

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

Gist of the recommendations in this section?

They describe the fundamentals of a “Two-Tier” casualty reporting system.

First tier – notification from persons involved in incident and gathering preliminary information.

Second tier – follow-up by law enforcement on the incident, with gathering of more detail.

Reactions from the second comment period?

Overall favorable feedback, but a few areas of concern from a couple of states:

1) States’ ability to comply with a revised reporting structure if policy action is taken absent federal statutory or regulatory change.

These recommendations would require federal regulatory change.

2) States’ ability to comply with a proposed 15-day timeframe for submitting the preliminary information about the incident to the Coast Guard.

Submission of preliminary/minimal information about the incident (date, time, location, vessel type(s), #s of deceased and injured) within 15 days would depend on a revamped reporting system.

Changes made to any of the recommendations?

No significant changes made to content or intent.

Only technical edits to two of them (1.6 and 1.7) to name – for easy reference – the specific, preliminary information that would be required upon notification (information already provided in 1.9).

3. GATHERING DATA, REVIEWING, AND SUBMITTING FINAL REPORTS

Gist of the recommendations in this section?

They spell out aspects of the second tier in the “Two-Tier” reporting system (introduced in section 1).

They set out a modified timeline – 60 days -- 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.

Reactions from the second comment period?

Overall favorable feedback, but some confusion and concern over what the submission of “all available information” meant in the original wording of the recommendation.

Changes made to any of the recommendations?

Two of them (3.1 and 3.2) were edited to clarify that "all information" for the final incident report refers to the data fields outlined in section 5, NOT all files associated with an investigation of an incident.

4. VESSEL DETERMINATIONS

Gist of the recommendations in this section?

They offer guidance for determinations of which watercraft would be considered “vessels” for purposes of the national RBS program and the Coast Guard’s requirements for recreational vessel incident reporting. They do NOT amend the current statutory definition of a vessel per 1 U.S. Code § 3.

Reactions from the second comment period?

Overall favorable feedback, but what little feedback there was – especially from the Coast Guard – indicated a need for some clarification.

Changes made to any of the recommendations?

Three of them were modified to:

Add the statutory definition of a vessel (per 1 U.S. Code § 3) on the front end of 4.1.1., the bulk of which describes the parameters of a vessel for purposes of vessel determinations in the context of the RBS program and casualty reporting.

Amend the name of one of the watercraft listed in 4.1.3 that would NOT be classified as a “vessel” for programmatic purposes.

Suggest that the Coast Guard use the opportunity of an internal review of the entire vessel determination process to also describe how a state would make a vessel determination request (4.1.4).

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

Gist of the recommendations in this section?

They outline what constitutes “all information” about an incident for submission to the Coast Guard, and update the data elements—broad categories of data—for national collection, along with the related fields or descriptive selections for each element.

Reactions from the second comment period?

Overall favorable feedback, with some suggestions – and a few objections – regarding some of the data elements.

Changes made to any of the recommendations?

Mandate, rather than just “consider,” the recording of the time of an incident in 24-hour format (5.2.4.) and a reporting system that would afford ability to mark a time as “unknown.”

Require identification of a primary hull material type, but would allow a state to document secondary and tertiary types if the vessel is made of more than one material (5.3.11).

Reinstate an Activity term and definition (Appendix F) that the workgroup had eliminated in the first round of consideration –“Towing a watersports participant” (5.4.4).

Add a note to the definition of Contributing Factor “Off throttle loss of steering” (Appendix G) to suggest consideration be given to selecting it as a secondary or tertiary factor, preceded by “Operator Inexperience” (5.4.5).

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

Gist of the recommendations in this section?

These recommendations call for the future reporting system to accommodate multiple data entry formats and a least burdensome method for capturing basic injury or damage information that does not meet the federal threshold, but is associated with an otherwise reportable incident.

Reactions from the second comment period?

Overall favorable feedback.

Changes made to any of the recommendations?

None.

7. ROLES AND RELATIONSHIPS

Gist of the recommendations in this section?

They are intended to outline and clarify the roles and relationships of the states, Coast Guard and other entities.

