

68TH MEETING
of the
NATIONAL BOATING SAFETY ADVISORY COUNCIL
Boston Marriott Quincy
Quincy, Massachusetts
29-30 October 2001

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Monday, 29 October 2001

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

A complete record of all Council proceedings is available on audiotape. For further information contact:

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Council Members Present

Mr. James P. Muldoon, Chairman	
Ms. Caroline C. Ajootian	Ms. Karen P. Kelly
Mr. L. M. Barnes, III	Ms. Eleanor C. Mariani
Commodore Carolyn V. Belmore	Mr. Jean-Jacques Marie
Mr. Morris S. Blackistone	Mr. David C. Marlow
Ms. Martha H. Curtis	Ms. Linda Jo Moon

Mr. Kim A. Elverum
Mr. William G. Engfer
Mr. Larry R. Innis

The Honorable James A. Sheets
Mr. Frederick J. Shepard

Council Members Absent

Lieutenant Lyle W. Belknap
Vacant (3)

Dr. Wilburn A. Campbell, Jr.

U.S. Coast Guard Headquarters Representatives Present

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

Mr. Albert J. Marmo
Executive Director, NBSAC
Chief, Program Management Division

U.S. Coast Guard Headquarters Representatives Present

Captain Scott H. Evans, Chief, Office of Boating Safety
Mr. Philip Cappel, Chief, Recreational Boating Product Assurance Division
Mr. Carlton Perry, Regulatory Coordinator, Program Management Division
Mr. Randolph Doubt, Recreational Boating Product Assurance Division
Mr. Samuel Wehr, Lifesaving and Fire Safety Standards Division
Lieutenant William Stuckey, Office of Law Enforcement

Chairman Muldoon called the 68th meeting of the National Boating Safety Advisory Council to order and welcomed all to the meeting. He thanked Mayor Sheets for inviting the Council to the City of Quincy. He said that Mayor Sheets, an active member of the Council, has made outstanding contributions to the City of Quincy as mayor for twelve years. He thanked him for taking time to be of service to the recreational boaters of the United States. He said that during his tenure as mayor, Quincy has become a cleaner, greener and safer city. Among his accomplishments is the implementation of an extensive recreational program, including programs that deal with boating education for youngsters and adults. The Chairman said that the Mayor's presence on the Council as an active contributing member has provided local insight and a voice of the governed as the Council deliberates recommendations of solutions to national problems. He introduced Mayor Sheets to officially welcome the Council to Quincy.

WELCOME TO QUINCY

The Honorable James A. Sheets, said it is indeed an honor as the Mayor of Quincy to welcome the Council to the "City of Presidents;" the birthplace of John Adams and John Quincy Adams and other great patriots in the forming and shaping of our nation. He noted that the city for most of the 20th century was blue collar with its shipyard producing the greatest number of warships during World War II, and the granite industry helping to build some of the most monumental buildings up and down the East Coast. He said that Quincy has about 90,000 people with 27 miles of shoreline, and that the city has been able to really begin to do some interesting and creative things in terms of boating recreation on its waters. The

Mayor said that it has been his pleasure to be appointed to NBSAC and a learning experience and opportunity to get a new sense of how the Coast Guard and NBSAC function in terms of recommending and making regulations. Mayor Sheets said it was a pleasure to invite the Council to Quincy and was proud to have the Council there, and knew the Council would have a successful conference.

Chairman Muldoon thanked the Mayor's staff and officers who assisted in making the Council's stay better. He then introduced the Council's Sponsor, Rear Admiral Kenneth Venuto, Director of Operations Policy for the U.S. Coast Guard. He noted the enormous burden the events of September 11 placed on the Coast Guard, and thanked the Admiral for his presence at this time which demonstrates his ongoing support for boating safety and encourages the Council in its work.

COUNCIL SPONSOR REMARKS

Rear Admiral Kenneth T. Venuto, Director of Operations Policy and Council Sponsor, thanked Mayor Sheets for his hospitality and the effort of all to make this a successful venue. He also thanked the Council for the hard work they continue to do and said he looked forward to their recommendations. He said that he was encouraged about some of the regulatory project accomplishments since the Council last met, including a final rulemaking on navigation light certification, and projects at various stages on propeller injury prevention, life raft safety inspections, and personal flotation device (PFD) wear for children. He noted that is a long and patient process that we try to move as quickly as possible. He said that all of that good work came from this Council, and he appreciated that. Regarding actions taken as a result of carbon monoxide deaths on houseboats, the Admiral said that better than 90% of all of the houseboats that have been identified have been retrofitted with a safer exhaust system. He said that the Coast Guard is working very closely with industry to look at even safer ways to vent exhaust from generators and engines. He mentioned the dangerous practice of teak surfing from the back of the boat which presents not only carbon monoxide danger, but also potential for propeller strike injury and drowning since PFDs aren't worn. He said that the Coast Guard initiated a huge public relations campaign when it learned about the tragic death of a young teenager teak surfing to warn people and discourage this unsafe practice.

He noted the interest in what is happening with the Coast Guard as a result of the events of September 11. He said that those events changed the focus of the Coast Guard dramatically. Prior to September 11 about 15% of resource hours went into port security, and after that event about 60% of resources and personnel are associated with security of the ports of the United States. He said that on September 11 the Commandant requested and got from the Secretary of Transportation, authorization to temporarily call up reserves on active duty for a period of 30 days, and over 2,700 reservists were called up to help support port security operations throughout the U.S. Over 2,400 reservists are still on active duty. Six port security units were deployed; four were called up to help secure some of the key ports in the U.S. He noted that port security units participated in Desert Shield and Desert Storm, and one is currently deployed in the Middle East.

The Admiral spoke of the repositioning of 55 Coast Guard cutters, 42 aircraft and several

hundred small boats to address the security issues associated with our ports. He said that the men and women of the Coast Guard have been working around the clock over the course of the past six weeks. He noted that these types of operations can't be sustained and there is a need to find out what the new normalcy is. He indicated that the Coast Guard is working very hard with the other military services, particularly the Navy which is transferring several patrol craft to Coast Guard tactical control. Recognizing the threats, the Coast Guard has been working with the National Security Council over the course of the last 14 months to get better interagency cooperation on intelligence sharing and developing an intelligence fusion center. A very strong effort with the Office of Naval Intelligence is providing all kinds of information on vessels and people of interest in the maritime environment.

Rear Admiral Venuto discussed the impact of cutters deployed closer to shore resulting in greatly reduced drug law enforcement, fisheries law enforcement and migrant interdiction. He said that the Commandant stated that the two primary missions are search and rescue and port security. He indicated it is important to protect our ports and that there is a need to find out what that level of effort is going to be. He indicated that these are all related to efforts in counter-terrorism because terrorism is financed through organized crime. He said that the Coast Guard is working around the clock to determine where a good balance will be between port security efforts before and post September 11 and the level of effort to give to the entire system. He discussed work with Congress and the Administration to determine acceptable additional resource levels to carry out these new missions. He spoke of the fiscal year 2002 supplemental appropriation request working its way through the Administration to help pay for the reservists brought on active duty, to keep in commission some aircraft and at least one ship scheduled to be taken out of our inventory, and funding to operate units at 100% and to increase intelligence collection capability. He said that the budget which Congress had approved included personnel resources to get woefully undermanned SAR stations and groups to a proper manning level which will also help port security capabilities. He spoke of close work with the Department of Defense to help buy some secure communications capabilities to provide additional interoperability in the port security area.

The Admiral said that the Coast Guard will continue to work on all the mission areas in that our strength is our multimission nature and all the things it does are considered connected together. He said the work of the Council is very important to the safety and security of the country and why we are here to do this. He briefly described his responsibilities as Director of Operations Policy, including counter-narcotics, migrant interdiction and fisheries law enforcement, defense operations, aids to navigation, polar and domestic icebreaking operations, bridge administration, search and rescue and boating safety.

Chairman Muldoon said that before anything happened on September 11 both the personnel and the equipment of the Coast Guard was at near breaking point, and asked what can we expect happening to equipment and personnel if the use of both is going to be accelerated.

Rear Admiral Venuto said that, for example, facilities such as 41-foot boats are being operated at three times their programmed operating hours. A better risk management assessment of what we are doing is needed. There is still a lot of tension in the country and maintaining presence is reassuring to the American public. He said that the Coast Guard is

reassessing the impacts of September 11 on the kind of resource levels needed to do not only the port security mission. He explained that Coast Guard missions are connected which is the beauty about being a multimission service. He noted that within a 24-hour period all the cutters in the U.S. inventory were repositioned to do another mission. He noted moving resources doing drug law enforcement to the port security environment is easy because port security takes the same skill sets, but impacts drug and fisheries law enforcement and migrant interdiction, and the Coast Guard is working closely with the Administration recognizing the problems.

The Admiral said that the Coast Guard implemented over 100 security zones throughout the U.S. since September 11, protecting ships, nuclear power plants, bridges and other critical infrastructure. He noted the great number of critical pieces of infrastructure necessitating a public-private partnership and the need to prioritize things. He stressed the great importance of intelligence and sharing of intelligence. He said that we cherish our society and need to figure out how to maintain an open society, and noted that importance to the economy and that private industry probably has a greater impact on our national security than they realize because of our open system. He said that if we close our system we cease to exist as a society that we know we need to exist as and it is important we understand that, and that it takes proper risk management in understanding that.

Mr. Innis asked for a report on the status of Loran-C.

Rear Admiral Venuto said that the Coast Guard proceeded with modernizing Loran-C working with the Federal Aviation Administration because funding is through an FAA appropriation. About \$20 million a year is being invested in modernization, and will continue over the course of the next several years. An actual decision to keep Loran-C around still pends but investment in the project continues to replace outdated equipment and make the system less manpower intensive. He explained that the Global Positioning System has vulnerabilities that Loran-C does not have. He said that the Coast Guard is in the third year of a five or six year project to modernize Loran-C that will keep it going for a period after that.

Mr. Marie asked, provided the Coast Guard gets the funding is provided for additional personnel, how it expects to recruit hundreds of additional people and train them?

Rear Admiral Venuto said it is a challenge. Even before September 11 there was some incremental growth in personnel to improve search and rescue capability. Growing that increment a little bit more takes recruiters, an infrastructure, and a training system that has the capacity. He said that in light of prior reductions there is no excess capacity, and it takes a while. A number of things being looked at include bringing reservists on extended active duty, retired recalls, and do better at retaining people. Attrition has been a problem due to public sector competition. He noted that retention cuts down on recruiting and training.

The Admiral said he accepted the Council's applause for the men and women of the Coast Guard, including NBSAC as partners and part of the Coast Guard family. He said the Council is a great help and he appreciates their efforts.

PRESENTATION OF AWARDS TO NBSAC MEMBERS COMPLETING TERMS

Rear Admiral Venuto presented Coast Guard Public Service Commendations to the following members who were completing their terms: Mr. Morris S. Blackistone, Mr. Kim A. Elverum, Mr. William G. Engfer, Mr. Larry R. Innis, Mr. Jean-Jacques Marie, and the Honorable James A. Sheets. Dr. Willburn A. Campbell, Jr. was not present to receive his award. **Mr. Marmo** read the award citations.

Chairman Muldoon asked the members of the audience to introduce themselves. A list of guests is included as **Enclosure (1)**.

EXECUTIVE DIRECTOR'S REPORT

Mr. Marmo said that he would briefly run through Coast Guard action on the Council's resolutions from the last meeting. The first resolution recommended and requested that the Coast Guard institute rulemaking to prevent and minimize the occurrence of boat propeller strike accidents. This was applicable to all propeller driven recreational vessels 12 feet and longer with propellers aft of the transom, new planing vessels 12 – 26 feet with propellers aft of the transom, new nonplaning vessels 12 feet and longer with propellers aft of the transom, and all existing nonplaning recreational boats with propellers aft of the transom. The resolution also specified an array of options to comply with the requirements. He said that the Coast Guard is considering all parts of the resolution in independent regulatory projects. A notice of proposed rulemaking concerning regulations that would apply to all existing nonplaning houseboats with propellers aft of the transom was in the clearance process, and independent regulations policy and planning documents addressing the other parts of the resolution being developed.

