come up with their share.

Mr. Hall said that some smaller States are having difficulties matching funds. The average State, however, was spending four state dollars for every federal dollar. There are even big States unable to match funds.

Chairman Muldoon said that states are having trouble matching 25%. He said he could only imagine the states trying to match 50%. He reminded them that this organization passed a resolution unanimously on that side too

Unidentified Man went to see President Bush at the Oval Office on Boating Safety Week. Mr. Ray Scott from BASS went as well. NASBLA officials were in the room before entering the Oval Office and Mr. Scott listened to NASABLA for what was needed. Mr. Scott gave a letter to the President supporting that but canvassed different companies to support him.

Mr. Tsuneyoshi said that as the environmental advisor to the Secretary, he has been told that there is a question whether California will accept the reauthorization and expects that other States are in a similar situation.

Mr. Hall said that this was very accurate with 36 of the State Boating Law Administrators working for Fish and Wildlife Agencies. Some of those agencies are associated with ALAB and have turned in BLAs to their supervisors for speaking in favor of boating programs.

Ms. Timmons asked Mr. Hall if he was going to speak to NASBLA efforts to seek a permanent appropriation for 2003.

Mr. Hall said that they now are trying to get a permanent authorization and now are trying to focus a congressional appropriation for the end of the year.

Chairman Muldoon called for a break for lunch, and asked if there were any more brief comments beforehand.

Mr. Bob David said that they had put together a brochure on the use of cell phones and their problems with Search and Rescue. Using Wallop-Breaux, they printed 600,000 copies for the Coast Guard Auxiliary, Power Squadrons, Army Corps of Engineers, and the National Safe Boating Council (NSBC), shipped in boxes of 2,500 if anyone was interested.

Lunch

NAVIGATION SAFETY ADVISORY COUNCIL (NAVSAC) DISCUSSION

Captain Allison Ross, Chairman NAVSAC, said that NAVSAC met in December of 2001 and security was a big issue. The Council had a roundtable discussion and each member of industry explained their role in security measures. Industry port safety and pilot safety have a tower in Cape Henry and in Virginia they were working on control numbers for every ship. There were also suggestions of doing seafarer background checks. The foreign owned shipping companies have many questions about how background checks are going to be preformed. She mentioned that there was also talk about local harbor safety committees and security issues, and instead of layers of committees, have the Coast Guard Captain of the Port deal with the situation. Two important issues in their next meeting will be VIS identification of ships (AIS), requiring all ships to have the system by 2008. The National Academy of Sciences is trying to come up with display options. Captain Ross shared that there is discussion as to what type of vessels need transponder

technology and she looked for guidance about VHS communication and whether they should be carried with the new technology.

Chairman Muldoon asked about the transponders.

Captain Ross answered that they were small transponders, which send information as to your position to other ships in the area. There was also discussion in the previous meetings regarding barge lighting. They decided to come back to the issue in June and ask what other companies were doing regarding the lighting topic. NAVSAC is now trying to deal with the issue. She said that rivers have done much to improve, but coastal waters and bays are different as well as differences between the East coast and West coast. The issue of changing the lighting on tugs and tows came up as well, and perhaps they need all around white lighting or maybe reflective tape. She asked if they could check on resolutions to see if the Coast Guard has taken action on this. She reiterated their determination to work together when issues overlap.

Unidentified man asked about starting a resolution tracking system, similar to NBSAC.

Captain Ross said they have started a resolution tracking system and had a business plan with number resolution in the same format.

Unidentified woman asked about a survey about high-speed vessel issues and what happened with it.

Captain Ross responded that they do have a high-speed vessel subcommittee and were trying to talk to Coast Guard members about whether they have issues, but it was still on the table.

Ms. Eleanor Mariani asked if they send anyone to boater engagement meetings by the Coast Guard to get different entities together in boating safety and port security workshops.

Captain Ross responded that a lot of members do it on their own. They talk to local clubs about where you can and cannot go, and try to take advantage of everyone's location.

Chairman Muldoon informed the Council that he had gone to the Safety at Sea Seminar in Annapolis, Maryland a few weeks previous. There was a presentation on anti-terrorist activities on the ocean where the Navy was trying to make recreational boaters aware that there is a threat outside of the ports. He reminded the Council that Mr. Shepard would be the liaison to NAVSAC and this relationship would be good for recreational boaters. He then introduced Mr. Jeffrey Yeager.

CANOE/KAYAK ISSUES AND SAFETY PROGRAMS

Mr. Yeager opened by saying he serves as the Executive Director of the American Canoe Association (ACA) in Washington D.C., the nations largest paddling association with 50,000 members. He clarified that he was there to speak about safety and new trends in the paddling industry. He had a three-part presentation, starting with some videos done in conjunction with the US Coast Guard and the Wallop-Breaux Trust Fund. Before he started, he asked how many had their first boating experience on a canoe (about a third). Many people, he said, use the canoe as their introductory level boat, and that is why it is vital for them to follow safety guidelines.

He introduced the videos that the ACA has developed about canoes and kayaks. He said that they have a three-prong approach to their safety program and the video is the biggest part of it. Most

canoeists rent, and do not own their own boat. and canoes and kayaks, he said, were generally lumped in with outdoors sports, and not with the boating community. Nearly 50% of Americans take part in outdoor activities, including paddle sports. He said that paddle sports are the fastest growing segment of the outdoor recreation industry with canoeing the most popular at 15.5 million participants, whitewater rafting at 8.8 million, and kayaks at a third the number of canoes, with coastal kayaks the fastest growing segment of that population. Using these numbers, he says that 40% of boating experiences come from paddle craft. This is partially because of the green recreation movement -- to enjoy nature without destroying it helps the growth of paddle sports. He also noted that the aging population are returning to paddle sports as they did in their youth. He went on to explain problems in reaching these people, as they have access to streams and do not require access points like larger boats. The canoeing death toll is high at 120 deaths, 104 from canoes and kayaks and 16 from inflatables, 17% of all fatalities, and 21% of all drownings. ACA compiled statistics that showed that 32% of fatalities occur in strong currents class three or stronger; 73% involve capsizing and 75% were not wearing PFDs. Ironically, 95% of fatality victims have PFDs on board, but do not wear them. With novices, a good proportion of canoeists, mastering the canoe is difficult. He added, because it is not viewed as a type of boating, he said that it was not taken as seriously and this is partially to blame for the lack of PFD usage. The one third who do die from fast moving water do so because they are familiar with lakes, and not rivers, catching many off guard with fast moving water. Mr. Yeager added having nearly 6,000 certified canoeing and kayaking instructors in the United States, the ACA certifies people to train safe paddling skills.

Captain Evans said that Mr. Yeager certainly got their attention, and that the Council has an incredible opportunity having members from the States, manufacturing, and the public addressing boat safety issues. He added, with the numbers of paddlers growing and Lewis and Clark coming up, more people may join the sport. So with the group, he wanted to see what the group could do to help his cause. He then turned the floor to questions.

Mr. Tsuneyoshi had an observation then a question. He observed that on a normal cycle, they get one to three paddle fatalities but after a hard rain or spring thaw, that number jumps to six or eight, making it a behavioral problem. Secondly, when you have a 3 percent injury rate, he said, you need to collect accurate data so when you go to the hospital they know that it is a paddling injury. He then asked where the ACA stood on automatic inflating sponsons for canoes.

Mr. Yeager responded that it was a debate over sponsons. He said that the ACA did not have an official position on the issue, but that there were some applications where it would be appropriate. He added that it was something that needed to be looked at closer to make sure there is no downside to it affecting maneuverability. He compared the device to training wheels, which serve a purpose to a certain extent. He said that this was an issue being pushed by the private industry.

Unidentified woman said that paddle sports identifies itself with the outdoor industry and not with the boating industry, and being from the boating industry she wanted to know how to get the safety message to the paddle sport community. Many paddlers do not know the ropes and sharing a lake or river creates a dangerous situation. She wanted to see the paddlers more involved and wanted suggestions as to how to achieve that. She then asked how many of the 120 deaths were on private boats as compared to rentals.

Mr. Yeager said that the majority were still on rentals, as opposed to an outfitter or guided tour, which is a lower percentage.

Commodore Belmore had a family member who is a commercial boat captain. She points out that the sea kayakers do not know the rules and she cannot see them from the helm of her ship. Since they are not visible on radar, this constitutes a big safety issue. Additionally, there are few canoes or kayaks equipped with lights. She also questioned why canoeists do not file accident reports when they are involved in an accident. She thanked him for being here and wants the CBA to be involved as well in the future.

Mr. Yeager said that they have a close association with that trade association and that the CBA regrets not being able to make it. When it comes to good communication between canoeists and boats, canoeists have become remiss he said. When it comes down to it, he said, an organization like his cannot make a big difference in the behaviors of paddlers, but combined with the Auxiliary and Power Squadrons, things can get done more readily. If you take out the element of outdoor activity and call it boating, then people would be more likely to follow the rules.

Mr. Gil Turner asked that in light of increased numbers, what was the organization's position on registering canoes and kayaks, in terms of enforcement, education, and Search and Rescue.

Mr. Yeager responded that the American Canoe Association would like to have discussions with the broader boating community on this topic. Even with fees, without registration, its difficult to get exposure (boat use) data that they need. He is sensitive to that and to the better reporting of paddle accidents. Fees for registration are an issue as well as numbering, but they would be willing to have that discussion.

Commodore Belmore asked if he was familiar with the stickers in New England that they are providing, and asked if Mr. Yeager was providing these for his canoeists.

Mr. Yeager said that they provide them through the professional paddle sport association.

Mr. Messmann thanked him for supporting 50-50 on the Wallop-Breaux.