Reactions from the second comment period?

Generally favorable feedback, but some concerns expressed by a few states regarding three of the recommendations.

Changes made to any of the recommendations?

Regarding state notification of CG-BSX when it becomes aware that the Coast Guard has assumed lead investigation of an incident, an expansion of 7.1 to include that the Coast Guard, in turn, should notify the state whenever the agency becomes aware that a Coast Guard asset has assumed lead investigation.

On 7.3, to clarify that the exclusion from reporting requirements applies to incidents occurring on SOLE tribal waters.

On 7.4, regarding the Coast Guard's collection and entry of information on incidents that occur under the sole jurisdiction of another federal entity, to delete examples used in the original recommendation; they were confusing the interpretation of a recommendation that would apply to very limited circumstances.

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

Gist of the recommendations in this section?

They address notifications, reporting and other communications between the Coast Guard and the states regarding various safety issues, defects, recalls, and bridge allisions.

Reactions from the second comment period?

Overall favorable feedback, but with suggestions for continuing improvements to / streamlining of communications, and requests for more guidance as to whom / how to make various reports. The suggestions will be taken up in phase two as part of the system design and development of best practices.

Changes made to any of the recommendations?

Only to 8.3 to reflect state notification of a bridge allision IF the state becomes aware of such an event.

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

Gist of the recommendations in this section?

They would update and clarify the conditions under which an incident would require a report to the Coast Guard. The recommendations are incorporated into a graphic reference – Recreational Boating Incident Report Decision Matrix.

Reactions from the second comment period?

Overall favorable feedback, but a few areas of more significant concern or interest were expressed by several states and the Coast Guard:

- 1) Highly favorable of the Decision Matrix, but NOT about some double negatives in the decision flow that would have made it more difficult to use.
- 2) Some differences of opinion about whether to maintain the \$2,000 damage threshold or increase to an alternate \$2,800 that had been proposed.
- 3) Two of the non-reportable events – voluntary departures and towed watersports exceptions: the former exclusion overwhelmingly favored by the states, but not the Coast Guard; and the latter exclusion getting mixed results from the states and Coast Guard.

Changes made to any of the recommendations? (continues next page)

Thirteen items were edited to varying degrees (most minor or technical in nature; others, more significant); and one new event was added to the Non-Reportable Events list. Some of the changes (or retentions) were direct suggestions from commenters; others emerged in the workgroup's consideration of the feedback.

Decision matrix flow was revised to delete the double negatives and there were some additional substantive edits (see last two pages of this document for the graphic).

The \$2,000 federal report threshold was retained (2.1.2.4), with understanding that it might need to increase in the future and states can always have a lower threshold.

There was a clarification in the definition of what it means for a vessel to be a "total loss" (2.1.2.5).

The data collection on incidents involving docked or moored vessels was expanded (2.2.1). The revision now differentiates between "properly" docked/moored vessels and those that are not; incidents involving "improperly" docked/moored vessels would be evaluated with the conditions associated with all other vessel operational statuses.

It also expands the collection on fires/explosions to include those due to vessel equipment or electrical components (not just due to fueling or starting the vessel).

These changes regarding docked/moored vessels meant that there also needed to be an additional step in the decision process to consider whether the incident involved any of the non-reportable events.

As for the non-reportable events...

Ultimately, the voluntary departure exclusion (2.3.1.) was kept by the workgroup, but the title and definition were revised and expanded to pick up the departures (i.e., voluntary entry into the water) from the shore and other places of inherent safety – both of which are already excluded from federal reporting.

The towed watersports injury exception (2.3.2) was also retained as several workgroup members felt that their boating safety and educational programs are not geared toward towed watersports' participants, who may—as an outcome of their own skill-level or purposeful actions—sustain injuries that were NOT due to the vessel's operation or its equipment.

However, the vessel use exception (2.3.3) was expanded as a direct result to accommodate incidents where the only vessels involved were those in races, events, training programs and practices for them (such as skiing shows, pyramids, etc.).