He said that there was a resolution recommending that the Coast Guard support a 75/25 federal to state matching formula for the Boat Safety Account of the Wallop-Breaux Trust Fund and also support a "maintenance of effort" clause for the Boat Safety Account to create a baseline that future boating safety efforts will be built upon. He said that the resolution was provided to the National Association of State Boating Law Administrators, the American League of Anglers and Boaters and the National Recreational Boating Safety Coalition, and the Coast Guard is working with these groups on funding strategies. These types of recommendations would be considered when the Transportation Equity Act for the 21st Century Wallop-Breaux reauthorization comes up in the near future. He added that the National Association of State Boating Law Administrators adopted a similar resolution at its recent conference.

Mr. Marmo said there was a resolution that the Coast Guard abandon efforts in response to the Recreational Boating Association of Washington petition for rulemaking to establish national standards for radar reflectors, inform the organization of actions being taken by the Lifesaving and Fire Safety Division of the Coast Guard regarding development of a program to approve radar reflectors and other navigation equipment for use on ships under 100 gross tons, which substantially satisfies the petition, and notify the organization upon completion of that work. He said that in May 2001 the petitioner was informed that the petition was denied,

but would essentially be satisfied through the related Coast Guard action specified in the Council's resolution. The Navigation and Vessel Inspection Circular on approval of navigation equipment was developed by the Lifesaving and Fire Safety Standards Division and signed by the Assistant Commandant for Marine Safety and Environmental Protection on September 26, 2001. That means that the Coast Guard will now approve radar reflectors meeting ISO standard 8729. In order to have the first approvals, at least one independent laboratory must apply and be accepted by the Coast Guard for testing and evaluating radar reflectors. Then manufacturers may go to the accepted laboratory or laboratories to have their products evaluated for Coast Guard approval.

He said that the Council requested that the Navigation Safety Advisory Council (NAVSAC) report on International Regulations for Prevention of Collisions at Sea (COLREGS) discussions involving recreational vessels or affecting recreational vessels to the National Boating Safety Advisory Council in a timely manner. He said that the NAVSAC meeting was scheduled for December and any feedback on NAVSAC discussions will be reported at the spring NBSAC meeting. He said that the final resolution was that the Council opposed a proposal for extending the time for vessels and associated equipment recall from 5 to 10 years, and maintain the current language in the law. He explained that as thoroughly discussed at the last meeting, at the time this resolution was adopted the House of Representatives was considering the extension of the recall period spurred by some of the fallout of the houseboat carbon monoxide problem. He said that the Coast Guard didn't concur with the Council's advice, and the provision to extend the recall period is being considered by both the House and Senate as part of the Coast Guard Authorization Act of 2001 which has many provisions.

Mr. Marmo said that there were several items on the agenda that were raised at the April meeting or were suggested agenda items by members, including the report on boating safety education in the Quincy public schools, also, discussion of the practical problem of disposal of outdated or damaged flares; options of how to improve the federal, state, local coordination on boating under the influence arrest and prosecution; carbon monoxide issues; and Coast Guard policy regarding flare craft or wing-in-ground craft. He said that the Coast Guard would be seeking the Council's advice on proceeding with rulemaking on wearing of PFDs by children under 13 years of age. Additionally, he said, as has been his practice, the Council would receive reports on Coast Guard grant projects that demonstrate the benefits of this grant program, including the grant to collect injuries data in hospital emergency departments. He said that on August 30 the Coast Guard published a Notice in the Federal Register regarding the Council's upcoming review of boating safety regulations. He noted that NBSAC reviews all of the boating safety regulations every five years, and it was going to be done in three phases as recommended by the Council. All the public comments will be provided to the Council members well before the spring meeting.

Executive Director Marmo announced the following meeting dates:

Spring 2002	April 20-23	Washington, DC area
Fall 2002	October 26-29	Location to be determined
Spring 2003	April 19-22	Location to be determined

Ms. Kopytko (Stop Propeller Injuries Now (S.P.I.N.) asked if a timeline associated with the propeller regulation developed by the Coast Guard was provided to Congress following the May 15 recreational boating safety hearing.

Mr. Marmo said that following hearings the Coast Guard gets back from the committee all of the questions and reports they want addressed, and didn't recall that one specifically, but would go back to the office that coordinates all of the Congressional testimony to see if and how that was asked.

He thanked Commodore Belmore for coordinating the Coast Guard Auxiliarists meeting support, including Auxiliarists Paul and Glenda McShane and Renelle LeBlanc. He thanked Ms. Kerry Knapp of Mayor Sheet's office for her help in Quincy and Lieutenant Gillan from the Quincy Police Department, a Coast Guard Reservist, for coordination of the field trip.

Chairman Muldoon said that Mr. Marie has been doing a good job in representing NBSAC's viewpoint at Navigation Safety Advisory Council (NAVSAC) meetings, and recommended NAVSAC be asked to send one of their members to NBSAC meetings.

CALL FOR OLD BUSINESS

Chairman Muldoon called for old business.

No old business was raised.

CALL FOR NEW BUSINESS MEMBERS' ITEMS

Ms. Ajootian said she would like to hear a status report on the approval process for fully inflatable life jackets. She also asked about a survey for NAVSAC on high speed vessels.

Commodore Belmore asked how the factory visit program works regarding the issue of measurement of boats.

Ms. Curtis said that a report tracking nonprofit grant projects would be helpful to have a sense for how much money has been committed, what has been done and time frames for ongoing grants.

Mr. Elverum, regarding the item talked about in the subcommittee meeting concerning certified boats versus noncertified boats in accidents, said that he would see if that information could be pulled from his existing state data. He said that if that is not possible then some other alternatives need to be looked at to see if that information can be confirmed.

Ms. Kelly recommended that the presentation on the Wallop-Breaux Trust Fund being developed be provided to Council members to help them stay on track with the goals that the boating community has for Wallop-Breaux.

Mr. Marmo said that is a work in process being done by the National Association of State Boating Law Administrators with Coast Guard assistance, and the members of the Council will get the final presentation.

Ms. Mariani commented on the high number of canoe and kayak fatalities relative to exposure hours. She spoke of a potential new initiative to register nonmotorized craft that could have a better chance at success if there was some associated financial assistance. An issue is that canoers and kayakers don't want to put registration numbers on their vessels. She said that if only a decal was required, and such registrations would be able to count toward a state's registered boat total for computing its share of recreational boating safety grant funds, the positive financial incentive would help sell it in the state. She asked the Coast Guard to look into the possibility of doing that.

Mr. Marie said he would withdraw some the written items submitted in light of actions, including the 10-year recall and navigation light requirements, and also catalytic converters that was covered in the subcommittee meeting. He said that at some point a standard on life rafts needs to be incorporated, and suggested that occur when there is an ISO standard.

Mr. Marlow asked when the next *Boating Safety Circular* is coming out and whether or not the Council can assist in guiding topics. Regarding the 10-year recall, he asked what the Coast Guard suggests the manufacturers do for sources of consumer information in light of the fact that it has only been required for manufacturers to keep five years of data. He asked if the Coast Guard would help provide access on consumer data perhaps on grants to organizations that have that today or perhaps pay to create a database.

Ms. Moon commented about the number of organizations working on canoe and kayak issues and suggested bringing in people from some of these organizations to try to move this issue further forward and come up with some type of national coordinated campaign to reach and educate canoers and kayakers. She noted the rise in deaths in canoes and kayaks. She recommended that the Council take a very active role in trying to bring these groups together and come up with a nationwide solution.

Mr. Shepard expressed concern about the Department of Transportation ruling as a result of September 11 with regard to carriage of inflatable life vests on board aircraft. He said that safe guidelines that the DOT will accept need to be set up. Racing sailors or other yachtsmen are severely handicapped by the fact they cannot carry their own vests with them at this time due to this suspension.

Chairman Muldoon said he would like a timeline for the Wallop-Breaux campaign established, including the best time to initiate a nationwide letter writing campaign.

WELCOME TO MASSACHUSETTS

Mr. David M. Peters, Commissioner, Massachusetts Department of Fisheries, Wildlife and Environmental Law Enforcement, said that it was a real pleasure to welcome the Council to

Massachusetts, with Marine Environmental Police Director, Colonel Richard Murray. He said that he oversees four major agencies, Marine Fisheries, Inland Fisheries and Wildlife, Public Access and Environmental Law Enforcement, and that budget and other challenges are being faced, especially after the September 11 tragedy which was not only such a great personal tragedy, but is affecting how they do their business.

He said that Colonel Murray has a couple of agenda items he has been pushing, including environmental education and awareness. Regarding Council comments about kayaking and canoeing and the tragedies that are occurring on our waters and how traditional boating has been the focus of boating safety for so many years, he said that many of their environmental law enforcement requests and response have gone to nontraditional boating. He noted that this is true especially this time of year when so many people take to the water to enjoy the fall foliage in kayaks, as well as hunters and fisherman out there enjoying the fall. He said that some really daunting challenges are being faced along with budget cuts, including environmental law enforcement officers trying to protect water supplies. He commented that the 100 officers throughout the Commonwealth have been called on to do more and more each and every day. He said his agency is looking forward to meeting these challenges in months and years ahead and it is a great pleasure for him to be part of that agenda and to commend the men and women who work so diligently in our agencies moving forward on boating safety. He said that NBSAC certainly has his Department's, the Secretary of Environmental Affairs' and the Governor's support. He told the Council to keep up the good work, and wished the Council the best of luck with the meeting.

RECREATIONAL BOATING SAFETY (RBS) PROGRAM REPORT

Captain Scott Evans, Chief, Office of Boating Safety, said that he has spent 22 years in the Coast Guard and is an aviator who has rescued boaters in trouble, and is a boater himself. He spoke of his vision for boating safety. He said that he believes in educating a boater so they know what they are doing when they get out on the water, and that is the states' right to set their standards. He spoke about an international boating certificate that could be used to rent or use a boat anywhere in the world. A person who passes a NASBLA approved course would apply for a certificate to whoever is running the program. He talked about the importance of reciprocity between states regarding education and noted that the international certificate could come into play. He said that personal watercraft are incredible machines that brought a lot of people into the recreational boating market, and this population needs to be educated. He commented on the need to sell safety and get to the point that people are actively seeking to take a safe boating course. He said that there is a need to work on the presentations of the courses to make it interesting, and that it is not a one fits all. He spoke of the importance of concentrating on the spouses because they are probably going to be the ones in charge if something happens to the spouse operating the boat.

Captain Evans discussed certification of boats and equipment and the importance of the consumer knowing that the marine product purchased, such as navigation lights, work properly. A concept of interest to him is for the boating public to go into a boat show and know to look for something that would tell them that the boat is built to standards and is safe. This would require educating the boating public to look for a sticker or label. He said, for

example, that the sticker could be the National Marine Manufacturers Association label that says the boat meets American Boat and Yacht Council and Coast Guard standards. He spoke of the need to help get the word out regarding new lessons learned that may come along, such as with carbon monoxide poisoning and teak surfing, and that he would be working closely with the Coast Guard Office of Public Affairs in this regard. He described a window of opportunity coming up in the Lewis and Clark celebration to show how federal, state and local governments can work together to get a job done involving patrolling the waters, educating and providing the public with information. He indicated the possibilities, for this event and beyond, for a website that would provide boaters with information on weather conditions, state rules, access sites, etc. and have links to other web sites.

