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**U.S. Coast Guard – States – NASBLA  
Collaborative Policy Project on Recreational Boating Incident Reporting**

**Consensus Recommendations to the U.S. Coast Guard**

**June 2020**

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Beginning November 2017, a workgroup made up of 13 representatives<sup>1</sup> 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 the end of 2018 and resulted in a set of initial, consensus recommendations, marked the latest in a series of efforts to update CG-449, “Standard Method of Reporting (Boating Accidents),” 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—*through an extensive feedback and approval process*—work to achieve consensus on recommendations that could inform the Coast Guard’s development of national reporting policy and procedures. The first phase of the project, which spanned November 2017 through May 2020, focused on major aspects of the reporting system, structures, and procedures.<sup>2</sup>

## **BUILDING CONSENSUS AROUND THE RECOMMENDATIONS**

For phase one of the project, the workgroup developed and refined recommendations using a process designed to build consensus among its own members and among stakeholders beyond the group. For purposes of this project, the workgroup adopted the following operational definition of “consensus”:

**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.

In adopting this definition, the workgroup accepted that consensus would **not** necessarily mean 100 percent agreement by all parties on every aspect of the package of recommendations. However, consensus *would* require that far more of the affected interests than not ultimately would agree with the proposals to some degree and accept them; that the process employed would encourage varied perspectives to be received and considered in shaping the final product; and that the affected interests would understand and ultimately accept the will of the larger group and not deliberately work against the policies or actions developed or undertaken in response. The workgroup believes that it has conducted phase one of this project in accordance with these principles and that this document presents consensus recommendations.

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<sup>1</sup> Other State members from NASBLA’s Executive Board and its Engineering, Reporting & Analysis Committee (ERAC) often participated in the discussions, but were not voting members of the workgroup for purposes of determining consensus. 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.

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

## ENGAGING THE “AFFECTED INTERESTS” -- GATHERING AND RESOLVING FEEDBACK ON THE RECOMMENDATIONS FROM THE STATES AND THE COAST GUARD

In February 2019, the recommendations that emerged from the project workgroup’s weekly discussions in 2018 were delivered to the project’s organizational partners<sup>3</sup> for the first<sup>4</sup> of two comment periods 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” containing 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.<sup>5</sup> Ultimately, the workgroup did not delete any of the original recommendations, but, in response to the feedback from the first comment period, did modify six and add a new one.

The second of the two formal 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, for submission of feedback. 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.

Representatives from 43 States, two NASBLA associate members, and Coast Guard personnel<sup>6</sup> posted feedback of some sort on some or all of the project recommendations.

### 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.

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 identified specific concerns and disagreements and offered alternatives, even as they expressed general support for the project. Yet other commenters took the opportunity to offer testimony as to why they agreed with some of the proposed recommendations. No State that submitted comments dismissed the entire project outright.<sup>7</sup>

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<sup>3</sup> 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.

<sup>4</sup> 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](#).

<sup>5</sup> 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 \(v. June 2020\)](#) and narratives associated with the affected recommendations.

<sup>6</sup> 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.

<sup>7</sup> In its formal comments to this and previous reporting improvement efforts, however, California emphasized that given issues associated with control over local law enforcement agencies, the State could face challenges in complying with

Over the course of 10 teleconferences conducted during the months of August, September and December 2019, and part of January 2020,<sup>8</sup> the project workgroup considered and took action on nearly 170 comments and questions submitted during the second comment period.<sup>9</sup> 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 (Determining which incidents require a report to the Coast Guard).

In early February 2020, the [group's resolution of all of the comments and questions](#) was posted for the record to the [NASBLA Connect Community](#) dedicated to this project. On Feb. 12, the package of revised recommendations and supplemental documents was released in preparation for a [Feb. 27 interactive session](#) at NASBLA's State RBS Workshop in Lexington, Ky. The session gave the State and Coast Guard participants a chance to ask questions,<sup>10</sup> talk about what did and did not change in response to the stakeholders' feedback, and offer additional input to recommendations where there were still mixed opinions.<sup>11</sup>

Efforts to inform stakeholders about the project and gather remaining reactions to the revised recommendations continued through May 2020. In the wake of the February workshop discussion, the States were encouraged to continue reviewing the revisions and submit any remaining comments for workgroup consideration in the [OPEN COMMENT community discussion thread](#). While the original plan was to close the discussion thread on March 31 and wrap up phase one shortly thereafter, the deadline was not strictly enforced in light of the escalating disruptions associated with the intervening COVID-19 pandemic. Nevertheless, even with the extension, no additional feedback was received through that solicitation.

During an April 22 virtual meeting of the Coast Guard's National Boating Safety Advisory Council (NBSAC), three members of the project workgroup [updated](#) Council members on the status of the work, highlighted the recommendations, described the alignment with past NBSAC recommendations and resolutions for action in this area, and outlined next steps, including the intention to conduct a final, national teleconference to wrap up phase one of the project.