Mr. Swanby questioned the fatalities that 75% were not wearing PFDs, but that 98% had one on board and asked where that data came from.

Mr. Yeager thought they got the information from the U.S. Coast Guard Statistics.

Mr. Swanby asked if 80% of the fatal cases lifejackets were found, but were not worn.

Commodore Belmore said that she usually sees the PFDs strapped across the bow in front of the operator.

Mr. Yeager said that you would not find a stronger group than the ACA to support that issue. PFD use is required in all of their activities, with mandatory usage for children, but does not require it for competition.

Chairman Muldoon made one observation. He noted that a few years previous, there was a stronger interest being shown in the paddler's usage of a PFD, but that has gone away. He then warned Mr. Yeager about other people making rules and regulations for your sport where you are not involved. He encouraged ACA involvement in NBSAC and understood the opposition to the fees and government regulation, however, unless the ACA became involved in the process, the ACA would regret the decisions affecting their business.

Mr. Yeager appreciated that, and commented that they were striving towards those ends, and he had accepted a position at National Safe Boating Council a year previous.

Chairman Muldoon stated that he does not know how to reach the paddlers and would like to help them. He thanked Mr. Yeager for his presentation.

Break

Ms. Timmons updated the Council on the Wallop-Breaux Trust Chart showing the FY 2001 Sport Fish Restoration Account as follows:

Gas Motorboat Fuel Tax:	\$184 million
Small engine gas tax:	\$60 million
Fishing Equipment:	\$112 million
Import Duties:	\$ 34 million
Interest:	\$ 91 million
Total Revenue:	\$482,979,992

Of this amount, Boating Safety received \$64 million. The account was still earning interest because the account is full and has been since 1998. Boating Safety has earned \$4.4 million in interest but cannot touch it.

REGULATORY REVIEW I SUBCOMMITTEE REPORT

Chairman Muldoon said that yesterday was the first regulatory review subcommittee meeting and asked Lieutenant Lyle Belknap, Subcommittee Chairman, to deliver the report.

Lieutenant Belknap introduced the first subcommittee and stated it was their job to review 33 CFR Part 179 and 181 subparts B and C, as well as fire explosion prevention requirements, 33 CFR Part 183 subparts I, J, and K. He said the meeting had been called to order at 1:30 PM on April 20th. Lieutenant Belknap served as Chairman, also present were Commodore Belmore, Ms. Eleanor Mariani, Mr. Eric Shepard, and Ms. Karen Kelly. The objective was to improve specific provisions in the regulations and most discussion revolved around aligning the Boating Accident Report Database (BARD) system and the Vessel Identification Systems (VIS). The subcommittee also discussed the 17 character Hull Identification Number (HIN), which was not a part of the process, but would come in another subcommittee. They also discussed skully whistles, which would be brought up at a later time.

Lieutenant Belknap reported that the subcommittee came up with one recommendation for 183.550 subpart J having to do with fuel tanks. There was no requirement having the fuel tank built up off the bulkhead. He said the subcommittee recommended applying ABYC standard H24.10.17 requiring them to be raised ¼ inch off the bulkhead.

The subcommittee recommended applying the American Boat and Yacht Council (ABYC) standard H24.10.17 requiring them to be raised ¼ inch off the bulkhead. The motion is then recommended that 183.550 subpart be amended to include ABYC section H24.10.17.

Chairman Muldoon asked for a second.

Commodore Belmore seconded the motion.

Unidentified man needed clarification and did not understand the situation, asked what they were revising.

Lieutenant Belknap explained that in regard to the installation of fixed fuel tanks, there is not a regulation to have them up off the bulkhead. ABYC standards requires them to be raised ¼” to allow drainage and to let air circulate.

Chairman Muldoon asked for further comments from the Council and then from the audience.

Unidentified man asked if bulkheads meant bulkheads or the bottom of the hull.

Lieutenant Belknap answered that it was the bottom.

Chairman Muldoon again asked for comments or questions. Being none, he called for a vote.

VOTE: In favor – Unanimous. The resolution was adopted.

Chairman Muldoon stated there is a statutory requirement that the Council review regulations to determine if they are still pertinent. The regulatory review process this time will be conducted in thirds and in three separate meetings, the first third now, the second third in the fall 2002 and a the final third the following spring 2003.

REPORT ON RESULTS OF THE STATE SURVEY ON FLARE DISPOSAL

Mr. Richard Kanehl introduced himself as the newest member of the Coast Guard Office of Boating Safety and he was prepared to report on the results of the State survey. He said that this was a pertinent issue, but it is not dramatic in terms of having deaths or injuries. Flares, he said, do provide an important safety measure and should be disposed of properly. He explained, two surveys went out to all State BLAs to find out what statewide program was in effect. Connecticut, Rhode Island, and Delaware each have statewide programs and they are also the three smallest States in the country. The most interesting statistics, he said, came from the 13th Coast Guard District. Washington State, Oregon and Idaho have a “retire them don’t fire them” program. The program has collected just over 10,000 items in two years and has saved \$600,000 in reduced emissions and a 33% reduction in false flare emissions. However, the program has been terminated. Since September 11th, there have been concerns in receiving explosive materials from the general public for disposal.

Chairman Muldoon asked for questions.

Commodore Belmore said that since the government requires the purchase of new flares every three or four years, but there is no way of disposing of them safely without doing something irresponsible, she believes the government has a responsibility to buy the flares and dispose of them.

Chairman Muldoon was concerned that 24 States did not answer the survey and wondered if that was normal.

Commodore Belmore said that most surveys get a 10% response rate, meaning this was above average.

Ms. Kelly asked which States were given these surveys.

Mr. Kanehl answered the surveys were addressed to the BLAs and he had copies of all the results and messages that were sent out.

Mr. Hall said that the survey went through the NASBLA office and that it was an e-mail survey.

Mr. David said that this was a major issue they brought up at the National Boating Federation, and they consider this a serious issue and it needed to be resolved. He argued that you could not have an accumulation of 10-15 years worth of accumulated flares sitting around because the citizens do not know what to do with them.

Mr. Woolley said that this was discussed at the Western States Boating Administrators Association (WSBAA) meeting and found that fire marshals will take them on a case-by-case basis, it just needs to be figured out on a State-to-State basis.

Mr. Amodeo, General Manager, Orion Safety Products and Member, Board of Directors, U.S. Marine Safety Association said they produce as many as 100,000 guides per year, where boaters are told to contact the Coast Guard or fire marshal, but today there are inconsistencies in where people are told to report. He went on to say that there were some counties that allowed disposal, but others did not. Since his company had such a high exposure, he said that some fire houses, and the Coast Guard Auxiliary welcomed the donations and others called telling them to not bring them. It ends up being a logistics problem, with certain areas having too many and others not having any at all. Despite this, he said, disposal is not extremely difficult and they can be burned to ash. While there is some risk because explosives are involved, the primary deterrent is a lack of an area to dispose of the devices. He then said this is the biggest issue for him in the 19 years he has worked in the industry, by making a product that is mandated but difficult for the consumer to dispose of properly following mandates. He offered an alternative to train members of the manufacturing industry to collect old flares, however, he said it would be difficult for investors to see the point in doing something like this from a monetary standpoint. He argued that flare disposal is a business expense that should not be passed onto the consumer. While they are an inexpensive means to assist in rescue efforts, the disposal has remained a big problem.

Chairman Muldoon asked a question regarding the reduction of false sightings. He asked if people are setting old flares off and initiating rescue missions. In jurisdictions with flare disposal programs, was this problem reduced.

Mr. Kanehl answered that they reduced false sightings in the 13th District over the past two years by a third, which saves over \$300,000 per year.

Chairman Muldoon agreed that that was a significant number and asked if there was any report of people being harmed by old flares igniting.

Mr. Amodeo answered that there was an incident in Florida where a child set off a self-ignition system. He set it off in a vehicle driving down Interstate 95, and set the car on fire. Mr. Amodeo was unsure if there were fatalities, but was certain that there were serious injuries. However, he said that was not the fault of the product itself, because they are placed in an oven for 24 hours at 276 degrees so they will not self ignite. He assured the Council the flares do not ignite on their own, but there are dangerous materials inside of the flares.

Mr. Shepard asked a question regarding a life span of flares compared to the life limit of a flare. The government sets it at 3.5 years he claimed.

Mr. Amodeo responded that it was 3.5 years from the manufacture date. The product is rigorously tested in heat, cold, humidity and underwater, and will still work for three years from the purchase date. However, you do rely on chemicals to get the response, and the chemicals break down over a period of time. He said that the differences between a brand new flare and a five year old flare may not be readily apparent, but the difference in a rescue between 5,000 candle power and 10,000 four or six seconds burn time, or 200 feet vs. 350 feet can make a significant difference.

Unidentified man wanted to clarify that flares do not get more dangerous as they get older. He said flares become less effective, but not more dangerous. He also noted they had done an experiment with recently expired flares and some were duds, enough to not expand the life expectancy. However, in Europe and Canada, the life spans are set at four years or more.

Chairman Muldoon said that the Offshore Racing Council did a similar test with similar results.

Mr. Amodeo believed that the Canadian four plan was rather ridiculous. The Coast Guard requires a manufacture date instead of an expiration date for this reason. This is also the reason most sales happen in January, not December, for it is a new year with additional time added to the expiration date.

Chairman Muldoon requested that we stick with the issue of how to get rid of the flares.

Unidentified man asked Ms. Mariani, that since she is from a State that has a program, she could inform the Council on how to solve the problem.