Captain Evans mentioned that when personal watercraft off-throttle standards are in place, he told manufacturers that their passing mark would be if he could successfully get through the test course. He said that he is also working with the Personal Flotation Device Manufacturers Association, and wants to get to a point that people will want to wear lifejackets. He commented that there is an incredible amount of talent in the meeting room that can all work together to get ahead. He recognized Commodore Dan Maxim who is stepping down as National Directorate Commodore for Recreational Boating Safety and his replacement Commodore Warren McAdams. He said that an example of the importance of boating safety is Admiral Venuto taking the time from extended working days since September 11 to come to the Council meeting. He said that the rest of the Coast Guard is also working incredibly hard to protect America. The Captain said that he looks forward to working with all the next four years.

Chairman Muldoon asked the guests to introduce themselves. The list of guests is included as **enclosure (1)**.

Break

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 he just took over as NASBLA President at the annual conference and would give the Council a run down of what happened at the conference. He briefly described presentations at the conference dealing with the impact of technology on organizations and individuals; a thorough explanation of Wallop-Breaux; hand powered recreational vessels and trends in paddlesports; the Vessel Identification System; hypothermia and cold water near drowning; and the Lewis and Clark commemoration. He said that the reenactment of the trip is going to be a real challenge impacting 18 states directly and creating a lot of recreational and commercial vessel conflicts. The states and the Coast Guard are planning for the event.

Mr. Hall summarized the resolutions adopted at the business meeting. A resolution recommended support of a 75/25 federal to state matching formula for the Boat Safety Account. He said that currently there is a one for one match of a state dollar for every federal

dollar they get. The change would be a great asset for smaller states and territories that have difficulty providing the match. He said that another resolution recommended a 50/50 split of the federal motorboat fuel taxes that would bring 50% of taxes boaters spend back into Boat Safety. A resolution requested that the Coast Guard aggressively establish equitable state boating program and recreational boating representation on their individual Harbor Safety Committees in order to obtain their vital input. A resolution reiterated NASBLA support for the Vessel Identification System and he said they are looking forward to that going on line and being usable. A resolution was a reiteration of a NASBLA position asking the Coast Guard to finalize a decision and select the 17-digit Hull Identification Number as the unique number for the Vessel Identification System without exceptions. He said that NASBLA, the International Association of Marine Investigators and other stakeholders including insurance companies have requested this to provide for better identifier and easier entry into computer databases. A resolution requested that the Coast Guard establish a membership on the Navigation Safety Advisory Council for a NASBLA representative. He noted that there has been a redirection of state marine safety enforcement to include nonrecreational commercial maritime enforcement issues of concern to NASBLA and NAVSAC. In other business NASBLA revised procedures on replacing and assigning Hull Identification Numbers.

Mr. Hall called Kim Elverum to the podium and said that it is always a pleasure when we can recognize somebody for a job well done.

Mr. Elverum said that the NASBLA has an award, first presented in 1969, given to person or persons who have contributed to NASBLA and boating safety in general. He announced that the 2001 recipient is Colonel Richard Murray, the boating law administrator for the State of Massachusetts for a number of years. He said that Colonel Murray was unable to attend the NASBLA conference due to the issues revolving around September 11. He said that Colonel Murray was publicly recognized by NTSB Chairman Jim Hall for the assistance his department's water rescue team provided in a search for a downed aircraft off the state's coast, and that Colonel Murray has been very active in attempts to secure full federal boating safety funding for states.

Colonel Murray said that he is a proud member of NASBLA and glad to be of service in trying to solve the budget scoring problem, and was thrilled to receive the recognition.

Chairman Muldoon told Mr. Hall that NBSAC has given almost unqualified support to efforts on behalf of the Wallop-Breaux situation, and continues to want to do that. He asked him and the members of NASBLA to tell NBSAC what if anything more we can do. He also reinforced the importance of boaters having a voice in harbor usage and safety planning.

CANADIAN COAST GUARD REPORT

Mr. John Askham, Senior Marine Surveyor, Canadian Coast Guard, Office of Boating Safety, said that Canada is working along side the United States not only in boating safety but in dealing with the problems that have come from September 11, and the message from north of the border is that we are all in this together. He said that they are finding problems with defective flotation materials going into powerboats under 20 feet. Their requirements are

very similar to those in the U.S. and have been in place a long time, and they are not sure they are appropriate with changing technology. He noted that in Canada these requirements for flotation are only applicable to powered boats, and they have an initiative to apply to all boats under 20 feet because fatality rates for canoes and kayaks are considered too high. The initiative will also look at materials currently being put in. He said that they will exchange information with the U.S. Coast Guard. He said that another issue is carbon monoxide, but there is more concern in the U.S. than in Canada because Canada doesn't have the houseboat operations. However they are concerned that there can be a problem in boats other than just houseboats, and they will be working with the Coast Guard Product Safety Assurance Division on initiatives that will make that problem much reduced.

Mr. Askham said that getting the operator competency program introduced in Canada a couple of years ago off the ground has been a bigger problem than originally anticipated. He indicated that there were some problems getting the right sort of quality testing and courses educating boaters, and that some improved legislation is going into effect before next boating season. He noted that the program concentrated on the younger people to start with, and is being phased in over a period of 10 years. Ultimately all boaters in Canada will need an operator card, and getting some training is helping to reduce the accident rate. He said that they use the Coast Guard Auxiliary in carrying out courtesy examinations of pleasure craft, and found that this has been an increased incentive to get the driver's license. Another major initiative is a survey of PFD usage because too many people are drowning primarily because they are not wearing PFDs. The survey being carried out across the country is endeavoring to find out why people are not using PFDs. He said that he looks to continuing the association with the U.S. Coast Guard because it all helps the whole North America in reducing the number of accidents.

Mr. Blackistone asked if PFD wear for children 13 and under has been addressed.

Mr. Askham said at this time they have not specifically identified that age group and younger, and are addressing in a global sense.

Ms. Moon asked what the loss of life is in Canada due to boating accidents.

Mr. Askham said they have a number which is usually between 200-250 recreational deaths consistent over several years, but percentage wise it is much higher than in the U.S.

Commodore Belmore commented about her experience with a carbon monoxide detector going off while backing into a fuel dock, pointing out that even with side venting there is an exposure to carbon monoxide.

Mr. Askham said that in his view there is a lot of work to be done on that issue. He added that historically the detectors have been less than reliable, and the industry is working on this.

Chairman Muldoon said two things that came out of Congressional hearings were that there probably have been a lot of instances of classifying people as having drowned when in fact

either they had been killed by CO or CO had caused them to drown, and that people were unaware of the small amount of CO that could cause a tragic situation.

U.S. COAST GUARD AUXILIARY REPORT

Commodore Dan Maxim, Coast Guard Auxiliary, introduced Commodore Warren McAdams who would be replacing him as National Directorate Commodore for Recreational Boating Safety. Next, he said that the Auxiliary is in the process of reengineering its Marine Dealer Visitor (MDV) Program as they did with the Courtesy Marine Examination Program to make it more effective and more efficient, and with improved outreach that could include altering the scope to focus on other groups such as hunters and fisherman and canoeists. He said that the Auxiliary may ultimately solicit partners in this program as with the Vessel Safety Check (VSC) program. He noted that the U.S. Power Squadrons has done a fine job as a VSC program partner. He said that the Auxiliary would be seeking information to help make the MDV program better.

The Commodore said that “America’s Boating Course” is a new boating course done jointly by the Auxiliary and Power Squadrons. He explained why this is considered an effective response to what is happening with the boating course market, including mandatory education in many states that increases the number of people who will come into courses and strains the course supply system. He noted that shorter, more focused courses result in order to meet that increased demand. He said that mandatory education for young people creates a demographic shift in the audience and therefore a need to be responsive in terms of the material presented and the way that you present it. He commented that “America’s Boating Course” is the Auxiliary and Power Squadrons joint response that takes advantage of new technology. It comes with a CD ROM so that it can be taught in a class or self-instruction. He noted that because they believe in proctored exams and because of a need to ensure they cover all the state specific materials required for NASBLA approval, someone can take this course in their home and then go to a USPS or Auxiliary flotilla to get final instruction on state specific material and also to take a proctored exam. He said that there is also a beta test version that will be soon available on the Internet. He said that “America’s Boating Course” will be an efficient adjunct to their education efforts, enabling them to increase the leverage of instructor cadres by being able to offer courses to more people, and which will ultimately also be successful in financial terms for the separate organizations. He said they believe it is the right course for these times, adding that the organizations would continue to offer their traditional courses.

Mr. Barnes said that from the U.S. Power Squadrons point of view, Commodore Maxim had a big part in producing this course.

COUNCIL DISCUSSION ON PROPOSED RULEMAKING ON WEARING OF PERSONAL FLOTATION DEVICES BY CHILDREN UNDER 13 YEARS OF AGE

Mr. Carlton Perry, Regulatory Coordinator, Office of Boating Safety, said that in May of 2000, NBSAC recommended specifically that the Coast Guard initiate a regulatory project to require children age 12 and under to wear a Coast Guard approved lifejacket while onboard a

vessel that is underway except when the child is below deck or in an enclosed cabin. On May 1, 2001, a Notice of Proposed Rulemaking was published to do just that, and one of the issues looked at was whether or not to preempt the states from having their own age limits when children should wear PFDs. He said it was determined that, consistent with policy in other regulatory projects and Federalism issues, the Coast Guard would not preempt the states if they chose another age of child. He noted that the federal age was published as under 13, the same as 12 and under, and that the comment period closed August 29, 2001.

He said that 46 comments were received and summarized by categories of respondents, and also as to respondent support, suggested revisions, and opposition issues raised. He said that respondents included: Recreational Boaters (11), State Government Agencies (7), Boating Industry (3), General Businesses (1), Boating Organizations (1), Safety Organizations (2), General Boating Interests (20), and Federal Government Agency (1). Regarding the summary of public comments, he said that, in general, 22 comments support the rule as proposed, 8 comments support the rule with changes, and 16 comments opposed the rule. He then briefly stated the reasons given in each of the 46 comments for supporting or opposing the rule. Mr. Perry asked what NBSAC recommends, i.e., issue the final rule as proposed, issue the final rule with changes, or take other action.

Mr. William Gossard (National Transportation Safety Board) said that NTSB appreciates the hard work of NBSAC and all of the safety organizations interested in this particular rule. He said that when Board did a study in 1993 which indicated such a rule would save lives of young children, they picked a compromise age of 12. He noted that the Coast Guard NPRM uses under 13, and the Board is very pleased with that. He said that the Board's statement is that they support this rule as drafted with one exception; they think that this rule should be uniform across the nation. He noted that there are deaths in lower age groups in different states, and these add to the cost benefit to be achieved. He said that the Board feels very strongly that one of the things we are trying to achieve in all of our programs is national uniformity to have the greatest impact. He thinks PFD wearing has to be mandatory and uniform across the nation, and we need to get a start, as was the case with child safety seats.

Mr. Innis said that there are many states that have on the books ages less than ages 12 and under, and asked if this would preempt state laws.

Mr. Perry said, no, it would apply to jurisdictions that do not have a law. This would give the Coast Guard the opportunity to support states in their efforts to do something more.

Mr. Marlow asked what change to the rule NTSB would like.

Mr. Gossard (NTSB) said they don't want exemptions that hinder national public safety policy, and uniformity of state programs should be the basis.

Mr. Blackistone asked if any public comments supporting the rule with changes were incorporated.

Mr. Perry said there was no decision yet, and that NBSAC recommendations and the public comments would be considered in the decision for the final rule.

Mr. Shepard made a motion that the Council recommend to the Coast Guard that the final rule be issued as proposed.

Some discussion followed concerning states that have a child PFD wear requirement other than under age 13.

Chairman Muldoon said where they have a requirement, state law would prevail, and relative to what NTSB is asking, he said the Council should be thinking about if it wants to endorse federal law being used in those states where there is an absence of state law.

Mr. Marmo said if there is no state law, then states wouldn't enforce the federal law. There would only be federal enforcement in those states on waters where the Coast Guard has jurisdiction.

