



**National Association of  
State Boating Law Administrators**

**Engineering, Reporting & Analysis Committee  
(ERAC)**

**Committee Report for 2020-2021 Cycle  
and 2021-2022 Cycle Recommendations**

**v2 Oct. 5, 2021**

**ENGINEERING, REPORTING & ANALYSIS COMMITTEE (ERAC)**  
**2020-2021 Committee Report (V2)**  
**and 2021-2022 Charge Recommendations**

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Full committee roster is on the page 12 of this report

**CHARTER IN SUPPORT OF NASBLA’S MISSION AND SERVICE TO THE MEMBERSHIP:**

As one of NASBLA’s standing policy committees, ERAC identifies, evaluates, and analyzes recreational boating data and other related information that can shed light on factors associated with boating incidents; be used to inform the development of state- and national-level boating safety policies, programs and campaigns; and, ultimately, be used to measure their effectiveness.

To ensure that the results of the research and analyses are valid and reliable, ERAC also actively seeks ways to advance the quality, relevance, accuracy, consistency, applicability, and completeness of the data and information.

**IN PRACTICE, ERAC:**

- **Takes on targeted research questions.** ERAC teams review and evaluate report data and other boating-related statistics to identify risk factors, patterns and trends in boating incidents;
- **Partners for data improvement.** Works in partnership with the States, the U.S. Coast Guard, and other key agencies and organizations in the recreational boating community to improve the criteria, processes, and training associated with reporting, collecting, entering and using incident data;
- **Promotes uniformity.** On behalf of the States, and in the interest of uniformity and shared understanding, collaborates with the U.S. Coast Guard to clarify reporting criteria and procedures;
- **Seeks to mitigate risk factors.** Identifies and examines boating safety programs, equipment design, and related efforts that could mitigate risk factors identified through the committee’s analyses;
- **Stays informed.** Monitors the activities of and receives reports from subcommittees and panels of NBSAC, ABYC, and NMMA among others, to identify and inform about issues of mutual interest; and
- **Works across committees.** Also interacts with other NASBLA committees and panels and stays informed about projects of mutual interest—not only to add value to ERAC products, but also to determine how ERAC can effectively serve as a resource to them.

## ABOUT THIS REPORT

### REVIEW OF ASSIGNED CHARGES AND OTHER ACTIVITIES (pages 4-11)

Unlike some of the other NASBLA policy committees, ERAC does not operate with subcommittees. However, its charge work and related committee activities are grouped into five categories:

- **Monitoring & Evaluation (Ongoing Committee Function):** Monitoring, evaluating, collaborating or taking other action as needed on policy proposals, rulemaking, issues, and projects in areas covered by the committee.
- **Investigation, Reporting & Analysis:** Conducting work to improve the criteria, processes, and training associated with reporting, collecting, entering, and using recreational boating incident data.
- **Knowledge & Content Management:** Developing, maintaining, and delivering ERAC's products in alignment with NASBLA's knowledge, content, and learning management systems.
- **RBS Statistics & Research:** Identifying and working to improve incident and other boating statistics for the purpose of identifying risk factors, patterns, and trends.
- **Engineering & Equipment:** Identifying and examining engineering issues, equipment design, and related efforts that could mitigate risk factors identified through the committee's activities.

At the beginning of the 2020-2021 committee cycle, **ERAC** was assigned five charges, two of them associated with the recreational boating incident reporting policy project that has been conducted in collaboration with the states and U.S. Coast Guard since November 2017. The original charges and ongoing assignments were published in the [ERAC 2020-2021 Initial Approved Charges](#).

For each 2021 committee activity, as applicable, this report describes its importance; the deliverable(s); status; measure(s) of effectiveness (if already established); and recommendations for continuation in some form or omission in the next committee cycle.

### CONDUCTING THE WORK

ERAC's 2020-2021 work officially kicked off in a full committee teleconference on Dec. 17, 2020, with 19 members and project partners attending. Refer to **APPENDIX A** for a recap of this event. The bulk of the work in follow up during 2021 was conducted through teleconferences and online forums such as Basecamp for internal project management. The last in-person spring session of the full committee was conducted Feb. 28, 2020; no in-person meeting was conducted in spring 2021 due to the COVID-19 pandemic and associated public health and agency restrictions. However, an abbreviated, hybrid in-person/virtual session was conducted the afternoon of Sept. 26 as part of NASBLA's 2021 Annual Conference in Pittsburgh, PA. A summary of that session is appended to this update (see **APPENDIX C**).

In 2021, ERAC's work—like that of other NASBLA policy committees since 2020—continued to be severely impacted by the professional and personal disruptions and distractions associated with the pandemic. This cycle, the impact was different from, but no less disruptive than in 2020 for committee volunteers. The governmental, non-profit, and industry components of the recreational boating community experienced workload shifts and increases, and in many cases, uncertainties associated with transitioning work-from-home back to the office setting.

### REPORT APPENDICES

This report includes live links to online references and documents and also has the following:

**APPENDIX A 2020-2021 Full Committee Teleconference Recap (Dec. 17, 2020)**

**APPENDIX B Recreational Boating Incident Reporting Project Webinar 2 Slides/Handout (Sept. 16, 2021)**

**APPENDIX C ERAC Meeting Summary, Sept. 26, 2021, Pittsburgh, PA**

**APPENDIX D NASBLA Resolutions 2021-1 and 2021-2 (unsigned review copies). Passed Sept. 28, 2021.**

## MONITORING & EVALUATION—Ongoing Committee Function

Monitoring, evaluating, collaborating or taking other action as needed on policy proposals, rulemaking, issues, and projects in areas covered by the committee

Until 2020, the following activity was conducted as a standing committee charge; it has since been reclassified as an ongoing committee function and was conducted as such in 2021. In 2016, the “Triage,” described below, was similarly reclassified as a committee function.

**Monitoring and giving input to USCG policy / regulatory proposals and actions:** ERAC will continue to monitor, research as needed, and provide feedback to U.S. Coast Guard policy initiatives and regulatory proposals in areas related to the committee’s charter, whether published in the Federal Register or issued through other official mechanisms. The committee will inform the states and encourage them to provide feedback, and will coordinate NASBLA’s organizational responses to such proposals using the NASBLA website and NASBLA Connect discussion forums to provide resources and promote open discussion among the states. (NASBLA Goals 4 and 5) (RBS Initiative 2, CoA, milestone 13)

- ✓ **Why it’s important:** Agency notices, proposed rules, final rules and other formal and informal policy guidance issued by the U.S. Coast Guard can significantly impact recreational boating and RBS programs in the states. In recent years, ERAC has taken a lead in monitoring, analyzing, [chronicling proposed policy and regulatory actions](#), and communicating with NASBLA members about their significance to the states and other RBS stakeholders and about the importance of weighing in, especially through formal comment submission processes that require the Coast Guard to publicly respond to the feedback it receives.
- ✓ **Status:** During the 2017-2020 period, ERAC’s primary focus was on providing and soliciting direct input to the recreational boating incident reporting project in partnership with the Coast Guard and the states. However, in the transition to the 2020-2021 cycle, ERAC staff continued to monitor the Federal Register and in July 2021 alerted, informed, and drafted a summary statement for release to the states regarding the Coast Guard’s intent to submit an Information Collection Request to OMB on the [State Registration Data form/collection \(CG-3923\)](#).

**Issues and trends monitoring and disposition:** The Triage is a committee procedure intended for the year-round capture and timely disposition of issues and topics that come to ERAC from internal and external sources. The [NASBLA ERAC Procedure v01092015](#) is used to assign the triage team, process the issues, and recommend an appropriate course of action—whether that be a request to the NASBLA Executive Board to approve a formal charge, a communication to the states on a matter of immediate concern, continued monitoring, or some other action (including “no” action in the near term). Per the established procedure, the team is to be comprised of the ERAC Chair, Vice Chair, Board Liaison, and two at-large Committee Members assigned at the beginning of each cycle.

- ✓ **Status:** During this cycle that was dominated by the pandemic, risky behaviors and other factors manifested in recreational boating, other recreational activities and motor vehicle statistics were monitored, but not formally taken up in the Triage.

## INVESTIGATION, REPORTING & ANALYSIS CHARGES

Conducting work to improve the criteria, processes, and training associated with reporting, collecting, entering, and using accident data.

### Complete phase one of USCG/STATES/NASBLA ERAC collaborative recreational boating incident reporting policy project [USCG/ERAC IR&A 2020-1A]

Complete all outstanding project work from first phase, including: advising commenters of workgroup's disposition of their suggested revisions and questions; refining—and distributing to the states—all consensus recommendations and supporting materials; conducting two national teleconferences; delivering final product to the NASBLA Executive Board for release to BLAs for vote of acceptance on product and a follow-up call for the states to petition the Coast Guard to initiate a regulatory project. (NASBLA Goal 5, Obj. 5.1, Strategy 5.1.5) (RBS Initiative 2, CoA 5, milestone 13; and Initiative 3)

- ✓ **Why it's important:** Updated, consistent, clear, published policy and procedures are critical to the states' ability to capture and report boating incident data to the Coast Guard and to the Coast Guard's ability to fulfill its statutory obligations to gather and report accurate and timely statistics on recreational boating incidents. The regulatory and policy recommendations that emerged from this consensus-based, national project are intended to create more certainties about reporting requirements, improve uniformity and consistency in collecting and processing incident data, and advance the RBS programmatic and policy interests of both the Coast Guard and the states.
- ✓ **Deliverables (previous committee cycle):** Accepted by vote of NASBLA Membership July 31, 2020 (using the process authorized under NASBLA Bylaw III, Section 8): [Consensus Recommendations to the U.S. Coast Guard \(June 2020\)](#) and the following that are part of the document by reference: [Recreational Boating Incident Report Decision Matrix](#); [Incident Report Data Elements Summary Chart](#); and [five incident report category lists of terms and definitions](#) (originally approved 2012-2013 and updated for this project). Also produced was a detailed supplement to the recommendations, a [Resource Document \(v. June 2020\): Background on the Project and Consensus Recommendations to the U.S. Coast Guard](#).
- ✓ **Current Status:** The 2020 charge, as written, was successfully completed. The consensus recommendations were developed, vetted, voted on and accepted by NASBLA membership—including all 50 states—in July 2020, and formally delivered to Coast Guard leadership in the Office of Auxiliary & Boating Safety immediately thereafter for the purpose of informing their internal development of regulatory and policy provisions. As such, the 2020 charge was not carried over to 2021 in the traditional sense; the expectation was that the Coast Guard would issue a formal response to the consensus product and charges IR&A 2021-1 and -2 would be the logical successors to carry the work forward in the new cycle. That formal response was not released in the current cycle, but elements of the Coast Guard response were discussed with NASBLA members during [information sharing/refresher webinars conducted on Aug. 26 and Sept. 16 in advance of NASBLA's 2021 annual conference](#) (see [NASBLA's eLearning Center](#) for recordings of both webinars, and **APPENDIX B** for slides used in the second webinar), and then again during a Sept. 27 conference presentation in Pittsburgh, PA. On Sept. 28, at the annual Business Meeting, the NASBLA membership—the states as represented by their BLAs (or designees)—voted on two association resolutions put forward by the NASBLA Executive Board—Resolution 2021-1 Reaffirming support for the consensus recommendations developed through the Recreational Boating Incident Reporting Policy Project and Resolution 2021-2 In support of the

expedited evaluation design and deployment of a replacement for the U.S. Coast Guard's Boating Accident Report Database (BARD). Both passed without objection. Signed copies will post to [NASBLA's Resolutions page](#); the unsigned copies released to the BLAs for review prior to the vote are included in **APPENDIX D** of this report.

