

Recreational Boating Incident Reporting

CG-BSX Policy Letter 23-01 27 Jan 2023

Origins – Significance – Highlights – What's Next? – Questions?

Lt. Seth Wagner, FL, ERAC Chair

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A BIT of BACKSTORY

- More than 15 years' worth of projects, resolutions, proposals calling for improvements to recreational boating incident reporting requirements at the national level.
- Most recent catalyst? **USCG/States/NASBLA Recreational Boating Incident Reporting Policy Project (2020)** --- a consensus-based, broad-scale effort recommending revisions and updates to national reporting policy and procedures.
- CG-BSX 23-01 is a policy response to the set of project recommendations that focused on clarifying or updating conditions under which incidents would require a federal report.

WHY SIGNIFICANT?

- First major, written CG-BSX policy to update / clarify which recreational boating incidents need to be reported to the Coast Guard, and why ... since 1973.
- Adapts and incorporates incident type terms and definitions first developed via 2012 USCG/States/NASBLA-ERAC project, **and** some 2020 project recommendations to clarify CFR reporting thresholds.
- Policy effective date – 1 Jan 2024. There **will** be implementation implications for both the states and Coast Guard.

TODAY, JUST A FEW HIGHLIGHTS ABOUT

- What the policy letter does and doesn't do.
- “New” and notable uses of select terms and definitions.
- Some other shifts in incidents and conditions leading to a report to the Coast Guard.

What the policy letter does and doesn't do.

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U.S. Department of
Homeland Security
United States
Coast Guard



Commandant
U.S. Coast Guard

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16751
CG-BSX
Policy Letter 23-01
27 Jan 2023

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ERRY.1011778980

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Date: 2023.01.26 07:07:52 -0500

From: T. P. Glendye, CAPT
COMDT (CG-BSX)

To: Distribution

Subj: RECREATIONAL BOATING INCIDENT REPORTING

Ref: (a) 33 CFR Part 173 subpart C – Casualty and Accident Reporting
(b) 33 CFR part 174 subpart C – Casualty Reporting System Requirements
(c) 33 CFR part 174 subpart D – State Reports
(d) 46 USC § 13102(b)(1) – State Recreational Boating Safety Programs
(e) Recreational Boating Statistics, COMDTPUB 16754.34 (series)

1. **Purpose.** Effective for incidents occurring on or after 1 Jan 2024, this policy provides guidance on the reporting requirements in references (a) through (c) to avoid unnecessary reporting of occurrences to the Coast Guard. By explaining the way the Coast Guard uses the incident reports and the terms used in the reporting regulations, this policy clarifies the incidents that reporting authorities should forward to the Coast Guard.
2. **Background.** Reference (a), pursuant to 33 CFR § 173.51, applies to the following: Each vessel operated on waters subject to the jurisdiction of the United States and on the high seas beyond the territorial seas for a vessel owned in the United States that:
 - (1) Is operated by its operator for recreational purposes; or
 - (2) Is required to be numbered under this part.

It does not apply to a vessel subject to inspection under Title 46 U.S.C. Chapter 33.

Further, reference (a), specifically 33 CFR § 173.55(a)(1)-(4), requires operators of recreational vessels to submit a casualty or accident report to the “reporting authority,” which is defined at 33 CFR § 173.3 as a state listed in 33 CFR part 173, Appendix A, or the Coast Guard if no state is listed. It requires a report to the reporting authority under the following conditions:

- a. A death;
- b. An injury that requires medical treatment beyond first aid;




The policy letter does:

- Address which incident reports should be forwarded to the Coast Guard to avoid “unnecessary reporting.”
- Clarify the waters to which the reporting policy and regulations apply.
- Offer some additional interpretation of and guidance on federal regulatory thresholds.
- Couch “reportable” and “not reportable” incident reports in terms of their inclusion or exclusion from the annual boating statistics report.
- Define relevant terms and provide definitions for the sake of consistency and uniformity.

The policy letter does not:

- Modify current regulations or statutes. It “interprets” or “clarifies” in the interest of more consistent application.
- Prevent states from establishing other reporting requirements for their own purposes, or having lower vessel/property damage thresholds.
- Address other 2020 project-recommended updates to incident reporting structures, timelines, procedures. Many of those will require regulatory change.
- Incorporate other major, recommended incident report terms beyond the incident types used in the letter.

“New” and notable uses of select terms and definitions


U.S. Department of Homeland Security United States Coast Guard		Commandant U.S. Coast Guard	2703 Martin Luther King Jr. Ave SE Washington, DC 20563-7509 Staff Symbol: CG-BSX Phone: 202-372-1062 Email: RBSInfo@uscg.mil
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- Uses “*incident*” instead of “*accident*.”
- Defines “*beyond first aid*” to offer more guidance on federal injury threshold.
- Provides basics on what should be excluded and included in calculating the value of vessel or other property damages.
- Clarifies what constitutes “*complete loss*” of a vessel.
- Describes what are **not** considered “vessels” for purposes of incident reporting requirements.

Some other shifts in incidents and conditions leading to a report to the Coast Guard.

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- Excludes incidents on “*private waters*” from federal reporting and from the national, annual boating statistics.
- Affirms that incidents on “*sole state waters*” are subject to federal reporting and inclusion in the national, annual boating statistics.
- Specifically includes “*foreign flagged vessels*” in federal reporting, but excludes them from the national, annual boating statistics unless another U.S. vessel was involved in the incident.
- Changes to some incident types and their definitions broaden or narrow what might need to be reported and how they’ll be coded (e.g., separation of “*flooding*” and “*swamping*”; collisions; circumstances for “*fires/explosions*”)

WHAT'S NEXT? – CG-BSX

- Presenting two webinars, March 15 (2p ET) with repeat March 20 (11a ET), on policy letter detail and pending changes to report data collection for CY 2024 (NASBLA co-hosting these events).
- Will need to revise the CG-3865 BAR Form --- and BARD entry screens --- to accommodate updated reporting policy provisions and term changes.
- Other rollout activities to achieve consistency internally and externally.

WHAT'S NEXT? – NASBLA / ERAC

- Fleshing out additional guidance and best practices for the states' application of components of the policy.
- Targeting and developing the best communication formats and tools for different audiences – BLAs, officers/investigators, report reviewers, BARD entry personnel.
- Tweaking reporting “tools” developed in the 2012 and 2020 projects to align with the policy.

What are your questions about the Policy Letter?

**QUESTIONS OR CONCERNS THAT CAN'T BE ANSWERED TODAY WILL BE TAKEN BACK TO CG-BSX
AND NASBLA/ERAC TO BE ADDRESSED IN THE MARCH WEBINARS and FOLLOW-UP MATERIALS**