Ms. Mariani worked out a partnership with the police bomb squads who collected the old flares. They have two ammunition boxes, one on the western end and the other on the eastern end. The marine police take care of the problem, and boaters must make an appointment because of boom slayers. They also do not accept damaged or leaking flares and she did not know what were done with those flares. She then asked if she could take dampened flares if it was not dangerous.

Mr. Amodeo asked how they dispose of the ones they get.

Ms. Mariani answered that they give them to the bomb squad who then burns them. They also hold flare days a few days in the summer time and make arrangements with the Coast Guard. This serves two purposes she said, being able to shoot off old flares and being able to inform the public about how to do it.

Mr. Swanby asked if you could put a flare in a fire to dispose of it.

Mr. Amodeo answered they can be burned. He also said that the Florida Environmental Control Department placed flares into a tank that burned the flare into ash with no hazardous material remaining. However, the agency ran into a problem with people attempting to burn dynamite, hand grenades and other devices.

Unidentified man asked if they could be put into a bonfire.

In Unison NO.

Mr. Amodeo did not recommend that.

Mr. Garcia asked if there was any recyclable value to the manufacturer.

Mr. Amodeo answered no. He had brought that up in a meeting earlier, because the cost is too great. If there are 20 cents of chemicals in a pound, it would cost 30 cents to extract the usable material from it. The recovery of raw material would cost more to get it back than it would to sell it.

Unidentified man said he had been told by a life raft servicing facility that told him of a fireworks company which would recycle them into new fireworks for show.

Unidentified man wondered if this is an issue for NASBLA to address the problem and make a model to be used in the States.

Ms. Mariani said that it had been sent last year to NASBLA and it is now on their agenda.

Mr. Amodeo asked how they package and transport from the two collection points in Connecticut.

Ms. Mariani said the bomb squad comes and takes it out on their trucks.

Mr. David cautioned that some states such as Wisconsin prohibit the burning of such materials because of the chemicals.

Mr. Amodeo believed that the vehicle has some sort of stack and screening that filters what is produced.

Mr. David said that you cannot advise people to burn them until they know what the State laws are.

Ms. Mariani said that she can see somebody throwing those into a fire.

Mr. Amodeo said he would never recommend an open fire. He used a contained unit and things were bouncing and flying everywhere.

Chairman Muldoon said that they had a fairly significant discussion about how they require people to do this but do not provide a means with which to provide this type of service. He asked the Council what they should do.

Mr. Messmann wondered if the Coast Guard had a sister military unit with the Army or Navy which disposed of military ammunition, and suggested that as an option.

Lieutenant Belknap saw it as a Federal regulation and a company that makes a profit from it. He thought there should be some sort of equipment, so it would not fall back onto the States.

Chairman Muldoon reiterated the question as to what they should do. He asked if they should send a message to the Coast Guard, or something they would want to discuss in a subcommittee.

Commodore Belmore said that they need to put it back to where the regulations first came from, the Coast Guard.

Chairman Muldoon asked if he could draft a resolution for tomorrow to ask for specific wording and then bring it up again. He then asked for more discussion.

Mr. Amodeo said that as a manufacturer, they reach the customers. While the law states that this cannot be cost prohibitive, he does not believe that \$10-15 every three years is cost prohibitive. However, he said that people still complain about this and mandatory safety requirements, because they would rather not spend their money.

Chairman Muldoon said the Coast Guard will have to look at the issue.

Commodore Belmore said the issue is getting a program that collects thousands of old flares.

UPDATE ON CARBON MONOXIDE ISSUES INVOLVING RECREATIONAL BOATS

Mr. Phil Cappel presented an update on Coast Guard Recreational Boat Carbon Monoxide (CO) Actions and informed the Council that an estimated 1,080 houseboats required retrofitting and over 1,000 of the houseboats have been corrected. He noted that the cooperation of the houseboat manufacturers in this recall was noteworthy. Mr. Cappel then said the Coast Guard is working with industry to develop new technologies to mitigate CO hazards which include: (1) a hybrid wet/dry vertical stack exhaust system, where the Coast Guard worked with the American Boat & Yacht Council (ABYC) CO Task Force to develop a standard for the vertical stack exhaust system; (2) a carbon monoxide emission control device; and (3) an engine cut-off/alarm system that shuts down the main engines and/or the generator when the swim ladder is lowered or the gate to the swim platform is opened. He then gave an overview ongoing CO studies, starting with the Coast Guard's Memorandum of Understanding (MOU) in November 2001 with the National Institute for Occupational Safety and Health (NIOSH) to: (1) conduct an engineering evaluation of the evolving carbon monoxide emission control device (ECD), (2) complete more analysis work/field sampling on other types of recreational boats to determine significance of the CO problem on other types and operating modes of recreational craft, and (3) conduct Computational Fluid Dynamic (CFD) modeling to evaluate the effect of worst case ambient conditions, including temperature and wind velocity, on carbon monoxide dispersion characteristics.

Mr. Cappel said the Coast Guard will use the results of the ongoing NIOSH studies to determine the full scope of the CO hazard problem and will identify appropriate interventions and actions to remedy the problem. He added the Coast Guard has awarded a contract to complete a comprehensive test of marine rated CO detectors to verify both their efficiency and effectiveness. He concluded by presenting efforts to raise the public awareness on the hazards of CO that include: (1) targeted carbon monoxide hazards information on recreational boats as one of the items in the 2002 North American Safe Boating Campaign, (2) distribution of revised CO hazard brochures, which include warnings on swimming near vessels and teak surfing, to everyone taking a boating course, (3) a revised houseboat brochure "5-Tons and No Brakes" distributed by the United Safe Boating Institute, Coast Guard Auxiliary, and Power Squadrons to add a section on CO hazards, and (4) a section on CO hazards added to the National Safe Boating Test developed by the U.S. Power Squadrons.

Unidentified man asks whether the CO symbol would be too vague for the common recreational boater to understand.

Mr. Cappel answered that it has a skull and crossbones and CO standing for carbon monoxide, which should be self-explanatory.

Unidentified man said that he believed that there were three major issues dealing with the construction of the vessels, the education of the users, and also user characteristics. He said that he had lost two friends in CO accidents and needs to make sure that there was a detector that would work for enclosed spaces in boats.

Mr. Cappel answered that things work differently on land than on water and they were in the process of finding a CO detector that worked effectively on water.

Mr. Messmann made a comment that he was disturbed that many CO deaths were recorded simply as drownings and that more needed to be done to record these deaths as what they are to fully understand the problem.

Unidentified man commented that this was not an issue just related to houseboats, but also to water skiers and swimmers around a boat, because only a few breaths of CO are enough to kill.

Mr. Garcia questioned the electrical supply of an ECD.

Mr. Cappel answered that it was 35,000 units, but he would need to do more research to fully figure out a compatible system.

Mr. Garcia questioned whether this system may also be creating a new source of hydrocarbons and CO. He also asked when the new standards of the wet dry stack system would be in effect.

Mr. Cappel answered that ABYC is conducting testing right now and trying to come up with a standard to use in all houseboats.

Mr. Garcia asked about variables in CO levels around the boats due to wind.

Mr. Cappel agreed that it was difficult to test in the marine environment, but that they needed to come up with accurate numbers to justify making changes to houseboats.

Tuesday, 23 April 2002

The meeting was reconvened at 0830 by Chairman Muldoon.

Members present the same as the previous day.

Chairman Muldoon said there were only three pairings on the mentoring system requested earlier. He said that the faster the new members get up to speed, the more business they will be able to cover. He then encouraged them to seek out a mentor, or he would assign them one. He emphasized the Council can take great pride in the accomplishments made over the last 5 to 10 years. In large part because members leave their other hats at the door and bring their experience and knowledge base into meeting discussions for the purpose of putting the safety of boaters before their own particular needs. He reiterated that when the Council members walk into this room, they leave personal motives behind and put boating safety issues on the top of their agenda. He then introduced the first item of the agenda, which was the Boats and Associated Equipment Subcommittee report. He emphasized to the new members that the majority of the work is

completed in the subcommittee meetings and participation by Council members is mandatory in these meetings.

BOATS AND ASSOCIATED EQUIPMENT SUBCOMMITTEE REPORT

Mr. Dave Marlow thanked Chairman Muldoon and Ms. Joanne Dorval for setting up the previous night's reception and presented the subcommittee report, included as **enclosure (2)**. He said that on Sunday April 21st, the Boats and Associated Equipment subcommittee met. Members present were himself (Chair), Ms. Ajootian (Vice Chair), Lieutenant Belknap, Mr. Scott Swanby, Mr. Ted Woolley, and Mr. Ray Tsuneyoshi. The first topic he mentioned was off-throttle steering of personal watercraft (PWC) with a brief on PWC collision avoidance standards study conducted by the Coast Guard. He said the Coast Guard provided a grant to Underwriters Laboratories to create a draft standard, which was then sent to the Society of Automotive Engineers (SAE) PWC subcommittee. Some PWCs could not pass the avoidance test in speed increments, which was part of the UL standard and SAE made changes to allow proper use of speed and distance. He then said that Captain Scott Evans gave an illustration depicting the test parameters for SAE's change. He then explained that the Coast Guard will be working with the industry to check proposed draft standards and will have a standard for manufacturers to work with. Three companies were using a form of off throttle steering on some, if not all models and a discussion ensued involving everyone's commitment to getting the rule out as soon as possible. With good data, it would be a year before SAE adopts this standard.

