

NATIONAL BOATING FEDERATION

6 November 2006

TO: Marlene Barrington, President
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FROM: Robert P. David, Past President

SUBJECT: **National Boating Safety Advisory Council
Arlington, VA – 21-24 October 2006**

General Topics

1. Effective 1 November 2006 USCG changes to numbering the various staff offices as follows:
Commandant (CG-00); Vice Commandant (CG-09); Chief of Staff (CG-01); Asst. Commandant for Operations (CG-3); Asst. Commandant for Prevention (CG-3P); **Office of Boating Safety (CG-3PCB)**.
2. At the full Council there was good a presentation by Ed Crater, BLA Tennessee, and Cecilia Duer, National Water Safety Congress, regarding progress on **barge lighting** working with the Towing Safety Advisory Committee. The issue of the lack of visibility of barges and towing cables is still a challenging issue but at least a good dialog regarding possible solutions is taking place.
3. The other presentation that was very favorably received was that of R/C Bob Sweet, SN, regarding the changes in the **USPS educational and certification programs**. Several members of the Council expressed interest in both the new seminars and certification programs.
4. **Future Meetings** – To better plan and schedule Council meetings it was agreed that the target would be the 3rd weekend in April and October: April 2007 – Iowa; October 2007 – Washington, DC area; April 2008 – Maine; October 2008 – Washington, DC area.
5. Past President Orth will provide the update on the **Recreational Boating Safety Strategic Planning Sub-committee** which finalized most of the strategic plan. Expect to have the Strategic Plan signed by all participating organizations at the next International Water Safety Summit, 4-8 March 2007.

Prevention Through People Sub-Committee – If information is desired on any of the subjects please let me know. An action item for the future is to investigate and evaluate current hands on instruction and where gaps are and what can be done. There seems to be significant concern that there is instruction taking place that is really poor and potentially dangerous. Other topics on the agenda:

- o Copper Bottom Paint: National/International Perspective.
- o Kite tubing update.
- o Update on PFD Re-classification and Risk-based Compliance.
- o PFD Wear Campaign to increase wear: Tiger Team
- o JSI PFD Survey: Review and Report of Current Findings & Report on Partnership with NABA.
- o Quick Phase-In Education.
- o Discussion on Defining and Developing Standards for “Hands-On” Boating Education.

Boats and Associated Equipment - A good discussion was held regarding the use of portable generators on boats and resulting carbon monoxide (CO) problems and the reported action by the Consumer Protection Safety Commission. USCG does not have authority to act on non-boating equipment and suggests individuals concerned respond and include in boating safety instruction. Some of the other topics on the agenda:

- o USCG updated report on high-risk propeller strike boat lengths.
- o Engine cut off lanyards. Update provided on resolution progress. Update on effects of Alabama legislation. Update from ABYC on their consideration to create a standard.

- o Update on Propeller Strike Injury Avoidance Working Group.
- o Update on NMMA's BIRMC subcommittee label evaluation project
- o CO update. Progress on air flow and exhaust configurations.
- o Update on 17-character Hull Identification Number (HIN).
- o Update on LED navigation lights and status of adding requirements to A-16 standard.
- o Update on ethanol in the US and its impact on marine products.

New National Boating Safety Advisory Council Resolutions – October 2006

1. **Support of a 75/25 Match for State Boating Safety Grants** – Since this is the ratio the Sport Fish Restoration side of the Trust fund gets and there is often conflicting issue where sport fishing and boating safety are administered by the same agency and that some states can't match a 50/50 split the Council recommends the USCG seek a fast-tracked amendment to achieve this ratio.
2. **Classification and Labeling of PFDs for Children** – With new information it is requested that Resolution 2004-73-03 be rescinded in favor of this resolution to reclassify and simplify the PFD label process, including those factors unique to children's physical and psychological makeup.
3. **Operator Requirements Concerning In-Water Activities** – An amendment was made to resolution 2006-77-04 NBSAC recommending that USCG begin the rule making process that would require the operator of a motorboat to shut off the engine if a swimmer is in close proximity to the boarding ladder of the boat and post a lookout. This does not apply while the vessel is engaged in law enforcement or emergency rescue activity.
4. **12+5 Hull Identification Number** - An amendment resolution was also passed to Resolution 2005-76-05 to disregard a request for a survey and conduct a STUDY that utilizes the 2004 NASBLA/IAMI report.

