
**U.S. Coast Guard – States – NASBLA
Collaborative Policy Project on Recreational Boating Incident Reporting
Project Workgroup’s Revised Recommendations to the U.S. Coast Guard
February 2020
FOR REVIEW AND FINAL DISCUSSION**

INTRODUCTION

Beginning November 2017, a workgroup made up of 13 representatives¹ from the States, the Coast Guard, and the National Association of State Boating Law Administrators (NASBLA) convened weekly to discuss revisions to the accident reporting policies and procedures within the National Recreational Boating Safety (RBS) Program. The workgroup members are listed on the last page of this document.

Their weekly discussions, which continued through 2018 and resulted in a set of initial, consensus recommendations, marked the latest in a series of efforts to update “Standard Method of Reporting (Boating Accidents),” CG-449, the Coast Guard’s operational guidance for States published in 1973 pursuant to the Federal Boat Safety Act of 1971 and the federal regulations promulgated thereafter. While those efforts over the years yielded significant proposals for improvements to the reporting structure and procedures, none resulted in comprehensive revisions to the reporting system, and none were successful in updating the CG-449 guidance that both the Coast Guard and the States recognize as obsolete.

However, in 2017, staff within the Coast Guard’s Office of Auxiliary and Boating Safety expressed a strong desire to revisit the accident reporting procedures, and Coast Guard leadership was receptive. NASBLA and the States have long held a similar desire for clear procedures in the interest of uniformity and consistency in federal reporting requirements for boating accidents. As a result, the workgroup of State, Coast Guard, and NASBLA representatives was formed to collectively devise and—as *the first step in an extensive feedback and approval process*—come to initial consensus on recommendations that could be used to inform the Coast Guard’s development of national reporting policy and procedures.

In the first phase of the project, the workgroup addressed major aspects of the reporting system, structures, and procedures.² In February 2019, the consensus recommendations that had emerged from the workgroup’s discussions were delivered to the project’s organizational partners³ for the first⁴ of two comment periods in 2019 to engage stakeholders beyond the workgroup. While that first comment period was underway, and in preparation for a [project overview session at the 2019 BLA Workshop](#), a “working document” of the recommendations under review was released to the States’ Boating Law Administrators (BLAs). The limited distribution was done with the understanding that some recommendations might change as a result of the group’s consideration of the first round of comments.⁵ Ultimately, the workgroup did not delete any of the original recommendations, but did modify six of them and added a new one.

The second of the two comment periods—involving release of the revised recommendations to all States, primarily via the BLAs—was initiated March 27, 2019, with an intended deadline of May 10, 2019. However, in order to accommodate State respondents who requested more review time, the deadline was extended through June 2019. For the record and the sake of transparency and to promote conversation on the topics, commenters were asked to post their feedback at an online discussion forum in the [NASBLA Connect Community](#) dedicated to this project.

¹ Other State members from NASBLA’s Executive Board and Engineering, Reporting & Analysis Committee (ERAC) often participated in the discussions, but were not voting members of the workgroup. Coast Guard members of the workgroup shared their individual subject matter expertise and perspectives during the teleconferences, but voted as a unit in responding to online consensus polls that were used to further gauge members’ levels of agreement with the drafts.

² The second phase of this project will focus on a revised reporting system (currently, the Boating Accident Report Database (BARD)) and “best practices” for effective implementation of revisions to the reporting structure and systems.

³ The leadership and key staff of the Coast Guard’s Office of Auxiliary and Boating Safety, members of the NASBLA Executive Board, and all members of NASBLA’s Engineering, Reporting & Analysis Committee (ERAC). Project workgroup members were also invited to comment.

⁴ The first comment period ran Feb. 19-March 8, 2019. A [compilation of submitted comments](#) can be found in the **Library** at [OPEN COMMENT - Recreational Boating Incident Reporting Policy Project](#).

⁵ On a March 11, 2019 teleconference, the project workgroup took up substantive comments associated with 37 recommendations. Several comments that were submitted in the first external review did not require immediate attention; however, their substance is reflected, as relevant, in the [Resource Document](#) and narratives associated with the affected recommendations.

Across both comment periods, representatives from 43 States, two NASBLA associate members, and Coast Guard personnel ⁶ posted feedback of some sort on some or all of the project recommendations. Many of the responding BLAs and other State personnel expressed overall support for the project without offering specific comments or suggestions for modifying proposed recommendations. Others, along with expressing general support, also identified areas of disagreement and offered alternatives. Yet other commenters took the opportunity to offer testimony as to why they agreed with the proposed recommendations. No State that submitted comments dismissed the project outright, though California emphasized, as it has in comments associated with past reporting improvement efforts, that the State cannot comply with aspects of the proposed, revised reporting structure if policy action is taken absent federal statutory or regulatory change.

STATES REPRESENTED AMONG THE COMMENTERS

Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, Wyoming.

The project workgroup considered and took action on nearly 170 comments and questions affecting 76 of the more than 125 recommendations that had been presented to the States for review beginning in March 2019. The group addressed that feedback over the course of 10 teleconferences conducted during the months of August, September and December 2019, and part of January 2020.⁷ In early February 2020, a document containing the group's resolution of all of the comments and questions was posted to the [NASBLA Connect Community](#) dedicated to this project.

In this final discussion document, all of the workgroup's recommendations are presented, with those that the group revised as an outcome of the second comment period marked up to show the changes from their March 2019 versions. For recommendations where the edits are more extensive, for the sake of readability, a "clean" version is presented immediately below them.

Ultimately, the workgroup modified--*to varying extents*--28 recommendations, added one, and revised the **Recreational Boating Incident Report Decision Matrix**, the graphic representation of recommendations outlined in Section 2 (and presented in **APPENDIX A**).

Since minimal explanation about each item is presented here, the updated [Resource Document \(v. February 2020\)](#) is a "must" for more detail. It presents key discussion points about the recommendations (including outcomes from the comment periods), descriptions of workgroup intent, relationships to existing regulation or policy, and other historical background. Seven [appendices](#)—also updated to reflect changes made by the project workgroup as a result of the two comment periods—provide detail on specific recommendations. Among the appendices are the aforementioned **Incident Report Decision Matrix**, the reference tool intended to help in determining which incidents should (or should not) be reported to the Coast Guard (**APPENDIX A** re recommendations 2.1 - 2.3) and a chart summarizing the recommended report data elements in Section 5 (**APPENDIX B** re recommendations 5.1 - 5.6).

⁶ During the initial comment period, two Coast Guard representatives who were not members of the immediate workgroup offered comments. On Aug. 5, 2019, official feedback from CG-BSX in the form of a letter from Verne Gifford, Chief, Boating Safety Division, (beyond the input of Coast Guard representatives provided during the project workgroup deliberations) was delivered to the workgroup for consideration.

⁷ Sessions were conducted in 2019 and 2020 on Aug. 14, 20, and 27; Sept. 3, 20, 24; Dec. 16, 18; and Jan. 8, 13.

THE RECOMMENDATIONS

As with the [March 2019 Review Document](#), the project recommendations are presented in eight sections. They cover the structure of reporting; incidents that should (or should not) be reported to the Coast Guard; reporting procedures; vessel determinations; report data elements; future report forms; roles and relationships; and vessel and bridge safety issues.

The workgroup used a **consensus**-based process to devise and revise these recommendations and **build stakeholder consensus** beyond the workgroup. As this final review gets underway to address any outstanding issues and before a vote of approval on a final product is sought from NASBLA membership,⁸ it is important to keep in mind that

***CONSENSUS** means that substantial agreement has been reached by the affected interests, in this case, the States and the Coast Guard. Consensus requires that all views and objections be considered, and that all due effort be made toward their resolution.*

So, consensus—especially regarding complex issues—does **not** necessarily mean there will be 100 percent agreement. But it does require that far more of the affected interests than not agree with the proposals to some degree and accept them; that the process encourages varied perspectives to be received and considered in shaping the final product; and that the affected interests understand and ultimately accept the will of the larger group and will not deliberately work against implementation of the policies or actions developed or undertaken in response. The project workgroup believes that thus far it has conducted this effort in accordance with these principles.