The subcommittee also discussed adoption of International Standards Organization (ISO) standards for PWC as a federal regulation. The Coast Guard was looking at adoption of SAE standards as opposed to the ISO standards. The ISO standard has too many references to other ISO standards according to the Coast Guard and would not be compatible with adoption as regulation. It was also noted that compliance from the manufacturers would result in no need for a federal regulation. This was unless off-throttle steering standard would be added to the existing four standards for PWC. The current exemption policy then, would stay in place to allow for the technologies of PWC to evolve. He then went straight into a virtual reality PWC presentation made by Mr. Phil Cappel, about a contract awarded by the Coast Guard to test the reaction times of PWC operators in collision avoidance situations. This virtual environment can create hazards in front of the operator that provide good data for reaction times, with novice, casual and expert users being tested. He said these data would be shared with SAE, UL and PWC manufacturers.

A discussion ensued that associated equipment installed by the manufacturer not be confused with after-market equipment that is not installed at the time of purchase. The Coast Guard has now looked at starter motors with no negative results and will soon turn to other equipment such as bilge pumps or fuel tanks. Results of these tests will be performed as the Coast Guard receives them. He said that there was also an update on the Environmental Protection Agency (EPA) regulatory actions by Mr. Phil Cappel as well. The EPA was looking to change requirements on emissions for inboard, or stern drive motors that would require catalytic converters. The industry has investigated and expresses concern about the difficulty in doing this. There were safety considerations as to the heat produced by the unit. The Coast Guard, he said, had been working with the EPA on vapor emissions, while the EPA is calling for a 50% decrease in these emissions. The industry had formed a Council to address these problems and attempt to measure vapor emissions because they do not know how to reduce emissions by 50%, or even what the current level of emissions are at this point.

Mr. Marlow said the subcommittee then moved into the development of a standard to prevent propeller strike injuries covered by Mr. Carl Perry. The houseboat rule, he said, was out for

comment, which had been extended to May 11th. Copies of these comments will be provided to the full Council, and the Coast Guard will consult with the Council in October 2002 for discussion. The subcommittee then moved to an update of the recreational boat factory visit program provided by Mr. Phil Cappel. He said that four years have transpired since the beginning of the program, and they were looking to award a five-year contract for the factory visit program, which Wallop-Breaux has funded. Out of 1,300 inspections, they have made good progress citing 3,228 violations in three categories, future production fixes, recall issues, and unknown items in need of regulatory clarification. The Coast Guard will review the National Marine Manufacturers Association (NMMA) and ABYC on where to concentrate efforts based on this information. Mr. Marlow then said that the subcommittee moved to discuss using the Boating Accident Report Database (BARD) system to identify certified and non-certified boats involved in reported accidents. The objective of this work is to show that certified boats are at less risk than non-certified boats for being involved in accidents.

The subcommittee then moved into new business, and a proposal was put up by Captain Scott Evans to explain the Vessel Identification System (VIS) at the next meeting, which was accepted unanimously by the subcommittee. Mr. Marlow had one new proposal for resolution put forth by a panel member and seconded, suggesting that the Coast Guard change to the 17 character HIN, and that VIS and BARD be aligned. He then read the resolution as proposed.

Whereas the current 12-character hull identification number (HIN) provides limited information about the vessel, and

Whereas, Europe and ISO are pursuing implementation of a 17-character HIN that will capture boat type, boat length, hull material, and propulsion type, and

Whereas this data can be used in BARD and VIS to assist in collecting data that can be used to increase safety of boaters, and

Whereas the 17-character HIN can significantly enhance the identification of stolen vessels, and

Whereas NASBLA supports the implementation of a 17-character HIN.

Now therefore, be it resolved, that the National Boating Safety Advisory Council recommends that the U.S. Coast Guard implement the use of the ISO 17-character HIN system.

Mr. Marlow asked for a second.

Mr. Shepard seconded the motion.

Chairman Muldoon asked for discussion on the topic.

Mr. Tsuneyoshi asked if he could propose changes to the resolution if possible.

Chairman Muldoon said that this would be the time for that.

Mr. Tsuneyoshi said that, on the second whereas, between whereas and Europe insert “the” and then change it to “European Union” strike out “ISO are”. After 17-character HIN insert “with ISO”. On the fourth whereas, insert between, “identification of” “and recovery” and the final line now strike out “ISO”.

Mr. Garcia asked for clarification that the current ISO format for the HIN is the 17-character format.

Mr. Marlow said he could not answer that, but had industry experts who could.

Audience member said that there is no ISO standard for 17 characters, it is currently 12 plus 2.

Mr. Garcia said they were at an ISO meeting a week previous and there was no consideration of moving to a 17-character HIN, and there is no movement to alter the current 14-character number in the European Union.

Mr. Woolley believed that it was presented in Europe only a few weeks before.

Mr. Garcia thought that they should be as accurate as possible and thought it premature to suggest that there was a movement in the European Union.

Mr. Tsuneyoshi asked if there was a proposed change in the wording.

Mr. Garcia said that the best they could say would be a consideration, initial consideration or initial review.

Chairman Muldoon believed that they were just considering it, and did not think that the Council is in a position to judge what they were going to do with it.

Mr. Garcia agreed.

Mr. Woolley suggested changing pursuing to considering in the second whereas, and the modification was accepted.

Mr. Shepard suggested that in the second whereas that the words with ISO be removed.

Mr. Tsuneyoshi requested one more recommendation that the last whereas about NASBLA and move it below the second whereas, so that it will be the third whereas.

Mr. Muldoon asked what it was then.

Mr. Garcia asked for one more clarification about the very last line that reads ISO 17-character HIN and thought it should read ISO 14-character HIN.

Mr. Marlow read the revised proposal for resolution as follows:

Whereas the current 12-character hull identification number provides limited information about the vessel, and

Whereas the European Union is considering implementation of a 17-character HIN that will capture boat type, boat length, hull material, and propulsion type, and

Whereas NASBLA supports the implementation of a 17-character HIN, and

Whereas this data can be used in BARD and VIS to assist in collecting data that can be used to increase safety for boaters, and

Whereas the 17-character HIN can significantly enhance the identification and recovery of stolen vessels.

Now, therefore, be it resolved that the National Boating Safety Advisory Council recommends that U.S. Coast Guard implement the use of the 17-character HIN system.

Chairman Muldoon asked if everyone understood the modifications as amended.

Unidentified man suggested that they add International Association of Marine Investigators (IAMI) with NASBLA, since IAMI is international and has European Counterparts.

Chairman Muldoon asked if there was any more discussion on the issue.

Unidentified man pointed out a lengthy letter in strong support of this motion.

Mr. Tsuneyoshi stated that the National Insurance Crime Bureau is also in support in a letter dated March 6, 2002.

Chairman Muldoon said, NICB.

Mr. Garcia said he understood the value of this revision to recover stolen vessels, but wondered what the significance is by the adoption to Europe into this. Having worked in Prague on amendments to recreational craft directives, he is unsure of its certainty in passing.

Chairman Muldoon asked if Europe does not adopt this if it changed the value to the Council.

Various members in the audience said No.

Chairman Muldoon then asked if people were comfortable with the proposed resolution in its current state.

Unidentified woman wanted comments from Mr. Phil Cappel to the significance of the 17-character HIN vs. what they have now.

Mr. Cappel answered that it has been a long time with what they currently have, he is personally not in favor of the 17-character HIN. The only way the manufacturer can change the HIN is with permission from the Coast Guard and this responsibility falls under his Product Assurance Division. He said his Division receives approximately 100 calls per year and by adding five more digits, he said, it would double the amount of problems. More numbers would make a boat unique, but he said he is unsure where that will add to the safety of a recreational boater. He also mentioned the cost benefit, of stolen boats and a higher recovery rate for a boat, which would have the extra five digits, but even the top benefit could not come up with how much money could or would be saved. They were currently searching for hard numbers to show OMB to prove cost benefit analysis.

Ms. Moon said she heard from someone that there is software to help manufacturers calculate the 17 characters and wondered if anyone knew the cost of this software.

Unidentified man said that the calculations were not too complex, but did not know the cost of the software, but did not see it becoming a barrier unless a manufacturer did not have a computer.

Chairman Muldoon was concerned with the approach to safety and asked for an explanation.

Mr. Messmann said that it was an opportunity for the Coast Guard program in VIS and BARD that have recovery and recall purposes. The extra characters to identify propulsion, type of vessel, length and hull construction are all tied to BARD and you could run statistics easier he argued. He said that it would not be implemented quickly, or in the next four or five years, because it would be a long and tedious process, but it has to start somewhere.

Commodore Belmore said that since she had worked in the insurance industry, she had worked with the 17-character VIN number for years, and the additional digits allow one to more readily identify a vehicle, which makes it easier to identify what you are working with it.

Mr. Tsuneyoshi said he wondered about the breaking down of accident types into more specific causes in regard to the new database. It would further increase the quality of information obtained in Coast Guard records. He believed that in the long term, it would allow the Coast Guard and the States to have a better idea of what was happening and how to prevent future accidents.

Chairman Muldoon said he would allow two more questions, then move on.

Unidentified Man suggested that it may be one office in the Coast Guard in opposition to this, and he does not disagree that there is a problem with the hull identification numbers, so this is where he believed the Council should consider supporting the Coast Guard's efforts to have a better factory inspection program, because with this there would not be these problems coming from the manufacturers.

Mr. Woolley read a letter dated March 11 from IAMI to the Coast Guard. The letter stated there is a 12-15 percent recovery rate with the 12-character HIN and in automobiles the recovery rate is between 64-68 percent. When using those figures, \$75 million are paid in claims annually on stolen boats. Currently with the 12 percent, there is \$9 million not paid out in claims. Even if we go to a 25 percent recovery rate, doubling recovery to \$18.7 million would benefit the insurance companies—and, of course, the people paying the premiums and the people being able to recover their property. He said there is a definite cost benefit to the boaters of America by going up to a 17-character HIN. Therefore, he concluded, it would be worth it to move towards the 17-digit HIN.