Ms. Moon commented about confusion that could possibly arise with states with coastal waters where people have one requirement on inland waters and the federal requirement would apply when the boat went offshore.

Chairman Muldoon said he was in favor of being more specific in that we would like to see the federal law be the enforceable law in those states where there is no law. He asked the Council to consider for discussion later in the day, asking the Coast Guard to take the initial recommendation plus additional language pertaining to this particular situation, and go for a final rule.

Mr. Perry said that the Coast Guard's next actions would be to consider public comments, consider the NBSAC recommendation and take final or other agency action.

Lunch

Mr. Innis introduced the following **resolution** that was seconded by Mr. Engfer.

**Thanking the Coast Guard Family for its Outstanding Support of Our
Nation's War on Terrorism**

Whereas, the men and women of the U.S. Coast Guard are being called by their Country to serve in what may be one of the most difficult wars to win.

Whereas, the Coast Guard's motto is *Semper Paratus*, Always Ready!

Whereas, the many men and women of the U.S. Coast Guard Reserve are being asked to leave their families and jobs to supplement the work of the Coast Guard.

And Whereas, the men and women of the U.S. Coast Guard Auxiliary are working in a voluntary capacity to supplement the Coast Guard in key areas of port security, waterway patrols, boating safety and all missions not involving law enforcement.

Be it Resolved: That the National Boating Safety Advisory Council, meeting on 29 October 2001 in Quincy, Massachusetts salutes and thanks the men and women of the Coast Guard Family, the Active Duty, Reserve and Auxiliary Coast Guard and its Civilian Employees, for their outstanding dedication and work to ensure the public safety of the American people during these critical times of our War on Terrorism. BRAVO ZULU!

VOTE: In Favor – Unanimous.

DISCUSSION ON FLARE DISPOSAL

Mr. Frank Amodeo, General Manager, Orion Safety Products and Member, Board of Directors, U.S. Marine Safety Association provided some background regarding his experience and indicated that his company is one of the leading manufacturers of visual distress signals. He said that the plethora of visual distress signals (VDS) in the hands of boaters are of concern, and an issue he has been dealing with a number of years working with several groups. He applauded the efforts of volunteers. He said that the law mandating carriage of VDS went into effect 20 years ago has been effective, and a provision in the law was to do it at a cost not prohibitive to the boater. While the issue of flare replacement every three years has come up, the cost is not prohibitive, i.e., \$10-15 to be in compliance. He said that extreme testing of VDS assures they should work. They are classified as a hazardous material, an explosive. He said that VDS have become increasingly difficult to transport and that the crux of the issue is and will continue to be safe handling, collection and transportation of the product. He spoke of the difficulties that would be faced by retailers associated with the process of transport of the product.

He explained that because of the nature of hazardous materials the issue is transporting them to a point they can be safely collected and redistributed. He said his company published a brochure that included the do's and don'ts of disposal of flares, and encourages people to donate them to the Auxiliary or Power Squadrons to use in demonstrations or to local fire departments for training. He said that works to a limit but in some areas in the country more flares are being turned in than can be used. He spoke of another recommendation that boaters keep some expired flares on board for backup, but too many accumulate over time and these are ones we are concerned with getting rid of. He explained that the means of disposal is not prohibitive, but it is where you bring them and how you get them handled and stored safely to a disposal site. He said that the cost of disposal is not built into the manufacturers profit structure, and increased cost to the consumer will drive down level of compliance.

Mr. Amodeo described an effective pilot program in the 13th Coast Guard District in the Pacific Northwest for the collection of flares that employed posters, coupons and consumer incentives and used the theme was "Retire Them, Don't Fire Them." Coast Guard stations served as collection points. The program saved a lot in cost of response to false distress due

to people firing off expired flares. He spoke of the difficulty in taking the program nationwide, i.e., it is not that simple a process, you have to have accessible collection facilities which can handle the product, then have to be able to transport it. He said that disposal is not that critical an issue, and there are a number of companies now that have built incinerators on their own property. Unfortunately customers and distributors are all over the country, and the crux of this matter that most diligently has to be addressed is how to establish collection points that the boater will transport the product to without risk or tremendous inconvenience. He noted that one or two companies manufacture a trailerable burn unit, but there is still the need to get flares to a burn chamber. He said that he didn't know where the burden of cost should be and if cost is assigned at manufacturer, distributor, dealer or consumer, it will have impact that could be substantial. He said as a manufacturer they are committed and have increased awareness. They are putting information on their product regarding illegal flare firing and also distributing the "Passport to Boating Safety" brochure. He said they are happy to develop collateral materials on their packaging, literature that will educate and inform consumers of the hazards and risks, and of a proper program once in place, and are more than willing to continue to offer a financial incentive to the consumer to properly dispose of flares and replace them on time.

Commodore Belmore mentioned new Coast Guard Auxiliary policy advising members not to accept outdated flares for use in demonstration purposes because someone could get injured if they misfire. She said that there is not really a place to dispose of them; Coast Guard bases don't have the capacity to take them because of transportation; police and fire departments don't want them anymore, especially outdated ones, so its becoming more of an issue. She said that we are telling the boating public to go buy, but can't tell how to get rid of them safely, and that firing is illegal.

Mr. Marie asked how repacking stations deal with flares replaced in life raft repacking.

Mr. Thompson (Marine Safety Foundation) said that there are a variety of ways, and varies from one area of the country to the other. There are a couple of fireworks manufacturers that some of the repackers send flares to; others use commercial disposal operations; and some are in areas of the country where they are allowed to land fill them due to local regulations.

Ms. Mariani spoke of a program in Connecticut where they have a couple of ammunition boxes in East and West Connecticut and allow boaters to bring in flares. This is coordinated with a fire department that has bomb squad that would get and dispose of them. She said that at this point there is no charge.

Mr. Amodeo said some cities, counties and states have used their own resources to address this. He said that in Florida it is a county-by-county program, and the problem is that some had the ability to handle at waste disposal facilities, others wouldn't.

Mr. Shepard said that in his county in Florida they have a collection day every couple months for hazardous materials, and will accept flares. He understood that around Florida counties are supposed to have hazardous material days, but didn't know about other states.

Chairman Muldoon asked if a listing of such places would be of value.

Mr. Marie recommended that the large manufacturers sit down with the three major retailers to try and find a solution.

Ms. Ajootian said that some marine centers have collection points, but not all are able to because of local limitations.

Mr. Marie said it is not going to be an easy task and that you can't expect the manufacturer to absorb cost. Transport is a difficulty but not impossible; training and proper packing are needed.

Mr. Amodeo said there are strict rules regarding shipping, and to train retailers to gather, store, control, and reship product would be extremely burdensome.

Mr. Elverum said that they have hazardous waste and disposal sites in each Minnesota county, and there may be a need for more awareness in areas where there are lots of flares that it is a hazardous product.

Mayor Sheets said that there are two hazardous pickup days a year in Quincy contracted with a highly qualified corporation to handle all types of hazardous material, and flares would be taken and the contractor becomes responsible for disposing.

Mr. Engfer said they have a twice a year pick up and also go around to retailers and pick up flares and can't get enough for training.

Mr. Shepard made the following **motion** that was seconded by Commodore Belmore:

It is moved that the National Boating Safety Advisory Council request that the U.S. Coast Guard ask the National Association of State Boating Law Administrators to poll State Boating Law Administrators regarding the existence of flare disposal capability within their jurisdiction and submit back to the NBSAC Executive Director for assembly and dissemination.

Ms. Curtis commented on the need to have it be considered as a multi-agency solution to address collection points, temporary storage, shipment, suitable vehicle for transportation, etc.

VOTE: In Favor – Unanimous.

REPORT ON BOATING SAFETY EDUCATION IN QUINCY PUBLIC SCHOOLS

Mayor James Sheets brought the Council up to date on their program to bring boating safety in as part of the curriculum of Quincy public schools. He said that hopefully they will be able to export it to other school systems throughout the Commonwealth and perhaps the country. He commented on the variety of marine environments in the City of Quincy to see how varied their program can and should be. They have about 26 miles of coastline and just about every

kind of geographic and marine environment you can name, including three rivers, a large bay, sensitive salt water tidal marshes, estuaries, beaches, islands and two peninsulas, with waters running the spectrum from tidal mudflats to deep draft shipping lanes that support commerce, fishing and high speed commuter ferries. He said that Quincy is the home to two major marine terminals and also hosts a growing fleet of lobster and small fishing boats, and is home of three marinas and five yacht clubs.

The Mayor said that in order to begin work on boating safety for their public schools, they created a Maritime Affairs Advisory Council that included water user groups and city government, marine patrol and harbor masters to work on the program. He said that they interfaced immediately with professional educators from the school system and also with access cable studio people who have the capacity to live broadcast into every classroom in the city. He said that they targeted the 3rd, 5th and 9th grade levels. Direct classroom presentation by marine patrol officers will be used for the 9th graders, but due to the large numbers, the cable network will be used to broadcast directly to the 3rd and 6th graders. Through their cable network they are able to broadcast directly from the cable studio to each classroom at the same time on a given day. He indicated that they will begin with the 9th graders this academic year. He said they have completed their first video which would be very appropriate for the 9th graders funded by a general community oriented policing grant.

The video was shown to the Council.

Mayor Sheets said that the basic video was designed for the older students and a curriculum has been created around that video and approved by the Superintendent of Schools and ready to go in this academic year. In terms of the lower grades, he said that they are working on a mascot that will really beef up the presentation to 3rd and 6th graders.

Ms. Irving de Cruz (S.P.I.N.) said that California has done a lot with elementary school boating safety education and suggested to the Mayor that they look into that.

Mr. Marie asked if the courses are mandatory.

Mayor Sheets said that they are not mandatory at this time, but will become mandatory when they become part of their curriculum.

Ms. Mariani asked about the length of the course through the year.

Mayor Sheets said that it is basically a 10-hour program spread out over the academic year, most in the spring session.

Captain Evans said that he applauded the efforts and asked if students get credit and a certificate.

Mayor Sheets said that the program will be part of required curriculum for a student to move on to the next grade, and they hope to provide a certificate that they completed 3rd, 5th and 9th grade programs.

Unidentified asked if this is this part of physical education program.

Mayor Sheets said that it was not part of physical education, but a separate part of the curriculum. He said that one of the key factors for them is that they have a very modern cable studio wired to all classrooms so a program can be videoed out into the different classrooms at the same time.

Ms. Mariani suggested that the Mayor hook in with the state entity so that the student comes out of the program with a state certificate rather than one just through the school because that would allow them to operate in Massachusetts or other states.

Mayor Sheets said that he believes that is what the marine patrol intends to do.

A 2-minute promotional video was shown to the Council.

Mayor Sheets said they think that is a key to education in their classrooms and they built a new cable studio and connected it to their library that gives the opportunity to get into the classrooms and efficiently provide the information.

Break

COUNCIL DISCUSSION ON HOUSEBOAT CARBON MONOXIDE ISSUES

Mr. Philip Cappel, Chief, Recreational Boating Product Assurance Division, said that he would briefly update the Council and then discuss with the Council opportunities for the Coast Guard in making recommendations to Congress how to change the law to allow more flexibility to try and handle defects such as came up on houseboats. He said that the carbon monoxide (CO) issue was very different than anything seen before, not something picked up in the statistics since deaths were recorded as swimming accidents. He said that swimming accidents are still being looked into for carbon monoxide involvement. He explained that this serious problem was different from the historical dangers looked at with CO, i.e., trying to keep it out of the accommodation spaces from open hatches or exhaust leaks. He noted that this introduced a new hazard, not underway, not with the main engines running, but with just the generator running and people dying outside. The Coast Guard was part of an interagency team convened by the U.S. Park Service at Lake Powell. They did a study and found out it was a particular design of houseboat that allowed the buildup of generator exhaust so that wherever it was coming out it was at such a lethal level that even a small dose would kill or incapacitate them enough so they drown. Based upon that determination the Coast Guard declared this houseboat exhaust design as defective.