- ✓ **Measures of effectiveness:** Short term: Consensus achieved among workgroup members; the full committee, Coast Guard and NASBLA leadership; and the full NASBLA state membership regarding policy and regulatory recommendations. Long-term: More consistent, accurate, and viable incident report data gathered for use by the states and submitted by the states to the U.S. Coast Guard.
- ✓ **Recommendation for 2021-2022 cycle:** **Reinstate this 2020 phase one charge with modifications as needed for 2022.** ERAC leadership and staff are participating in developing the content for the sessions described under **Current Status**. Further, the committee – in coordination with the project workgroup members who are not already on ERAC -- can play a valuable and valid role in assisting and advising the NASBLA Executive Board as it identifies and executes next steps associated with this product. As such, this charge should be reinstated -- with appropriate modifications based on the status/outcomes of the Coast Guard response -- to ensure that it remains on the “front burner.”

#### **Best Practices Development in Phase two of USCG/States/NASBLA ERAC recreational boating incident reporting policy project [ERAC IR&A 2021-1]:**

In accordance with and as applicable to the project's consensus recommendations to the U.S. Coast Guard (reference **USCG/ERAC IR&A 2020-1A**), develop the “best practices” and other guidance necessary to effectively implement them. As a starting point, review the [Best Practices list presented and triaged](#) at the Feb. 28, 2020 ERAC meeting. In coordination with the Coast Guard, initiate work on the highest priority components/items. In developing the content of the guidance, ensure close coordination with the charge team activities described in **ERAC K&CM 2021-1** and determine the best format(s) for delivering this information to the audiences of potential users (officers/investigators; incident report reviewers; data entry personnel; etc.). (NASBLA Goal 5, Obj. 5.1, Strategy 5.1.5) (RBS Initiative 2, CoA 5, milestone 13; and Initiative 3)

- ✓ **Why it's important:** Updated, consistent, clear, published policy and procedures are critical to the states' ability to capture and report boating incident data to the Coast Guard and to the Coast Guard's ability to fulfill its statutory obligations to gather and report accurate and timely statistics on recreational boating incidents. The regulatory and policy recommendations that emerged from this consensus-based, national project are intended to create more certainties about reporting requirements, improve uniformity and consistency in collecting and processing incident data, and advance the RBS programmatic and policy interests of both the states and the Coast Guard.
- ✓ **Deliverables:** None during this cycle. See **Status** for detail.
- ✓ **Status:** In spite of the delays in and uncertainties associated with the Coast Guard's response to the incident reporting project recommendations, the team assigned to this charge [conducted three \(3\) teleconferences and commenced work on nine \(9\) of the components/items in the recommendations](#) that had been tagged as needing an accompanying “best practice” or further guidance for effective,

future implementation. Those items were selected because they would be of benefit to the states regardless of Coast Guard action regarding the current project recommendations.

- ✓ **Measures of effectiveness:** Pending approval of the recommendation below, the committee will establish appropriate measures for board review.
- ✓ **Recommendation for 2021-2022 cycle:** **Carry over this charge, but with modifications to the scope of work for 2022.** This activity should continue in the new cycle, but the scope of work on this charge should not be finalized until the Executive Board, NASBLA membership, and this committee have a clearer picture of what the Coast Guard intends to do regarding the implementation of key elements of the recommendations (e.g., the reporting decision matrix).

### **Coordinate NASBLA ERAC/State participation in the Reporting System Design component of Phase Two of the USCG/STATES/NASBLA ERAC recreational boating incident reporting policy project (ERAC IR&A 2021-2)**

Collaborate with the project stakeholders in setting the expectations and functionalities of a reporting system that will replace the current Boating Accident Report Database (BARD) and be responsive to the project's consensus recommendations to the U.S. Coast Guard. (NASBLA Goal 5, Obj. 5.1, Strategy 5.1.5) (RBS Initiative 2, CoA 5, milestone 13; and Initiative 3). 13; and Initiative 3)

- ✓ **Why it's important:** Updated, consistent, clear, published policy and procedures are critical to the states' ability to capture and report boating incident data to the Coast Guard and to the Coast Guard's ability to fulfill its statutory obligations to gather and report accurate and timely statistics on recreational boating incidents. The regulatory and policy recommendations that emerged from this consensus-based, national project are intended to create more certainties about reporting requirements, improve uniformity and consistency in collecting and processing incident data, and advance the RBS programmatic and policy interests of both the states and the Coast Guard.
- ✓ **Deliverables:** None during this cycle. See **Status** for detail.
- ✓ **Status:** At the February 28, 2020 committee meeting, five ERAC and other NASBLA members in attendance volunteered for service on the "phase two" group that would work on this charge. Further, CG-BSX leadership indicated they had involved other Coast Guard IT units in the advance planning process to assure capability in its internal development and that all necessary requirements would be met. However, the phase two workgroup has yet to be formally installed and it is clear from recent discussions with the CG-BSX leadership that the revamp/overhaul of the BARD system may be in question, at least for foreseeable future.
- ✓ **Measures of effectiveness:** Pending approval of the recommendation below and initiation of the activities, the committee will establish appropriate measures for board review.
- ✓ **Recommendation for 2021-2022 cycle:** **Carry over this charge, but with modification to the scope of work for 2022.** The revamp of the BARD system is necessary whether or not the Coast Guard responds in the affirmative to the incident reporting project recommendations. In light of that, the NASBLA Executive Board will likely wish to consider alternatives to the BARD status quo and ERAC,

with the other volunteers for the “phase two” workgroup, would need to be part of any information gathering/fact finding effort. The final charge language should be developed on that basis to ensure that it also remains on a “front burner.” [Of note: there is some urgency to this as the Coast Guard’s BAR form / data collection will expire 07/31/2022.]

### **Continue pilot program and refine best practices for collecting and evaluating human factors data (ERAC IR&A 2021-3)**

Analyze the results of a pilot program involving states applying aspects of the [human performance investigation guidance](#) and [supplemental report form](#) (ERAC products v. 2016) to fatal incident investigations in their jurisdictions. Evaluate the collected data, resolve data collection issues, and refine the guidance and form as needed. Determine how best to apply the form for use by the current pilot and additional states. (NASBLA Goals 3 and 5, Obj. 5.1, Strategy 5.1.5) (RBS Initiatives 2 and 3).

- ✓ **Why it’s important:** Getting to more conclusive evidence about the role of human performance errors in recreational boating accidents—and developing interventions—calls for consistently-collected data and information identifying the contributors **and** getting at why and how failures occurred. In 2012, ERAC began working to understand the factors that might be associated with performance failures; in 2014, a charge team developed and two years later refined guidance and a supplemental report form for use by officers and investigators in states that want to augment their investigations. As the public health approach to injury prevention has more recently been introduced to recreational boating safety program planning and initiatives at the national and state levels, and since 2020, as the COVID-19 pandemic has presented extraordinary challenges, the collection and analysis of information that gets at underlying characteristics and distinguishable patterns of boater behavior is even more critical.
- ✓ **Deliverables:** Most recent, [HFACS-Lite Applied to a Sample of Florida Recreational Boating Accident Cases](#) (authored by the late Dr. Dan Maxim, Aug. 5, 2017). No deliverables this current cycle.
- ✓ **Status:** While two states – Florida and Oregon -- had agreed to serve as pilots under the 2021 charge, and another had expressed possible interest, the primary activity associated with it, to date, has been with Florida. The ERAC Chair has been working to implement the collection and analysis of human factors data (especially regarding distractions) on fatalities in that state. However, as in 2020, the pandemic- and charge team members’ agency workload-related issues have been obstacles to developing, demonstrating and finalizing the charge product in this cycle.
- ✓ **Measures of effectiveness:** Short-term: Human performance supplemental tool or portions thereof adopted by at least three additional test states. Long-range: More consistent, in-depth information on human performance, especially as to operator distractions, gathered in incident investigations.
- ✓ **Recommendation for the 2021-2022 cycle:** **Carry over this charge, but with modifications to the scope of work for 2022.** This activity is critical to further understanding the role of human behaviors in recreational boating incidents and should continue with the possible replication in additional states, depending on the success of the Florida experience.

## KNOWLEDGE & CONTENT MANAGEMENT

Developing, maintaining, and delivering ERAC's products in alignment with NASBLA's knowledge, content and learning management systems.

### **Strategically enhance and evaluate the effectiveness of current NASBLA Lighthouse platform and its contents (in a larger context, seek to enhance access to and use of current and future committee products). (ERAC K&CM 2021-1)**

Evaluate the current "reach" of the NASBLA Lighthouse, over time and as compared to other NASBLA knowledge and learning tools, and evaluate the various online tools available through NASBLA for sharing existing and anticipated committee products, including the pros and cons of each option. Tasks should include: completion of an inventory of existing and anticipated committee products; consideration and completion of additional work on enhancing the user-friendliness of products through cheat sheets, webinars, how-to videos and other means; and, based on the charge team's work regarding available NASBLA tools, determination of the best channels by which to share or post products for wider use. Continue to evaluate the "reach" of materials under the new schema, including gathering feedback from users to better refine strategies moving forward. When complete, this activity can be reclassified as an ongoing committee function, possibly with a standing workgroup to facilitate additional marketing, distribution and housing of committee materials going forward. (NASBLA Goal 5) (RBS Initiative 2).