Mr. Marlow presented the final resolution that was seconded by Mr. Shepard.

Whereas, the current 12 character Hull Identification Number (HIN) provides limited information about the vessel, and

Whereas, The European Union is considering implementation of a 17 character HIN that will capture boat type, boat length, hull material, and propulsion type, and

Whereas, NASBLA, IAMI, and NICB supports the implementation of a 17 character HIN, and

Whereas, this data can be used in the Boating Accident Report Database (BARD) system and the Vessel Identification System (VIS) to assist in collecting data that can be used to increase safety for boaters, and

Whereas, the 17 character HIN can significantly enhance the identification and recovery of stolen vessels,

Now, therefore, be it resolved that the National Boating Safety Advisory Council recommends that the Coast Guard implement the use of the 17-character HIN system.

Chairman Muldoon called for a vote, all in favor of the motion as friendly amended 40 times.

VOTE: In favor – the resolution was adopted.

Chairman Muldoon then promised that he would speed up the proceedings and requested that the Council shorten their reports to keep the meeting on schedule.

AFTERMARKET MARINE EQUIPMENT SUBCOMMITTEE REPORT

Mr. Shepard presented the subcommittee report, which is included as **enclosure (3)**. He said that the subcommittee meeting was held on April 21st. Members present were: Mr. Shepard (Chair), Mr. Bill Engfer (Vice Chair), Ms. Karen Kelly, and Mr. Messmann. Absent members were Mr. Edwin Fendig and Mr. Manues. Mr. Shepard began with Mr. Carl Perry updating comments received regarding the possibility of rulemaking for the mandatory servicing of recreational life rafts. He said that two motions were proposed that the U.S. Coast Guard pursue any available and appropriate means to disseminate educational information regarding the servicing of recreational life rafts and was passed unanimously. The second action stated that the action on the life raft servicing be postponed until the next meeting of NBSAC so that more information could be presented, and that passed unanimously as well. A discussion then pursued regarding the possibility of developing a rule prohibiting overpowering of boats, or exceeding its recommended horsepower rating. Mr. Shepard said that Mr. Phil Cappel gave an overview of the subject and was supported by Mr. Dick Snyder (retired from Mercury Marine). It was moved by Mr. Engfer and seconded by Mr. Messmann, that the issue of prohibiting of overpowering be referred to NASBLA to be reviewed and to develop a model act for dissemination to the States. There was no further discussion and the motion passed unanimously. Mr. Shepard went on to talk about a discussion the subcommittee had about research into helmet use for personal watercraft (PWC). Mr. Phil Cappel gave an update on plans to research the safety standards of helmets and discussed the American Power Boat Association (APBA) work on racing helmets. The audience presented both positive and negative views on the subject. Mr. Shepard then offered to put the Coast Guard in touch with ANSI, the agency responsible for standards for sports helmets, but there was no further action on that item. Mr. Shepard then brought up committee discussions on canoe and kayak sponsons and stated Mr. Phil Cappel advised that research for the effectiveness of sponsons of canoes and kayaks be developed. A short discussion followed and on its possible effectiveness, but no further action was taken on that item.

In new business, a move to request the Coast Guard to look into the feasibility of regulating aftermarket marine equipment and report to NBSAC the next meeting was passed unanimously. Also, it was suggested that ABYC be requested to make a presentation on their work on capacity issues including horsepower and weight in the fall meeting, and also that the U.S. Coast Guard make a presentation on the promulgation and monitoring of DSC-VHF emergency radio service at the fall 2002 meeting and both passed unanimously.

Mr. Shepard said there were two resolutions passed by the committee. He read them and asked a member for the motion.

“Whereas fires are known to occur within enclosed engine spaces, and

Whereas extinguishing these fires can require removal of compartment covers, and

Whereas ABYC has addressed the dangers of the issues by requiring the installation of fire ports in engine compartments without self-contained fire extinguishing systems,

Now, therefore, be it resolved, that the National Boating Safety Advisory Council request the U.S. Coast Guard pursue regulations requiring the installation of fire ports in engine compartments of new vessels and encourage the aftermarket installation of fire ports through educational means in existing vessels.

Mr. Bill Engfer seconded the motion.

Mr. Garcia said that it may be beneficial to add a reference to the European Union (EU) because the EU does have this requirement in place.

Unidentified man said he would accept the amendment and would put it after “whereas ABYC and the European Union”. He then offered his own motion in the “now therefore” at the end of the sentence where it says “new vessels,” it should say new “vessels without self-contained fire extinguishing systems.”

Mr. Shepard presented the final resolution that was seconded by Mr. Bill Engfer:

Whereas, fires are known to occur within enclosed engine spaces, and

Whereas, extinguishing these fires can require removal of compartment covers, and

Whereas, ABYC and the European Union have addressed the dangers of this issue by requiring the installation of “Fire Ports” in engine compartments without self contained fire-extinguishing systems,

Now, therefore, be it resolved, that the National Boating Safety Advisory Council requests the U.S. Coast Guard pursue regulations requiring the installation of “Fire Ports” in engine compartments of new vessels without installed, fixed fire extinguishing systems,

And

Encourage the aftermarket installation of “Fire Ports” through educational means in existing vessels.

Chairman Muldoon asked for any further discussion on the issue, or if anyone in the audience would like to make comments.

VOTE: In favor – the resolution was adopted.

Mr. Shepard introduced the second motion as follows:

Whereas, current fuel tanks in boats do not have a means of signaling when they are correctly filled, and

Whereas, filling the fuel tank to the maximum can be hazardous to fuel tank integrity, and

Whereas, fuel tank filling can create significant backwash causing potential pollution and hazardous conditions,

Now, therefore, be it resolved, that the National Boating Safety Advisory Council requests the Coast Guard pursue an investigation to discover suitable means to indicate completion of fuel filling on recreational vessels with built in fuel tanks.

Commodore Belmore seconded the motion.

Chairman Muldoon asked for discussion from the Council and comments from the audience.

VOTE: In favor – the resolution was adopted.

PREVENTION THROUGH PEOPLE SUBCOMMITTEE REPORT

Commodore Belmore presented the Prevention Through People subcommittee report, which is included as **enclosure (4)**. The subcommittee was called to order at 1530 on April 21. Present were Commodore Carolyn Belmore (Chair), Mr. Larry Innis (Vice Chair), Mr. Bob David, Ms. Eleanor Mariani, Ms. Jo Moon and Ms. Joan Bondareff. The absent member was Ms. Lucia Roberts Francis. Commodore Belmore introduced the first agenda item and discussed the potential impact of the Wallop-Breaux reauthorization process on boating organizations and the implementation of safety programs. She also noted that ALAB is meeting monthly in an attempt to come to a consensus and to present their case to Congress for reauthorization. She reiterated the point that there are 70 million recreational boaters in need of these funds. Captain Scott Evans pushed for support from boating organizations. NASBLA supports 50 percent of motorboat federal fuel excise tax as the goal. This would create a 6.8% increase, and it is vital to achieve equitable reauthorization. Captain Evans mentioned that if consensus is not met by the fishing lobby, then a grassroots effort should be made on the boating safety effort. Secondly, she mentioned the rulemaking project requiring children to wear PFDs. Mr. Carl Perry reported they had completed the rulemaking process and on 27 February, 2002 the rule was published in the Federal Register, effective on 29 March. However, issues with enforcement problems with the States surfaced, the rule has been withdrawn and the Coast Guard is looking at an alternative that would adopt more of the State requirements. She then read the following motion:

Motion: That the National Boating Safety Advisory Council requests that the Coast Guard go forward with rulemaking to include all State requirements where applicable on PFD wear for children. Where there are no State requirements, federal requirements for all children under 13 to wear PFDs would apply.

The motion was made by Mr. Larry Innis, which was seconded by Mr. Bob David.

VOTE: In favor – Unanimous.

The third item the subcommittee discussed was PFD requirements for canoes, kayaks and paddle crafts for all seasons of the year. There were a high proportion of deaths in this category having

104 deaths in 2000. Mr. Carl Perry noted that the non-powered craft do not come under the scope of the Coast Guard's numbering of powered vessels requirements and thus, regulation for registration. Therefore, he suggested that NASBLA format a bill and allow States to deal with this issue. Ms. Eleanor Mariani noted that Connecticut has a requirement for PFD usage in cold weather for canoes and was working on a similar provision for kayaks. Mr. Ted Woolley noted that Utah requires all people to wear PFDs in Class III water when in canoes or kayaks. Item four on the subcommittee's agenda was human factors in recreational boating. Mr. Phil Cappel explained that there was a codification project for human factors in boating accidents in Nevada, Connecticut, Maryland, Wisconsin and Tennessee. They were pilot States working with NASBLA to get as many States as possible. The findings will be reported at the next NBSAC meeting in the fall 2002. Mr. Fred Messmann complimented the Coast Guard on the implementation of this project.

In new business, Mr. Phil Cappel updated the committee on a contract to develop dummies to testing PFDs to include an adult female, adult male and a child. Mr. Sam Wehr described a computer model which lets effective testing be done in less expensive ways. Ms. Eleanor Mariani asked about the development of the child model, which should be done by the end of the year 2002. A discussion was held on the child-size manikin, which should be a three year old between thirty and fifty pounds. In old business, Ms. Eleanor Mariani asked the Coast Guard for availability of Boating Under the Influence (BUI) videos, but were not available for immediate use. However, Michigan had some available for redubbing of the voices and addition of State specific trailers.

Commodore Belmore presented the following resolution regarding the disposal of obsolete pyrotechnic flares that was seconded by Mr. Bob David.