As you review the refined recommendations, keep in mind that they are not presented in the form of regulatory language or formal policy provisions. While the project workgroup took care to select words and phrases that would capture and clarify their intent, the recommendations are just that—**expressions of preferred policy directions, courses of action, and options for consideration**. Upon acceptance by NASBLA membership, the package of consensus recommendations will be passed to the Coast Guard to inform the direction it ultimately takes in drafting actual federal regulatory language and policy.

As used in these Recommendations:

- **“Boating incident”** is used in place of “boating accident.” It is a general term referring to a recreational boating event that results in an injury, fatality, property damage, and/or vessel that is a total loss.
- **“State”** means any of the 50 States, the District of Columbia, or the five U.S. territories—American Samoa, Guam, Northern Mariana Islands, Puerto Rico, and Virgin Islands.

⁸ The States as represented by their Boating Law Administrators (BLAs) or designees.

TABLE OF CONTENTS

1. INCIDENT REPORTING STRUCTURE 1

2. DETERMINING WHICH INCIDENTS REQUIRE A REPORT TO THE COAST GUARD 3

3. GATHERING DATA, REVIEWING, AND SUBMITTING FINAL REPORTS..... 8

4. VESSEL DETERMINATIONS..... 9

5. INCIDENT REPORT DATA ELEMENTS, FIELDS, AND DEFINITIONS..... 11

6. REPORT DATA INPUT FORMATS 17

7. ROLES AND RELATIONSHIPS..... 17

8. VESSEL SAFETY ISSUES, DEFECTS, RECALLS, AND BRIDGE ALLISIONS 18

1. INCIDENT REPORTING STRUCTURE: INITIAL NOTIFICATION OF AND FOLLOW-UP ON A RECREATIONAL BOATING INCIDENT

The current national reporting structure set in federal regulation relies on the recreational boater—owner or operator—to notify the State, and to submit a detailed report to the State on an incident. In 2009, a “two-tier” reporting structure was among [15 recommendations](#) put forth by a task force of the [National Boating Safety Advisory Council \(NBSAC\)](#).⁹ In 2016, NBSAC reaffirmed support for the recommendations in [Resolution 2016-95-1](#), and encouraged the Coast Guard to address them. That same year, NASBLA membership approved [Resolution 2016-1](#) encouraging the Coast Guard to factor into its rulemaking the significant recommendations for reporting improvements that emerged from both NBSAC and NASBLA over the prior decade.

The current project workgroup considered the implications of instituting such a two-tier reporting structure where the first tier would require initial notification from the people involved in the incident (and the gathering of basic information about the incident), and the second tier would involve a follow-up by law enforcement on the incident (with the fuller collection of information). Following are the workgroup’s specific recommendations on the incident reporting structure with regard to initial notification and follow-up. Two of them were modified as a result of feedback received during the second comment period. See the [Resource Document \(v. February 2020\)](#) for additional explanations.

1.1. The operator of a vessel should be required to notify law enforcement of an incident without delay, by the quickest means possible.

Current federal regulation (33 CFR 173.53) requires that an operator notify, without delay, by quickest means available, the nearest reporting authority (listed in Appendix A of Part 173—i.e., the State) in the event a person dies or disappears from a vessel. This workgroup recommendation would update the provision regarding “**who**” should make the notification and “**to whom**” in the context of a two-tier system of initial notification and more detailed report follow-up. This recommendation would also expand the “breadth” of cases that would require immediate notification: current regulation only requires immediate notification for deaths and disappearances, whereas this recommendation would require immediate notification for any incident.

1.2. The operator should have the primary, legal responsibility for notifying law enforcement. If the operator is deceased or otherwise incapacitated, however, the vessel owner or vessel occupants should be required to notify law enforcement of an incident without delay, by the quickest means possible.

Current federal regulation (33 CFR 173.53) requires that an operator notify, without delay and by quickest means available, the nearest reporting authority in the event a person dies or disappears from a vessel. The regulatory provision goes on to require that when the operator cannot give notice, each person on board—the occupant(s)—must notify the “casualty reporting authority” or determine that it has been notified. This recommendation, like 1.1, would update and clarify aspects of those provisions regarding “**who**” should make the notification and “**to whom**” in the context of a two-tier system of initial notification and more detailed follow-up.

1.3. The State should require notification from an operator or owner.

Current federal regulation (33 CFR 173.53) requires that an operator make the notification for a death or disappearance, and in the event the operator cannot give notice, the requirement falls to the occupant(s). This recommendation would update existing federal requirements for notification in the context of a two-tier system, and acknowledge that enforcement of the federal requirement is passed to the States.

1.4. The State Reporting Authority should accept notification from an operator, owner, or other entity.

Current federal regulation (33 CFR 173.53) requires that an operator make the notification of a death or disappearance, and in the event the operator cannot give notice, the requirement falls to the occupant(s). This recommendation would update the requirement in the context of the two-tier system and the notification of an incident.

⁹ Recently renamed the National Boating Safety Advisory [Committee](#).

1.5. The State should have the means to impose a penalty on the vessel operator or owner for failure to notify law enforcement of an incident.

In line with recommendation 1.3. on the State requiring notification, this recommendation is a component of the recommended updates to existing federal requirements for initial notification in the context of a two-tier system; it acknowledges that the authority and enforcement of the federal requirement is (and would continue to be) passed to the States via the grant agreement with the Coast Guard. It would not preclude the Coast Guard from also imposing penalties for failure to notify.

1.6. Federal provisions should identify the minimal required information to be collected ~~for the~~upon notification ~~stage~~of an incident. [The “minimal required information” ~~is~~ the preliminary information about an incident (date, time, location, vessel type(s), and numbers of deceased and injured)—~~is as~~ described in recommendation 1.9.]

As revised, 1.6 now reads: Federal provisions should identify the minimal required information to be collected upon notification of an incident. [The “minimal required information” is the preliminary information about an incident (date, time, location, vessel type(s), and numbers of deceased and injured) as described in recommendation 1.9.]

Current federal regulations require the operator to submit the casualty or accident report in cases where the stated reporting thresholds are met (33 CFR 173.55), and to provide all of the detailed report information requested in 33 CFR Part 173.57. In the context of a two-tier reporting system, this recommendation acknowledges that information collected upon notification still should be established in federal regulation, but the requirement would be for the minimal information described. See related recommendations 1.7 and 1.9.

1.7. The State should determine how best to obtain the minimal required information--the preliminary information about an incident (date, time, location, vessel type(s), and numbers of deceased and injured) as described in recommendation 1.9)--to be collected ~~for the~~upon notification ~~stage~~(e.g., receipt from the operator; gathered by officer/investigator; etc.).

As revised, 1.7 now reads: The State should determine how best to obtain the minimal required information--the preliminary information about an incident (date, time, location, vessel type(s), and numbers of deceased and injured) as described in recommendation 1.9--to be collected upon notification (e.g., receipt from the operator; gathered by officer/investigator; etc.).

In line with recommendations 1.6 and 1.9., this recommendation would give the States discretion in determining how to gather the preliminary information about the incident. The method would not be established in federal regulation, but in “best practices” developed to assist States in implementation.

1.8. The State Reporting Authority should ensure that an investigation is conducted after notification of an incident.

This recommendation 1.8 pertains to the second tier in the proposed two-tier incident reporting system—that is, follow-up by law enforcement with the more detailed gathering of information to identify potential causes of or contributors to the incident. The federal regulatory reporting thresholds (presented in recommendations under 2.1.2) and other conditions presented in recommendations under 2.1 would need to be met and would be a preamble in the revised regulatory scheme (see also related recommendations under **Section 3. Gathering all incident data, reviewing and submitting final reports to the Coast Guard** and **Section 5. Incident report data elements-fields-definitions**).

1.9. If the future reporting system can be designed to facilitate the State Reporting Authority’s entry and submission of preliminary information about an incident to the Coast Guard,* then within 15 days of being notified of an incident, the State Reporting Authority should submit the incident date, time, location, vessel type(s), and numbers of deceased and injured so that the Coast Guard will have timely, accurate data for its performance measurement requirements.