- ✓ **Why it's important:** [The Lighthouse](#) was envisioned by a 2010 ERAC charge team as an accessible, online forum where users and producers of recreational boating data could gather to share data and successful practices, forego "reinventing the wheel," and locate viable resources and information applicable to their work. The need for collaboration, contextual narrative, and timely sharing of information about complex boating safety issues has not waned; with increasingly constrained time and resources at all government levels and across all sectors, such value-added resources have even more merit. This activity is also responsive to data-related initiatives of the National RBS Program Strategic Plan for 2017-2021.
- ✓ **Deliverables:** Continuous updates to the webpages at <https://www.nasbla.org/lighthouse/nasbla-lighthouse>.
- ✓ **Status:** This charge was well underway in the transitional period between the 2020 and 2021 cycles, with an extensive inventory of existing, online committee products and resources produced for the team's evaluation. However, work on this charge also depended on the status/progress of other, higher-priority committee activities (e.g., the ERAC IR&A 2021-1 "best practices charge). Further, the pandemic and charge team members' agency workload-related issues also presented obstacles to charge progress. In the interim, to ensure that website visitors did not encounter outdated information, ERAC staff continued to maintain and, in some cases, significantly update both the Lighthouse and other committee-sponsored webpages.
- ✓ **Measures of effectiveness:** Will be developed once the committee considers the evaluation conducted by the charge team.

- ✓ **Recommendation for 2021-2022 cycle: Carry over this charge, with modifications as needed to the scope of work for 2022.** This charge – with modifications to reflect work already completed -- should be carried over into the new cycle and conducted in coordination with related ERAC charge work.

## RBS STATISTICS & RESEARCH

Identifying and working to improve accident and other boating statistics for the purpose of identifying risk factors, patterns, and trends

### Evaluate the results from the 2018 National Recreational Boating Safety Participation and Exposure Surveys (NRBSS) (ERAC S&R 2021-1)

Review and assess the published findings, raw data, and methods associated with the 2018 version of the NRBSS, with a special focus on the Exposure Survey. Develop product(s) that can assist the states in practical application of the data to their RBS programs. Determine whether the data can be used to reinstate previous ERAC efforts, such as evaluating the use of exposure hours as the denominator for calculating fatality rates and assessing the impact of out-of-state boaters on a state's injury and fatality rates. (NASBLA Goal 5, Obj. 5.1 and 5.2; and Goal 2) (RBS Initiative 3).

- ✓ **Why it's important:** Beginning with the 2011-2012 surveys, ERAC has had an interest not only in the data and findings, but also the methods, scope, and survey instruments used in the national surveys. The primary reason was to be in a better position to more accurately and effectively interpret the 2012 survey findings for NASBLA's members, especially as they related to the generation of state-level exposure hours. Another was to use the knowledge about the workings of the survey to offer the Coast Guard constructive input both for analyzing the released survey data and toward the administration and design of future surveys. The expectation is that ERAC can draw upon its experience with the previous round to once again assist the states and offer constructive suggestions to the Coast Guard for future surveys in accordance with provisions in the MOU/Agreement between the Coast Guard and NASBLA (effective March 29, 2021 through Dec. 31, 2025).
- ✓ **Status:** This charge was off to a slow, uncertain start with the delay in the Coast Guard's release of the [two survey reports \(published December 2020\)](#), the transition in primary CG-BSX staff to the survey, and inability of either the charge team or CG-BSX to readily access the raw data files from the vendor for analysis. However, the team has been reviewing the survey methodology report, has conducted five (5) teleconferences, identified questions and received answers working in close concert with the CG-BSX staff assigned to this project. That said, what seemed at the time to be a workable plan to complete the review of the methodology, dive into the findings, conduct webinars to inform the states on the applicability and implications of the data for their jurisdictions AND gather stakeholder input toward the next iteration of the NRBSS was put on hold. Given the issues associated with the 2018 effort, CG-BSX is actively considering a change in how the next NRBSS surveys are developed and administered. While this would not impact the team's efforts toward better understanding of the 2018 survey findings, it would favorably impact the extent to which NASBLA/ERAC and its membership can provide input to the content of the next round of NRBSS participation and exposure surveys, an activity codified in the latest USCG/NASBLA MOU.
- ✓ **Measures of effectiveness:** Will be developed after the committee has an opportunity to fully

review the survey findings and assess the potential impact of future changes to the survey's administration and instruments.

- ✓ **Recommendation for 2021-2022 cycle. Carry over this charge, with significant modifications to the scope of work for 2022.** This charge – with modifications to reflect work already completed, work still to be conducted, and any changes to the next iteration of the survey-- should be carried into the new cycle.

### **NEW CHARGE PROPOSAL for RBS Statistics & Research**

Conduct a deep dive into the factors associated with the increases in recreational boating incidents, fatalities and injuries reported during 2020 (and continuing 2021 months of the pandemic). Review statistics and risk factors associated with other recreational activities and transportation modes during the pandemic. Collaborate with other NASBLA policy committees on this topic to avoid duplication of data requests and effort.

- ✓ **Why it's important:** The quantitative data released in the national Recreational Boating Statistics for 2020 seem to verify the anecdotal information that was described in various forums throughout the pandemic year—both in terms of increases in boating activity and increases in incidents. The release of the statistics has prompted some preliminary (what might be characterized as “knee jerk”) reactions—some of which may be borne out with further analysis; others of which may ultimately be dismissed. The official national statistics report was released at the end of June 2020 and there has not been an opportunity to request/receive additional data for analysis yet. If approved, the scope of work should be fashioned in conjunction with other NASBLA policy committees—notably Paddlesports and Education/Outreach.

### **ENGINEERING & EQUIPMENT**

Identifying and examining engineering issues, equipment design and related efforts that could mitigate risk factors identified through the committee's activities.

In the 2020-2021 cycle, the committee did not have any new, assigned charges in this category.

## 2020-2021 ENGINEERING, REPORTING & ANALYSIS COMMITTEE (ERAC) ROSTER (Initial approval Sept. 27, 2020; updated March 18, 2021)

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[teds@boatus.com](mailto:teds@boatus.com)

**Karen Steely, Aaron Foundation**

[steelyks@yahoo.com](mailto:steelyks@yahoo.com)

**Bruce Rowe (Retired)**

[Blr4537@cox.net](mailto:Blr4537@cox.net)

\* Other project partners include: Cody Jones (Texas) and Stacey Brown (Virginia) for incident reporting project workgroup.

## APPENDIX A

### ERAC – FIRST FULL COMMITTEE MEETING OF THE 2020-2021 CYCLE THUR., DEC. 17, 2020 – 2:00PM TO 3:43PM EST

This is not intended as proceedings; the webinar recording—video/audio—is available to review via the link below. Instead, what follows is a summary of events/dates; confirmation of charge team member assignments as of 12/17 and updates of the status of charges going into 2021; and major discussion points and meeting action items. The presentation may differ from the order in which topics were actually taken up in the agenda.

#### Webinar playback link:

<https://transcripts.gotomeeting.com/#/s/679d15b2bc61c442e1506cccb5e57aaa5818871a9aeb6400c446099264e247a3>

**In attendance (all or portion of session): ERAC committee leaders:** Seth Wagner (chair, presiding), John Girvalakis (vice chair), Dan Heskett (board liaison). **Other State members:** Joanna Andrade, George Birdwell, Brian Bowles, Randy Henry, Tammy Terry. **U.S. Coast Guard:** Verne Gifford (Boating Safety Division Chief, guest), Susan Weber, Jeff Decker. **Associate members:** Pete Chisholm, Brian Goodwin, Eric Lundin, Caroline Mantel, Bruce Rowe, Ted Sensenbrenner. **Other NASBLA/State representatives:** Kim Jackson (Paddlesports committee chair). **ERAC staff:** Deb Gona

#### 2021 Calendar of Events and Reporting / Product Delivery Dates

- **IMPORTANT!** The dates for events that typically occur in the first half of the calendar year have not been finalized as of 12/17, but the reporting and product delivery deadlines are pretty solid.
  - Charge Update Report to the Board Deliver NLT Feb. 12, 2021
  - State RBS Workshop (virtual) End Feb./early March
  - Full Committee Meeting (virtual/to replace in person session) Timing/format TBD
  - Charge Update Report to the Board Deliver NLT July 2, 2021
  - Final Committee Report to the Board Deliver NLT Aug. 13, 2021
  - Post/Announce Product(s) Requiring NASBLA Member Vote NLT Aug. 20, 2021
  - Post Final Committee Report to Committee Webpage NLT Aug. 31, 2021
  - Committee Video Deliver NLT Sept. 17, 2021
  - NASBLA Annual Conference Sept. 26-29, 2021
- **ACTION ITEM:** Please respond to the topic survey for the State RBS Workshop; use the link at <https://www.surveymonkey.com/r/PreRBSWorkshop-2021> to provide input.
- **ACTION ITEM:** Start thinking about the potential timing and format(s) for the virtual version of our usual in-person meeting of the full committee. We'll need your input to make those decisions.

#### Current Charges -- Team Assignments and Charge Updates – BEGINS NEXT PAGE

- **IMPOTANT! THE STATUS UPDATE ON ACTIONS ASSOCIATED WITH ERAC IR&A 2020-1A (Phase One, recreational boating incident reporting project)** follows the current charge lists, beginning p. 3.
- **ACTION ITEM:** Teams not otherwise on hold for further direction should convene early in 2021. Contact Deb Gona for help in setting up webinars. If a team leader has not been tagged, one will be assigned ASAP
- **ACTION ITEM:** If you have not signed up for any charge, and would like to wait/observe before you make a selection, be advised that team calls will be announced on the [ERAC Overall Activity](#) section of Basecamp. Anyone on ERAC or its partnering organizations will be welcome.
- **ACTION ITEM:** Given the popularity of boating in this pandemic year, there is interest in getting a peak at the 2020 incident data; however, per Susan Weber, it wouldn't be possible to request a file to analyze as report data have not yet been validated and standardized. However, she produces a monthly report on

## APPENDIX A

casualties for her office that could be made available. ERAC will make the request and if received, will house the reports in a centralized location on Basecamp.