Whereas federal boating safety regulations require carriage of a minimum number of pyrotechnic devices...flares for emergency signaling by vessels in distress, and

Whereas such devices are good for a three-year period then must be replaced as they tend to deteriorate, and

Whereas there is no argument with either the requirement of carriage or the replacement requirement, and

Whereas there is, however, a real problem with disposal of obsolete devices. Current recommendations for disposal include: 1) taking them to your local fire station; 2) return them to the vendor; 3) Keep them as non-approved spares etc. All these have limited availability and access by recreational boaters, may result in inappropriate disposals in trash, excessive cost for some disposals, and the potential for fires or personal injury, etc. The problem is further aggravated as multiple years of obsolete devices are accumulated.

Now, therefore, be it resolved, that the Coast Guard, in consultation with the Research and Special Projects Administration (RSPA) develop guidance to States, industry, and consumers on how and where to dispose of flares that have expired, in a safe manner. It is suggested that the Coast Guard consult with those States that have already developed disposal programs in developing this guidance.

Chairman Muldoon asked for a discussion.

Unidentified Man wanted to add that the manufacturers be in the discussion on how to dispose of the flares.

Commodore Belmore quoted States, industry and consumers.

Unidentified man asked about the next to last whereas if it was to just develop guidance to States that actually have the manufacturers in there with RSPA coming up with the solution.

Commodore Belmore said that after RSPA, add “and manufacturers.”

Chairman Muldoon asked for others.

Mr. Garcia admitted being unfamiliar with flares, but asked to consider a line perhaps making it easier to recycle the material, because he heard it was difficult to recycle the day before.

Chairman Muldoon asked if he is proposing an amendment.

Mr. Garcia said yes, he wanted to add something to explore recycling features.

Commodore Belmore asked where to put it into the resolution.

Mr. Garcia said that it was about guidance to the States, and asked to include the recycling aspect.

Unidentified man said he would accept it but thought it may be a stretch.

Commodore Belmore said that this was a big issue and did not mind putting it in.

Chairman Muldoon asked for any more discussion from the Council.

Unidentified man said that Europe has a four year lifespan and that if the United States added one more year that may be a solution. He said this would automatically cut back on 25% of the flare problem.

Commodore Belmore said that from the discussion yesterday they were able to conclude that no more time should be added.

Mr. Bob David said that they found failures among the flares, which had just expired, and corrected that the expiration time is 42 months -- not 48.

Chairman Muldoon asked if there should be a length of time added at all, not knowing what technology would do in the future.

Commodore Belmore said that it only states the expiration date that is in effect now as in the future.

Chairman Muldoon asked for further questions about the Council, and then comments from the audience.

Now, therefore, be it resolved, that the Coast Guard, in consultation with the Research and Special Projects Administration (RSPA) and manufacturers, develop guidance to States,

industry, and consumers on how and where to dispose of or recycle flares that have expired, in a safe manner. It is suggested that the Coast Guard consult with those States that have already developed disposal or recycling programs in developing this guidance.

VOTE: In favor – resolution adopted.

Commodore Belmore thanked the audience.

Chairman Muldoon asked those not present the day before to stand and identify themselves.

RECOGNITION OF MR. BOB MARKLE

Chairman Muldoon then asked Mr. Bob Markle to stand. On behalf of the NBSAC, Mr. Muldoon thanked Mr. Markle for his valued input regarding recreational boating survival equipment issues over the past twenty years. He mentioned Mr. Markle ensured the Council was fully and accurately informed concerning personal flotation device, fire extinguisher, flare, life raft, radar reflector and other survival equipment issues and new developments. He added that Mr. Markle provided sound technical reports, responses to questions and advice that assured that the Council had a solid basis for its deliberations regarding vital safety equipment that led to beneficial and timely recommendations.

Mr. Markle thanked Chairman Muldoon and the Council and stated that it had been a pleasure to serve the Council.

Break

UPDATE ON PERSONAL FLOTATION DEVICE ISSUES

Mr. Dan McCormick representing the Coast Guard Lifesaving and Fire Safety Standards Division, began a presentation on personal flotation devices (PFDs) by addressing a concern that the inflatables did not have cylinder seal indicators on them and unless the carbon dioxide (CO₂) cylinder was removed and examined, you would not know whether it would be usable or not. He then told the Council that he would present the status of automatic inflatable with cylinder seal indicators as well as provide an update on new devices. He also was ready to discuss changes to the data captured by the Boating Accident Report Database (BARD) system and indicated that Mr. Sam Wehr will deliver an update on the PFD labeling grant.

Mr. McCormick was pleased to report that the Coast Guard had approved two inflators with cylinder seal indicators for automatic devices that have a Use Code 1F rating. According to Mr. McCormick, these devices are currently being installed on PFDs and are in the marketplace right now. Mr. McCormick demonstrated how several inflatable PFDs worked with two different 1F inflation systems, the CM Hammar, and the SECUMAR inflators. He also presented the Conax and the Halkey-Roberts 1F inflators. The Conax model automatic inflator with cylinder seal indicator he said, is going into UL for some more testing and should be on the market in the coming months. Mr. McCormick attempted to demonstrate the use of the Halkey-Roberts' 1F inflator design. For a discussion and clarification of the demonstration, please see **enclosure (5)**.

Chairman Muldoon asked about the cost of the PFD.

Unidentified man said that the rearming kits cost \$39.95.

Mr. Skip Moyer said, some of the inflatable PFDs could come out with a rearming kit to replace them. He also had a question regarding cost of the rearm kit for PFDs at \$49.00.

Mr. McCormick said he is a boater and uses inflatables recreationally. He said he can unarm the PFD and blow them up orally before he gets in the water with his kids, and therefore he does not have to expend the CO₂ cylinder, but it would be there if he needed it. You can use the device over and over and over using the oral inflation. For additional clarification on use and price, please see **enclosure (5)**.

Mr. McCormick finished his demonstration of the different model PFD inflators and explained that green indicated the device was armed with a good CO₂ cylinder and after actuation, the indicator changed to red and remained red until rearmed.

Chairman Muldoon asked what if it was dark, is the indicator luminous green.

Mr. McCormick answered that it was a very bright green and red. He said that it would not glow but the indicators are bright colors. He also discussed the convertible features of the SECUMAR inflator that is used on Type V inflatable PFDs and showed how the user could rearm the inflator from a fully automatic system to a manual system.

Unidentified man asked what was the difference between Type II and Type V inflatable PFDs.

Mr. McCormick answered that Type V convertible inflatable PFD means there are extra features that the user needs to understand that are absent on the Type I, II, and III. He stated a Type V might not be fully automatic depending on how it is armed. Therefore, if one would go into the water, it would not inflate automatically if the Type V were set to manual mode.

Unidentified man asked if it being a Type V PFD had anything to do with the visibility of the indicators.

Mr. McCormick answered no, because the inflator is a 1F rated device, and would be visible before and after the user put it on.

Chairman Muldoon asked about the difference in the buoyancy between the Type II foam device and the Type II inflatable device.

Mr. Wehr answered that the foam for Type II is 15.5 lbs and the inflatable was a minimum of 23 with some as much as 35.

Mr. McCormick then went on to discuss the advances manufacturers had made in foam design PFDs. The first PFD he showed was a swimsuit style PFD that was not originally designed for water sports because the wearer had to step into it and pull the straps over the shoulders. This swimsuit type of PFD is more comfortable for children to wear than the typical Type II PFD. The device was rated as a Type V required to be worn because the Lycra fabric tended to fade. The device comes with a fading tag and when it reaches a certain level the PFD needs to be replaced. This swim suit style PFD was redesigned and now includes a built-in zipper and the neck area is smaller so a child would have to unzip the PFD before stepping into it, and when it was zipped back up, it could not come off. The device was tested safe for use in water skiing, wakeboarding, and PWC use. Mr. McCormick then demonstrated a hybrid PFD for children. He said the hybrid PFD uses foam and inflation for buoyancy. He explained the differences between the Type I, II, and III. Mr. McCormick showed the Council a chart describing buoyancy requirements for the

different hybrid PFDs and explained for a Type I PFD approved for children, the device would need 9 lbs. foam buoyancy and after inflation, it would need 15 lbs. He then described Type II and III devices. The CFR for hybrid PFDs does not address a child Type III. Mr. McCormick explained that the Type III hybrid was approved because it met all of the requirements of an all foam PFD and that the CFR allows a PFD that meets all the requirements for a foam device may have additional flotation of any other means.

Commodore Belmore had a concern with the belt-type PFD, that perhaps a person would put a jacket over top of them, rendering them totally useless in an emergency.

Mr. McCormick said that he had not seen any incidents that this was a problem, and stated that there are instructions on the PFD and in the owner's manual that tells them not to wear under clothing.

Commodore Belmore thought about the days of the old ski belts ending up around people's ankles with their heads in the water.

Ms. Mariani was confused with the child inflatable, she believed that inflatable PFDs could not be used for children, and was wondering if something had changed.

Mr. McCormick responded that they [children] could only use a hybrid inflatable PFD.

Ms. Mariani asked if that [being an hybrid inflatable PFDs] meant that it had to be worn.

Mr. McCormick replied, no, it means that it has to have foam for initial buoyancy, when the child goes into the water the foam will keep him/her afloat until the jacket can be inflated.

Unidentified man wanted clarification whether the inflatable PFD version is Type III or is equivalent to Type III.

Mr. McCormick said that it depended on the markings on the device, if it had an automatic feature, it could be considered a Type I or Type II, and it depended on the way it was approved. If it had a manual type inflator, it would be Type III.