**For example, design of system capable of overwriting and updating the information in a way that would not require manual or multiple entry of information to a record—i.e., creating a unique record ID for reuse to update or to delete initial incident information that ultimately is deemed to be false or otherwise “non-reportable.”*

Current federal regulations require the operator to submit the casualty or accident report in cases where the stated reporting thresholds are met (33 CFR 173.55), and to provide all of the detailed report information requested in 33 CFR Part 173.57. The State, in turn, is required to “forward” the report to the Coast Guard within 30 days of receipt of it. The

previous recommendations (1.6, 1.7, 1.8) describe the proposed modification to collecting information in the context of a two-tier reporting system, but do not identify the timeline for submitting either the preliminary or final incident report data to the Coast Guard. This recommendation describes the potential timeframe for submitting the preliminary incident data but with one large caveat—that a revised reporting system would facilitate, not burden, the State’s compliance with such a timeframe.

2. DETERMINING WHICH INCIDENTS REQUIRE A REPORT TO THE COAST GUARD (see APPENDIX A Recreational Boating Incident Report Decision Matrix for graphic representation)

Current federal regulation (33 CFR 173.55) requires submission of a report when, as a result of an incident involving the boat or its equipment, a person dies or disappears, a person is injured and needs treatment beyond first aid, there is \$2,000 or more damage to the vessel(s) or property, or there is a complete loss of a vessel. Under the proposed two-tier incident reporting system, regulatory thresholds and other conditions would still need to be met to prompt a report requirement. And, just as is currently the case for reports received, not all incidents for which notifications are made may ultimately be deemed “reportable” within the National Recreational Boating Safety (RBS) Program—that is, requiring submission of a report to the Coast Guard. Examples of the types of incidents that reflect current Coast Guard national RBS policy are listed in the introductory section of the Coast Guard’s annual statistics publication.

The following workgroup recommendations propose to update and clarify the conditions under which a recreational boating incident would require a report to the Coast Guard. While updates to the federal report thresholds would require regulatory action, other conditions described could be accommodated and implemented via policy. Thirteen of the items were modified (to varying degrees) as a result of the workgroup’s resolution of feedback received during the second comment period; one new recommendation was added to the Non-Reportable Events list. See the [Resource Document \(v. February 2020\)](#) for additional explanation on these items, and for **the graphical representation of these recommendations, see the revised Recreational Boating Incident Report Decision Matrix** presented in **APPENDIX A**.

2.1. Incident should meet three initial, qualifying conditions:

2.1.1. Occurred on State or concurrent jurisdictional waters;

2.1.2. Involved at least one of the federal [regulatory reporting](#) thresholds:

2.1.2.1. A person dies.

This recommendation aligns with current federal regulation (33 CFR 173.55). In the course of discussions, however, the workgroup surfaced issues associated with this threshold that would benefit from policy clarification. See the [Resource Document \(v. February 2020\)](#) for more detail.

2.1.2.2. A person is injured. For purposes of meeting this threshold, an injury is defined as a physical harm or hurt for which a person received treatment by a medical professional at a licensed medical facility. Observation without treatment is not considered an injury.

Current federal regulation (33 CFR 173.55) defines the injury threshold as requiring “... medical treatment beyond first aid.” The recommended revisions to the federal threshold would require regulatory and policy modification, as well as further guidance to the States in the form of “best practices” for its application, especially with regard to the meaning of “observation without treatment.” See the [Resource Document \(v. February 2020\)](#) for more detail.

2.1.2.3. A person disappears from the vessel under circumstances that indicate likely death or injury.

This recommendation aligns with current federal regulation (33 CFR 173.55). In the course of discussions, however, the workgroup surfaced an issue with this threshold—regarding reporting disappearances, some of which could involve a hoax or fraud—that would benefit from policy clarification and an associated “best practice.”

2.1.2.4. Damages to the vessel(s) and other property are ≥ \$2,000, with the following qualifications:

2.1.2.4.1. For the notification stage, the \$2,000 amount would be a general estimate based on damages associated with all vessels and property involved in incident. Exceptions are described in recommendations 2.1.2.4.2 and 2.1.2.4.3.

2.1.2.4.2. The costs of damages to the vessel's structural, mechanical, and electronic components or to other associated equipment of the vessel, and the material costs of restoring boating infrastructure should be included in calculations to determine whether the incident meets this dollar threshold.

2.1.2.4.3. The value of personal property that may have been on the vessel at the time of the incident should be excluded from consideration ("Best practices" should further describe/define what personal or non-vessel property means).

The basic damages recommendation retains the current dollar threshold set in federal regulation (33 CFR 173.55). States would still have the option of maintaining a lower dollar amount threshold. See the [Resource Document \(v. February 2020\)](#) for additional detail on the project workgroup's rationale for rejecting an alternate proposal to increase the threshold.

2.1.2.5. The vessel is a total loss. "Total loss" is defined by situations where: the vessel is known or presumed to have been destroyed; is presumed to have sunk and its location is unknown; has sunk and its location is known, but it is unrecoverable or the owner has chosen not to recover it due to availability and costs; and where it is a constructive total loss, i.e. the vessel is so severely damaged that it is not financially worth recovering and/or repairing.

As revised, 2.1.2.5 now reads: The vessel is a total loss. "Total loss" is defined by situations where: the vessel is known or presumed to have been destroyed; is presumed to have sunk and its location is unknown; has sunk and its location is known, but it is unrecoverable or the owner has chosen not to recover it; and where it is a constructive total loss, i.e. the vessel is so severely damaged that it is not financially worth repairing

Current federal regulation (33 CFR 173.55) includes "complete loss of any vessel" as one of the federal report thresholds. This recommendation would amend the language to "total loss" and provide a definition. See the [Resource Document \(v. February 2020\)](#) for more detail.

2.1.3. [Incident] Involved at least one of the following:

2.1.3.1. A vessel used for recreational purpose.

2.1.3.2. A State-numbered uninspected vessel.

These conditions align with current federal regulation (33 CFR 173 Subpart C, 173.51) on casualty and accident reporting. The requirements apply to vessels operated for recreational purposes, and that are required to be numbered under that Part. They do not apply to vessels subject to inspection under Title 46 USCG Chapter 33. See the [Resource Document \(v. February 2020\)](#) for a discussion of issues associated with state-numbered uninspected commercial fishing vessels.

2.2. Incident should be further evaluated for a federal reporting requirement based on these conditions:

These qualifiers are based on the vessel's operational status. The conditions are not currently specified in regulation, but do reflect issues of particular interest to the National RBS Program and its goals. See the [Resource Document \(v. February 2020\)](#) for more detail.

2.2.1. For properly docked or moored vessels, a report to the Coast Guard is required if determination should first be made as to whether the incident involved one or more of the following events:

2.2.1.1. Carbon monoxide exposure

2.2.1.2. Stray electrical current that was attributed to the vessel

2.2.1.3. Fires/explosions that occurred while fueling or starting the vessel or that was attributed to the vessel's equipment or electrical components.

A report to the Coast Guard is required if the incident is NOT covered by one of the “Non-Reportable Events” (for list, see recommendations under 2.3 and page 2 of the Decision Matrix in APPENDIX A).

As revised, 2.2.1 and its sub-recommendations now read:

For properly docked or moored vessels, determination should first be made as to whether the incident involved one or more of the following events:

- Carbon monoxide exposure
- Stray electrical current that was 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

A report to the Coast Guard is required if the incident is NOT covered by one of the “Non-Reportable Events” (for list, see recommendations under 2.3 and page 2 of the Decision Matrix (APPENDIX A).

2.2.2. For anchored vessels, the list of “Non-Reportable Events” should be consulted (for list, see recommendations under 2.3 and page 2 of the Decision Matrix in APPENDIX A). A report to the Coast Guard is required if the incident is NOT covered by one of the Non-Reportable Events.

2.2.3. For vessels that had an operational status other than properly docked/or moored, or anchored, determination should first be made as to whether the incident was the result of any of the following:

2.2.3.1. operation

2.2.3.2. vessel's equipment

2.2.3.3. vessel's construction

2.2.3.4. loading of the vessel

2.2.3.5. vessel's seaworthiness

2.2.3.6. environmental forces

2.2.3.7. vessel's machinery

If the incident met at least one of these criteria, the list of “Non-Reportable Events” should be consulted (for list, see recommendations under 2.3. and page 2 of the Decision Matrix in APPENDIX A). A report to the Coast Guard is required if an incident is NOT covered by one of the Non-Reportable Events.

