**NASBLA ENGINEERING, REPORTING AND ANALYSIS COMMITTEE (ERAC)**
**FRIDAY, FEBRUARY 28, 2020—MEETING of the FULL COMMITTEE**
**Lexington (KY) Marriott City Center, 121 W Vine Street, Meeting Room: City Center Grand Ballroom C**

**Meeting documents available at**  https://www.nasbla.org/advocacy/erac/meetingmaterials, ERAC's Overall Activity Basecamp project area and/or specific charge-project area on Basecamp (as warranted)

**Meeting audio recordings available at** ERAC's Overall Activity Basecamp project area

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**ATTENDEES (for all or portion of meeting):**

**Committee leaders–** Seth Wagner, FL (Chair), John Girvalakis, MA (Vice Chair), Dan Hesket, KS (Board Liaison).

**Other State members:** Joanna Andrade, CA; George Birdwell, TN; Brian Bowles, NV (remote); Randy Henry, OR; Penny Kanable, WI; Eric Lundin, CT (remote); Joe McCullough, AK; Tammy Terry, OH.

**U.S. Coast Guard representatives to ERAC**: Susan Weber; Jeff Decker; Rachel Warner (remote)

**Associate members:** Pete Chisholm, Mercury Marine (remote); Brian Goodwin, ABYC; Bruce Rowe, Forever Resorts; Karen Steely, Aaron Foundation

**Guests/project partners:** Cody Jones, TX, NASBLA Chair; Mark Brown, OK, NASBLA Past President; Verne Gifford, Chief, CG-BSX-2; Stacey Brown, VA, NASBLA Education-Outreach Chair; John Johnson, NASBLA CEO.

**Committee staff:** Deborah Gona, NASBLA Research Consultant

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**MEETING SUMMARY – KEY DISCUSSION POINTS and ACTION ITEMS**

**CALENDAR REVIEW – IMPORTANT EVENT DATES / UPCOMING DEADLINES**

**March 31, 2020:** charge IR&A 2020-1A (phase one, incident reporting project) deadline for submitting reactions to revised recommendations for project workgroup consideration; post to **OPEN COMMENT** community thread "**Request – Seeking Feedback on Revised Recommendations**"

**April 30, 2020:** deadline for submission of session proposals, NASBLA Annual Conference (Sept. 27-30); online form for submission at **https://www.surveymonkey.com/r/NASBLA-CFP-20**

**July 2020 (mid-month, date TBD):** delivery of summer (interim) report to NASBLA Executive Board on charge status, products requiring membership vote, preliminary recommendations for 2021 charges

**August 14, 2020:** delivery of final committee report for 2020 cycle to NASBLA Executive Board; posting to NASBLA website by August 17 (see **Charges, Products, Reports** page for previous cycle reports)

**September 18, 2020:** turn in committee video for NASBLA Annual Conference (see **Charges, Products, Reports** page for previous cycle videos)

**CHARGES REVIEW – presented in order in which they were taken up during the meeting**

**S&R 2020-1: Evaluate the results from the latest National Recreational Boating Safety Participation and Exposure Surveys (NRBSS) – meeting audio, morning part 1 – starts 27:00 mark**

- Latest estimate of report release is the end of this month (March 2020), with the online database to go live after (date TBD).

- Preliminary numbers were presented at the State RBS Workshop via the CG-BSX report. See two slides—NRBSS participation survey and NRBSS exposure hours survey.

- Request was made to CG-BSX for supporting documentation on 2018 surveys (survey instruments, methodology, technical report) as available, and for the possible restoration of the 2012 methodology, technical reports, etc., to the CG-BSX NRBSS page.

- Decision on what can be done to salvage this charge in this cycle will be made after charge team has a chance to review the report. [*Team: Tammy Terry, Randy Henry, Bruce Rowe, Karen Steely*]

**IR&A 2020-3: Continue pilot program and refine best practices for collecting and evaluating human factors (HF) data – meeting audio, morning part 1 – starts 54:36 mark**

- Discussion on this charge started with a brief history of ERAC's work on human performance (initiated by the late Dan Maxim), "HFACS-Lite" development, Tennessee's use of the supplemental HF report form, and Oregon's experience trying to adapt a shortened version.

- Apart from the benefits of gathering data (especially regarding operator distractions) for post-incident HF analysis, Seth Wagner cited interest and potential benefit in the collection from the investigative angle (e.g., help in bringing criminal charges, moving violations, etc.). By the officer/investigator asking the questions and seeking the additional information, they may have more confidence in assessing what the operator was doing and a potential basis for charges.