Unidentified man was curious from an enforcement standpoint, if you are looking for a Type I or Type II, the only way would be to open it and read the label.

Mr. McCormick agreed and said that was the way it was on most devices.

Unidentified man said he had no problem with the requirement to wear a Type I, II, or III however; the issue is whether the law enforcement officer would be able to decide which fall into which category.

Mr. McCormick responded that if you were a law enforcement officer, and you are inspecting a person wearing a device, all the markings are on the inside.

Unidentified man said I know that is a Type II foam device.

Mr. McCormick said that you do not know that a PFD is a Coast Guard approved device because a lot of devices look like they're a Type III PFD and are not Coast Guard approved.

Unidentified man said they would not require it on one they already know is Type I or II foam device.

Mr. McCormick replied that you would assume that it was Coast Guard approved and move on.

Unidentified man replied that he would assume it was a Type III and we don't care about a Type III because we're looking for devices that are Type I and Type II.

Mr. McCormick said in that case, you would have to check.

Mr. Tsuneyoshi wanted to make an editorial comment and said that the market is trying to respond to different niche markets, but the more variety, the more chance somebody will buy the wrong type of PFD.

Mr. McCormick said that is Coast Guard's concern as well, so every PFD sold will come with a pamphlet describing the identity and uses for the device.

Unidentified man asked if the PFD could cause a death from misuse.

Mr. McCormick replied that he could not say because they do not collect that sort of data and continued on to the recommendations on data that needed to be captured by the BARD system and used to help them make their decisions.

Mr. McCormick showed a PFD label for use on PFD that were approved as a Ski Vest and pointed out the U.S. Coast Guard approval number and the manufacturer's lot number. By using those two numbers, he said, you can tell exactly what the device is, and it can also tell the components used, right down to the webbing and the buckles. He added, the same is true of hybrids and inflatables. The BARD system does not currently capture that specific type of information. Mr. McCormick explained the breakdown of the Coast Guard approval number. The number 160 identifies the section of the Code of Federal Regulations (CFR) and the next three numbers the specific CFR cite for which the device is approved. The same is similar for commercial devices. The next four numbers he explained, identify the specific design approved, and the manufacturer. The last number after the slash tells whether that was the original or a modification to the original design. He added that the lot number is put on by a manufacturer. He said that number tells exactly what is in the product, so when the manufacturer changes a component, they must change the lot number as well. The benefit, he added, is when there is a recall; they can see specifically what that PFD was made from. There is a need in regard to monitoring, so if a certain type of accident is occurring, one can quickly identify the trend and whether it is the device itself or a feature on the device. This information is not captured or stored now, he said, so there is no way of knowing what the difficulties are. The top three sections of the boating accident report deal with the deceased and there is one question, whether a PFD was worn or not. This leaves the data rather suspect. You could eliminate guesswork, if you could identify the type of PFD involved. We need to capture more specific data on new hybrids, inflatables and new foam PFDs.

Mr. Messmann said as Chairman of the Boating Accident Investigation, Reporting and Analysis Committee, investigators attempt to collect as much data as possible. However, he adds, for a lot of the States, this type of specific PFD information is not in the BARD form. They do capture data on the type of PFD in Nevada and Arizona as well as in two National Parks, he said. He said doesn't think that Mr. McCormick went far enough, and suggested that he ask the question whether the device worked or was there a problem with the device.

Mr. McCormick had no objection to that remark. They wanted to get to a level to capture at least some information. If more questions could be added to the BARD form, he would support adding them, even asking if the jacket was worn properly, or if the victim was a swimmer or not. He was not sure why the swimmer question had disappeared from the BARD form.

Mr. Messmann said that the question is still asked in many States, and it may be a function of the BARD form itself.

Mr. McCormick said that it used to be on the form, but if it gets back on the form it needs to be Yes/No/Unknown, so if the answer is yes or no, one can be sure of the actual status.

Commodore Belmore asked is this gentleman looking for our support by resolution or just increasing information.

Chairman Muldoon said that would be appropriate for the next meeting. He then instructed Mr. McCormick to bring the resolution to the next meeting.

Mr. Wehr presented information from a labeling grant that looked at ergonomics. He said information provided on PFDs has been categorized in specific areas. He mentioned 400 pieces of information is available to give to boaters along with certain PFDs. The information is categorized into three charts that are:

1. Selection/Categorization
2. Use
3. General Information

Under selection and categorization, you can classify the devices into Type I, II, or III; identify the conditions of use, size, flotation performance, and regulations/laws regarding the PFD. In essence, he said, you have 400 pieces of information broken down into three major categories as well as into three or four more categories. On the label, you must decide what the critical things are that a consumer needs to know from various standpoints. If we are going to change the way PFDs are labeled, what causes accidents should guide what will be on these labels. He does admit that the amount of information needs to be trimmed in order for people to realistically read the labels. The classifications discussed at the last Council meetings were still under consideration. They will work on a proposal as they prioritize accident data.

Chairman Muldoon asked for questions from the Council.

Unidentified man asked when he believed there would be more information.

Mr. Wehr thought that there should be more information for the next Council meeting, they wanted to talk to PFD manufacturers and they wanted to work on some issues before that time.

PRESENTATION OF HOLLISTER AWARD TO MR. BRUCE SCHMIDT

Chairman Muldoon asked Mr. Woolley to come to the front.

Mr. Woolley thanked the Chairman and briefed the Council on the Western States Boating Administrators Association (WSBAA) meeting. Mr. Woolley had the opportunity to present the Hollister Award, the highest honor awarded by the WSBAA, to Mr. Bruce Schmidt for his work in getting the Boating Accident Report Database (BARD) system fully implemented as well as getting statistical information out from the system in a timely manner.

Mr. Schmidt thanked everyone and was very appreciative. He said he is surrounded by a lot of quality individuals at the Coast Guard as well as the State agencies – specifically the State Boating Law Administrators (BLAs) and their staff who work with the BARD system. He emphasized those are the individuals who do all the work to provide the accident report data. The States tell us what we need to know so we get information out to improve boating safety and closed by saying he is part of a team effort.

Chairman Muldoon then recognized Mr. Jay Doubt who was retiring from the Coast Guard. The Council engaged in a discussion noting the contributions Mr. Doubt made including raising the awareness of carbon monoxide dangers and navigation light issues.

Break

REPORT ON THE RECREATIONAL BOATING ENGAGEMENT WORKSHOP AND BRIEF ON THE LEWIS & CLARK BICENTENNIAL COMMEMORATION

Mr. Vann Burgess representing the Coast Guard Office of Boating Safety delivered a brief about recreational boater engagement workshops, sponsored by the Office of Wetlands Management Planning and the Office of Boating Safety. The purpose of the workshop was to increase awareness of safety and security issues of the multiple-use waterways between the recreational and commercial boaters. To fully understand these issues, he said, you must understand the MTS or Marine Transportation System. The MTS is faced with many challenges, including a 65% increase in recreational boaters to 130 million by 2020 as well as commercial ships that are larger and faster. While global marine trade is predicted to double, and security issues since 9-11 have come to play, the responsibility of the MTS is to keep all users interacting safely while maintaining the Ports competitive edge. He informed the Council on a meeting held in Alexandria, Virginia in February of this year that was used to raise awareness of safety and security issues in multiple-use waterways. The meeting found much misinformation on the side of both recreational and commercial boaters. Committees were formed, he said, to determine how recreational boaters would have a bigger voice in harbor safety committees and to determine how to distribute information on how to safely share waterways with large commercial ships. Barriers between recreational and commercial boaters were identified, such as poor communication and misinformation and ways to tear down these barriers were established. He described solutions that were identified to foster the exchange and education and training materials among federal and State jurisdictions. One way to do this was to have representatives from the State Boating Law Administrators (BLAs) as members of the harbors safety committees. He contended to educate boaters about harbor safety committees as a block of instruction within a

boating safety course that is to include Coast Guard authority. The meeting also was to develop partnerships with the private sector and industry, to develop interaction with the public and to encourage harbor safety committees. So, he asked, what is the duty of the recreational boater then. First, he said, to enroll in boating safety courses, try to put themselves in the place of commercial operators and understand their perspective. He then described a Harbor Safety Committee (HSC) and what they do. They are maritime committees that meet to discuss issues related to a specific region and to discuss events affecting the waterways. These committees bring together pilots, commercial vessel operators, shipping agents and federal and State authorities. There were, at the moment, 100 organized HSCs from coast to coast, some formed as a federal mandate by the Coast Guard, some were formed by a State mandate, and others formed as result of a local interest. He concluded by saying they have made vital steps in making the MTS safer for all those involved and said the next step for this group would be to complete a formal report on the Recreational Boater Engagement Workshop and disseminate information to interested parties. For more information, he said to visit the website at: <http://www.uscg.mil/hq/g-m/harborsafety/>

Commodore Belmore asked how to find out if there was a local harbor safety committee in our area listed on the website.

Mr. Burgess answered that you could contact Commander Case who had a listing of all HSCs.

Mr. Tsuneyoshi said that one could look in the marine exchange and it would most likely tell you.

Mr. Burgess said that more discussion about the lack of awareness is needed.

Chairman Muldoon said he spoke at three meetings and can say the recreational boating community is underrepresented, which is dangerous when you look at a busy area. You need to get a word in or the recreational boating community will be left out.