2.3. Non-Reportable Events:

Not all incident reports received ultimately are determined by the Coast Guard to be “reportable” at the federal level, whether by regulation or policy. The recommendations associated with 2.1. and 2.2. (above)—in the context of the proposed two-tier system—are intended to guide the decision as to whether or not an incident would require a report to the Coast Guard. This recommendation 2.3, with list of events, is intended to further describe the types of scenarios for which a **federal** report would not be required (though they may meet a State's reporting requirements). Currently, the primary source of examples of incident types that do and do not reflect current Coast Guard national RBS policy is found in the introductory section of the Coast Guard's annual recreational boating statistics publication. The scenarios described in this list could be updated via policy. In the wake of feedback from the second comment period, the project

workgroup modified several of them and added another event—“Lack of / improper maintenance”—to the list. See the [Resource Document \(v. February 2020\)](#) for more detail on all of these events.

2.3.1. Non-Reportable Event. ~~Person voluntarily departed vessel: Voluntary departure injuries/fatalities:~~ The ~~first and only~~ event involved ~~the injury or death of a person who voluntarily departing entered the water from a vessel, (or departing the shore, or a place of inherent safety to swim after a vessel).~~

As revised, 2.3.1 now reads: Non-Reportable Event. **Voluntary departure injuries/fatalities:** The only event involved the injury or death of a person who voluntarily entered the water from a vessel, the shore, or a place of inherent safety.

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

2.3.3. Non-Reportable Event. 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 **approved by a national or international body, or by appropriate permit**, and where adequate safety precautions are in place).

As revised, 2.3.3 now reads: **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).

2.3.4. Non-Reportable Event. Self-inflicted injuries/fatalities: Self-inflicted injuries were the cause (examples include: self-inflicted wounds, ingestion of controlled substances or poison, gunshot wounds).

2.3.5. Non-Reportable Event. 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.

2.3.6. Non-Reportable Event. Medical events: ~~An incident caused by a person who experienced a medical event emergency (does not include physical impairments such as poor eyesight, poor hearing, or mobility difficulties) was involved, when the vessel did not contribute, and when no other underway vessel was involved. reporting threshold was met. A medical event does not refer to physical impairments such as poor eyesight, poor hearing, or mobility difficulties.~~

As revised, 2.3.8. now reads: Non-Reportable Event. **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.

2.3.7. Non-Reportable Event. 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 ~~box~~ **tote**, floating dock, unmodified log, snowmobile, and/or seaplane).

* [Per 1 U.S. Code § 3 \(Vessel as including all means of transportation\)](#), “[T]he word “vessel” includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the water. Per recommendation 4.1.1., “~~F~~or purposes of vessel determinations within the context of the national RBS program and casualty reporting, the parameters for a “Vessel” should be a watercraft—capable of holding at least one person—that is intended to be propelled through the use of a paddle, motor, sail, etc., as a means of transportation on the water.”

As revised, 2.3.7 now reads: Non-Reportable Event. **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).

* Per 1 U.S. Code § 3 (Vessel as including all means of transportation), “[T]he word “vessel” includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the water.

Per recommendation 4.1.1, for purposes of vessel determinations within the context of the national RBS program and casualty reporting, the parameters for a “Vessel” should be a watercraft—capable of holding at least one person—that is intended to be propelled through the use of a paddle, motor, sail, etc., as a means of transportation on the water.”

The definition of “vessel” from recommendation 4.1.1 for purposes of making vessel determinations within the RBS program was added as a result of the project workgroup’s consideration of feedback received during the first comment period. The statutory definition of “vessel” was added in the wake of the second comment period to accommodate suggestions that references to definitions—whether presented in other recommendations or in US Code or CFR—should be made as needed throughout the package of recommendations and in the best practices that will be developed.

2.3.8. Non-Reportable Event. Foreign flag vessels: The only vessel(s) involved were foreign flag vessels.

2.3.9. Non-Reportable Event. 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.

2.3.10. Non-Reportable Event. 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. Non-Reportable Event. Embarking/disembarking/Boarding/departing injuries/ fatalities: A person suffers an injury while [embarking boarding](#) or [disembarking departing](#) a docked, moored, or anchored vessel, when no other event occurred and when no other [federal regulatory](#) reporting threshold was met.

As revised, 2.3.11 now reads: Non-Reportable Event. 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.

2.3.12 Non-Reportable Event. Lack of / improper maintenance: The unoccupied, properly-docked or -moored vessel(s) encountered damages or loss as a result of lack of or improper vessel maintenance

2.4 Best practices should be developed to accompany the Recreational Boating Incident Report Decision Matrix (see APPENDIX A for this graphical representation).

The Matrix—the graphic representation of the decision criteria presented under recommendations 2.1. and 2.2. above—was developed to provide an easy reference for an officer/investigator to use to determine whether an incident will require a report to the Coast Guard vice reviewing a lengthy list of statements such as those that currently appear in the introductory section of the Coast Guard’s annual recreational boating statistics reports (see, for example, [pages 9-11 of the 2017 statistics publication](#)). The “non-reportable events” section of the Decision Matrix (presented as recommendations 2.3.1 through 2.3.11 above) was designed to weed out those incidents that could not be prevented through education, enforcement, or regulation.

The Matrix was revised in response to feedback received during the second comment period.

3. GATHERING DATA, REVIEWING, AND SUBMITTING FINAL REPORTS

Current federal regulations require the operator to submit the casualty or accident report in cases where the reporting thresholds are met (33 CFR 173.55), within set timeframes, and to provide all of the detailed report information requested in 33 CFR Part 173.57. The State Reporting Authority, in turn, is required to forward the report to the Coast Guard within 30 days of receipt of the report. The recommendations under **Section 1. Incident Reporting Structure: Initial notification of and follow-up on recreational boating incident** described the revised collection of information in the context of initial notification within the two-tier reporting system. They would require an update of current regulatory provisions to accommodate a 15-day timeline from the date of notification for the State Reporting Authority's submission of the preliminary data to the Coast Guard. The recommendations below, which also would require regulatory change, describe a modified timeline for submitting all information on an incident as part of the second (investigative) tier; present a preliminary look at the review requirements and relationship of these activities to determine a State's compliance; and describe the terms of the Coast Guard's review and acceptance of an incident report. The project workgroup revised two of the recommendations under this section to clarify that "all information" refers to the proposed data elements found under **Section 5. Incident Report Data Elements, Fields and Definitions**.

3.1 Within 60 days of notification of an incident, the State Reporting Authority should submit all ~~available~~ information on that incident to the Coast Guard. "All information" means the information collected on the required data elements described in the recommendations under Section 5. "Notification" means the date on which the State Reporting Authority is notified of / is made aware of an incident.

As revised, 3.1 now reads: Within 60 days of notification of an incident, the State Reporting Authority should submit all information on that incident to the Coast Guard. "All information" means the information collected on the required data elements described in the recommendations under Section 5. "Notification" means the date on which the State Reporting Authority is notified of / is made aware of an incident

3.2 There should be a requirement for the State Reporting Authority to review the final incident report (containing all ~~available~~ information collected on the required data elements described in the recommendations under Section 5). The outline below reflects initial Coast Guard thinking, shared with the workgroup in response to concerns expressed by State members about setting timelines for the review and uncertainties about the relationship to measures of "compliance." Formal language on compliance will not be drafted by the Coast Guard until consensus is reached on the final recommendations.

As revised, 3.2 now reads: There should be a requirement for the State Reporting Authority to review the final incident report (containing all information collected on the required data elements described in the recommendations under Section 5). The outline below reflects initial Coast Guard thinking shared with the workgroup in response to concerns expressed by State members about setting timelines for the review and uncertainties about the relationship to measures of "compliance." Formal language on compliance will not be drafted by the Coast Guard until consensus is reached on the final recommendations.