**ERAC IR&A 2021-1** --- **Best Practices Development in Phase Two of USCG/STATES/NASBLA ERAC recreational boating incident reporting policy project.** *Charge team: Susan Weber, Tammy Terry, John Girvalakis, Eric Lundin, George Birdwell (NOTE: apart from working on specific elements, this team should provide general oversight of the best practices development and also coordinate with the team working on the K&CM 2021-1 to ensure effective delivery. Other committee members and partners may be called upon to assist on specific tasks for this charge.)*

- Given the updates from Verne Gifford, both in this meeting (see p. 3) and at the Dec. 1 board meeting, and the directives of the board to the committee on Dec. 4, work should proceed in developing the guidance for implementation. There is a general sense, from feedback to date, that while a few areas (pending discussion) might need to be modified, the project is not going to be “shut down” and work toward the guidance would not be wasted.
- The spreadsheet of “best practices” identified from the consensus recommendations document and marked up at the Feb. 28, 2020 committee meeting can be downloaded for review and continuing refinement at <https://nasbla.basecamphq.com/projects/14573897/file/255785247/Best%20Practices%20List%20v%20021920%20mar%202282020.xlsx>
- The consensus recommendations package can be downloaded at [https://higherlogicdownload.s3.amazonaws.com/NASBLA/76594a34-f3a1-4916-95ac-1e9c872170cc/UploadedImages/APPENDIX\\_B2\\_IR\\_A\\_2020-1A\\_Consensus\\_Recommendations\\_to\\_the\\_U\\_S\\_Coast\\_Guard\\_June\\_2020.pdf](https://higherlogicdownload.s3.amazonaws.com/NASBLA/76594a34-f3a1-4916-95ac-1e9c872170cc/UploadedImages/APPENDIX_B2_IR_A_2020-1A_Consensus_Recommendations_to_the_U_S_Coast_Guard_June_2020.pdf)
- A copy of the full resource document can be downloaded at: [https://higherlogicdownload.s3.amazonaws.com/NASBLA/76594a34-f3a1-4916-95ac-1e9c872170cc/UploadedImages/advocacy/committees/ERAC/APPENDIX\\_B3\\_IR\\_A\\_2020-1A\\_Resource\\_Document\\_v\\_June\\_2020.pdf](https://higherlogicdownload.s3.amazonaws.com/NASBLA/76594a34-f3a1-4916-95ac-1e9c872170cc/UploadedImages/advocacy/committees/ERAC/APPENDIX_B3_IR_A_2020-1A_Resource_Document_v_June_2020.pdf)

**ERAC IR&A 2021-2** --- **Coordinate NASBLA ERAC/State participation in the Reporting System Design component of Phase Two of the USCG/STATES/NASBLA ERAC recreational boating incident reporting policy project.**

*Committee members and partners lined up to participate in the group that will address the overhaul of the online reporting system: Brian Bowles; Joanna Andrade; Tammy Terry; Stacey Brown; and Cody Jones.*

- This group will need to hold for a bit longer as Susan Weber reported that Verne Gifford and Captain Scott Johnson wanted to involve another Coast Guard IT office in the BARD overhaul process on the front end to assure capability in its internal development and that all necessary requirements will be met.
- In follow-up to something mentioned during the November NBSAC meeting, Deb Gona asked Jeff Decker about the (potential) tie between the BARD overhaul and the regulatory project that will be needed to move a segment of the recommendations forward, Jeff described that he has been going through the sections of CFR that would be impacted by the proposed changes and that the very early work toward initiating the regulatory project has begun. However, it is a very lengthy process. Jeff does anticipate that the documentation and comments generated by the states during the reporting project’s consensus process will be helpful. He will be checking on something else that Deb asked during this discussion—in order to help make a stronger case for this regulatory project, will the individual states need to petition the Coast Guard to call for the project?

**ERAC IR&A 2021-3** --- **Continue pilot program and refine best practices for collecting and evaluating human factors data.** *Charge team: Seth Wagner, Randy Henry, Eric Lundin, Bruce Rowe, Karen Steely*

- Seth Wagner reported that, like many others this year, he was not able to devote as much attention to his charge work as he’d hoped. However, he did find an easier format to use in holding and applying the criteria to the Florida fatality data. He also said that, so far, he has not seen anything that would suggest the supplemental (human performance investigation) form needs to be changed.
- Similarly, Randy Henry noted that while he started going through the form with his BARD personnel, other events this year, along with deficiencies in Oregon’s own data system (and BARD), intervened.

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- At minimum, Seth will share his revised format with Randy for possible application to the Oregon data; but preference will be to actually do the sharing as a webinar presentation that the full charge team can observe.

**ERAC K&CM 2021-1 --- Strategically enhance and evaluate the effectiveness of current NASBLA Lighthouse platform and its contents (in a larger context, seek to enhance access to and use of current and future committee products).** Charge team: Tammy Terry, Ron Sarver, Seth Wagner, Joanna Andrade, Randy Henry, Dan Heskett (as reviewer / tester for team's work), and Deb Gona

- Tammy Terry reported that while the team had a strong start, having initiated a review of the platform and some of the analytics, she also got sidetracked with other obligations. The group will need to re-group. However, she also noted that once the team has had a chance to review the basics regarding users and trends, then it would probably be best to get the findings out to the full ERAC—other members might see things that the team doesn't/didn't see.
- As part of the early evaluation tasks, Deb Gona inventoried the ERAC products linked across the NASBLA website—on the Federal Register pages, Lighthouse portals, committee product pages, and Connect libraries. See [https://nasbla.basecampHQ.com/projects/6173290/file/259830454/ERAC%20INVENTORY as%20of%2010262020.xlsx](https://nasbla.basecampHQ.com/projects/6173290/file/259830454/ERAC%20INVENTORY%20as%20of%2010262020.xlsx) and other project files at <https://nasbla.basecampHQ.com/projects/6173290-erac-k-cm-2021-1-lighthouse-re-evaluation/loq>.
- Since there were technical issues on the webinar and Deb couldn't advance the NASBLA web pages, members should explore the updated Lighthouse pages <https://www.nasbla.org/lighthouse/nasbla-lighthouse> and ERAC committee pages (<https://www.nasbla.org/advocacy/erac>) at your convenience. As a temporary measure, they were updated, and, in some cases, enhanced to ensure they would still be relevant while the evaluation proceeds.

**ERAC S&R 2021-1 --- Evaluate the results from the 2018 National Recreational Boating Safety Participation and Exposure Surveys (NRBSS).** Charge team: Tammy Terry, Randy Henry, Bruce Rowe, Karen Steely

- The findings for the Participation and Exposure Hours surveys were released in two reports on Dec. 7, 2020.
- In his remarks to the committee at the beginning of the meeting, Verne Gifford said that he anticipates it is going to take a fair amount of time for parties to digest the data/findings of the two survey reports. The Coast Guard will be seeking feedback from interested parties both on the findings and improvements for the next round. The next NRBSS is not likely to be conducted before 2023.
- To that end, one way of learning who is really serious about an evaluation and could be tapped for suggestions on future improvements is to distribute the Methodology Report upon request only. Deb Gona confirmed that the [Methodology Report](#) was received from Vann Burgess and has since been posted to Basecamp. See also, the [Participation](#) and [Exposure Hours](#) Survey Reports, available at <https://nasbla.basecampHQ.com/projects/10558435-erac-s-r-2021-1-evaluate-2018-nrbss/loq>
- The DAQs – data query system to analyze the aggregate data – is not yet available, but should be soon. Verne noted that they are even looking at NASBLA as a possible host for the system.

### **Status of 2020 Reporting Project Phase One**

**ERAC IR&A 2020-1A – Complete phase one of USCG/STATES/ERAC collaborative recreational boating incident reporting policy project.** The following are take-aways from Verne Gifford's update to the committee on where this project stands at the USCG. He also shared information about the status of the NRBSS (see above) and the Coast Guard's internal review of the State Guide (for all context, check out the webinar recording (5:25-28:00-minute marks)).

- Verne expressed appreciation for (the collective) patience in awaiting the response from the Coast Guard. Following receipt of the approved product in early August, he spent about two months going through the 120+ recommendations, reviewing the supporting documents, and analyzing data on specific areas of concern.
- Verne's recommendations are now with Captain Scott Johnson, who will make the final decisions; he expects Captain Johnson will want to socialize his decisions with the affected parties and he estimated that might occur in January.
- At the outset, Verne noted three areas of concern/disagreement with the recommendations that came forward; ultimately, he described two of those – one, the voluntary departure exclusion (that had been expanded to

## APPENDIX A

recommend excluding incidents involving underway vessels); the other, a recommendation regarding media reports (7.6) and states having final say on whether or not the media-reported incident was reportable.

- In the first case, Verne pointed to the increased likelihood of fatalities, especially from such departures on rental vessels; he also indicated that he envisioned the findings from his review of the data on voluntary departures helping to shape future areas of interest for the non-profit grants program. In the case of media reports, he pointed to the appeals process described in the State Guide as being a remedy for state disagreements with Coast Guard determinations on reportability of incidents identified through the news media reports.
- He stressed that he has no desire to increase the workload of the states (especially as it might involve collection of information on non-fatal incidents). However, Verne did advise that as part of this review, they sought legal guidance as to what the Coast Guard could require the states to collect and report on, and legal came back with a “but for” standard that gives fairly broad latitude—that is, “but for” the existence of the vessel or its associated equipment, would the incident have happened?
- Two other points raised by Verne involved concerns expressed at the recent NASBLA Executive Board meeting—one regarding “consensus” (which, he noted, does not mean 100 percent agreement), and the other, regarding the length of time it is taking the Coast Guard to respond to the recommendations. Since he pointed to Deb Gona as expressing disappointment, as a point of clarification, she noted that it was not length of response time that was her concern, but the impression left by such comments that the recommendations just emerged this summer. On the point of consensus, she concurred that it does not mean 100 percent agreement, but disagreements on 2 percent of the recommendations could still be an issue depending on the significance of those items. [NOTE: near the end of the meeting, addressing the issue of length of response time on this project, Board Liaison Dan Hesket described what he called a main concern that has been expressed by the board—that with the dynamic change of command that the Coast Guard usually has, the board doesn’t want to see years of work slowed down (and an attendant loss of knowledge [about the work]), in the event there is a change in administrative command.]