The medical events exclusion (2.3.6) was clarified so as not to be reportable if the vessel did not contribute and no other underway vessel was involved.

Finally, an exclusion for lack of or improper maintenance (2.3.12) on a docked/moored vessel was added to the non-reportable events.

Recreational Boating Incident Report Decision Matrix

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

Part I – Did the incident meet these conditions?

* Occurred on state or concurrent jurisdictional waters

* Involved **at least one** of the following federal regulatory thresholds for reporting:

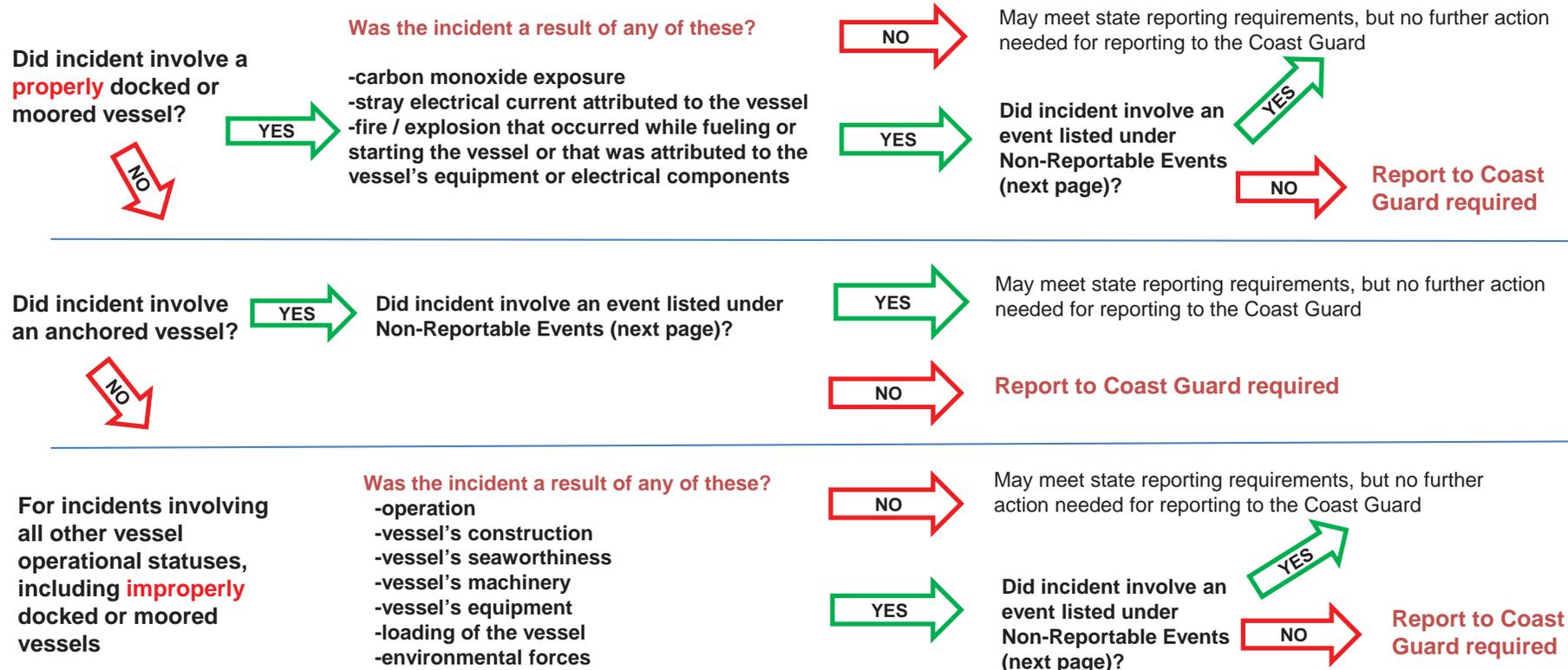
- Fatality
- Person missing
- Injury treated at medical facility
- Damage ≥ \$2,000
- Total loss of vessel

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

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

Part II – Did the incident involve any of these?

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



Recreational Boating Incident Report Decision Matrix

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

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

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

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