While formal language on "compliance" cannot be drafted until the final recommendations from this project achieve consensus among the stakeholders, the Coast Guard representatives to the policy workgroup shared **basic concepts from their initial, internal discussions:**

- At the end of the 60 days of notification of an incident, the State Reporting Authority would be required to enter all ~~available~~ information on the required data elements described in the recommendations under Section 5, along with any caveats about outstanding information (such as coroner's or laboratory reports). The "clock" would stop at that point, and the Coast Guard would use the information gathered within 60 days as a mark of compliance.
- If more information were to become available on an incident, the record could be updated, and should be updated before data are pulled for the annual, national statistics publication.
- Regardless of whether updated data would be used in the annual statistics publication, the State would still be expected to update its record(s). However, an update would **not** be used by the Coast Guard as a measure of compliance.
- To facilitate this process, the future reporting system should accommodate the incident record status so that the State Reporting Authority can indicate whether all ~~available~~ of the incident report information was reviewed and expected as final or whether information was reviewed but was not yet final due to outstanding information.

3.3 The Coast Guard should review and accept the final report from the State Reporting Authority as is or request clarification on missing or confusing information within the report.

4. VESSEL DETERMINATIONS

1 U.S.C. § 3 provides the foundation for the definition of a vessel. It is broad, encompassing “... every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.” 33 CFR Part 183, which prescribes standards and regulations for the manufacturing of boats and associated equipment, provides a definition of a boat that is not used for boat incident reporting purposes. The recommendations presented in this section, which do not propose to modify the aforementioned statutory and regulatory definitions, are associated with the determination of which watercraft are “vessels” for purposes of the national RBS program and the Coast Guard’s requirements for recreational vessel incident reporting.

Currently, the Coast Guard prepares vessel determinations whenever there is a request to do so. Usually, the request originates from a State Boating Law Administrator (BLA). The Coast Guard uses guidance from its Legal Department for these determinations, focusing on whether existing regulations apply to a vessel, whether a vessel is “practically capable” of being used as a means of transportation, and whether the National RBS Program would be able to make a difference in the operation of such craft (for instance, through education).

Three of the recommendations in this section were modified as a result of feedback received during the second comment period. See the [Resource Document \(v. February 2020\)](#) for more detail.

4.1. DETERMINING WHICH WATERCRAFT ARE “VESSELS”

4.1.1. [Per 1 U.S. Code § 3 \[Vessel as including all means of transportation\], “\[T\]he word “vessel” includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the water.”](#)

For purposes of [vessel determinations within the context of the national RBS program and casualty reporting](#), the parameters for a “Vessel” should be a watercraft—capable of holding at least one person—that is intended to be propelled through the use of a paddle, motor, sail, etc., as a means of transportation on water.

As revised, 4.1.1 now reads: Per 1 U.S. Code § 3 (Vessel as including all means of transportation), “[T]he word “vessel” includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the water.

For purposes of [vessel determinations within the context of the national RBS program and casualty reporting](#), the parameters for a “Vessel” should be a watercraft—capable of holding at least one person—that is intended to be propelled through the use of a paddle, motor, sail, etc., as a means of transportation on water.

4.1.2 At the national level, the Coast Guard determines whether certain watercraft are “vessels.” There should also be a list of the watercraft that are determined NOT to be “vessels.”

4.1.3 Examples of watercraft that the Coast Guard should classify as NOT being “vessels”—for purposes of the national RBS program—include: a pool float toy, innertube, float tube propelled by feet or fins, surfboard, submersible, diving propulsion aid, stock tank, air mattress, fish [box tote](#), floating dock, unmodified log, snowmobile, and/or seaplane.

4.1.4 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.

As revised, 4.1.4 now reads: 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.

4.1.5 Following are recommendations regarding certain vessel determinations already issued by the Coast Guard:

- 4.1.5.1** “Paddleboard” and “Kiteboard” have both been deemed by the Coast Guard to be vessels when “outside the narrow limits of a swimming, surfing or bathing area.”

Recommendation: “Paddleboard” and “Kiteboard” should be retained on the current list of vessel determinations pending the Coast Guard’s internal review of the entire vessel determination process.

- 4.1.5.2** “Argo Amphibious ATV” is a device equipped with 6x6 or 8x8 wheel drives capable of land speeds up to 22 mph and floating on water with speeds up to 2.5 mph, using tire treads to propel through the water; some models also may be equipped with an outboard motor. While on the water, the device is considered by the Coast Guard to be a vessel.

Recommendation: This vessel determination—the vessel term “Argo Amphibious ATV” and its definition—should be revised so that it is more representative of all amphibious craft and not just specific to one manufacturer.

- 4.1.5.3** “Gold dredge” is a device of traditional hull types (e.g., monohull, pontoon, etc.), propelled by propulsion machinery (typically outboard motors) used to mine gold off the ocean floor. The devices have been deemed vessels by the Coast Guard.

Recommendation: “Gold dredge” should be retained on the list of devices the Coast Guard has determined to be vessels.

- 4.1.5.4** “Float tube” is a tube (typically encased rubber inner tube(s) or a hard-plastic tube) that has a built-in seat, with the operator’s legs sticking through the seat and dangling in the water below the tube. They often have small storage compartments for fishing or gear. The operator, typically a fisherman, wears swim fins to manually steer and/or propel the craft, and often wears chest waders to maintain heat and stay dry. Non-motorized float tubes are propelled by the use of the swim fins; motorized float tubes are propelled by an electric or hand pump motor, with the operator using the swim fins to steer the craft and sometimes to assist in its propulsion.

Recommendation: A “Float Tube” that is propelled by feet or fins should not be considered a “vessel” as it is similar to an unmodified innertube. A motorized “Float Tube,” on the other hand, should be considered a “vessel” (i.e., it would be designated as an “Open Motorboat”).

5. INCIDENT REPORT DATA ELEMENTS, FIELDS, AND DEFINITIONS (see also summary chart in APPENDIX B, and specific report category lists in its APPENDICES C, D, E, F, G)

Current federal regulation (33 CFR 173.57) details the collection of information on a recreational boating incident report that is then submitted by the State Reporting Authority to the Coast Guard according to the requirement in 33 CFR 173.55. Over the years, additional incident data elements, beyond what are prescribed in regulation, but still within the scope of the National RBS Program, have been included for collection in support of the goals and strategies of the Program. The compilation is then presented by the Coast Guard in its annual recreational boating statistics under the authority of 46 U.S.C. § 6102.

Recommendations presented in this document thus far have outlined the gathering and submission of preliminary information following notification of an incident (recommendation 1.9) and the projected timeline for the State Reporting Authority to submit “all information” about that incident to the Coast Guard (recommendation 3.1). In developing the following series of recommendations as to what should constitute “all information,” workgroup members weighed the most critical components of a final report to the Coast Guard—that is, the data elements or broad categories of data that the group would recommend for national collection along with the related fields or descriptive selections for each element.

In taking on this task, the group reviewed and evaluated the relevance and utility of the data currently prescribed in 33 CFR 173.57 and on the Coast Guard Boating Accident Report form (CG-3865). Elements were identified for retention, modification, deletion, or in several cases, were identified as worthy of new collection. The data elements are presented in this section and are also summarized in the chart in **APPENDIX B**. When there is a large volume of information, the detail is not presented in the recommendation, but instead appears in one of the lists contained in **APPENDICES C, D, E, F, and G**. Unless otherwise noted as optional/voluntary/at the State’s discretion, the recommendations are for mandatory collection nationally, with all jurisdictions employing the same terms and definitions for the sake of consistency and accuracy; for easier analysis of critical factors associated with boating incidents; and to help inform development of national- and State-level safety policies, programs and campaigns. The expectation is that while the incident report data collection form would be referenced in an updated regulation, the actual data items would be incorporated into a policy document that could be refreshed more frequently to adapt to changing recreational boating safety issues and needs.