He showed a diagram of the defective houseboat exhaust design and explained how high levels of CO accumulate in the cavity beneath the swim platform. He said that houseboats having this design were recalled, involving five houseboat manufacturers and approximately 1100 houseboats...probably 90% older than five years which is the present authority to recall.

He noted that manufacturers did recall all the boats they could find and almost all retrofits were completed by the end of September.

Mr. Blackistone asked Mr. Cappel if he knew why a manufacturer in 1996 changed the design to vent outside in 1996.

Mr. Cappel said he really didn't know why but thought that the company from which this company was spun off switched to side exhaust.

He said that manufacturers have set up to form their own organization as a subset of the National Marine Manufacturers Association and he was pushing hard to have all of the houseboat manufacturers become part of the NMMA certification program. Regarding new developments, he said that a hybrid wet/dry vertical stack generator exhaust system has been developed that greatly reduces CO levels on and around the houseboat. He said that the American Boat and Yacht Council (ABYC) is developing a standard for the new system that the Coast Guard will endorse. He noted that this is not practical for all types of recreational boats. He said that a more encouraging development, a prototype CO reduction device, has been developed for use with generators with an afterburner that reduces CO output to negligible levels in the exhaust stream. He said that it is promising that it will work in the marine environment and further engineering analyses and testing is needed. He indicated that a coalition is looking to move this technology to main engines.

Mr. Marie asked what the retrofit consists of, since there are no standards.

Mr. Cappel said the retrofit is to put the exhaust out the side to keep it away from the cavity created by the swim platform. He noted that this is an interim solution and the vertical stack would be better, but none of the solutions are mutually exclusive.

Regarding future Coast Guard action, he said that a memorandum of understanding is being pursued with National Institute for Occupational Safety and Health to do an engineering analysis of the emission control device, more testing on other boats, and work on computer model. He said that further development of CO reducing methods and technologies is being encouraged, and that boater educational efforts would continue to make people aware of the danger of CO.

Ms. Ajootian asked if factory inspectors have been trained on CO issues so they can work with the houseboat builders while we are waiting for the best technology to develop.

Mr. Cappel said they were not specifically trained in that area. There are no federal requirements on the exhaust.

Ms. Ajootian asked if in an official recall situation where a boat is less than five years old, the manufacturer's obligations last forever for recall and repair. Also, on the older houseboats over five years old, she asked if the manufacturers made a commitment to make repairs as they find these owners.

Mr. Cappel said that the only manufacturer he knows in that situation is Somerset and the president of that company said he would fix a Somerset houseboat at any time they find a problem, and willing to fix any other boat at cost.

Ms. Mariani asked about extending the CO issue to other boats.

Mr. Cappel said that basically we are looking at stern exhaust...boats that have exhaust through the transom, but we will also look at some side exhaust boats. He said we are looking beyond houseboats to large cabin cruisers.

Ms. Mariani encouraged that inboard skiboats also be looked at, citing a fatality in Connecticut where exhaust came back into a boat when the boat was low in the water.

Mr. Cappel said that it is a problem, and unless we can come up with an emission control device, he didn't know what else we can do right now. He said we are looking at generator exhaust because that is a new problem that we found, but the old problem is still there and there is a need to educate people that in some conditions exhaust will be blown back into boat.

Ms. Irving de Cruz (S.P.I.N.) said she was surprised that this retrofit was accepted with the proviso that if a better technology is found there would not be an additional recall. She cited problems of side vented fumes of houseboats rafted together.

Mr. Cappel said that the Coast Guard would then have to declare every generator exhaust on every boat as defective, and he thought that would put the industry out of business.

Mr. Snyder (Mercury Marine) said that he was concerned how we are going to keep track as far as what propulsion systems were providing a higher or lower level of CO, noting that there is no information on the boating accident report as to what engine it was.

Mr. Cappel said that it would be difficult to get all the states to report, but it would be looked at.

Chairman Muldoon said that there is a need to thoroughly look at the CO issue and come up with some good recommendations regarding this sensitive issue.

Mr. Cappel said that the Coast Guard was providing periodic updates to different Congressmen, and a Congressman posed the following question: "*What legislation or regulation is necessary, in your opinion, to prevent this kind of situation from happening again?*" He said that the challenge in responding to this question is that "this kind of situation" was not a non-compliance with the regulations or a defective part, the usual causes of recalls, but was a rare case of an exhaust design that was found to be defective because it allowed unusually high levels of carbon monoxide to congregate. The exhaust configuration seemed to be effective in preventing CO from getting into accommodation spaces but it created this new problem.

He said that he would like to think that this opens the door for us to come up with any type of legislation or regulation that we might be able to consider to help us to be able to increase or change our authority. He then explained the Coast Guard's statutory authority. The law, 46 USC 4302, provides authority to prescribe regulations establishing minimum safety standards for recreational vessels and associated equipment with each standard meeting the need for recreational vessel safety; and being stated, insofar as practicable, in terms of performance. He noted that ABYC voluntary standards go beyond minimum federal standards, and most manufacturers comply with them. He said that the law requires, in prescribing regulations, that the need for and the extent to which the regulations will contribute to recreational vessel safety be considered, and that relevant available recreational vessel safety standards, statistics, and data, including public and private research, development, testing, and evaluation be considered. Additionally, the regulations can not compel substantial alteration of a recreational vessel or item of associated equipment that is in existence, but may require compliance or performance to avoid substantial risk of personal injury to the public. Lastly the law requires that the National Boating Safety Advisory Council be consulted.

Mr. Cappel said that one strategy brought up was to seek authority to allow recall if, through engineering awareness or knowledge, something is found that is just not engineering-wise a good thing to do. He noted, for example, that the Coast Guard has no regulations over installed fuel systems on outboard powered boats because back in 1970s very few outboard powered boats had installed fuel systems and not much data has been collected showing that we are getting a lot of fires and explosions on these boats. Now some deaths and injuries would have to be identified to indicate a need to regulate this area. He said that the Coast Guard would consult with NBSAC to see if members had any ideas of any changes to the law to improve the situation.

Ms. Boles (Coalition of Parents and Families for PWC Safety) said, regarding the statutory requirement dealing with substantial alterations, that one area that she feel is not captured in the substantial cost is the cost to the individual of being in an accident in terms of initial hospital costs and ongoing rehabilitation costs, loss of wages, lost work and alteration in careers and the change in their lives. She said that things should be looked at differently and cost to the individual should be included.

Mr. Cappel said cost benefit is considered, and there is \$2.7 million cost for loss of life used in cost benefit analysis, and also a graduated scale for injuries. These numbers have to be used.

Mr. Perry clarified that the number developed by the Department of Transportation as a representation of what people are willing to spend to avoid that fatality or severity of injury; it is not the value or the cost to the individual for recovering.

Ms. Kopytko (S.P.I.N.) asked if the long term CO solution is to put a manufacturer regulation into place.

Mr. Cappel said not right now. He noted that there would be a need to see if an item can be developed and whether or not the free market would move in. He said that ABYC could be

looked to to develop a voluntary standard. Houseboat manufacturers could be asked to switch to the stack exhaust, and ABYC would likely add that as one of the alternatives to exhaust a generator on a boat.

Mr. Ras (ABYC) said this is in the draft already, and materials are being looked at and other provisions.

Mr. Marie said that he would like to see, rather than make it a cost benefit where you have to have casualties before you do anything, make it a risk assessment. Prophylactic rather than after the fact.

Chairman Muldoon said this was a good observation, and this matter would be taken up the next day.

REPORT ON A NATIONWIDE STUDY ON RECREATIONAL BOATING INJURED PATIENTS TREATED IN U.S. EMERGENCY DEPARTMENTS

Susan MacLean, PhD, RN, Group Director: Research, Education, and Professional Services, Emergency Nurses Association described members of the project coordinating team and regional liaisons. She said that there are two purposes of the project, the first is to develop a database concerning individuals who are treated for recreational boating injuries in U.S. emergency departments. She noted that there are about 5,000 emergency departments in the U.S. and about 100,000 emergency nurses. Based on the data collected from the study, the second purpose is to develop recommendations for strategies to prevent or mitigate the fatalities and injuries caused by recreational boating accidents. She said that Emergency Nurses CARE is part of the Emergency Nurses Association.

She said that this study was designed based on the highest ranking states for injuries and highest for fatalities, and there were 19 of them; four on both lists. Liaisons were picked to cover these territories and regional training programs run for the site coordinators. A total of 24 states were represented by their emergency departments. She noted that data collection finished on September 30 and many forms came in since she put the overview together so there may be more states related to the accident sites. She said there were injured patients in 40 states and they have pretty good coverage of the U.S. and from those high-risk areas. She showed a listing of the highest ranked states for injuries and for fatalities. She said that she was providing an overview of the data and presenting only frequencies because they haven't gotten into high-level statistics yet.

Dr. MacLean said that 61 emergency departments are participating and 59 site coordinators, and they were encouraged to work in teams to enable them to do this all summer long. She said that getting administrative approvals was difficult for a lot of sites due to some concern about legal aspects since they are asking about cause of these accidents and collecting data about the people participating. She said when they trained the emergency nurses to be site coordinators for the study everyone was asked to take a boating course. She indicated that participation of state boating law administrators and Coast Guard Auxiliarists in the portion of

the training devoted to boating dynamics injury prevention worked out great, making this problem real for the emergency nurses. The package provided to them related to their state's boating education standards and boating regulations. They also had case studies. She said that making sure people were motivated all summer long was one of her big challenges as grant administrator. She noted that half of them were boaters and one of the most important reasons given for wanting to be part of this study is to make a difference in making the waters safer.

She said that the Haddon Matrix epidemiological model was used to design the study and data in each cell will enable all kinds of comparisons and isolation of the chain of events that occur in a boating accident. She said that the patients who were studied were anybody who was injured in recreational boating accidents in U.S. waters between April 1 and September 30, 2001 and consented to be in the study. She said that 552 forms were scanned into the system to date and analyzed. Pre-event and post-event factors as well as more in-depth information on cause and nature and severity of the injury will be analyzed. She showed a listing of types of accidents in the study so far and said the most frequent type of accident was waterskiing/tubing, falls in the boat, and ejected from the boat. The number one cause of accidents was passenger/skier behavior, next operator inattention, and excessive speed. Other statistics presented included month, day, time and most frequent hour for accidents; body of water; weather conditions; type, length and ownership of boat; age and experience of operator; boating safety course completion; boating outings per year; boat operation and activities at time of accident; boat speeds; number of hours boating time of accident; state of residence; number of vessels involved; number of people on the boat; injured person position during accident; wearing PFD; past boating injuries; mode of arrival to emergency room; time to emergency department visit; patient demographics; urgency of visit; most common reason for visit; most common mechanism of injury; alcohol and drug related visits; discharge diagnosis; and disposition.

She said that site coordinators provided a boating accident report form to injured patients and the directions on how and where to file the form, informing them that there is a requirement to file a report. She then presented a case study dealing with carbon monoxide poisoning. Data discussed in the case study included age, gender race and marital status of the injured patient; state of residence, state where accident occurred, experience, boat, operation, conditions, description of the accident, cause of injury, description of emergency department visit, including the nature and severity of the injury, medical diagnosis and disposition.

Mr. Elverum commented that one of the people on the boat in an accident mentioned was a television personality and he recounted the episode on TV.

Commodore Maxim said that from the statistics presented the characteristics of the sample are very different from those observed in accident statistics, e.g., the fraction of people that report having boating safety education, and he recommended that some close stratification be done to have them representative.

Dr. MacLean said these are just the initial frequencies and she could stratify and a lot of comparisons could be done with this data.

She presented a case study on propeller injuries, and then one on personal watercraft.