- This cycle, Seth wants to restart Florida's efforts to apply the HF supplemental form to fatalities in the state, and produce a report for team and then committee review. [*Team: Seth Wagner, Randy Henry, Eric Lundin, Bruce Rowe, Karen Steely*].

**E&E 2019-1 (no 2020 charge; monitoring only via ABYC updates): Examining basic flotation issues associated with canoes and kayaks and assisting the NASBLA Paddlesports Committee regarding flotation standards – meeting audio, morning part 1 – starts 1:04:11 mark**

- Brian Goodwin reminded the committee that a small group had looked at the flotation issues, with consideration of whether any expansions needed to be made to ABYC Standard H-29 on Canoes and Kayaks. Ultimately, apart from identifying a need to update warning labels, the group thought the standard was adequate regarding flotation.

- No additional action needed at this time.

**E&E 2019-2 (no 2020 charge, but need to publicize availability of product(s)): Legislative guidance regarding marine carbon monoxide detection systems – meeting audio, morning part 1 – starts 1:07:08 mark**

- Consideration of how better to get the word out on this and other ERAC products currently housed at the Lighthouse Get Equipped portal was deferred pending discussions about the future of the Lighthouse (**K&CM 2020-1**).

- Note: post meeting, the link to ABYC TH-22 Educational Information about Carbon Monoxide from the Lighthouse CO Incidents Information and Resources page, was edited to reflect the updated (2017) public version now posted to the ABYC website.

**Cross-Committee Activity – Liaison to NASBLA Enforcement & Training Committee TT 2020-3 Model Act for Towed Water Sports – meeting audio, morning part 1 – starts 1:10:36 mark**

- Enforcement Committee (LE) has a charge to evaluate the 2007 Model Act for updates. Since a predecessor committee of ERAC's was involved in the original Model Act development and updates, ERAC assigned two liaisons (Randy Henry, Eric Lundin) to monitor/provide input to LE's charge work.

- At its 2/28 meeting, LE was expected to discuss a 2/14/20 proposed redraft; due to an agenda change, ERAC's liaisons did not sit in. Post meeting update: LE reviewed the 2/14 redraft; copy of revisions made in meeting has been posted to ERAC Overall Activity. Anticipate more LE work on the draft.

**IR&A 2020-2: Promote and provide instruction on BARD-based, State-level statistical report template – meeting audio, morning part 1 – starts 1:19:23 mark**

- There hasn't been any recent feedback on the template from BARD users that would warrant modifications at this time.

- A few more states (including Ohio and Louisiana) are planning to explore its use /run reports. Dan Hesket noted that he used the template for his close out report in Kansas and experienced no issues.

- Like the CO products, consideration of how better to get the word out on the template and where to house instructional webinar(s) was deferred pending outcomes of discussions/actions re the future of the Lighthouse (**K&CM 2020-1**).

**IR&A 2020-1A: Complete phase one of USCG/STATES/ERAC collaborative recreational boating incident reporting policy project – meeting audio, morning part 2 to end, with pickup meeting audio, afternoon through 11:20-minute mark**

- Coverage on this charge included a brief recap of project milestones, a request that committee members review the revised recommendations and disposition of comments ((especially members who had submitted feedback in the second comment period (e.g., did you think the responses adequately addressed your comments?)), and discussion of the session (PPT) at the State RBS Workshop (handout).

- Most of the interaction with workshop attendees was on the two non-reportable events for which there are still mixed opinions (the voluntary departures and towed watersports injury exceptions).

- A quick poll was conducted on site at the workshop, resulting in 45 responses – 38 states (four had two each), two Coast Guard reps, and one NASBLA staff. Results were not presented at the workshop, but were discussed during this ERAC meeting. See survey summary. Reponses were on a Strongly Agree to Strongly Disagree continuum with middle ground (sees pros/cons, willing to go along with group).
  - On the Voluntary departures' exclusion, 84 percent strongly agreed or agreed; 2 percent disagreed; 13 percent were in the middle.
  - On the Towed Watersports exception, results were less distinct as 64 percent strongly agreed or agreed; 2 percent disagreed; and 33 percent were in the middle.