See the main [Resource Document \(v. February 2020\)](#) and appendices for more detail and for the project workgroup’s rationale in revising six of the recommendations in this section

5.1 ENVIRONMENTAL / EXTERNAL

- 5.1.1 Data on the Overall Weather Conditions should continue to be collected, with preference for the following basic options: Clear, Cloudy, [Foggy, Hazy/Foggy/Hazy](#), Raining, Snowing, Other. Consideration should be given to providing guidance for the selections in a best practices document.
- 5.1.2 Data on Visibility should continue to be collected, with preference for the following basic options: Good, Fair, Poor. Consideration should be given to developing parameters or other guidance in a Best Practices document to help better define these Visibility options.
- 5.1.3 Data on Wind should continue to be collected, with preference for the following options: no wind (0 mph), light (1-6 mph), moderate (7-14 mph), strong (15-25 mph), stormy (>25 mph), and an additional option of "unknown."
- 5.1.4 Data on Air Temperature should continue to be collected, but with the following changes: mandatory selection from a range of air temperatures (in Fahrenheit) defined as “Under 30, 30-39, 40-49, 50-59, 60-69, 70-79, 80-89, 90-99, 100 and above, and unknown”; and a field for voluntary reporting of an actual/estimated temperature (in Fahrenheit).
- 5.1.5 Data on Day and Night as light conditions should continue to be collected, but with better definition (considering sunrise to sunset--inclusive of dawn and dusk--as "Day" and adding a check box for "twilight").

- 5.1.6 Data on Overall Water Conditions should continue to be collected, with preference for the following options as defined (and from which there could be multiple selections): calm (waves 0 to 6"), choppy (waves >6" to 2'), rough (waves >2' to 6'), very rough (waves >6'), strong current, other, and unknown.
- 5.1.7 Data on Water Temperature should continue to be collected, but with the following changes: mandatory selection from a range of water temperatures (in Fahrenheit) defined as "Under 28, 28-39, 40-49, 50-59, 60-69, 70-79, 80-89, 90 and above, and unknown"; and a field for voluntary reporting of an actual/estimated temperature (in Fahrenheit).

5.2 WHERE AND WHEN THE INCIDENT OCCURRED

- 5.2.1 The collection of Coordinates for the incident should be mandatory IF the future reporting system can facilitate documentation based on existing geographical information when the coordinates are not otherwise readily available. Appropriate, related guidance and a standard format for entering the data should be developed.
- 5.2.2 Other elements associated with location, including names of the County, State, Body of Water, and Type of Body of Water, should be collected. Location on Water should be retained, but no attempt should be made to try to standardize entries
- 5.2.3 Data on the Nearest City/Town should be retained for voluntary collection.
- 5.2.4 The Date and Time of the Incident should continue to be collected, ~~but issues currently associated with the recording of midnight need to be resolved. Consideration should be given to Time of the incident should be recorded in the 24-hour time format, and the reporting system should afford the~~ ability to mark a time as "unknown."

As revised, 5.2.4 now reads: The Date and Time of the Incident should continue to be collected. Time of the incident should be recorded in the 24-hour time format, and the reporting system should afford the ability to mark a time as "unknown."

- 5.2.5 There should be an element and field that accommodates the State's recording of the Date the State Reporting Authority was notified of the incident.

5.3 VESSEL CHARACTERISTICS

- 5.3.1 The Number of Vessels involved in the incident should continue to be collected.
- 5.3.2 The Name, Make, Model, Model Year, HIN, Registration Number and Document Number (if available) should be collected.
- 5.3.3 The Ownership Status of the Vessel should continue to be collected. The preferred options are Owned, Rented, and Borrowed, with the addition of an "Other" field.
- 5.3.4 The Number of Engines should continue to be collected.
- 5.3.5 The collection of Engine Manufacturer data should only be mandatory if the engine is determined to be a factor in the incident. If the engine manufacturer data is not available (e.g., if the engine is not recoverable), then that should be documented in the system.
- 5.3.6 The collection of the Engine Serial Number should be mandatory only if the engine is determined to be a factor in the incident. If the serial number is not available (e.g., if the engine is not recoverable), then that should be documented in the system.
- 5.3.7 The Engine Drive Type should continue to be collected, with drop-downs for the CFR-authorized options to incorporate additional engine styles. The options should be Inboard, Outboard, Pod Drive, Sterndrive, Unknown, and Other. Airboat Engine should be included

in a drop-down for Inboard. Shallow / Surface Drive should be included in a drop-down for Outboard. All of the engine drive types should be more clearly described in Best Practices.

- 5.3.8 Horsepower/CCs/Pounds of Thrust should be collected. If the data is not available, then that should be documented in the system.
- 5.3.9 There should be mandatory collection of data on Overpowering if it was a factor in the incident. There should be a checkbox to indicate overpowering and a text field to document the rated horsepower.
- 5.3.10 The Fuel Type should continue to be collected, with the following options: the CFR-authorized Gas, Diesel, Electric, and Other. Additional fields should include No Fuel and Unknown.
- 5.3.11 The Hull Material Type should continue to be collected, with the following options: the CFR-authorized Fiberglass, Aluminum, Plastic, Rubber/vinyl/canvas, Steel, Wood, Other, and Unknown. ~~Only one selection~~ The primary hull material should be ~~made identified~~ for each vessel so that data will match VIS/SNS. The State should be able to document secondary and tertiary hull material types if the vessel is made of more than one material. There should be guidance in the best practices document as to which primary hull material type should be selected in the event a vessel is constructed with more than one material.
- As revised, 5.3.11 now reads:** The Hull Material Type should continue to be collected, with the following options: the CFR-authorized Fiberglass, Aluminum, Plastic, Rubber/vinyl/canvas, Steel, Wood, Other, and Unknown. The primary hull material should be identified for each vessel so that data will match VIS/SNS. The State should be able to document secondary and tertiary hull material types if the vessel is made of more than one material. There should be guidance in the Best Practices document as to which primary hull material type should be selected in the event a vessel is constructed with more than one material.
- 5.3.12 The list of Vessel Subtypes that was approved by NASBLA membership in 2013 as part of the NASBLA/ERAC and USCG Terms and Definitions Project and that roll up into the primary vessel types mandated in CFR should be made available for the States' use as part of the anticipated revamp of the reporting system. The States' collection of data on these subtypes would be voluntary; however, if a State chooses to record vessel subtypes, it should select from the subtype options on this list. (See APPENDIX C for original approved list with markups and notes reflecting the workgroup's recommendations)
- 5.3.13 The Vessel Types (included as authorized and defined per the Coast Guard's 2012 Final Rule on SNS, VIS, BARD; 33 CFR 173.3 and 173.57), should be modified to remove one of the authorized types---"Inflatable Boat." If such a CFR change occurs, then the Vessel Subtypes list from the 2013 NASBLA/ERAC and USCG Terms and Definitions Project referenced above should also be modified to move "whitewater raft" (which is currently a subtype under Inflatable) to the vessel type "Rowboat." (See APPENDIX C for original approved list with markups and notes reflecting workgroup's recommendations)
- 5.3.14 Whether or not "Inflatable Boat" is ever removed as one of the Vessel Types authorized in CFR, there should still be a separate check box on the report form to record Inflatable Construction. [See APPENDIX C]
- 5.3.15 The Overall Length of the Vessel (in feet) should continue to be collected.
- 5.3.16 The data elements Depth from transom to keel and Beam width at widest point, both currently written into regulation, should be removed from regulation and future reporting requirements.
- 5.3.17 There should be mandatory collection of Safety equipment/gear recorded at the scene of incidents involving paddlecraft. This should help in determining whether the equipment carried/available was appropriate for mitigating the risks involved with the specific type of vessel(s) and activity.

The specialized lists of items should be:

- **Standup paddleboard**: Wet suit; Drysuit; Paddle (whether it was appropriate for vessel, and whether it was intact); Leash; Helmet; Communications Device (with text field to describe).
- **Canoe**: Wet suit; Drysuit; Paddle (whether it was appropriate for vessel, and whether it was intact); Helmet; Communications Device (with text field to describe).
- **Kayak**: Wet suit; Drysuit; Paddle (whether it was appropriate for vessel, and whether it was intact); Helmet; Spray skirt; Dewatering Device (note if not applicable); Communications Device (with text field to describe).

