

1.6. 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 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 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 a 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 recommendations 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. **For a graphic representation of these recommendations, see the Recreational Boating Incident Report Decision Matrix.**

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). However, issues associated with this threshold would benefit from policy clarification.

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.”

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). However, an issue with this threshold—regarding reporting disappearances, some of which could involve a hoax or fraud—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.

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; 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.

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 \(v. June 2020\)](#) 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.

2.2.1. For properly* docked or moored vessels, 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. 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 Recreational Boating Incident Report Decision Matrix).

* “Properly” as it applies to docked or moored vessels will be further defined in “best practices” for implementing the recommendations. However, it should generally be taken to mean *secured to an object designed for permanent docking or mooring, not to a rig or piling.*

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 Recreational Boating Incident Report Decision Matrix). 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/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 Recreational Boating Incident Report Decision Matrix). 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.

2.3.1. 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, 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 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 -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.”

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. 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.

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 10-11 of the 2019 statistics publication](#)). The “Non-Reportable Events” section of the Decision Matrix (presented as recommendations 2.3.1 through 2.3.12 above) was designed to weed out those incidents that could not be prevented through education, enforcement, or regulation.

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.

3.1 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 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 project workgroup in response to concerns expressed by State members about setting timelines for the review and uncertainties about the relationship to measures of “compliance.” The Coast Guard deferred drafting formal language on compliance pending final approval of the consensus recommendations.

The Coast Guard representatives to the policy project workgroup shared the following **basic concepts from their initial, internal discussions on “compliance”**:

Recreational Boating Incident Report Decision Matrix

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

Part I – Did the incident meet these conditions?

* Occurred on state or concurrent jurisdictional waters

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

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

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

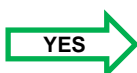
If these are met, go on to Part II. IF NOT, then incident may meet state requirements, but no report to the Coast Guard is required.

Part II – Did the incident involve any of these?

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

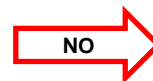


Did incident involve a **properly** docked or moored vessel?



Was the incident a result of any of these?

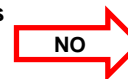
- carbon monoxide exposure
- stray electrical current attributed to the vessel
- fire / explosion that occurred while fueling or starting the vessel or that was attributed to the vessel's equipment or electrical components



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



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



Report to Coast Guard required

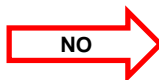
Did incident involve an anchored vessel?



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



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

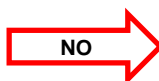


Report to Coast Guard required

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

Was the incident a result of any of these?

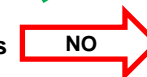
- operation
- vessel's construction
- vessel's seaworthiness
- vessel's machinery
- vessel's equipment
- loading of the vessel
- environmental forces



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



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



Report to Coast Guard required

Recreational Boating Incident Report Decision Matrix

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

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

- **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.