IN THIS SESSION

A few reminders:
-- what this project is about … briefly
-- how we’ve done it … our process to date

A run through the recommendations:
-- what’s covered in the sections … briefly
-- feedback received?
-- most significant revisions?

Time to talk and listen.

Next steps … to acceptance.
WHAT THIS PROJECT IS ABOUT...

Comprehensive improvements to the recreational boating incident reporting structure and procedures within the National RBS Program
HOW WE’VE DONE IT... SO FAR

Working collectively to devise and build stakeholder consensus around recommended changes and updates to the structure and procedures
Consensus

Substantial agreement has been reached by the affected interests – in this case, the States and the Coast Guard.

All views and objections are considered and all due effort is made toward their resolution.
HOW WE’VE DONE IT… SO FAR

Initial set of consensus recommendations developed by project workgroup, Nov. 2017 – Dec. 2018

Two external review / comment periods, Feb.-early March 2019 / late March-June 2019

After each round, project workgroup acted on feedback, released disposition of comments, refined recommendations

Released the revised recommendations to the stakeholders, with opportunity for final discussion, February-March 2020
A RUN THROUGH THE RECOMMENDATIONS …

• What’s covered in each section?

• What kind of feedback from the States and Coast Guard?

• What changed or didn’t change as a result?
1. **Incident reporting structure: initial notification of and follow-up on a recreational boating incident**

- Recommendations describe fundamentals of a “two-tier” casualty reporting structure, with focus on 1st tier—notification and gathering preliminary data on incident.

- Overall favorable feedback, but a few areas of concern regarding compliance.

- No significant revisions to content or intent; only technical edits to name the preliminary information.
3. Gathering data, reviewing, and submitting final reports

- Recommendations focus on the 2nd (investigative) tier of the “two-tier” casualty reporting structure – submission of all information on incident.

- Overall favorable feedback, but some confusion over what original wording (“all available information”) meant.

- Only revisions to clarify that “all information” is the data described in section 5 recommendations.
4. **Vessel determinations**

- Recommendations offer guidance for determining which watercraft would be “vessels” for purposes of national RBS program/casualty reporting

- Overall favorable feedback, but need for clarification

- Only revisions to:
  - Add statutory definition of “vessel” to determination guidance, for reference
  - Amend name of one watercraft in the “not a vessel” list
  - Suggest Coast Guard describe how a State would request a vessel determination as part of its review of entire process
5. **Incident report data elements, fields, definitions**

- Recommendations outline what constitutes “all information” and update the data for national collection

- Overall favorable feedback, but some suggestions and a few objections

- Revisions to:
  - Mandate 24-hour format for recording time of incident
  - Require ID of primary hull material type, with option to document secondary/tertiary material
  - Reinstate Activity term – “Towing a watersports participant”
  - Definition of Contributing Factor – “Off throttle loss of steering” – to guide use of the term
6. **Report data input formats (preliminary)**

- Recommendations for multiple data entry formats and non-burdensome methods for documenting injury/damage information outside the federal report thresholds

- Overall favorable feedback

- No revisions
7. **Roles and relationships**

- Recommendations outline / clarify roles and relationships of the States, Coast Guard, and other entities

- Overall favorable feedback, but a few concerns

- Revisions to:
  - Ensure reciprocal notification (State to Coast Guard / Coast Guard to State) when the Coast Guard has assumed lead investigation of incident
  - Clarify that exclusion from reporting requirements applies to incidents on sole tribal waters
  - Address confusion about Coast Guard’s collection and entry of information on incidents occurring under sole jurisdiction of another federal entity
8. **Vessel safety issues, defects, recalls, bridge allisions**

- Recommendations deal with notifications, reporting, other communications in these areas between Coast Guard and States

- Overall favorable feedback, but with suggestions for continuing improvements and requests for more guidance on to whom/how to make reports

- Only one revision – to reflect State notification of allision IF State becomes aware of event
2. **Determining which incidents require a report to the Coast Guard**

- Recommendations update and clarify criteria and are incorporated into a graphic reference (Decision Matrix)

- Overall favorable feedback, but some areas of significant concern / interest by several States and Coast Guard

- Several edits – most minor/technical; others, more significant. One new non-reportable event added
2. Determining which incidents require a federal report - what did/did not change in recommendations?

- Decision matrix revised to improve flow; other substantive edits
- $2,000 federal damage threshold retained
- Clarification in definition of “total loss”
- Expanded data collection on docked/moored vessel incidents; differentiates “properly” / “improperly” docked/moored
- Expanded collection on fires/explosions
2. Determining which incidents require a federal report - what did/did not change in recommendations?

- Retained “voluntary departure” exclusion; but revised description, picked up conditions already excluded by Coast Guard
- Retained “towed watersports injury” exclusion
- Expanded “vessel use” exclusion
- Clarified “medical event” exclusion
- Added “lack of/improper maintenance” exclusion for docked/moored vessels
Recreational Boating Incident Report Decision Matrix

Which incidents require a report to the U.S. Coast Guard?

Part I – Did the incident meet these conditions?

- Occurred on state or concurrent jurisdictional waters
- Involved at least one of the following federal regulatory thresholds for reporting:
  - Fatality
  - Person missing
  - Injury treated at medical facility
  - Damage ≥ $2,000
  - Total loss of vessel

If these are met, go on to Part II. IF NOT, then incident may meet state requirements, but no report to the Coast Guard is required.

Part II – Did the incident involve any of these?

NOTE: For incidents involving multiple vessels with different operational statuses, if at least one of the vessels involved met conditions in this Part II, a report to the Coast Guard is required.