### Other NASBLA Activities of Interest to ERAC

- Ad Hoc Committee on Wake Related Activities: The effects of wake boats and efforts to address the associated issues were the focus of a [session on wake-related activities](#) at the (virtual) annual conference. At the direction of the board, in consideration of these issues as well as the related interest in updating the NASBLA model act on towed watersports, an ad hoc committee was established. Tim Dunleavy, Board Chair, headed up the group, which was given the charge to define the wake vessel characteristics. Randy Henry, who served on the committee, said it had wrapped up work following three calls; while they ultimately adopted a definition, he said they also included caveats as to why such a definition might not match intent as such a vessel is not easily defined and the identified problems wouldn’t necessarily be solved by banning the vessels. The committee will officially report out on its work.
- Tier Two of the Recreational Boating Injury Surveillance (Grant) Project: Last year, a report was issued on the first tier of the grant project, which had its origins in an Education Committee charge focused on improving understanding of passenger/occupant injuries (and possible development of a related standard in this area). There were nine recommendations from the first tier, and in this second round, work is already ongoing on two of them; one of which is to create consistent terms and definitions across the spectrum of agencies and databases that collect injury data.
- Development of boating accident standards of investigation: This is a grant project intended to move beyond the delivery of the BAI courses and take on a process very similar to the development of ANSI standards for boating safety education. We’ll seek more information from Matt Majors.
- Education Standards Panel (ESP): Eric Lundin, who also serves on ESP, advised that in the interest of consistency, the panel has used ERAC’s prior work on reporting terms and definitions (as well as more recent reporting project work) as a resource as it has taken up public comments on and updates to the standards.

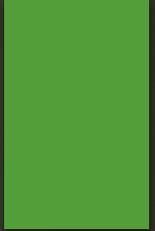
### Reports from Partner Organizations and Industry

- ABYC Standards Week(s) coming up in January: Brian Goodwin described that what used to be a week-long event will be stretched to a multi-week series of webinars—beginning with the virtual annual meeting on Jan. 5, then SUR/TECH (educational events for surveyors and technicians) on Jan. 6-7, followed by PTC meetings beginning Jan. 11. **ACTION ITEM:** for more information and to register, go to <https://www.abycstandardsweek.com/>
- National Boating Safety Advisory Council: in 2021, NBSAC will operate as a committee under a new charter. Per Jeff Decker, timelines for activities are uncertain with the transition in administrations (e.g., will the current

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*administration route the appropriate paperwork to get the committee settled or will they have to wait for action by the incoming administration?). Information on NBSAC activities will be shared in 2021 as it becomes available.*

- *The boating industry has been kept extremely busy through the pandemic; as Pete Chisholm noted, camping out and boating were popular choices for recreation this year. As boat dealers have sold out their inventory, boat builders are trying to get new personnel on line to build product; that's good, but Pete noted that from a safety perspective keeping the quality up has been a challenge.*



# Recreational Boating Incident Reporting Project

**U.S. COAST GUARD, STATES AND NASBLA-ERAC**

**Webinar 2, Sept. 16, 2021**

# What You See

The screenshot displays a GoTo Webinar interface. The main window, titled "Waiting to view Liz Davis's screen", shows the following content:

- Talking: Liz Davis
- Webinar Housekeeping**
- Organizer: Liz Davis | Presenter: Liz Davis
- Audio: Use your microphone and speakers (VoIP) or call in using your telephone.
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- Access Code: 400-696-084
- Audio PIN: 19
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- Sound Check: On
- Computer audio (selected) / Phone call
- MUTED (indicated by a red microphone icon)
- Transmit: (Plantronics Savi 7xx-M)
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- Talking: Liz Davis
- Questions: A section with a text input field containing "[Enter a question for staff]" and a "Send" button.
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▼ Questions 

[Enter a question for staff]

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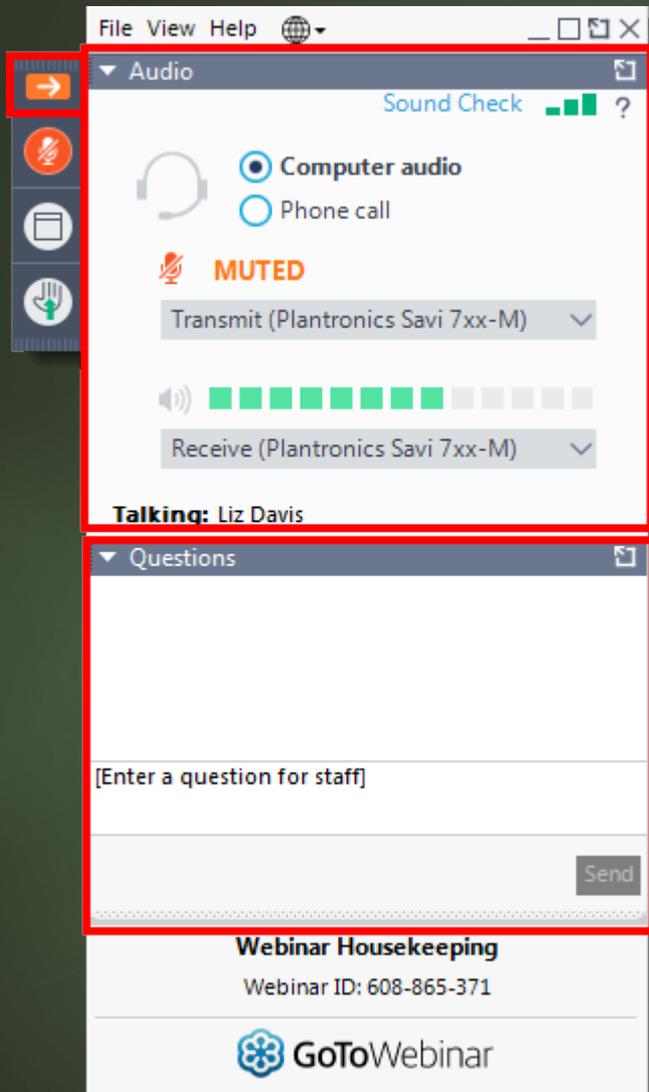
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# How You Participate



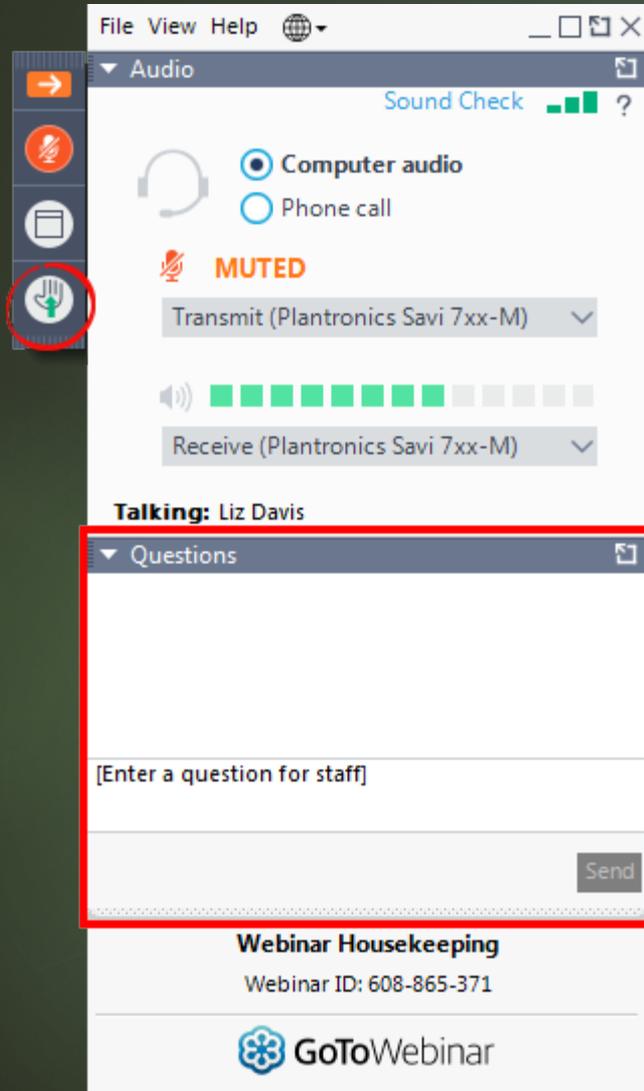
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**Note:** Today's presentation is being recorded and will be provided within 48 hours.

# How You Participate: Asking questions



- Submit your text questions using the Questions panel
- Raise your hand to be unmuted for verbal questions.

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# IN THIS SESSION

## Project Background/Refresher

- Origins, purpose, and the consensus-building and approval processes ... **briefly**
- Where things stand right now

## The 30K FT View of the Recommendations

- What's covered in the eight sections ... **briefly**
- How different from current regulation, policy, practice?

## IN THIS SESSION

**Initial Outcomes of USCG's Leadership Review  
of Consensus Recommendations**

**What's Next? Upcoming Events**

**Q&A--Your Turn to Ask Questions, Get Answers**



# Project Background / A Refresher

Cody Jones, Texas BLA,  
NASBLA Past Chair



Culmination of a decade+ worth of attempts to update operational guidance for States and improve the national incident reporting structure and procedures

Pulled from a wealth of proposals and projects recommended, underway or planned by NBSAC, NASBLA, and CG-BSX

Enlisted a project workgroup of CG-BSX, State, and NASBLA representatives to discuss the issues and draft first set of consensus recommendations for review

# THE PROJECT ... in a nutshell

Used a comprehensive approach to examine and then **develop recommendations for improving** the boating incident **reporting structure and procedures within the National RBS Program**



Worked **collectively** to **devise** and then **build stakeholder consensus** around the recommendations ... and then ...

Moved the **consensus** recommendations on **to the Coast Guard** to **inform the direction** it ultimately takes in drafting national reporting policy

# THE PROCESS

**First set of recommendations developed by project workgroup, Nov. 2017 – Dec. 2018**

**Conducted two comment periods for States, NASBLA and USCG leaders Feb.-early March 2019 / late March-June 2019**

**Workgroup acted on all feedback, responded to comments, refined recommendations**

**Sent revisions back out to stakeholders for final feedback opportunity, Feb.-May 2020**

**Sent final product to NASBLA Executive Board, late June 2020, for release to States for vote, July 2020**

# WHY AN ELABORATE CONSENSUS PROCESS?

... to initiate regulatory reform and implement policy changes, the Coast Guard would need to know and show that the primary affected parties – the States – would support the direction of those changes.

## ULTIMATELY...

In July 2020, **NASBLA members**—State BLAs or designees—**voted on the recommendations package**. By the deadline, 54 of 56 members had voted ... including **all 50 States ... all voting to accept the package and approve delivery to the Coast Guard**.

On Aug. 6, 2020, the package was sent to the USCG Office of Auxiliary & Boating Safety for use in developing related national policy and regulatory provisions.



# The 30K FT View of the Recommendations

**Seth Wagner, Florida  
NASBLA ERAC Chair**

What's covered by the recommendations in each section?

How different from current regulation, policy, practice?