DISCUSSION ON BOATING UNDER THE INFLUENCE ENFORCEMENT ISSUES

Lieutenant William Stuckey, Office of Law Enforcement, said that he was there to discuss the boating under the influence enforcement issues raised at the April 2001 NBSAC meeting, including whether a change in the federal law would assist the Coast Guard with enforcement efforts. He said that federal regulations prohibiting operating while intoxicated went into effect in January 1988 and the initial guidance to Coast Guard field units met the spirit of the regulations for enforcement, but did not fully address the issues of state cooperation, equipment, training, case prosecution and the disposition of intoxicated individuals and their vessels. A strategy and implementation plan for BUI enforcement was to work jointly with state officials and seek state enforcement and prosecution of cases to the fullest extent allowable under applicable state laws, and the subsequent federal regulations support this strategy by providing that the blood alcohol concentration (BAC) levels established by state law would serve as the federal standard and this resulted in concurrent jurisdiction in many areas in a pilot program in the Fifth and Eighth Coast Guard Districts to test and evaluate the BUI program. He said that the success of the program prompted implementation Coast Guard wide in 1991, and full scale implementation and enforcement has remained the same since.

He said that the primary goals of the program are twofold; removal of the intoxicated operator from the operation of the vessel and off the water and preventing or minimizing the possibility of that person operating another boat or another vehicle while still intoxicated. He said that the statute provides for both civil and criminal penalties, and the preferred penalty process for Coast Guard law enforcement officers is to pursue the civil penalty process. He said that all BUI violations are documented by a Coast Guard boarding officer filling out a Coast Guard Report of Boarding. He noted that arrest is reserved for only the most egregious violations, and is comparatively rare at the federal level. He explained that the law does not allow for seizure of any assets for someone who is intoxicated, however, personnel may detain individuals that are operating a vessel while intoxicated or try to drive their vehicle away.

He said that the levels of cooperation in seeking local prosecution of intoxicated operators vary from jurisdiction to jurisdiction. Where Coast Guard evidence is not readily accepted for state prosecution, a variety of solutions have been attempted to try and accommodate state/local evidentiary requirements such as purchasing other alcohol sensors to meet evidentiary requirements. He noted that the Coast Guard recognizes the diversity of state and local enforcement efforts, and that efforts of Coast Guard Districts and the states' coordination over time is necessary to establish effective enforcement measures. He said that we have seen the fruits of these labors since 1991 and feel the establishment of a national enforcement standard by NASBLA would facilitate the goal of total reciprocity of federal and state evidence in BUI cases.

Mr. Elverum asked what the definition of a national enforcement standard was.

Lieutenant Stuckey said that he was speaking to recommendation of an NTSB alcohol study done in 1983.

Mr. Gossard (NTSB) said that in the original Board study in 1983 they were looking for a consistent uniform application by all the states with a defined BAC, at the time .10, and also asked for implied consent and that all persons involved in a fatality or accident, that fatality be tested as well as both operators in collisions. He said that NTSB considered that the basis of a national program and made the recommendation specifically to the states and also made a recommendation to the Coast Guard and NASBLA that they assist in that effort.

Mr. Engfer said that Lieutenant Belknap was the state person who originally brought this up, and that he shares his concerns. He said that they certainly strongly support cooperating with the Coast Guard on eliminating drunk operators from the water. The major reasons looked at in the past were that they wanted consistency for boaters so that by handing them off they would be treated the same whether stopped by the state or Coast Guard. Another reason concerns repeat offenders; states do have the ability to look at repeat offenders, but if being charged under federal law didn't have the capability. He said that the Coast Guard didn't have clear direction or policy set up in 1988/1989 when this started. He said that turnover of Coast Guard officers creates some problems in assuring consistent prosecution of Coast Guard/state/local agreements. Another problem is that taking a case handoff from the Coast Guard results in state officers spending several hours for paperwork processing, jail and court time. This takes the officer off the water and could impact overtime budgets. He said that the states certainly want to eliminate drunk operators from the water, and asked if there is a way, a policy where the Coast Guard should take a more active role, not just the stopping but the following through in the prosecution. He said that over the last 10 years this is a growing responsibility for the states and has become quite a burden at this point.

Lieutenant Stuckey said that there are difficulties prosecuting from the federal level as well and certainly is a resource issue for both sides, and that is why he thinks the Coast Guard needs to work closely with the states and NASBLA to try and come up with some meaningful way of getting that intoxicated operator off the water. He said that it is not the Coast Guard program goal to prosecute them, but it is the number one program goal to get them off the water.

Mr. Engfer said he highly encouraged Lieutenant Stuckey to work with the NASBLA Law Enforcement committee on this future policy. He said that their input to is needed to continue the cooperation and find a solution that satisfies the issues and provides safety of the people on the waterways.

Officer Roche (Quincy Police Department) commented that under a law in Massachusetts if you get convicted of BUI, your driver's license will get suspended, and that seems to make a major impact.

Mr. Hall (NASBLA) said that only four or five states have laws where BUI arrest would reflect on the driver's license but most of the states have effective BUI legislation in place and are aggressively attacking BUI. He said that what Mr. Engfer indicated is a problem with a

lot of states very limited in resources. He noted that we do work hand in hand but are hard pressed, especially since September 11.

Chairman Muldoon commented that putting a driver's license in jeopardy would cause one to think more about operating under the influence. He then called for other business before recess.

Mr. Shepard said, regarding the motion pertaining to life jacket wear regulation for children under 13, that after many conversations with different experts it was decided the motion didn't need to be amended and was correct as stated. He said that he would like to move the **motion**.

It is moved that the National Boating Safety Advisory Council recommends that the U.S. Coast Guard pursue rulemaking for personal flotation device wear by children under 13 years of age, as proposed.

Vote: In favor – Unanimous.

Tuesday, 30 October 2001

**The meeting was reconvened at 0830 by Chairman Muldoon.
Members present the same as the previous day.**

DISCUSSION ON WATERWAYS MANAGEMENT ISSUES ASSOCIATED WITH HIGH SPEED RECREATIONAL VESSELS AND WING-IN-GROUND CRAFT

Lieutenant Alan Blume, Office of Vessel Traffic Management, Waterways Management Directorate, said that his part of the organization is traditionally engaged more with commercial industry than with recreational operators although with waterways management that is changing significantly as we focus on how do we manage the waterways to accommodate all users and resolve conflicts. Regarding decision making, he said that the Coast Guard's strategic goals are safety, security, mobility, and natural resource protection that provide a framework for decision making. He explained that there is tension between goals in trying to bring balance. He said that they are not mutually exclusive, and some risk is inherent in the system. The question is how to manage risk and make it acceptable. He said that his remarks would focus on wing-in-ground (WIG) effect craft. He noted that a WIG was pioneered by the former Soviet Union for sea-lift. He said that WIGs have been defined as vessels. They operate above the water surface when in ground effect. There are three types of WIGS, and the one being focused on here stays in ground effect. Another type can go out of ground effect for short periods of time, and a third type is actually a seaplane because it can sustain flight for an indefinite period of time. WIGs create a dynamic cushion of air rather than lift and need to have a forward way. Generally WIGs operate approximately 1/3-1/2 of wingspan above the surface, and capable of speeds greater than 100 knots. He showed some pictures of WIGS in the U.S. and said they are experimental, a developing technology. There is periodic commercial interest, and a defense contractor had expressed some interest. He

said that the Coast Guard has safety concerns for the craft itself, for the occupants and for other vessels. A related concern is that there are no established standards for the design, construction and operation of WIGs.

Regarding international regulation of WIG craft, Lieutenant Blume said that some efforts are underway to regulate. At the International Maritime Organization the Navigation Safety Subcommittee has adopted amendments to the 72 COLREGS to accommodate WIG craft. If adopted by the Marine Safety Council would go into effect July 2002. They would require a WIG to display an all-round high-intensity flashing red light, and to keep well clear of other vessels when taking off, operating in ground effect and landing. The IMO is in the process of developing guidelines for the design, construction and operation of WIGs, and there is no timeline for completion because there still is a lot that is not known about the craft. He noted that there are some Russian standards. Regarding regulation of WIG craft in the U.S., he said there is a pending legislative change that would require inspection, regardless of tonnage, if carrying one or more passengers for hire due to the nature of the craft. This was approved by the Office of Management and Budget (OMB) and included in the Coast Guard fiscal year 2002 Authorization bill. He noted that this not address recreational WIGs.

Lieutenant Blume said that the Coast Guard has begun the process of developing safety standards for the design, construction, operation, licensing, and maintenance of WIGs, and seeking input from FAA. He said the Coast Guard issued interim policy guidance in a letter dated August 1, 2001 to Officers in Charge Marine Inspection/Captains of the Port. In accordance with the guidance operation will be permitted on a case-by-case basis provided an acceptable level of safety is provided, and must demonstrate based on engineering analysis of the design and comprehensive testing in a controlled environment. Coast Guard policy is that before operating the company must submit a proposal to the Coast Guard outlining planned operation. Also they need to establish operational parameters, e.g., minimum distance from other vessels and how they will inform other waterway users. Because of newness and unknowns and to ensure for consistency nationally these proposals will be reviewed at Coast Guard Headquarters with unit input.

He said that the builder/owner/operator must conduct a comprehensive risk assessment; risks to the WIG craft, to other waterborne traffic, and risks other waterborne traffic poses to the WIG. The assessment should include input from commercial and recreational operators who reasonably may be impacted. He said that the Harbor Safety Committees have been looked at as one potential forum for getting this input. They must demonstrate effects of mitigation using a causal chain approach. He said that the Coast Guard understands that this is a developing technology and experimental operations do need to be conducted. He said that there is a need to determine how to accommodate the tests in such a way that the safety of waterway is not compromised. He spoke of the technical challenges on WIGs in transitioning from a planing to a ground effect phase.

Unidentified asked if people developing WIGs are boaters or pilots.

Lieutenant Blume said it varies, generally you have both.

In conclusion, he said that WIGs are a developing technology and technological/commercial viability remains to be demonstrated. He said that the Coast Guard is concerned about unknown and potentially significant safety risks these craft pose. He said there is the question of recreational WIGs. He showed a brief video of a WIG crash.

Mr. Blackistone asked if the cost of development is known, and what they sell for. He said there are enough concerns about high speed ferries. He commented that you don't get into something like this unless you have some kind of marketing plans.

Lieutenant Blume said that some of the initial development is on the aficionado basis, including radio-controlled WIGs. He said the proposals they have seen for commercial operation has been high-speed ferry commuter operation is one of the things. High-speed transit has been one offered, and a defense contractor is interested.

Ms. Mariani said that she understood that some of the smaller WIGs will go on the market for about \$100,000; affordable to some people. She praised the Coast Guard responsiveness in getting policies in place. She said that her concern is what experience the operator needs to have.

Lieutenant Blume said the skill sets of those commercial operators licensed by the Coast Guard don't necessarily apply to the operation of these vessels, also the skill sets of an airplane pilot are apparently also not the total skill set needed for a WIG.

Chairman Muldoon recognized Captain Mike Holmes, former Chief of the Office of Boating Safety in the audience.

CONTINUED DISCUSSION ON THE CARBON MONOXIDE PROBLEM IN HOUSEBOATS

Chairman Muldoon said that the Coast Guard is being looked to to provide guidance in this situation that is a little different situation that we are not quite set up to deal with in our current structure. He said that it is very important that NBSAC let its feelings be known or what it would like to see happen in this situation.

Mr. Marmo said that beyond reacting, it is how do you get out in front of something like this; know it is coming and be able to deal with it.

Mr. Cappel mentioned Mr. Marie's thought concerning risk. He said it is a question of having to use deaths and injuries data as justification or can some type of analysis to show a risk is seen be used. He said that one idea that came up was some way of showing that if an engineering design or methodology that seems to be unsafe is seen, that we would be able to take action before we have to prove that it is unsafe. The question is, how do we prove that it is unsafe until somebody dies?