National Boating Safety Advisory Council Resolutions of Interest to USPS

(The following are excerpts from the NBSAC Resolution status summary – October 2006)

A. 2003- 72-02 Request for mandatory boater education

Description – NBSAC requests the U.S. Coast Guard work with NASBLA and the National Transportation Safety Board to promote the accelerated development of state boater education programs by:

1. Conducting a campaign to encourage those states that lack boater education laws to enact such laws;
2. Tailoring statistics on boating accidents to those states that lack boater education laws that meet the NASBLA model act;
3. Reviewing the efficacy of existing state boater education laws;
4. Establishing a program of new incentives for states to develop mandatory boater education laws; and
5. Reporting back to NBSAC in six months, or periodically as needed, on the progress in developing this campaign and program.

2005 – A grant has been awarded to the National Water Safety Congress to complete this project.

Status – Action continuing – Working with the States, USCG Auxiliary and other organizations in promoting and implementing education programs. Seeking alternatives for proposing and enacting education legislation. **No change.**

B. 2003- 72-06 United States international certificate of competency (ICC) for pleasure craft.

Description – NBSAC requests that the U.S. Coast Guard provide a presentation to NBSAC on UN Resolution No. 40 and the reasons why it has not been adopted, and identify the actions and/or steps required to provide acceptable certificates of competency for U.S. citizen recreational boaters in Europe.

Year-Action 2005 – Currently the U.S. Coast Guard doesn't have the statutory authority to set and enforce standards for operation of pleasure craft. As this relates to UN Resolution No. 40, the Coast Guard cannot officially comment on the resolution as it has not yet been forwarded to the Coast Guard from the Department of State as of this writing.

2006 – A legislative change proposal (LCP) has been proposed to give the USCG statutory authority to require “proof of proficiency” for operators of recreational vessels.

Status – Action Continuing - A legislative change proposal (LCP) **was submitted to give the USCG statutory authority to require “proof of proficiency” for operators of recreational vessels. It was deleted by the Congressional Committee chaired by Rep. Young of Alaska. Next steps are being developed.**

C. 2004- 73-02 Statutory authority for USCG to require boat operator proof of proficiency

Description – NBSAC advises the USCG to seek statutory authority that would require that a boat operator, on waters subject to jurisdiction of the United States, possess a certificate showing completion of an instructional course or its equivalent, which meets the NASBLA Standards on Boating Safety Education and the elements of the NASBLA Model Act.

Year-Action 2005 – Currently the U.S. Coast Guard doesn’t have the statutory authority to set and enforce standards for operation of pleasure craft. The Office of Boating Safety continues to actively support and encourage those states that are seeking mandatory education through their state legislatures. That support includes looking at the correlation between the accident and fatality data of those states based on a quick phase in process vs. a phase in over a longer time frame. The office also continues to work closely with Coast Guard’s Office of Legislation to determine whether or not statutory authority is desirable, or attainable. The Coast Guard is considering the proposal of a legislative amendment to accomplish this recommendation.

2006 – The Office continues to actively work with the Coast Guard’s Office of legislation on this issue. A legislative change proposal (LCP) has been proposed to give the USCG statutory authority to require “proof of proficiency” for operators of recreational vessels.

Status – Action Continuing – The Office continues to actively work with the Coast Guard’s Office of Legislation on this issue. A legislative change proposal (LCP) has been proposed to give the USCG statutory authority to require “proof of proficiency” for operators of recreational vessels. **See comment in 2003-72-06.**

D. 2005-75-05 Interagency Committee for Marine Transport System (ICMTS)

Description – NBSAC recommends that the USCG act as the lead agency to resurrect a modified version of the ICMTS and that ICMTS include the appropriate representatives of NASBLA and all state, federal and private interests including federal agencies that have the greatest impact on recreational boating. Modify the charter and goals of the ICMTS to serve recreational boaters in addition to commercial enterprise.

Year-Action – 2005 – An Office of Boating Safety staff member has been assigned this responsibility and has begun initial planning. In addition, the staff has met with a NOAA staff member who has been delegated the task of drafting desirable near-term improvements to the MTS that CMTS should consider, with an intent of adding RBS issue to the list.

Status – Action Continuing – A list of desirable near-term improvements to the MTS Has been forwarded to the Executive Secretariat of CMTS as well as an issue paper on RBS issues within MTS. A copy of this resolution has also been forwarded. Active liaison continues to follow-up on RBS issues addressed by CMTS. **No change.**

Respectfully Submitted,

Robert P. David

Robert P. David, Past President