# 1. Incident reporting structure: initial notification of and follow-up on incident

- Describes basics of first tier of a “two-tier” casualty reporting system—that is, notification from involved persons and gathering only preliminary information
- Current CFR relies on owner / operator to notify and submit detailed report. *[Second tier of “two-tier” would involve law enforcement follow up and gathering report detail.]*
- Some revisions would make implementation contingent on reporting system improvements

## 2. Determining which incidents require report to the Coast Guard

- We'll cover the recommendations in this section after we've covered sections 3 through 8

### 3. Gathering data, reviewing, and submitting final reports

- Describes basics of second tier of the “two-tier” casualty reporting system—that is, follow-up investigation, gathering, submission of detail (*that is, the data fields outlined in section 5 recommendations*).
- Would modify current CFR to shift the involved operator’s reporting requirements and revise the timelines for States to submit report detail

## 4. Vessel determinations

- Offers guidance for Coast Guard's determination of which watercraft would be considered "vessels" ... with this caveat...
- Recommendations would NOT revise current statutory or regulatory definitions of "vessel," but *would* help clarify which ARE "vessels" for purposes of National RBS Program and incident reporting requirements.

## 5. Incident report data elements, fields, definitions

- Outlines what constitutes “all information” for States’ submissions of final incident reports to Coast Guard and updates the data categories and selections for **national** collection.
- Current CFR lists what’s to be included in the incident report submitted by the State to the Coast Guard. Other elements – beyond what’s in regulation – have been added via CG BAR form approvals over the years. While report form would be referenced in revised regulation, expectation would be for data items to be put into policy document for future updates.



## 6. Report data input formats (preliminary)

- Calls for future reporting system to accommodate multiple data entry formats and less burdensome method for capturing basic injury/damage information that doesn't meet threshold, but is associated with otherwise reportable incident.
- Phase Two of this project will focus on revamping online reporting system (currently BARD).

## 7. Roles and relationships

- Addresses roles, relationships of the States, Coast Guard and other entities as to jurisdiction over investigations, notifications, information sharing and disposition of media reports.
- Intention is to clarify and improve communication channels; clarify responsibility for investigations of certain incidents; build/nurture relationships; and address disposition by the States of news media reports provided by CG-BSX.



## 8. Vessel safety issues, defects, recalls, bridge collisions

- Addresses notifications, reporting, other communications in these areas between Coast Guard and the States
- Reinforces existing regulatory requirements, facilitates notifications, and streamlines future reporting.



## 2. Determining which incidents require report to the Coast Guard

- Updates and clarifies conditions under which an incident would require submission of a federal report and be included in the annual, national statistics report. [See [Decision Matrix next slides](#)]
- Clarifications to federal reporting thresholds would need regulatory action, but other conditions/scenarios could be accommodated largely via policy updates.

# 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

\* Involved **at least one** of the following:  
 -Vessel used for recreational purpose  
 -State-numbered uninspected vessel

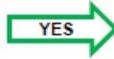
If these are met, go on to Part II. IF NOT, then incident may meet state requirements, but no report to the Coast Guard is required.

### 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**

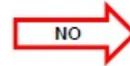


Did incident involve a **properly** docked or moored vessel?



Was the incident a result of any of these?

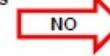
- carbon monoxide exposure
- stray electrical current attributed to the vessel
- fire / explosion that occurred while fueling or starting the vessel or that was attributed to the vessel's equipment or electrical components



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

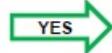


Did incident involve an event listed under Non-Reportable Events (next page)?

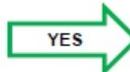


Report to Coast Guard required

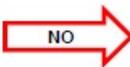
Did incident involve an anchored vessel?



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



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

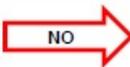


Report to Coast Guard required

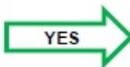
For incidents involving all other vessel operational statuses, including **improperly** docked or moored vessels

Was the incident a result of any of these?

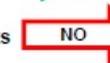
- operation
- vessel's construction
- vessel's seaworthiness
- vessel's machinery
- vessel's equipment
- loading of the vessel
- environmental forces



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)?



Report to Coast Guard required

## Recreational Boating Incident Report Decision Matrix

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

#### NON-REPORTABLE EVENTS (see PARTS I and II before applying)

See "Best Practices: Reporting Recreational Boating Incidents to the U.S. Coast Guard" for more guidance.

- **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.
- **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.
- **Vessel use exceptions.** 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).
- **Self-inflicted injuries/fatalities.** Self-inflicted injuries were the cause (examples include: self-inflicted wounds, ingestion of controlled substances or poison, gunshot wounds).
- **Assaults.** A person suffers an injury, dies, or is missing as a result of an assault by another person or persons while aboard a vessel.
- **Medical event.** 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.
- **Watercraft not a "vessel."** 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).
- **Foreign flag vessels.** The only vessel(s) involved were foreign flag vessels.
- **Natural phenomenon.** 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.
- **Launching/recovery injuries/fatalities/damages.** 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).
- **Boarding/departing injuries/fatalities.** 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.
- **Lack of / improper maintenance.** The unoccupied, properly-docked or -moored vessel(s) encountered damages or loss as a result of a lack of or improper vessel maintenance.



# Initial Outcomes of USCG's Leadership Review of Consensus Recommendations

Verne Gifford, Chief,  
Boating Safety Division, CG-BSX-2

# Results to Date



- ▶ November 2017 – August 2020
- ▶ Nearly weekly meetings
- ▶ 125 recommendations
  - ▶ 1. Reporting Structure: 9
  - ▶ 2. Reportable Incidents: 34
  - ▶ 3. Gathering and Review: 3
  - ▶ 4, Vessel Determinations: 8
  - ▶ 5. Data Elements: 57
  - ▶ 6. Input Formats: 2
  - ▶ 7. Roles and Relationships: 6
  - ▶ 8. Vessel Safety Issues: 6

# 1. Incident reporting structure: initial notification of and follow-up on incident

- ▶ Most recommendations in section 1 will require regulatory change
- ▶ In favor of most, but there's the lawyers
- ▶ Concern: *Recommendation 1.3 The State should require notification from the operator or owner.*
  - ▶ Passing enforcement to the States must undergo legal review

## 2. Determining which incidents require report to the Coast Guard

- ▶ Evaluated recommendations using a “But For” standard:
  - ▶ “But for the existence of the vessel and its associated equipment would the death, injury, or damage only incident have happened?”
- ▶ For comparison, investigations on commercial side of USCG--most events, less documentation
- ▶ Deaths: most accurate reporting measure for RBS program

White = FYI only or no concern    Orange = concern

- ▶ 2.1.1 [As one initial qualifying condition for incident]  
Occurred on State or concurrent jurisdictional waters
  - ▶ Regarding **private waters incidents** (17 deaths, 5 injuries per year)
  - ▶ To clarify, there is no requirement on waters where Coast Guard doesn't have jurisdiction
- ▶ 2.2.3 For vessels that had an **operational status other than properly docked/moored, or anchored, determination should first be made as to whether the incident was the result of any of the following**: operation, vessel's equipment, vessel's construction, loading of the vessel, vessel's seaworthiness, environmental forces, vessel's machinery. If the incident met at least one of these criteria, the list of "Non-Reportable Events" should be consulted...

White = FYI or no concern      Orange = concern

- ▶ **2.3.1 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 (51 deaths per year)
  - ▶ Rentals, Education, and Awareness
- ▶ **2.3.2 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 (2 deaths and 98 injuries per year)
  - ▶ Awareness
- ▶ **2.3.3 Vessel use exceptions:** 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 (4 deaths and 9 injuries per year)

White = FYI or no concern      Orange = concern

- ▶ 2.3.4 Self-inflicted injuries/fatalities (no cases)
- ▶ 2.3.5 Assaults (no cases)
- ▶ 2.3.6 Medical event (15 deaths and 6 injuries per year)
- ▶ 2.3.7 Watercraft not a “vessel” (less than 1 death and 1 injury per year)
- ▶ 2.3.8 Foreign flag vessels
- ▶ 2.3.9 **Natural phenomenon**: 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 no other federal regulatory threshold was met. (1 death in 5 years and 3 injuries per year)

White = FYI or no concern    Blue = interest in more info

- ▶ **2.3.10 Launching/recovery injuries/fatalities/damages:** 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).
- ▶ **2.3.11 Boarding/departing injuries/fatalities:** A person suffers an injury while boarding or departing a docked, moored, or anchored vessel, when no other event occurred and no other federal regulatory threshold was met.
- ▶ **2.3.12 Lack of/improper maintenance:** The unoccupied, properly docked or moored vessel(s) encountered damages or loss as a result of a lack of or improper vessel maintenance.



**OK with recommendations in section 3**

- 3. Gathering data, reviewing, and submitting final reports**

## 4. Vessel determinations

Orange = concern

- ▶ 4.1 Currently, vessel determinations are made by the Coast Guard on an as-requested basis. In the future, **a standing group of State and Coast Guard representatives and other stakeholders as may be identified should be formed to help make vessel determinations periodically.** When the Coast Guard undertakes its internal review of the entire vessel determination process (per the mention in recommendation 4.1.5.1) and makes any revisions to the process, it should also describe how a State would request a vessel determination under such process.
  - ▶ Determinations inherently a Federal governmental process



OK with recommendations in sections 5, 6

5. Incident report data elements, fields, definitions
6. Report data input formats (preliminary)

## 7. Roles and relationships

White = FYI or no concern    Orange = concern

- ▶ 7.3 Incidents that occur on **sole tribal waters** should be excluded from reporting requirements as neither the States nor Federal Government have jurisdiction over them (< 1 death or injury per year)
- ▶ 7.6 In the future, if a State official determines that an incident described in a **news media report does NOT meet the requirements for a report to the Coast Guard, the Coast Guard should accept the State's determination.**
  - ▶ Appeals Process in Update of State Guide

## 8. Vessel safety issues, defects, recalls, bridge allisions

- ▶ 8.2 The future reporting system should **link to the Recalls Database**. That way, a HIN or manufacturer/model/year that matches between the incident and recalls would flag the incident for the State.
- ▶ 8.4 The future reporting system should have a **means to easily notify a Coast Guard Sector of a bridge allision**. The Sector would be coded based on the geographical data in the record.
- ▶ 8.5 The Coast Guard should introduce a **streamlined reporting process** (via the CG-BSX website or in the future reporting system) whereby the State Reporting Authority could report a **suspected safety defect**.
  - ▶ **For all three, capabilities may not exist or may be very costly and therefore not possible**

# Conclusion



- ▶ Committed to addressing the recommendations
- ▶ Phase 2 of Project: Regulatory Project, BARD
- ▶ CG-449 (Standard Method of Reporting) Update



## What's Next? – Upcoming Events

**NASBLA Annual Conference General Session:**  
Mon., Sept. 27 @ 2pm EDT

**NASBLA Annual Business Meeting:**  
Tues., Sept. 28 @ 9am EDT



**Q&A**

**Your Turn to Ask Questions,  
Get Answers**



Have questions after this webinar?