- In the discussion on voluntary departures, Verne Gifford indicated that he thought any characterization that "the fix" was in, was not really fair as he wasn't even certain that his view on

these events had solidified; he'll be going back through the 40+ voluntary departure (first/only event) incidents for further analysis. However, Verne did pose the following questions to the group to spur discussion and gather more information:

  o  Given what he'd heard, that states typically would investigate these incidents anyway, what is the level of effort required to report them? He suggested that indications of extra effort would likely strengthen the argument against continued reporting on them.

  o  Does the group really think that interventions / education cannot be created /conducted for boaters on the hazards of leaving the vessel?

- **On the audio, discussion on voluntary departures runs through the 47-minute mark**. It includes examples, consideration of how much effort goes into reporting, the potential compromises to reporting voluntary departures as boating incidents (e.g., segmenting them from boating incidents in the national statistics), open water drownings generally, the impact of these numbers on measuring the effectiveness of RBS programs (when the programs cannot affect those behaviors) and of "regulating common sense," and how drownings / incidents with no witnesses typically are handled.

- **On the audio, discussion on towed watersports injury exceptions runs through end of recording, morning part 2; picks up again in meeting audio afternoon through 11:20-minute mark**. It includes discussion of the related revisions made to the vessel use exception, examples that would fall under this exception, reminder that there must be supportive training materials to further guide the distinction between injuries attributable to the operator (operation or equipment) and injuries attributable to the participant, and consideration of possible unintended consequences (inadvertently missing incidents that *would* be of interest to the RBS program or industry).

  o  Brian Bowles, who in the second comment period had expressed disagreement with the exception, indicated he understood excluding incidents where it was obviously the towed participant's fault and that there would be best practices for more guidance; but he thought that apart from the explanation in best practices, for the sake of the matrix user, the description itself should be reworded to put more emphasis on the towed participant's actions. Brian was asked to offer a rewrite; his version was presented to the committee after the lunch break and further edited as follows:

     Proposed rewrite as further revised during meeting (will go back to the project workgroup for consideration): Towed watersport participant ~~caused injury~~ exceptions: A person(s) suffers an injury or death while participating in towed watersports (including wake surfing), where the cause of the ~~event~~ injury or death was due to the towed participant(s)'s actions and was not due to the operation or equipment of a vessel.

- Next steps: need comments back (from anyone in the states/other stakeholders) on revised recommendations by March 31; will conduct one or two national teleconferences covering same material as workshop session; project workgroup should finalize the product during the month of April; and initiate a vote of the NASBLA membership (state BLAs or designees) sometime in May (must allow 30 days from date of issuance for voting).

**IR&A 2020-1B: Coordinate ERAC and STATE participation in and complete phase two of the project (reporting system design and "best practices" to implement recommendations) – starts meeting audio, afternoon 11:25 mark**

- Unless there are objections, the suggestion on the table is that the current phase one (core) project workgroup remain in place primarily as a "sounding board" for recommendations that come out of phase two.

- Phase two system design aspect of charge:

  o Susan Weber described two things needed to initiate the phase two system design component of this charge: 1) set the parameters (scope of work), and 2) recruit members of the workgroup; on the latter, along with representation from states that currently input directly to BARD, she'll seek representation from states that use their own systems and transfer data to BARD; persons that have an IT interest or background; and persons generally interested in this project. [*Brian Bowles expressed interest in serving*]

  o The question was posed by Dan Hesket as to whether there is a risk to spending time designing a system if the recommendations aren't accepted; the response was negative as the Coast Guard is seeking to revamp BARD anyway, so might as well design the revamped system to accommodate the proposed reporting changes.

  o Further, much depends on what the phase two workgroup is supposed to do; Penny Kanable suggested that their task should be to set the "business rules" behind the system (e.g., expectations, what the functionalities are, what's mandatory, etc.); then give it to an IT systems analyst/programmer during a possible "phase three" of project that would involve the group working closely with the IT personnel and doing the testing.

- Phase two best practices / guidance development:

  o The recommendation is to split this component from the system design aspect as these tasks can begin immediately to further define, flesh out parts of the project recommendations.

  o The list compiled and posted to the meeting materials page for discussion and assignments may not be comprehensive; it was the result of doing a "find" in the recommendations (descriptions from the review and resource documents) to identify references to the need for an accompanying "best practice" or some other guidance. As work proceeds, the committee may identify other guidance to be developed beyond the one currently listed.

  o As discussed, consideration must be given to the format(s) of the best practices product(s); may want to consider asking the states / audience of potential users (officers/investigators/ report reviewers) how the material would best be received / used (e.g., what format would be best for providing information on how to make reporting decisions, etc.).

