



# NATIONAL BOATING FEDERATION

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## Updates to Previous NBF Legislative Reports and E-Lerts

**Sport Fish & Boating Safety Trust Fund (Wallop/Breaux):** The Senate has approved a six-month extension of the Highway Bill which includes the Wallop/Breaux legislation. Without the temporary extension, all benefits from the fund would have expired on 30 September. We have been working for some time on this; visiting with a number of House and Senate committees to obtain agreements on incorporating the Trust Fund in the Highway bill and to obtain a five-year reauthorization. While the reauthorization did not happen, it is unlikely, in the second session of the 112<sup>th</sup> Congress, with the budget deficit problems and the elections, that anything more than another extension will occur.

**Coastal Marine Spatial Planning (CMSP):** As we read in the latest issue of LOOKOUT the CMSP program is broad based and has major implication to the boating community. A Strategic Action Plan is being drafted along with charters for the nine Regional Planning Boards (RPB) who will make up the final CMS plans for each region and submit them to the National Oceans Council for approval. According to Dr. John Oliver, USCG, most participants in each RPB have been selected, but they are still looking for a Federal participant from the Gulf region. Interestingly, on 4 October, Doc Hastings, Chairman of the House Natural Resources Committee decided to hold hearings on the CMSP issue. I was unable, as of this writing, to obtain any details on the hearing results.

**EPA Clean Water Act – Best Mgmt Practices:** Last April I attended the EPA “public listening sessions” on potential regulations resulting from new requirements promulgated under the Clean Boating Act, an amendment to the CWA. From input received from the extensive testimony provided, the EPA was required to define Best Management Practices (BMP) which would mitigate the effect of various discharges from recreational vessels covered under the law. The EPA would then enact regulations establishing performance standards which would then be enacted and enforced by the USCG. I had a long phone conversation with Dr. Brian Rapoli of the EPA and asked him when the definitions of the Management Practices would be complete. His answer was that “they are still under development and would not be complete until late 2012.” Since the USCG is responsible for the final design, installation and enforcement of the BMPs, it will be difficult to determine when installations will be required.

**GMDSS Task Force:** The GMDSS meets twice a year, one meeting in Arlington, Virginia, and the second in Florida. At the Arlington meeting, which I attended, is where the information originated which prompted creation of our tri-fold by Marlene, “**DSC today’s SOS**” This tri-fold is most important, even critical, given the information by the USCG that 90 percent of distress calls contain no information on location or identification. I have no report on the Florida GMDSS meetings since I do not attend them.

**National Recreational Boating Safety Coalition (NRBSC):** There have been no recent meetings so there is nothing new to report. The next meeting is set for November to coincide with the opening sessions of many State Legislatures. The NRBSC has been instrumental in

establishing Mandatory Boating Education in a large number of states and child PFD wear. The meetings are attended by the USCG, NTSB, NMMA and other boating interest groups.

**E-15 Blended Fuels:** NMMA and the Engine Products Group have filed another suit in the U.S. Court of Appeals for the DC Circuit, against the EPA on its rule on E-15 gas pump labeling. The rule, when released, also included a denial of a request by Engine Products Group to ensure the availability of no greater than 10% ethanol with the argument that retailers that are not prepared to offer both blends may opt for E-15 only. While E-15 has been approved for 2001 and newer vehicles, it has not been approved for marine engines. In this regard, as reported at a recent NASBLA meeting, the USCG will conduct a two year study on the effect and safety of ethanol fuel use on marine engines. Many of the details on this issue have been in the NMMA's Washington Wave, sent to you by Ev Tucker.

**GPS Back-up and Light Squared LLC:** Implementation of the new broadband network by the company LightSquared is still pending but will be possible only if it can prove to the FCC that it will not cause interference with GPS systems. The requirement for LightSquared to prove that it will not cause interference is based on a bill that was passed that requires the FCC to resolve any concerns of harmful interference by the new network on GPS devices. At the same time, LightSquared claims that any interference with GPS is because GPS receivers "look" into adjacent bands and do not follow DOD standards to block reception of transmission from adjacent bands. Based on these allegations by the GPS industry of potential interference and it not yet obtaining FCC approval, LightSquared has threatened litigation if the FCC does not clear it to build and operate a terrestrial network of 40,000 cell towers. I have found no further information on a backup system for GPS other than the possibilities mentioned by the ILA for e-Loran or a new Enhanced Loran system.

**Cut-OFF Switch Issue:** The NBSAC proposal to require emergency cut off switches on recreational boats is under consideration by the USCG. The National Marine Manufacturers Assoc. (NMMA) is working with the CG and other groups on this by conducting a survey of manufacturers and conducting tests of Emergency Stop Lanyards (ESLs). As it turns out the survey indicated that 90 percent of manufacturers of certain categories of power boats less than 27 feet are already equipped with ESLs. Tests were conducted to determine boat operator use of ESLs and timeframes for connecting to them and allowing operator change.

In a letter to the CG, NMMA expressed general support for mandatory use of ESLs with certain conditions. In essence, the NMMA recommends incorporating by reference the ABYC A-33 Emergency Engine/Propulsion Device Standard. NMMA also supports an ESL installation and wear requirement on vessels less than 26 feet in length but should exclude cabin cruisers and those vessels which have a sheltered helm or cockpit area. The ESL mandate should apply only to new boats manufactured after the effective date of the rule. It also does not support any mandate that existing boats be retrofit with compliant ESL devices. In general, I think the NMMA letter was positive as this is definitely a good feature that will further enhance boating safety