Captain Evans initiated a discussion on the Lewis and Clark Bicentennial Commemoration. He said he would use this day to set out a framework of Coast Guard preparations for the event. The event will kick off on January 18, 2003 in Monticello, Virginia. The Secretary of Transportation, Commandant for the U.S. Coast Guard and President of the United States are scheduled to join. For more information he said to visit the website at: www.lewisandcalrk200.org

The trail for the event is 4,132 miles and crosses the 8th and 13th Districts of the U.S. Coast Guard. The primary concerns are the types of users, with kayaks, canoes and smaller vessels on top of commercial traffic, which could cause conflicts. Also, much of the course is in backwoods areas where locks on damns lack portages, thus creating a hindrance for small craft. This presents difficulty in communications and delayed response times in response to an emergency. To confront this, a water public safety subcommittee was formed from federal interagency groups. While there is only one marine based event, there are several land-based events adjacent to the water. The Coast Guard's central role is coordinating with their partners, the National Search and

Rescue committee has been briefed with an update given this past month. The Coast Guard Auxiliary has been appointed and are coordinators between the National Association of State Boating Law Administrators (NASBLA), American Waterways Operators (AWO), U.S. Power Squadrons, and the Civil Air Patrol. Educating citizens is a secondary goal and the website targeted at recreational boaters should help. Also helping with this program are the U.S. Air Force Rescue Coordination Center, the U.S. Army Corps of Engineers, the National Oceanic Atmospheric Administration (NOAA), and Coast Guard internal sources.

Chairman Muldoon asked if anyone had questions.

Unidentified man had one comment that they may want to extend a partnership to marine retailers or marina operators because they will be the point of contact and point of access for people along the rivers.

Captain Evans explained that that is what the State coordinators are doing and that it is a grassroots driven operation. Unlike OpSail, there is much information about participants and schedules that they do not know, so instead of running the operation from the top, it has been pushed down to the local communities.

RESPONSE TO MEMBERS' ITEMS

Chairman Muldoon asked for response to the member's items.

Mr. Schmidt said the first item was raised by Ms. Ajootian and Commodore Belmore for a full report on the Vessel Identification System (VIS). He said Captain Evans went into some detail on VIS during the subcommittee meetings held on Sunday, 21 April. Ms. Jeanne Timmons was named as the point of contact in regard to this issue.

Chairman Muldoon replied there would be a full report at the next meeting.

Mr. Schmidt said that is what he understood.

Chairman Muldoon said that they would rather wait until the next meeting because the Council wants a detailed VIS report.

Mr. Schmidt then mentioned the federal rulemaking project for children and PFDs. Mr. Dan McCormick presented a case earlier in the day, he said, and Mr. Carl Perry is working on a federal interim rule right now in regard to alternatives, due in May 2002. The Prevention Through People subcommittee addressed the rulemaking project. Mr. Schmidt then asked if there were any other measures that needed to be addressed.

Chairman Muldoon said that if a member who brought the item is not satisfied with the answer, then make that fact known.

Mr. Schmidt said that the third item is the equitable reauthorization of Wallop-Breaux, TEA 21, raised by all. This item was addressed by Mr. Steve Hall and Ms. Jeanne Timmons.

Chairman Muldoon pointed out that Ms. Timmons has done a job that even awed the fishermen and he thanked her.

Mr. Schmidt asked if there were any more issues on that item, there were none. He mentioned the fourth item was the flare disposal issue was raised by Mr. Bob David. A presentation was delivered by Mr. Rich Kanehl.

Mr. David said the Council had a resolution and that he was satisfied.

Mr. Schmidt said that the fifth item was the Vessel Safety Check (VSC) program raised by Ms. Eleanor Mariani. She requested in writing from the Coast Guard their intent on honoring the decals that involve the Coast Guard Auxiliary and the prospect of getting the marine fleet to help.

Ms. Mariani said this hopefully would happen in the next year.

Mr. Schmidt asked for a time frame.

Ms. Mariani said within a few weeks.

Mr. Schmidt said he would take action on the item. He then moved onto the sixth item which was Carbon Monoxide poisoning and testing systems raised by Mr. David Marlow and asked if any more action was needed.

Mr. Marlow indicated Mr. Cappel did a presentation on CO tests that are ongoing and since the results are still preliminary, he agreed to wait until the final results are found.

Mr. Schmidt then brought up the seventh item, which was canoe and kayak safety, raised by Ms. Linda Jo Moon. Mr. Jeffrey Yeager from the American Canoe Association presented a report yesterday. He asked if there were any more issues and none were raised.

Ms. Moon claimed that was just a preliminary overview and she would like to continue with the topic at the next meeting on safety.

Mr. Schmidt said that would also include sponson research by Mr. Phil Cappel during the next meeting.

Ms. Moon said that it related to canoeing and kayaking.

Chairman Muldoon asked if anyone had an idea of how to get these sorts of people (canoeist and kayakers) more involved on a continuous basis.

Ms. Moon agreed to follow through with this.

Mr. Schmidt introduced the eighth item, which was the Coast Guard PFD labeling and inflatable PFDs brought up by Mr. Scott Swanby and presented by Mr. Dan McCormick and Mr. Sam Wehr. He then asked Mr. Swanby if there was anything else that needed to be addressed.

Mr. Swanby said that he just came from WSBAA and the Personal Flotation Device Manufacturers Association (PFDMA) did a presentation about different types of inflatables and there is still confusion as to what types are on the market, and he wants to know how the Council could resolve that.

Chairman Muldoon agreed that this was the sentiment of many people that it was confusing.

Mr. Swanby offered that perhaps the PFDMA could be invited to speak on the topic.

Mr. Schmidt promised to pursue that.

Chairman Muldoon said that next time an agenda is drafted, it needs to be circulated to see if someone wants to add or change it.

Mr. Schmidt introduced item nine, the 17-digit HIN for boats and tying that into the BARD system, that was raised by Mr. Tsuneyoshi and was also a resolution from the Boats and Associated Equipment Subcommittee.

Mr. Schmidt then said that there was an item from Ms. Anita Bowles on the cost to society for boating injuries and deaths and the economic impact of those casualties. Mr. Schmidt said that they did consider going ahead with a study in the mid 1990s on the economic impact of the costs of such injuries. The National Highway Traffic Safety Administration (NHTSA) has a methodology to determine numbers such as these of which the Coast Guard could take parts of and compile their own statistics. However, it will take time but it is important in order to make an impact on the Congressional leaders he said.

Chairman Muldoon asked for further comments

Unidentified man wondered if it would be possible to get more data for a briefing on progress on developing a health care cost model and the applicability to a marine accident.

Mr. Schmidt did not know if the time frame would be enough because the next meeting is in October.

Unidentified man said just a framework would be good, and he does not expect a full report, he just wanted something from the NHTSA on why they did it and how they did it.

Chairman Muldoon said that they spent a tremendous amount of time and money on the project.

Mr. Schmidt brought up a member item in regard to watercraft noise and bypass muffler exhaust systems.

Unidentified man said that personal watercraft (PWC) are the better part, because some motorboats have bypasses as well.

Unidentified man offered that the Council may look into Canada, which has been experimenting with this issue and the CMMA would be a good place to start.

Chairman Muldoon thought that it was important that the information was structured so that they have it before the next meeting. He encouraged the staff to get the information out as soon as it becomes available. He preferred that it be disseminated in smaller doses rather than as large stacks of paper.

Unidentified man added that they would ask the Executive Director or anyone who presented information if it is topic specific that you put the topic on the paper, it would help them organize the information they receive.

Chairman Muldoon thought that they had an informational organizational problem, and said that everyone would like to have that problem solved.

Unidentified man said that he would prefer electronic information as to information in a briefcase.

Chairman Muldoon believes that it is probably universal.

Ms. Mariani said that she did not mean that they should go as far as the marine patrol. She just wanted the Coast Guard to say in their Standard Operating Procedures that they were going to acknowledge the decals.

CHAIRMAN'S SESSION

Chairman Muldoon said he believed that it was important for the new members to get historical information and thought that the history behind subjects was crucial for new member understanding. That is why he believes in the mentoring system. If someone were to ask about the historical data on some of these subjects, it would be a tremendous increase in their learning curve. To help members, he said, the mentoring system assigns someone for you to go to so you can find out how we got this far or why we did what we did.

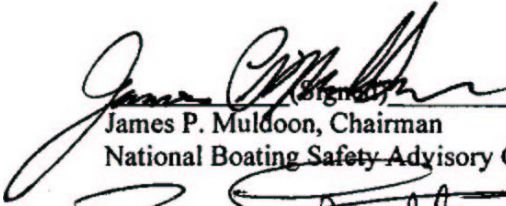
In regard to the overall meeting, Chairman Muldoon noted that the Council did not have sufficient time to get as much accomplished, as we wanted. He did note that Coast Guard staff worked under a tremendous burden and he understood staff problems and how Council activities only added to that staffing problem. He mentioned he understood the transition in taking over for a distinguished past Executive Director and that despite the experience gap of the incumbent

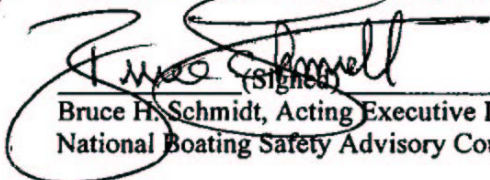
staff, he thanked them for their hard work. He closed by saying the meeting went rather well and that the staff deserved a round of applause.

Lieutenant Lyle Belknap made a motion to adjourn, which was seconded by the Council.

The meeting adjourned at 1142.

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


(signed)
James P. Muldoon, Chairman
National Boating Safety Advisory Council


(signed)
Bruce H. Schmidt, Acting Executive Director
National Boating Safety Advisory Council

- Enclosures:
- (1) List of Meeting Guests
 - (2) Boats and Associated Equipment Subcommittee Report
 - (3) Aftermarket Marine Equipment Subcommittee Report
 - (4) Prevention Through People Subcommittee Report
 - (5) Update on Personal Flotation Device Issues