**Cody Jones**

**Cody.Jones@tpwd.texas.gov**

**Seth Wagner**

**seth.wagner@myFWC.com**

**Verne Gifford**

**Verne.B.Gifford2@uscg.mil**

**Ron Sarver**

**ron@nasbla.org**

**THANK YOU!**

## APPENDIX C

### Engineering, Reporting & Analysis Committee Meeting (in person & virtual) Sunday, Sept. 26, 2021, 1:00pm-2:30pm EDT

Conducted at the NASBLA Annual Conference, Pittsburgh, PA  
Sheraton Pittsburgh Hotel at Station Square  
Meeting Room: Stoops Ferry

#### Meeting Summary

Meeting recording available on Basecamp in the ERAC Overall Activity project area

[https://nasbla.basecamp.com/projects/5486330/file/263524805/ERAC%20Sept%2026%202021%20Meeting\\_Pittsburgh%20PA.mp4](https://nasbla.basecamp.com/projects/5486330/file/263524805/ERAC%20Sept%2026%202021%20Meeting_Pittsburgh%20PA.mp4)

Webinar playback link also available via GoToMeeting site:

<https://transcripts.gotomeeting.com/#/s/82583bde7f116c9dddb27d0a011689b27b1ad7790d33394609f4d87e7962d74c>

**In attendance (all or portion of session: Leadership:** Seth Wagner (chair, presiding), John Girvalakis (vice chair), Curt Lewis (incoming board liaison). **Other State members:** Brian Bowles, Randy Henry, Matt Majors (NASBLA program representative). **U.S. Coast Guard representatives:** Jeff Decker\*, Jonathan Hsieh, Vann Burgess. **Associate members:** Pete Chisholm\*, Karen Steely, Eric Lundin. **ERAC staff:** Deb Gona\*

\* = remote

Using the [2020-2021 Summary Report on Committee Activities](#), Seth Wagner began the afternoon's review and discussion with the *Investigation, Reporting & Analysis* series of charges.

- **2020 charge on the recreational boating incident reporting policy project** – *Post-meeting note: this charge was not carried into the 2021 cycle; however, with the Coast Guard on the verge of formally responding to the consensus recommendations, the charge was put back on the plate for the remainder of the current cycle and per NASBLA Executive Board approval will be reinstated in modified form for the 2022 cycle.* Seth Wagner reported on the following:
  - [Two national teleconferences \(GoToMeeting webinars\)](#) were conducted with Seth and Cody Jones presenting background on the project and brief descriptions of the recommendations, and Verne Gifford presenting areas of non-agreement.
  - Latest information is that the Coast Guard will develop a policy letter to define “operation of a vessel” for purposes of making consistent determinations on the reportability of incidents. Anticipate additional delays since this will be a legal definition requiring multiple layers of review.
  - There are other pieces of the recommendations that, at least from the states' side, could be moved on (e.g., report terms/definitions as the states could collect data under revised terms but default to the current terms in the BARD system).
  - Resolutions will be put forward by the NASBLA board regarding the project and reiterating states' agreement with the consensus recommendations. *[Post-meeting note: two resolutions were delivered to NASBLA members in advance of the Business Meeting for a vote during that session; both passed without objection. See [Basecamp](#) for unsigned copies released to BLAs for vote. Signed copies will post to NASBLA's Resolutions page: <https://www.nasbla.org/nasblamain/advocacy/policy/resolutions>]*

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- **2021 best practices / guidance development associated with recreational boating incident reporting policy project.** John Girvalakis and Deb Gona reported on the following:
  - The charge team was able to convene in teleconferences before scheduling issues /availability during busy season intervened. Team was [working through items not dependent on timing of the Coast Guard response](#) and that would benefit states in any event.
  - At its last teleconference, the charge team had a robust discussion on what should be included as property damage for the purpose of determining whether or not the \$2K threshold is met—that is, what should fall under vessel (and associated equipment) damage, non-vessel damage, personal property. Committee at-large should expect to see a request for input.
- **2021 participation in reporting system design (BARD overhaul) associated with recreational boating incident reporting policy project.** Jonathan Hsieh reported on the following on behalf of Susan Weber who is currently on leave:
  - CG-BSX has a bridge in place to keep BARD running for the next year in its current iteration. Following that, they will need to resolicit for what is being termed “current BARD, new vendor” to sustain the reporting system and keep collecting the report data.
  - Expect the current capability until next summer and a new vendor solicitation. Recommendations from the project and design group would be in [next](#) acquisition strategy.
  - Anticipate this to take a couple of years. Coast Guard writ-large has new data initiatives in play and is exploring new capabilities; BSX may be wrapped into and able to leverage that.
- **2021 pilot program to refine best practices for collecting/evaluating human factors data.** Seth Wagner reported on the following:
  - With added workload, Seth indicated he has not been able to update the HFACS-lite evaluation to more recent fatalities in Florida; however, he anticipates some of his time to free up shortly to do so.
  - He acknowledged particular benefit to this human factors’ piece—with most of the incidents involving some combination of operator inattention and lookout failure, this allows for a deeper dive into what that inattention was and why, and thus might eventually offer more detail for regulation/legislation.
  - Of special note are potential distractions associated with onboard lighting, NAVAIDs, backlighting in the environment, and new applications and technologies being used in ways not intended. In Florida, for the 2019 and half year 2020 data he has reviewed, Seth pointed to the increase in operators texting or looking at something else when they collided, a decided change in operator behavior as they multi-tasked.
  - Seth has not made or proposed any changes to the most recent version of the HFACS-lite [supplemental report form \(v 2016\)](#). He has, however, put the elements into an Excel format to facilitate review of Florida’s data and hopes to be able to get it into shape to share with the team (and hopefully attract more pilot states).

The review and discussion continued with the *Knowledge & Content Management* charge for 2021.

- **2021 enhance/evaluate effectiveness of current Lighthouse / current and future committee products.** Seth Wagner and Deb Gona reported on the following:
  - There is now a pretty extensive Inventory of the ERAC products currently online—one of the first tasks associated with this charge to feed the evaluation. Products are spread

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across the NASBLA website—not only on the Lighthouses pages, but also on the ERAC committee-dedicated pages, the NASBLA Connect Public Library, a Lighthouse community (and library) in Connect, and pages created and maintained in the Policy/Federal Register section (as a result of charge work regarding input to the Coast Guard).

- At this point, no idea what will happen with the “Lighthouse” per se. At the time of its creation, NASBLA did not have the online capability that it has now, so there are more options and opportunities. Will need to coordinate with other work underway—for example, where will the “best practices” products go? What products do we want/need to turn into graphics via the Dashboards?
- In the meantime, with potential for more visitors to the NASBLA webpages as a result of the virtual events earlier this year and in 2020, the content of the existing Lighthouse pages was checked and updated as warranted.

The review and discussion continued with the *RBS Statistics & Research* charges for 2021.

- **2021 evaluate results from 2018 National Recreational Boating Safety surveys (NRBSS).** Jonathan Hsieh and Vann Burgess reported on the following from the Coast Guard’s standpoint:
  - Goals for the next round are to institutionalize and build on the knowledge gained thus far with the NRBS surveys, including assuring proper use and application of the exposure hour metrics, information gained regarding unregistered vessels, and so on.
  - Jonathan will be discussing risk findings in an upcoming NBSAC meeting presentation (scheduled for Oct. 21, 2021). May use this video presentation for other purposes beyond the NBSAC session, especially to help generate awareness among state BLAs and facilitate feedback—see below for CG-BSX need to justify survey use.
  - For the 2023/2024 iteration, CG-BSX is looking for feedback on the survey instrument(s); expect to update them with new technology and reword some of the questions that might have introduced bias on the last round.
  - CG-BSX is also exploring the acquisition details for the next surveys (grant, contract, what year, etc.) and as part of this, may be seeking OMB approval for the next round. One caveat, however: they have already been advised that in the next submission, DHS will need to provide OIRA (Office of Information and Regulatory Affairs) detail on its efforts to share the survey results with states and show how the states are using it; otherwise, they will not have much leverage in seeking OMB approval.
  - This is critical because it determines who controls the survey data. Control of the administration of the survey and data is lost with the grant route. With more control, the Coast Guard can provide more data access to the states. Thus, getting specifics from states as to the data needs, current use, etc., becomes extremely important.
  - In the discussion on gathering use information from states—and whether the use(s) is appropriate—Randy Henry described his exploration of Oregon’s results from the 2012 and 2018 surveys on estimates of unregistered vessels (nearly doubling in that time span).
- **New Charge 2022: more in-depth research into factors associated with 2020 increases in incidents, fatalities, injuries.** Scope of work to be determined; will do so in collaboration with CG-BSX (given preliminary work already conducted) and with NASBLA Paddlesports Committee.
  - Seth Wagner noted that in Florida, with the increased activity on the water in 2020, there was a decided increase in the number of injury incidents, but not an increase in the severity of the injuries.

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- Jonathan Hsieh reported that along with his NRBSS presentation to the upcoming NBSAC meeting, he will also be presenting on the 2020 statistics. CG-BSX has done some preliminary work on those stats including what was behind the 25 percent year over year increase in fatalities; amount of out-of-state boating; the kinds of incidents that ended up with more fatalities; etc.
- Along with the 2020 incident statistics, will be good to look at other data on boating activity to help understand the 25 percent increase; and to look at data on other transportation modes (e.g., motor vehicle crashes) to compare behaviors on the road and water.

**An additional liaison activity for 2022 will be with NASBLA VIRT.** One of VIRT's new charges for the cycle is regarding vessel type definitions to ensure consistent vessel classifications on the application for certificate of registration. ERAC will be involved to ensure resources/definitions for types/sub-types already in place and terms as used in investigations are factored into the work.