5.4 INCIDENT DETAILS

5.4.1 The **Number of People Onboard** and **Number of People Towed** should continue to be collected, but there should also be a field for **Total People** based on these entries. The purpose would be to help ensure against the double counting of any person(s) who had been onboard the vessel, but were being towed at the time of the incident. The future reporting system should accommodate an automatic calculation of the Total; however, it should also feature an override to allow manual entry of **Total People** in case the breakdown of number of people onboard and number being towed is unknown, but the **Total People** is known.

5.4.2 The **Accident Types/Events** list approved in 2012 by NASBLA membership as part of the NASBLA/ERAC and USCG Terms and Definitions Project--and as modified during workgroup discussions in March 2018, and again in March 2019 [and January 2020](#) following the first [and second](#) external review and comment periods, [respectively](#)--should be adopted for national data collection. As part of this, the report category title should be changed to "Incident Events." (See APPENDIX D for original approved list with markups and notes reflecting workgroup's recommendations)

To align with language adopted by the project workgroup in its modification of the description of the "Non-Reportable Event: Voluntary departure injuries/fatalities" (see recommendation 2.3.1), a technical edit is proposed for the definition of the related entry in this list—"Person Departs Vessel Voluntarily."

5.4.3 The **Operation of the Vessel** list approved in 2013 by NASBLA membership as part of the NASBLA/ERAC and USCG Terms and Definitions Project--and as modified during workgroup discussions in March 2018 -- should be adopted for national data collection. (See APPENDIX E for original approved list with markups and notes reflecting workgroup's recommendations)

5.4.4 The **Activity--Use of the Vessel/Immediate Activity at Time of Accident** list approved in 2013 by NASBLA membership as part of the NASBLA/ERAC and USCG Terms and Definitions Project--and as modified during workgroup discussions in March 2018 [and again in January 2020 following the second external review and comment period](#)-- should be adopted for national data collection. (See APPENDIX F for original approved list with markups and notes reflecting workgroup's recommendations)

As a result of feedback received during the second comment period, the project workgroup restored the term and definition for "Towing a Watersports Participant" after having recommended its deletion from the list released in March 2019.

5.4.5 The **Contributing Factors/Causes** list approved in 2012 by NASBLA membership as part of the NASBLA/ERAC and USCG Terms and Definitions Project--and as modified during workgroup discussions in March-April 2018 [and again in January 2020 following the second external review and comment period](#)-- should be adopted for national data collection. (See APPENDIX G for original approved list with markups and notes reflecting workgroup's recommendations)

As a result of feedback received during the second comment period, the project workgroup modified the definition for the term "Off Throttle Loss of Steering."

5.4.6 Regarding vessel design or hull characteristics that might have contributed to an incident, a question should be added for mandatory data collection. *"Is there a possibility that any features or design characteristics of the vessel may have contributed to this accident? ___"* A check-off in this field would indicate "yes," and require follow-up description in the narrative. Appropriate examples and guidance should be developed and included in a "best practices" document for the officer/investigator to consider in responding.

5.4.7 Retain the current Incident Description or Narrative for submission to the Coast Guard, but change the label to Synopsis or Executive Summary to distinguish it from a detailed narrative

5.5 DAMAGES TO VESSELS AND OTHER PROPERTY

5.5.1 There should be a mandatory data collection on each vessel and total non-vessel property damages, with States having the option of submitting actual/estimated dollar amounts and/or using the following four ranges (referred to here as "buckets") for this purpose: <\$2,000, \$2,000-<\$5,000, \$5,000-<\$10,000, and ≥\$10,000. There should be a description/definition of what "non-vessel property" means in the Best Practices document to be developed.

5.5.2 For the mandatory collection of vessel damage, an actual/estimated dollar amount should be submitted or a bucket should be selected for each vessel (<\$2,000, \$2,000-<\$5,000, \$5,000-<\$10,000, and ≥\$10,000).

5.5.3 For the mandatory collection of non-vessel property damage associated with the incident (e.g., boating infrastructure that's been damaged, etc.), an actual/estimated dollar amount should be submitted or a single bucket should be selected (<\$2,000, \$2,000-<\$5,000, \$5,000-<\$10,000, and ≥\$10,000).

5.5.4 If the four buckets are used to capture vessel or non-vessel property damage estimates, for purposes of reporting out on these damages, the Coast Guard and States should assign a single dollar value to each bucket.

5.5.5 If the four buckets are used to capture vessel or non-vessel property damage estimates, the future reporting system should prompt a user to indicate whether an incident actually met the federal damage threshold of \$2,000 if there are two or more buckets of <\$2,000 selected in the report.

5.6 PEOPLE ASSOCIATED WITH THE VESSEL(S) INVOLVED IN THE INCIDENT

5.6.1 The Vessel OWNER's Name and Address (basic contact information) should continue to be collected nationally. But as part of this, there should be a field for an officer/investigator to explain if information about/identity of the owner is unknown or cannot be obtained.

5.6.2 The following identity and contact information on the Vessel OPERATOR(s) involved in the incident should be collected nationally: Name, Address, Phone Number; Date of Birth; and Sex (M/F/Unknown). The operator's Age could be automatically calculated based on the Date of Birth and Date of the Incident, but there should be a voluntary field to document an "Approximate Age" in the event a Date of Birth is not available. There should also be a field for an officer/investigator to explain if any of the information about/identity of the operator(s) is unknown or cannot be obtained.

5.6.3 The following identity and contact information on Victims of the incident -- the Injured and Deceased/Disappeared -- should be collected nationally: Name, Address, Date of Birth; and Sex (M/F/Unknown). The victim's Age could be automatically calculated based on the Date of Birth and Date of the Incident, but there should be a voluntary field to document an "Approximate Age" in the event a Date of Birth is not available.

5.6.4 Identity/contact information on Property Owners or on Witnesses or Passengers--unless they were victims in the incident--should not be required for national collection.

- 5.6.5 Vessel OPERATOR(s) and Victim(s) identifiers beyond those indicated in the previous statements should be left for the States to consider and use or not use (such identifiers might include email, other contact info, race, language, etc.).
- 5.6.6 Currently, the element OPERATOR(s)' Boating Safety Education focuses on the source of instruction completed. In the future, the element should focus on whether the operator was required to have instruction in the State of operation. If "yes," did the operator meet that requirement? and if "no," did the operator take a course anyway?
- 5.6.7 Currently, OPERATOR Experience focuses on the operator's hours of experience (via range of hours) with the type of vessel involved in the incident. In the future, this element should capture: 1) whether the operator ever operated that type of vessel before (yes/no), with voluntary completion of a follow-up, fill-in estimate of hours of experience; and 2) a voluntary question as to whether the operator had experience boating at that location before (yes/no), with a voluntary follow-up, fill-in estimate of the number of times at that location.
- 5.6.8 Data on the following safety measures should be collected nationally for the Vessel OPERATOR(s): whether an engine cutoff device was used or leash was worn at the time of the incident, and whether the proper item was used, properly attached, and in proper condition.
- 5.6.9 For the Vessel Operator and ALL victims -- injured and deceased -- there should be national collection of Alcohol use (yes/no, with BAC optional); BUI arrest information (as applicable); Drug use (legal and illegal, yes/no, with drop-down menu for selecting options from among the following drug categories, which are also used in motor vehicle crash reports: cannabis (marijuana), depressants, stimulants, hallucinogens, inhalants, narcotic analgesics, other drug(s))
- 5.6.10 For ALL victims -- injured and deceased -- there should be a mandatory national collection of data on Life Jacket use. If the life jacket was a factor in the incident then the following detail should be mandatory: Type of life jacket; whether inherently buoyant or inflatable; whether serviceable; whether properly used; and whether of proper size.
- 5.6.11 The Coast Guard should consult the medical community to develop standardized fields for Cause of Death. This should include seeking the appropriate terminology for describing deaths due to "natural causes" and determining whether and how "hypothermia" should be used.
- 5.6.12 In reference to Drownings, consideration should be given to using the following standard terminology to report outcomes: 1) instead of the current "Death-by drowning," use "Drowning, fatal"; and 2) in the case of an injury, use "Drowning, non-fatal." *
- *Source and definitions regarding drownings used in developing this recommendation:
<http://www.surfersmedicalassociation.org/drowning-sea-misinformation-drydrowning-secondary-drowning-andrew-schmidt-d-o-mph/> *The medical definition of drowning is "the process of experiencing respiratory impairment from submersion/immersion in liquid."* (Definition of Drowning: A Progress Report. Bierens J, Drowning 2e. Berline: Springer, 2014.) *Drowning has only three outcomes: fatal drowning, nonfatal drowning with injury or illness, or nonfatal drowning without injury or illness."*
- 5.6.13 Regarding Cause of Death, there should be a field that would allow the officer/investigator to write a fatality synopsis.
- 5.6.14 There should continue to be mandatory collection of the primary injury for persons injured in the incident (those who meet the threshold). The capture of any secondary injuries should be optional.