Mr. Shepard said that in response to Mr. Marie's suggestion, the following **resolution** was developed. Mr. Marie seconded.

Whereas, much of rule making is a reactive process, and

Whereas, the goal of rule making is saving lives and/or preserving property, and

Whereas, deficiencies may be perceived before a verifiable incurred cost.

Now, therefore, be it resolved, that the National Boating Safety Advisory Council asks the U.S. Coast Guard to explore and report on the opportunities to pursue Boating Safety rule making through Risk Analysis and/or Prospective Cost Benefit as well as through Cost Benefit Analysis.

Mr. Shepard said this question is being put on the table as an agenda item for the next meeting but also raises the flag within the boating safety side concerning the use of risk analysis investigation or prospective cost benefit analysis, making the assumption that there may be an injury or death and what would cause that and then be able to look at rulemaking as a proactive, rather than purely a reactive situation.

Chairman Muldoon asked, based on the other way that the rulemaking regulation process works, legislatively would the Coast Guard be allowed to do this? Also, is there something in the regulations that says it has to be done the way it is being done now?

Mr. Marmo said that there is some OMB guidance regarding regulatory justification, but because the commercial side uses risk assessment, he thinks it is something that should be explored.

Mr. Marie commented that the Federal Aviation Administration also looks at potential risk.

Ms. Ajootian said that many of the initial Coast Guard regulations were set up looking at the types of boats having accidents, and regulations focused on those. She said that given the report from ABYC at an earlier NBSAC meeting that there were specific problems with houseboats, it would be appropriate to focus on houseboats before the fact.

Mr. Cappel commented that the real answer might be that we have always done it this way and haven't tried something different.

Chairman Muldoon said that we also have to be aware of the fact that technology is moving very fast in our world.

Commodore Maxim said that there is ample precedent for doing this sort of analysis in the nuclear power field, and was not sure that a legislative fix is needed. Pointing out the precedents, presenting a well executed cost benefit analysis prospectively or possibly getting some amendments to guidance from OMB should do. He said that this is simply a matter of doing quality analysis, not making a wholesale change in legislation.

Mr. Marmo said that causal information through accident investigations is important, citing the case of the houseboats where nobody realized that there could be CO poisoning outside the boat until there were some in-depth accident investigations. He said that the investigation of accidents needs to keep improving to really get at causes of types of accidents that are emerging, that we don't really know are there.

Chairman Muldoon said he also thinks that no matter how we do it, the information is going to be very heavily scrutinized and will have to be good information before people can take action on it.

VOTE: In favor – Unanimous.

Chairman Muldoon asked for resolutions to be brought up at this time.

Mr. Shepard presented the following **resolution** which was seconded by Commodore Belmore.

Whereas, the International Organization for Standardization (ISO) has adopted a Hull Identification Number (H.I.N.) system for boats, and

Whereas, “Country Codes” are required as a prefix to the ISO H.I.N. system, and

Whereas, current U.S. Coast Guard standards preclude the use of a “Country Code” as required by the ISO system.

Now, therefore, be it resolved, that the National Boating Safety Advisory Council requests that the U.S. Coast Guard immediately pursue rulemaking for an exception to current regulations to allow the USA H.I.N system to conform to the ISO H.I.N standard while allowing the states to not require the “Country Code” in their registration process.

Mr. Shepard said that currently the Coast Guard allows “US” to be put in brackets in front of the 12-digit HIN, and what is being asked is that an exception be made which will allow the “US” to appear as a hyphenated prefix to the HIN. Additionally, the intent is not to encumber the states with having to pick up the prefix because many state registration systems are limited to 12 digits and the HIN system is a 12-digit system without the country code. The resolution is simply asking that the Coast Guard pursue rulemaking to allow the current system to conform to ISO for boats that are going to be exported.

VOTE: In favor – Unanimous.

Mr. Shepard presented the following resolution that was seconded by Mr. Barnes.

Whereas, a life raft is a ultimate means of crew survival in a vessel’s terminal distress, and

Whereas, construction of “recreational” or non-approved life rafts is not regulated in the USA, and

Whereas, a “recreational” or non-approved life raft is a vessel, and

Whereas, the U.S. Coast Guard currently has recall authority over recreational vessels for perceived defects.

Now, therefore, be it resolved, that the National Boating Safety Advisory Council recommends that the U.S. Coast Guard include all recreational or non-approved life rafts within their recreational vessel recall authority as an alternative to recreational or non-approved life raft specific rule making for recall authority.

VOTE: In favor – Unanimous.

Mr. Shepard presented the final **resolution** that was seconded by Mr. Innis.

Whereas, inflatable life vests are critical personal protective equipment, and

Whereas, the U.S. Coast Guard approves inflatable life vests, and

Whereas, disposable CO₂ storage cylinders approved for use on Coast Guard approved, inflatable life vests are proven safe for transport aboard commercial aircraft in their own cabin safety equipment.

Now, therefore, be it resolved, that the National Boating Safety Advisory Council requests the Department of Transportation to immediately require the USA commercial airline industry to allow the carriage of personal, Coast Guard approved, inflatable life vests in checked luggage aboard commercial aircraft.

The National Boating Safety Advisory Council requests the Department of Transportation provide suitable notification for uniform enforcement of the requested rule.

VOTE: In favor – Unanimous.

PREVENTION THROUGH PEOPLE SUBCOMMITTEE REPORT

Mr. Kim Elverum, Subcommittee Chairman, presented the subcommittee report. The subcommittee report is included as **enclosure (2)**.

Chairman Muldoon, commenting on the carbon monoxide issue, asked if would be appropriate to sensitize the boat factory inspectors to the carbon monoxide issue so they could sensitize the manufacturers to it. He said this is a way of looking for defective designs as the boats are being built.

Mr. Barnes introduced the following **motion** that was seconded by Ms. Ajootian.

Be it resolved that the National Boating Safety Advisory Council asks the U.S. Coast Guard to instruct factory inspectors to be more sensitive of the Carbon Monoxide issue and designs relating to carbon monoxide danger.

VOTE: In favor – Unanimous.

BOAT OCCUPANT PROTECTION SUBCOMMITTEE REPORT

Mr. J.J. Marie, Subcommittee Chairman, presented the subcommittee report. The subcommittee report is included as **enclosure (3)**.

Mr. Barnes introduced the following **motion** recommended in the subcommittee report which was seconded by Mr. Blackistone.

It is moved that the U.S. Coast Guard is strongly encouraged to speed up the regulatory project on propeller injury prevention on houseboats by reducing the notice of proposed rulemaking comment period.

VOTE: In favor – Unanimous.

Mr. Engfer, regarding the subcommittee report action item to write to the President of NASBLA and request a change in the boating accident report form, asked that the Coast Guard look at existing information that is collected because there may be a better way to currently pull that off rather than create a new workload or change the report form.

NATIONAL TRANSPORTATION SAFETY BOARD “MOST WANTED LIST”

Mr. William Gossard, Program Manager, Recreational Boating, NTSB, said that mandatory PFD wear for children is one of the issues on the NTSB “Most Wanted List.” He said that the “Most Wanted” Safety program started back in the 1990s, and was an attempt by the Safety Board to address major transportation areas where it thought it could make an impact in reducing fatalities and injuries. He said that the NTSB is an independent agency with five Presidentially appointed Board members, and the current Chairman is Honorable Marion Blakley. He said that recreational boating has been in the forefront of the Board’s safety initiatives. He noted that as a result of everyone’s efforts we have had some impact with fatalities reduced to 700, and the Board believes that if we complete all the actions it thinks are necessary we will get below 500 fatalities. He said that recreational boating safety is probably one of the best dollar value safety programs in the nation and the Board supports additional funding. It is in the top 12 issue areas; and the only marine issue on the “Most Wanted List.” Under the “Most Wanted” recreational boating safety is also found in the “Child Occupant Protection” area, and the only marine issue in that is PFD wear for children. He said that he applauds NBSAC for asking that this go forward as a final rule, and is a great public policy statement. He showed a chart with the status of state child PFD laws. He said the other issue area NTSB is interested in is mandatory education. He showed a chart

depicting the status of state mandatory boater education laws. He said that they believe as a result of two NTSB studies, the 1993 study on recreational boating safety, and the 1998 study on personal watercraft safety, that all recreational boaters must have some level of education and demonstration of safe boating rules and skills and operator license. He suggested that the Board would entertain that NBSAC make a public policy statement on this. He noted that NASBLA's Model Act is available, and the Board would like to see mandatory education in all states, and he felt that it is going to eventually have to happen.

Mr. Gossard said that personal watercraft safety is also part of the recreational boating part of the "Most Wanted List," along with the alcohol and mandatory education recommendations. He said the Board did a study in 1998 that made a broad recommendation about mandatory education and pointing out that PWC rentals is one of the real issues. He said that some kind of rental education is needed at rental locations, and they asked that some kind of safety instruction be required prior to renting a PWC. He noted that a rental checklist is a good idea and being distributed. He said that alcohol is another issue and they had six recommendations dealing with it in their 1993 study. He said that the fact that the Board has kept a "Most Wanted" issues is a real testament to the fact that there is a lot of work going on, and the issue is that we can make some impact, and the Board addresses those issues and will keep at it until we get it done.

He said that personal watercraft is an issue area. He noted Captain Mike Holmes efforts relating to limiting PWC speed to 65 MPH and addressing the serious problem of off-throttle steering. He indicated that two PWC manufacturers have already provided fixes to the steering problem, and said that the Board would like to see this problem fixed on all new PWC. He said this would greatly reduce the number of collisions involving PWC. He congratulated the efforts of Ms. Nita Boles, the parent of a PWC accident victim, and applauded all.

Break

Mr. Marmo said that as a result of the Council's resolution at last fall's meeting that we look at adopting some of the very effective state spots on boating under the influence, that was done and a Minnesota spot is being used in the BUI campaign underway. The 60-second spot was shown to the Council and well received.

He said that "teak surfing" has been mentioned during the meeting. A portion of a video of a few children teak surfing was shown.

Captain Evans commented that one of the youths in the video drowned shortly after the video was taken.

Mr. Shepard said that a subcommittee consisting of himself, Ms. Kelly, Ms. Mariani and Chairman Muldoon developed a set of mission statements for three fixed NBSAC subcommittees that will be permanent, and then there will be a steering committee comprised of the Chairman and the Executive Director that will assign tasks to these subcommittees. He noted that this does not preclude the establishment of alternate subcommittees that would

tackle a specific task. He said that the three subcommittees align themselves with people, boats and equipment. He made a motion to establish the three subcommittees and said that the two existing subcommittees will be merged into these three. He read the mission statements for the subcommittees. Some discussion followed and modifications made to titles and content.

The **motion** with friendly amendments to the mission statements was stated as follows:

It is moved that mission statements for three fixed National Boating Safety Advisory Council subcommittees – Prevention Through People; Boats and Associated Equipment; and After-Market Marine Equipment – be adopted.

VOTE: In favor – Unanimous.

The subcommittee mission statements are included as **enclosure (4)**.

Mr. Marlow recommended that where certain strengths may reside within the Council they be assigned to assist appropriately in those particular subcommittees.

Mr. Marmo commented that there would be several new members.