### **Wrapping up / member issues of interest / upcoming events**

- Vann Burgess cited the importance and impact of ERAC's work on the national RBS program.
- Matt Majors, as program manager for NASBLA's BAI training, and Seth cited the practical utility of products like the [best practices for writing incident narratives](#) and [guidance for determining alcohol/drug use contributors](#) in incidents.
- Randy Henry described his interest in and attempts to assure that the data drive policy decisions in his state. That precipitated a lengthier discussion about non-motorized (especially SUPs) v motorized vessels; pandemic-related issues regarding the promotion of boating; and some comparisons of 2020 and 2021.
- Pete Chisholm described that industry onboarded a lot of new people to get production up in light of the increased interest in boating (and boat buying) during the pandemic; that also meant having to keep a close eye on quality of production.
- Still to come, per Deb Gona:
  - The official member appointment letters for 2022;
  - An organizing-the-work teleconference to follow up on today's discussions (remember, the language in the summary and initial charges documents are for 2021; scope of work will need to be reviewed/edited by charge teams).
  - Next in-person committee meeting will be March 4 in Lexington, KY (preceded by State RBS Workshop March 2-3, 2022)

### **Adjournment**

## APPENDIX D

### National Association of State Boating Law Administrators

#### RESOLUTION 2021-1

##### **Reaffirming support for the consensus recommendations developed though the Recreational Boating Incident Reporting Policy Project**

**WHEREAS**, the Federal Boat Safety Act of 1971 calls for “the States to assume the greater share of boating safety education, assistance, and enforcement activities;” and,

**WHEREAS**, according to 46 U.S. Code § 13109, the Secretary of the Department of Homeland Security is directed to “ensure the fullest cooperation between the State and United States Government authorities in promoting boating safety by making agreements and other arrangements with States when possible”; and,

**WHEREAS**, recreational boating incident data are gathered, reviewed, and then submitted electronically by the States, District of Columbia, and five U.S. Territories (hereafter, the “States”) to the U.S. Coast Guard’s Boating Accident Report Database (BARD) for inclusion in the annual *Recreational Boating Statistics*; and,

**WHEREAS**, the incident report data are fundamental not only for meeting the federal statistical mandates, but also for research and analyses that affect the understanding of national boating safety issues, shape National and State RBS Program goals and policies, inform allocations of resources, and lead to consideration of vessel and associated equipment design and construction standards; and,

**WHEREAS**, many of the U.S. Coast Guard’s National RBS Strategic Plan initiatives and performance measures are directly linked to the boating incident data gathered and submitted by the States; and,

**WHEREAS**, the States have sought clear procedures in the interest of uniformity and consistency in federal reporting requirements for boating incidents; and

**WHEREAS**, a significant amount of effort has been expended for nearly two decades by the National Association of State Boating Law Administrators (NASBLA) on behalf of the States, and the National Boating Safety Advisory Council (NBSAC), among others, to make reasonable and appropriate recommendations to the U.S. Coast Guard for regulatory and policy revisions intended to improve the national recreational boating incident reporting system and quality of the report data; and

**WHEREAS**, despite their best efforts, none resulted in comprehensive revisions to the reporting system or the update of the CG-449 Standard Method of Reporting (Boating Accidents), the operational guidance last published in 1973; and

**WHEREAS**, in 2017, NASBLA with U.S. Coast Guard Support sought to initiate one more project, this time covering the entirety of the recreational boating incident reporting system—from its regulatory and policy requirements, structures, and procedures to the electronic reporting system through which the incident reports are submitted; and

## **APPENDIX D**

**WHEREAS**, the leadership of the Office of Auxiliary & Boating Safety was receptive to supporting this NASBLA-led effort, and in consultation with NASBLA leadership in November 2017, approved the collaboration that would become the “Recreational Boating Incident Reporting Policy Project;” and

**WHEREAS**, the leadership of these partnering organizations also approved establishment of a workgroup of State, Coast Guard Boating Safety Division, and NASBLA representatives to devise and achieve consensus on a set of initial project recommendations; and

**WHEREAS**, in order to initiate regulatory reform and implement policy changes, the Coast Guard would need to know and demonstrate that the States, as the primary affected parties, would be supportive of the direction of those changes; and

**WHEREAS**, from February 2019 through May 2020, the workgroup moved its initial consensus recommendations through an extensive, multi-level information sharing, feedback, revision and approval process involving the project’s organizational partners and the States, as represented by their Boating Law Administrators or designees, in workshops, national teleconferences, and open comment forums; and

**WHEREAS**, the consensus recommendations finalized through the collaboration would revise and clarify the national recreational boating incident reporting structure, policies, and procedures and ultimately, the national collection of report data, through both regulatory reform and program policy updates; and

**WHEREAS**, such products developed or co-sponsored by NASBLA committees and other workgroups are reviewed and voted on by members as official Association business; and

**WHEREAS**, under the terms of NASBLA Bylaw III, Section 8, a vote on the package of consensus recommendations was conducted with NASBLA members in July 2020; and

**WHEREAS**, by the voting deadline, 54 of the 56 NASBLA members had cast ballots, including all 50 States, with all voting to accept the package and approve its delivery on behalf of the Association and the States to the U.S. Coast Guard Office of Auxiliary & Boating Safety; and

**WHEREAS**, on Aug. 6, 2020, the package was sent to the Office of Auxiliary & Boating Safety Office to inform the direction the Coast Guard would take in developing related national policy and regulatory provisions;

**NOW, THEREFORE, BE IT RESOLVED**, that the National Association of State Boating Law Administrators meeting on September 28, 2021, in Pittsburgh, Pennsylvania, does hereby reaffirm its support for the consensus recommendations of the Recreational Boating Incident Reporting Policy Project.

## APPENDIX D

**BE IT FURTHER RESOLVED**, that the NASBLA membership strongly encourages the U.S. Coast Guard Office of Auxiliary & Boating Safety to:

- 1) Expedite work on the regulatory project that will be necessary to revise, among other current CFR provisions, the fundamental structure of the incident reporting system as recommended;
- 2) Implement the recommendations that can be achieved through policy statements or procedural changes, especially those intended to clarify or establish guidance on the conditions under which incidents require a full federal report and are included in the annual Recreational Boating Statistics;
- 3) Take all necessary and timely steps toward the design and deployment of an electronic reporting system that will replace the current BARD and be responsive to the project recommendations; and
- 4) Incorporate the project's recommended data elements into the next information collection request to the Office of Management & Budget as a modification to the Boating Accident Report (BAR) collection (1625-0003) and Coast Guard BAR Form (CG 3865), scheduled to expire in its current form on July 31, 2022.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to U.S. Coast Guard Commandant Admiral Karl L. Schultz for action.

September 27, 2021

\_\_\_\_\_  
Tim Dunleavy, Chair

## APPENDIX D

### National Association of State Boating Law Administrators

#### RESOLUTION 2021-2

#### **In support of the expedited evaluation, design and deployment of a replacement for the U.S. Coast Guard's Boating Accident Report Database (BARD)**

**WHEREAS**, recreational boating incident data are gathered, reviewed, and then submitted electronically by the 50 States, District of Columbia, and five U.S. Territories (hereafter, the "States") to the U.S. Coast Guard's Boating Accident Report Database (BARD) for inclusion in the annual *Recreational Boating Statistics* (COMDTPUB P16754); and

**WHEREAS**, the incident data required to be reported under authority of Title 46 U.S.C. 6102, 33 CFR 173 and 33 CFR 174 are fundamental not only for meeting federal statistical mandates, but also for research and analyses that affect the understanding of boating safety issues and risks, shape National and State Recreational Boating Safety (RBS) Program goals and policies, inform allocations of enforcement and safety education resources, and lead to consideration of equipment modifications; and

**WHEREAS**, the latest iteration of the U.S. Coast Guard Office of Auxiliary & Boating Safety's National Recreational Boating Safety (RBS) Strategic Plan, developed in collaboration with the National Boating Safety Advisory Council (NBSAC) and other stakeholders, called for significant improvements to and expansion of recreational boating data collection and research, an initiative that requires a sound, accessible online platform; and

**WHEREAS**, the Recreational Boating Incident Reporting Policy Project, a multi-year, NASBLA-led effort, supported by the U.S. Coast Guard Office of Auxiliary & Boating Safety, resulted in consensus recommendations unanimously accepted by the States in a July 2020 NASBLA membership vote; and

**WHEREAS**, the consensus recommendations that resulted from this collaboration are intended to revise and improve the national recreational boating incident reporting structure, policies, and procedures and ultimately, the national collection of report data, through both regulatory reform and program policy updates; and

**WHEREAS**, the effective implementation of revised reporting requirements is inextricably linked to an online reporting system and database that have the capabilities to accommodate the changes and to facilitate, not burden, the entry, submission and use of the report data by the States; and

**WHEREAS**, the current iteration of BARD (second generation) is nearly 20 years old, and despite continuous maintenance and development, has become dysfunctional, unstable and insecure in a rapidly changing technology environment, rendering it effectively obsolete; and

**WHEREAS**, over 1,500 State personnel and over 30 Coast Guard staff are active and increasingly unsatisfied users of the system as its deficiencies have created significant time and resource burdens, thus making the status quo unacceptable; and

## APPENDIX D

**WHEREAS**, the Coast Guard's current Boating Accident Report Collection (OMB Control Number 1625-0003) and Report Form (CG-3865), the data collection instrument ensuring compliance with Title 46 U.S.C. 6102 (b) and implementing regulations and serving as a basis for BARD entries, is set to expire in less than a year;

**NOW, THEREFORE, BE IT RESOLVED**, that the National Association of State Boating Law Administrators meeting on September 28, 2021, in Pittsburgh, Pennsylvania, does hereby:

- 1) Strongly encourage the U.S. Coast Guard Office of Auxiliary & Boating Safety to take all necessary and timely steps toward the design and deployment of an electronic reporting system to replace the existing Boating Accident Report Database (BARD) which may include consideration of an externally developed and hosted reporting system; and
- 2) Recommend that this effort seek not only to address the needs of the State and Coast Guard users and be responsive to issues and deficiencies that have plagued the current system, but also be primed to accommodate future reporting revisions and updates recommended for implementation as a result of the collaborative Recreational Boating Incident Reporting Policy Project; and
- 3) Further recommend that the Boating Safety Division of the Office of Auxiliary & Boating Safety take an immediate first step toward the future design by establishing, in consultation with NASBLA's Engineering, Reporting & Analysis Committee (ERAC), a collaborative of State, U.S. Coast Guard, and other BARD stakeholders to set the expectations and functionalities of a third generation reporting system.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to U.S. Coast Guard Commandant Admiral Karl L. Schultz for action.

September 27, 2021

\_\_\_\_\_  
Tim Dunleavy, Chair