- Did incident involve a properly docked or moored vessel?
  - Yes
    - Was the incident a result of any of these?
      - carbon monoxide exposure
      - stray electrical current attributed to the vessel’s equipment or electrical components
    - NO
    - YES
      - May meet state reporting requirements, but no further action needed for reporting to the Coast Guard
      - Did incident involve an event listed under Non-Reportable Events (next page)?
      - NO
      - YES
        - Report to Coast Guard required
  - NO

- Did incident involve an anchored vessel?
  - Yes
    - Was the incident a result of any of these?
      - operation
      - vessel’s construction
      - vessel’s seaworthiness
      - vessel’s machinery
      - vessel’s equipment
      - loading of the vessel
      - environmental forces
    - NO
    - YES
      - May meet state reporting requirements, but no further action needed for reporting to the Coast Guard
      - Did incident involve an event listed under Non-Reportable Events (next page)?
      - NO
      - YES
        - Report to Coast Guard required
  - NO

For incidents involving all other vessel operational statuses, including improperly docked or moored vessels

Was the incident a result of any of these?

- operation
- vessel’s construction
- vessel’s seaworthiness
- vessel’s machinery
- vessel’s equipment
- loading of the vessel
- environmental forces

May meet state reporting requirements, but no further action needed for reporting to the Coast Guard

Did incident involve an event listed under Non-Reportable Events (next page)?

- NO
- YES

Report to Coast Guard required
**Recreational Boating Incident Report Decision Matrix**

*Which incidents require a report to the U.S. Coast Guard?*

<table>
<thead>
<tr>
<th>NON-REPORTABLE EVENTS (see PARTS I and II before applying)</th>
</tr>
</thead>
<tbody>
<tr>
<td>• <strong>Voluntary departure injuries/fatalities.</strong> The only event involved the injury or death of a person who voluntarily entered the water from a vessel, the shore or a place of inherent safety.</td>
</tr>
<tr>
<td>• <strong>Towed watersports injury exceptions.</strong> A person suffers an injury or death while participating in towed watersports (including wake surfing) that wasn’t due to the operation or equipment of a vessel.</td>
</tr>
<tr>
<td>• <strong>Vessel use exceptions.</strong> The only vessel(s) involved were used solely for governmental, criminal (activities in the course of a criminal offense, with the exception of impairment and boating safety-related offenses), disaster response, or sanctioned activity (when practicing for and/or competing in an approved or permitted organized or sanctioned race, event or training program, and where adequate safety precautions are in place).</td>
</tr>
<tr>
<td>• <strong>Self-inflicted injuries/fatalities.</strong> Self-inflicted injuries were the cause (examples include: self-inflicted wounds, ingestion of controlled substances or poison, gunshot wounds).</td>
</tr>
<tr>
<td>• <strong>Assaults.</strong> A person suffers an injury, dies, or is missing as a result of an assault by another person or persons while aboard a vessel.</td>
</tr>
<tr>
<td>• <strong>Medical event.</strong> An incident caused by a person who experienced a medical emergency when the vessel did not contribute and no other underway vessel was involved. A medical event does not refer to physical impairments such as poor eyesight, poor hearing, or mobility difficulties.</td>
</tr>
<tr>
<td>• <strong>Watercraft not a “vessel.”</strong> The only watercraft involved were not considered “vessels” (examples include: a pool float toy, innertube, float tube propelled by feet or fins, surfboard, submersible, diving propulsion aid, stock tank, air mattress, fish tote, floating dock, unmodified log, snowmobile, and/or seaplane).</td>
</tr>
<tr>
<td>• <strong>Foreign flag vessels.</strong> The only vessel(s) involved were foreign flag vessels.</td>
</tr>
<tr>
<td>• <strong>Natural phenomenon.</strong> A natural phenomenon was involved (such as interaction with marine life (e.g., carp causes injury to person) and interaction with nature (e.g., mountain side falls onto vessel causing damage)) when no other event occurred and when no other federal regulatory reporting threshold was met.</td>
</tr>
<tr>
<td>• <strong>Launching/recovery injuries/fatalities/damages.</strong> Launching or recovery when the vessel is not on the water and capable of use (free from the apparatus from which it is being launched).</td>
</tr>
<tr>
<td>• <strong>Boarding/departing injuries/fatalities.</strong> A person suffers an injury while boarding or departing a docked, moored, or anchored vessel, when no other event occurred and when no other federal regulatory reporting threshold was met.</td>
</tr>
<tr>
<td>• <strong>Lack of / improper maintenance.</strong> The unoccupied, properly-docked or -moored vessel(s) encountered damages or loss as a result of a lack of or improper vessel maintenance.</td>
</tr>
</tbody>
</table>

See “Best Practices: Reporting Recreational Boating Incidents to the U.S. Coast Guard” for more guidance.
2.3.1 Non-Reportable Event. **Voluntary departure injuries/fatalities:** The only event involved the injury or death of a person who voluntarily entered the water from a vessel, the shore, or a place of inherent safety.

2.3.2 Non-Reportable Event. **Towed watersports injury exceptions:** A person suffers an injury or death while participating in towed watersports (including wake surfing) that wasn’t due to the operation or equipment of a vessel.
**NEXT STEPS**

More discussion during ERAC meeting, Feb. 28

National teleconference(s) to cover same material

Consensus polling if necessary on select items (to gauge levels of agreement)

Project workgroup will consider all feedback

Develop final product for delivery to NASBLA Executive Board

Release final product for a vote by NASBLA membership

Upon approval, will move the consensus recommendations forward to inform the direction the Coast Guard takes in drafting national reporting policy and regulatory changes