5.6.15 **For injured persons (those who meet the threshold), the references to body parts/areas of injury should be standardized.** If the current categories in the national statistics are used, the term "whole body" should replace "body" to distinguish from "trunk."

5.6.16 **For injured persons (those who meet the threshold), the references to the nature of injury should be standardized.** If the current categories in the national statistics are used as a basis, the following terms should be removed, retained pending further information, or introduced: remove "scrape/bruise" (in accordance with revised injury definition); retain "hypothermia" pending consultation with the medical community on usage; introduce "drowning, non-fatal."

6. REPORT DATA INPUT FORMATS (preliminary – will be addressed in more detail in Phase 2 of project)

The second phase of this policy project will focus on recommendations for a revised reporting system. However, throughout its discussions in this first phase, the workgroup identified areas where the current system is deficient and also noted aspects of the proposed, revised incident report structure that will need to be accommodated. In its discussions on feedback received during the first and second comment periods, the workgroup emphasized the need for training not only personnel doing the field investigations, but also persons administering the reporting system.

The following recommendations are associated with general data entry and methods for documenting injury and damage information outside of the federal regulatory thresholds for reporting. See the [Resource Document \(v. February 2020\)](#) for more detail.

6.1 **The future reporting system should accommodate both on-site entry of report data through mobile platforms and manual entry of report data into fillable, printable PDF forms that would allow content to be transferred into the system.**

6.2 **In the future, revisions to the reporting system should accommodate the least burdensome method for documenting basic injury or damage information that does not meet the injury or damage threshold but is associated with an otherwise reportable incident.** *(For example, a field that would allow recording of the number of persons who had injuries below the federal threshold; an officer/investigator would not be expected to fill out an injury record for a person whose injury did not meet the injury threshold. "Best practices" documentation and training should provide guidance on an injury that does not meet the injury or damage threshold, but is associated with an otherwise reportable incident).*

7. ROLES AND RELATIONSHIPS

See the [Resource Document \(v. February 2020\)](#) for additional information and a summary of feedback received and concerns expressed during the external reviews. As a result of comments received during the second comment period, the project workgroup modified three of the recommendations in this section.

7.1 **If a State becomes aware that the Coast Guard has assumed the lead investigation of an incident, the State should notify CG-BSX, and CG-BSX in turn should acknowledge the State's notification that the Coast Guard has assumed the lead. [If CG-BSX becomes aware that a Coast Guard asset has assumed the lead investigation, then CG-BSX should notify the State.](#) (Coast Guard response in the form of a Search and Rescue does not constitute a Coast Guard investigation.)**

As revised, 7.1 now reads: If a State becomes aware that the Coast Guard has assumed the lead investigation of an incident, the State should notify CG-BSX, and CG-BSX in turn should acknowledge the State's notification that the Coast Guard has assumed the lead. If CG-BSX becomes aware that a Coast Guard asset has assumed the lead investigation, then CG-BSX should notify the State. (Coast Guard response in the form of a Search and Rescue does not constitute a Coast Guard investigation.)

7.2 If the Coast Guard assumed the lead in investigating an incident, the State should be relieved of the duty to investigate and not be required to submit data to CG-BSX about the incident. Further, in the event the State has already gathered some information and shared that information with Coast Guard investigators per the terms of its MOU, the State should not be required to investigate further or submit data to CG-BSX about the incident. CG-BSX would be responsible for gathering and entering information about the case.

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.

As revised, 7.3 now reads: Incidents that occur on sole tribal waters should be excluded from reporting requirements as neither the States nor Federal Government have jurisdiction over them.

7.4 The Coast Guard should be responsible for collecting and entering information on incidents that occur under the sole jurisdiction of another federal entity, [such as the National Park Service, U.S. Forest Service, or U.S. Army Corps of Engineers](#), or when such federal agency assumes the investigative lead on any such incident.

As revised, 7.4 now reads: The Coast Guard should be responsible for collecting and entering information on incidents that occur under the sole jurisdiction of another federal entity, or when such federal agency assumes the investigative lead on any such incident.

7.5 The State Reporting Authorities should determine how best to maintain and nurture relationships with local entities involved in the accident reporting system.

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.

8. VESSEL SAFETY ISSUES, DEFECTS, RECALLS, AND BRIDGE ALLISIONS

The Coast Guard regulates certain aspects of recreational vessel manufacturing and is responsible for developing and enforcing federal safety standards set out in 33 CFR 181 and 183. The Coast Guard has the ability to investigate suspected defects. Based on the nature of the defect, the Coast Guard will send staff to investigate the issue, direct manufacturers to provide defect notifications to consumers, and/or announce an alert on a defective product.

Through its Office of Bridge Programs, the Coast Guard permits, regulates, and monitors approximately 20,000 bridges that cross navigable waters of the U.S. (through implementing regulations in 33 CFR Parts 114-118) and requests notifications from States in the event a recreational vessel allides with a bridge.

The recommendations in this series, one of which was modified as a result of feedback from the second comment period, relate to notifications, reporting, and other communications between the Coast Guard and the States regarding various safety issues, defects, recalls, and bridge allisions. They are intended not only to reinforce existing regulatory requirements, but also facilitate notifications and reporting. See the [Resource Document \(v. February 2020\)](#) for additional detail.

8.1 The State Reporting Authority should notify the Coast Guard when it reasonably believes a potential safety issue is present on a vessel manufactured for recreational use and the State has been made or became aware of it. Notification should take place as soon as reasonably possible.

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.

8.3 If the State becomes aware of a vessel allision with a bridge over waters of concurrent jurisdiction, The State should notify the Coast Guard. ~~if a vessel allides with a bridge over waters of concurrent jurisdiction.~~

As revised, 8.3 now reads: If the State becomes aware of a vessel allision with a bridge over waters of concurrent jurisdiction, the State should notify the Coast Guard.

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.

8.6 A State Reporting Authority should be able to report a suspected safety issue apart from the officer/investigator.

2017-2020 WORKGROUP MEMBERS – PHASE ONE

USCG	STATES	NASBLA
<p>Susan Weber 202-372-1103 Susan.M.Weber@uscg.mil</p>	<p>Glenn Moates (TN) 615-351-6069 Glenn.Moates@tn.gov</p>	<p>Dr. Deb Gona 859-421-9258 deb@nasbla.org</p>
<p>Vann Burgess 202-372-1071 William.V.Burgess@uscg.mil</p>	<p>John Girvalakis (MA) 508-564-4961 john.girvalakis@state.ma.us</p>	
<p>Jeff Ludwig 202-372-1061 Jeffrey.A.Ludwig@uscg.mil</p>	<p>Penny Kanable (WI) 608-228-9352 penny.kanable@wisconsin.gov</p>	
<p>Rachel Warner 202-371-1104 Rachel.Warner@uscg.mil</p>	<p>Joe McCullough (AK) 907-269-8704 joseph.mccullough@alaska.gov</p>	
<p>Jeff Decker (added 12/2018) 202-372-1507 Jeffrey.E.Decker@uscg.mil</p>	<p>Amy Rigby (CA) (portion of phase one) 916-327-1848 amy.rigby@parks.ca.gov</p>	
	<p>Seth Wagner (FL) 850-617-9455 Seth.Wagner@MyFWC.com</p>	
	<p>Cody Jones (TX) 512-389-4624 cody.jones@tpwd.texas.gov</p>	
	<p>Stacey Brown (VA) 804-367-2427 stacey.brown@dgif.virginia.gov</p>	