  o **Meeting triage of items on the list and assignments** – during this session, the committee identified items that 1) should be put on hold for now because they refer to matters requiring regulatory change; 2) need further work/definition immediately because the extra explanation may be helpful to achieving approval of the recommendations; 3) that have references/resources that just need to be updated to serve this purpose; and 4) that can be developed but with lesser urgency to their completion. **See marked copy – PDF and Excel versions -- at phase two project area on Basecamp.**

    ▪ **Immediate assignments (first three needed for finalizing product for the vote)**:
      - What "properly" docked or moored vessel means – Seth Wagner, Deb Gona
      - What "properly used" means re life jacket use – Seth Wagner, Randy Henry, Jeff Decker
      - Reporting drowning outcomes using appropriate terminology – Joe McCullough
      - Review/updates to Terms/Definitions reference and resource modules – Tammy Terry
      - EVERYONE ELSE – go through items NOT highlighted in the list and begin compiling relevant information

**K&CM 2020-1: Continue developing NASBLA Lighthouse – starts meeting audio, afternoon 1:06:50 thru 1:28:00**

- Tammy Terry offered a look back to origins of the Lighthouse: original vision was a virtual community for particular audiences of users to land, ask questions and get answers. At the time, the NASBLA web platform was not conducive to this purpose; now, need to get the products, links, and other resources (many in the Get Equipped portal) into the places where people can best find and use them.

- Next steps in the evaluation?: review of the Google Analytics on current use; inventory of what the committee currently has / will have (given today's discussions) and will want to "get out there"; consideration of what's the best fit (how the end users are most likely to need/want the information given to them); consideration of the eLearning platform and other options on the NASBLA website for displaying / disseminating / marketing content. [*Team: Tammy Terry, Penny Kanable, Ron Sarver, Seth Wagner, Joanna Andrade, Randy Henry, Dan Hesket (as reviewer / tester for team's work)*]

**OTHER UPDATES/TOPICS – Partner organizations' activities and issues of mutual interest (starts meeting audio, afternoon 1:29:40 through 1:46:40 mark)**

- Pete Chisholm reported on some topics discussed at the ABYC Standards Week in January: one of the emerging trends in industry is regarding high capacity Lithium-ion batteries in hybrid/electric vessels – attendant issues: how to safely install them and how to deal with events involving the batteries; currently, there aren't enough of these out on the water, but there are concerns for future events. He also reported on a topic from Risk Management Council discussions: boat sharing programs. Currently there are two models – boat owners directly in contact with renters (through boat sharing organization) or a boating program that owns and leases the vessels. Industry's concerns about the first model is that it may be putting people out on the water who have no boating education and aren't experienced; the second model does a better job of requiring on-water education before the renter has access to the rental fleet. Watch for impact on insurance claims and incident trends.

- Brian Goodwin described several ABYC topics including work on requirements for seats that have been turned into controls for the vessel; strength of tow points (towed watersports); a project on flotation exemptions (mudboats issues); placement of fuel pumps; updates on the national on-water, skills-based standards; and wrap-up on a USCG-funded grant project on collisions in high-risk areas.

- Jeff Decker reported on NBSAC (National Boating Safety Advisory Committee), one of the FACAs that advises the Coast Guard. The 21-member body is operating under a new charter, issued a membership solicitation in the Federal Register (April 6 deadline), and will conduct its next meeting April 22-23 in Annapolis, MD. The agenda will be published in the Federal Register; one of the topics under discussion will be the National RBS Strategic Plan 2017-2021 and process for developing the next iteration.

**OTHER TASKS: NASBLA annual conference – video for committee briefing; potential session topics (starts meeting audio, afternoon 1:48:36)**

- Deadline for delivering the video in final form to NASBLA is **Sept. 18.** Seth Wagner will reach out to the committee for feedback on ideas he has (or that he will further develop) for video segments on some of the committee's charges/products. In the meantime, any member who has ideas of their own and/or who has video-making skills should get in touch directly with Seth. Take a look at the 2018 and 2019 videos at https://www.nasbla.org/nasblamain/advocacy/erac/charges.

- Deadline for submitting session ideas via online form at https://www.surveymonkey.com/r/NASBLA-CFP-20 is **April 30**. Potential sessions on the Lighthouse / whatever it evolves into; on the reporting project (coverage of phase one outcomes; and/or phase two elements); on the human factors work (as way of recruiting additional pilot states).