UPDATE ON PERSONAL FLOTATION DEVICE ISSUES

Mr. Samuel Wehr, Lifesaving and Fire Safety Standards Division, regarding the status of inflatable PFDs, reported that the first “1F” indicating inflator was approved that tells you if the cylinder is sealed without taking it out of the mechanism. He said that as a result of a grant to Underwriters Laboratories to help expedite development, the 2nd “1F” inflator is near approval. Other cylinder-seal indicating inflators are in the testing/approval process, which is the key in making inflatables ready for the wide use. He said that inflatable PFDs that are available include Type I equivalent PFD(s), and some Type II PFDs should be available soon. He noted that the “1F” inflator is a (or the) key to making children’s inflatables go forward, and a little field experience with the adults and some approved 1F inflators should permit a standards change to address children’s inflatables. He said that the other development with inflatable PFDs is “User-assisted” inflatable PFDs in looking for a more highly wearable (user enforced wearability standard); this would allow second-stage inflation. He said that this concept was supported by the UL Standards Technical Panel (STP) and the Coast Guard is inviting submissions for approval as Type V PFD equivalent to CFR standards

Mr. Wehr said that PFD classification is in an interim status. He said that we want to clearly communicate product performance in our classification system and our label and the question is which aspects of performance? The classification helps to regulate use/carriage and there are ISO Standards implications. He indicated that label development is starting in parallel with the completion of the classification work. By way of background, he indicated that there was a presentation on classifying PFDs at the October 2000 NBSAC meeting. There is a NASBLA/Applied Safety & Ergonomics grant for labeling/classification, and the ISO - CEN standardization is proceeding at a measured pace. He said the goal of classification and

purpose of grouping PFDs is to meet statutory/regulatory carriage/use requirements but also informational to allow important relative comparisons to select the right PFD for the type of boating done. Classification should reduce the information to process, reduce purchase and use decision complexities, and draw attention to important variables.

He discussed four class schemes, i.e., Nominal - doesn't say whether better or worst; Ordinal - ranks groups but doesn't give absolute baseline; Ratio - ranks and group intervals; and Combination Systems - two of above. He said that there is a discontinuity in Current PFD Class System we have which is partly nominal and partly ratio, noting that the order of the Type numbers breaks down, and inflatables and hybrids aren't put into the Type I, II, III system exactly on the same basis as the other devices, and Type V is confusing.

Mr. Wehr said that the class decision process considers the points we want the class system to convey. They need to be grouped in a meaningful and comprehensive manner; be understandable to boaters; and must not interfere with statutory requirements. A primary question is how many variables are needed? He described a classification survey that was done that registered responses as to suggested PFD Classification Variables. Responses indicated that Activity being performed (e.g., fishing, sailing, PWC, etc.) and Water environment (i.e., size, conditions, temp, etc.) were the top two. He commented that the contractor believes buoyancy and face-up support are most promising and lend themselves to classification. He indicated that there is a need to provide information on other variables on the label and/or elsewhere. He discussed the proposed option made to ISO-CEN. He said that three classes are the only criteria agreed to date, i.e., Lifejackets, Buoyancy Aids, and Special Purpose Devices. He explained that this is an evolving process, and hopefully special purpose devices can be dealt with in a more meaningful way. He noted the practical necessity to wait and see what happens with the international system before we change our system.

He spoke of several PFD classification implication considerations, such as whether a "Nominal" system would be good, how to assure that inflatables and hybrid PFDs require more maintenance than inherently buoyant, and can Type V be commingled with Type I's and II's without losing that the ability to convey the volitional acceptance of maintenance responsibility. He said that PFD classes will evolve out of user testing of various labels that will use a couple of classification schemes to help development. He said that future tasks include testing labels with various Class systems, coordination with NBSAC and the PFD Manufacturers Association, and re-testing; an iterative process.

Ms. Mariani asked if international standards deal with impact rating.

Mr. Wehr said not at present, but the next agenda is supposed to address things used for high-speed water sports.

UPDATE ON THE BOAT FACTORY VISIT PROGRAM

Mr. Philip Cappel, Chief Recreational Boating Product Assurance Division, said the factory visit program has three prongs to it: communicate with the manufacturers as to why they need to comply with the Federal regulations, educate them on how to comply with the Federal

regulations, and to inspect for compliance with the Federal regulations. The name “Compliance Associates” is used for inspectors recognizing they have three roles.

He said that the program started in August 2000 with award of a contract for an 18-month pilot program. In December 2000 hiring and initial training of Compliance Associates was completed, and factory visits commenced January 2001, three months ahead of schedule. The contract went into the option year phase in March 2001, and we are on track to award a 5-year contract in March 2002. He reported that there were 875 factory visits to date, and that 1500 - 2000 should be able to done with a full running program with 14 inspectors. He showed a listing of the number of visits by month. He said that the top six items being found are Hull Identification Number, Certification Label, Fuel Systems, Navigation Lights, Electrical Systems, Display of Capacity Information. He noted that three of the top items are basically labeling discrepancies. He said they require that the manufacturer correct future production, and don't have them recall boats to change a word on a label unless it is something that would be critical. He said that some recalls have been instituted on fuel and electrical systems.

He discussed some program problem areas. He said that training is important to get all compliance associates on the same level so that they will go out and be consistent in doing the inspections. He noted that it is not just knowledge of regulations, but how they handle people. This is to be a user-friendly program, and they are there to help the manufacturer. He said that initial training was done and some on the job training, having a trained individual go out with each of the inspectors to do an on the job evaluation of their work. He said that they need to be flexible and consider how to be consistent without getting into a rulebook slowdown in the visit. He said that two other things that go together are communication and correspondence. He said that a chat room was set up for them and policy decisions are put on the Internet so the inspector can find information on a particular problem.

He noted the mounting workload problem for the headquarters staff, including making some policy decisions, whether interpretation of existing policy or need for new policy. Also, there is an ever-increasing number of inspection reports to be tracked and reviewed, and responses to manufacturers prepared where necessary. He said that this is a pilot program and we are learning, but do not see any hurdles we can't get over.

Mr. Marie asked about the budget for the program.

Mr. Cappel said that the money runs out in 2003. He said that a 5-year contract would be awarded for two years and the remainder will be picked up if we get additional funding.

Mr. Marlow mentioned an example of a boat company very diligent in carrying out federal regulations getting violations because of stringent interpretation of measurement rules.

Mr. Cappel said that these are some of the things we need to talk about, i.e., using a micrometer rather than a ruler. He noted that the inspectors are getting more experience under their belts and are learning those types of things.

Mr. Shepard asked what the factory response has been to this.

Mr. Cappel said he got one call from a dissatisfied customer.

NATIONAL SAFE BOATING TEST

Mr. L. M. Barnes introduced the *National Safe Boating Test* developed under a Wallop-Breaux grant by the United States Power Squadrons. He said that it has had real good reviews and was shown during the National Safe Boating Week last year. He said that they are hoping that local Squadrons will take this and try to get on the public television station so that it will go over the country more widely than before. He said that it is something basically to perk the interest of the local people to try and get them to take a boating course, whether U.S. Power Squadron, Auxiliary, Red Cross, state or other. He said that the producer was Mr. Ted Rankine who did a good job to get this across in a very humorous way on a very serious subject. The video was shown to the Council.

RESPONSE TO MEMBERS' ITEMS

Mr. Marmo said that Mr. Wehr addressed Ms. Ajotian's item on approval of inflatable PFDs in his presentation. Regarding NAVSAC consideration of high-speed vessels, he said they were meeting in December and he would get some input.

Mr. Marie commented that at NAVSAC's last meeting they decided that the yellow light would be required for fast ferries not just any boat, to warn that there is something out of the ordinary.

Regarding Commodore Belmore's item about measuring of vessels, **Mr. Cappel** said we have a standard measure, and he thinks that some dealers or manufacturer may be trying to portray a boat as larger than it is.

Mr. Balunis (Resources Network International) said that he hadn't seen cases of the manufacturers trying to get credit for swim platforms or anything like that on the length of the boat.

Commodore Belmore said that *Powerboat Reports* has identified some examples of measurement discrepancies. She said that somewhere in the factory inspection program there should be an advisory on this.

Mr. Marie said that he didn't think it is a safety issue.

Commodore Belmore said that boating safety education courses teach how to measure for registration and documentation purposes, and at one point manufacturers started including these ancillary things in the measurement as a sales approach and there had to be a standard way to measure the vessel.

Mr. Marlow said that the documentation of vessels occurs with the hull length which is supplied on the manufacturers statement of origin and that is utilized to register their boats,

however there are things built in now that were not built in before. He noted that the reason for the change is that you are starting to see pulpits in the deck structure that are part of the deck in one complete contiguous piece, as well as the swim platform. He explained that manufacturers don't have the right to add a bolt-on piece into the overall length measurement or into the model listing. He said that almost every manufacturer's specification sheets or model designation sheets provide length overall, length with platform, and length with extended swim platform.

Mr. Cappel said it is a safety issue if a boat is under 20 feet; that is where it is critical because flotation regulations apply to boats under 20 feet, and 20 feet and over it is not a safety issue.

Mr. Marmo said that Ms. Curtis asked about tracking of grants, and is something he would look at. He said that right now the Council is provided with a list of applications received and a list of the grant awards, and actual grant products. Also, an average of two reports on grant projects are provided at each meeting. He said that several of the Council's resolutions have resulted in grant projects and those are reflected in the resolutions summary. He noted that grants are for a very mixed bag of projects.

Regarding Mr. Elverum's suggestion to use existing data to track certified boats involvement in accidents, **Mr. Marmo** said that he totally agrees, and that the reporting of the Hull Identification Number in existing boating accident reports would be looked at to see if that is going to be sufficient to get to what we need before we consider going out with a letter to NASBLA to look at changing the boating accident report form.

Regarding Ms. Kelly's request concerning Wallop-Breaux information, **Mr. Marmo** said that he fully intends to distribute the final product to Council members. Regarding Ms. Mariani's comments about some assistance in state efforts to register canoes or kayaks, he said that to do what is being requested, i.e., not put numbers on boats, and only a sticker, would require a change in regulations. This should be discussed by the NASBLA Numbering and Titling Committee, and if determined the way to go, then request the Coast Guard to consider regulatory action.

Mr. Marmo said that Mr. Marie commented and resolved the status on three of his items as he presented them. Regarding his item on standards for life rafts, he said that, as suggested, when the ISO standards are finalized the Coast Guard would be taking a look at them. Regarding Mr. Marlow's question about when next *Boating Safety Circular* is coming out and if NBSAC could guide some of the input, he said that certainly on this and anything else the Council wants to provide input or suggestions about, it is welcome anytime throughout the year.

Mr. Cappel said that the circulars are ideally published quarterly, but workload has precluded this, and will be trying to get back to quarterly. He said there is no theme for the next circular and they are always open to any articles anybody wants to submit. Regarding Mr. Marlow's item of concern regarding manufacturers obtaining consumer information related to extension

of the recall period from five to ten years, he said that this would be a phase-in and manufacturers wouldn't be expected to have ten years of data right off.

Mr. Marlow asked if the language is going to be in the rule.

Mr. Cappel said it would have to be there so you would be able to have 5 years, 6 years, etc., until you get 10 years from boats being built now.

Mr. Marmo, regarding Ms. Moon's comment about coordination with all the different groups involved with canoes and kayaks, said that they are members of the National Safe Boating Council, and he would see if there is a canoe and kayak sub-element of the NSBC. He said that Mr. Shepard's item regarding carriage of CO2 cartridges on airliners was taken care of in a resolution.

He said that he appreciated the Council's work and that a record number of resolutions were adopted. He said that he is glad that Mayor Sheets approached him last year regarding having a meeting in Quincy because it has been fantastic.

CHAIRMAN'S SESSION

Chairman Muldoon thanked Mr. Marmo and the staff. He thanked the Council for their flexibility and responsiveness and said that no resolutions were passed capriciously without the right kind of application of their experience and knowledge of the issues. He said that there were some very good resolutions, and for that he appreciates all the work and very good job that everybody does. He thanked Mayor Sheets for his great hospitality and said that we are coming back to Quincy.

Mr. Shepard made a motion to adjourn which was seconded by Mr. Marlow.

The meeting adjourned at 1143.

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

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

_____(Signed)_____

Albert J. Marmo, Executive Director
National Boating Safety Advisory Council

Enclosures: (1) List of Meeting Guests
(2) Prevention Through People Subcommittee Report
(3) Boat Occupant Protection Subcommittee Report
(4) Subcommittee Mission Statements