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aspects of the recommended two-tier incident reporting structure if such policy action were to be taken absent federal statutory or regulatory change.

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

<sup>9</sup> Affecting 76 of the more than 125 recommendations that had been presented to the States for review.

<sup>10</sup> State participant requests for clarification of a few terms used in the recommendations reinforced the importance of additional guidance moving forward. For example, one question was regarding the meaning of "properly" in reference to "properly docked or moored vessels" appearing in the 2.2 series and 2.3.12 and on the Recreational Boating Incident Report Decision Matrix. The workgroup did not modify the language of the recommendations using the term, but did suggest a basic definition for this condition\*\* with the expectation that ERAC would develop additional guidance as part of its charge to develop "best practices" for implementing the recommendations. \*\* *A properly docked or moored vessel means secured to an object designed for permanent docking or mooring, not to a rig or piling.*

<sup>11</sup> The State and Coast Guard representatives discussed two of the "Non-Reportable Events" (presented in the 2.3 series) where there were differences in perspectives—in one case, differences between the States and Coast Guard, and in the other, mixed perspectives among States. To give the workgroup – and Coast Guard – additional information on the States' sentiment toward both items, workshop participants were polled on site for their level of agreement with the language of 2.3.1 (re Voluntary departure injuries/fatalities) and 2.3.2 (Towed watersports injury exceptions). The [quick poll](#) resulted in 45 responses. On the Voluntary departures' event, 84 percent of workshop respondents strongly agreed or agreed with retaining that exception as written. On the Towed Watersports event, results were less distinct as 64 percent strongly agreed or agreed, and 33 percent were on the fence. Given the States' position on the issue of voluntary departures—over the years and in the context of the current project—the workgroup ultimately retained the language of that Non-Reportable Event as written. And, while the workgroup did entertain possible alternatives to clarify the intent of the Towed watersports' injury exception, ultimately it decided to retain the language of that Non-Reportable Event as well; members did, however, acknowledge that additional guidance and training would need to be developed to ensure clear, consistent application of the exclusion.

On May 19, the workgroup sponsored that teleconference with a [presentation](#) that mirrored the February workshop session and drew participants from 21 States. The plan to close phase one at the end of May was announced during the virtual event with [reminders in follow-up posts to the OPEN COMMENT community discussion thread](#); however, along with the announcement was an invitation offering yet one more chance to identify any remaining issues. Specifically, the States' BLAs—as voting members on NASBLA business—were encouraged to speak up about any remaining hesitations regarding the package of project recommendations or any dissatisfaction with the workgroup's resolution of feedback to date. Only one State took the opportunity to request further clarification and guidance regarding the proposed “two-tier” reporting structure described in the recommendations in sections 1 and 3, both in the context of its current reporting relationships with local law enforcement agencies and as to how it might address future compliance issues associated with changes to the national reporting structure.<sup>12</sup>

## THE CONSENSUS RECOMMENDATIONS

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 Recreational Boating Incident Report Decision Matrix graphic, summary of report data elements, and lists of terms and definitions associated with five of the incident report categories are appended to the recommendations.

The recommendations themselves 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 remain **expressions of preferred policy directions, courses of action, and options for consideration**. Upon a formal vote of acceptance by NASBLA membership, this 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 documentation.

Minimal explanation about each item is presented in the pages that follow; however, the [Resource Document \(v. June 2020\)](#) presents more detail in the form of key discussion points about the recommendations (including outcomes from the comment solicitations), descriptions of workgroup intent, relationships to existing regulation or policy, and other historical background. It is intended as a reference both for the States and the Coast Guard.

### As used in the Recommendations that follow:

- **“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.

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<sup>12</sup> A subgroup of the project workgroup met via teleconference on May 28, 2020, with representatives from California to provide additional explanation and resources.

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## 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 \(NBSAC\)](#). 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 specific recommendations on the incident reporting structure with regard to initial notification and follow-up.

### 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 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.

### 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 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 $\geq$ \$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”**:

- At the end of the 60 days of notification of an incident, the State Reporting Authority would be required to enter all 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 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).

### **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.*

**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 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.

#### 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 Incident Report Data Elements summary chart, and the five report category lists

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,” project 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 for national collection along with the related fields or descriptive selections for each element.

The data currently prescribed in 33 CFR 173.57 and on the Coast Guard Boating Accident Report form (CG-3865) was reviewed and evaluated for relevance and utility. 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 also summarized in the **Incident Report Data Elements Summary Chart**. In this section, when there is a large volume of information, the detail is not presented in the recommendation, but instead appears in one of the five appended report category lists. 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.

## 5.1 ENVIRONMENTAL / EXTERNAL

- 5.1.1 Data on Overall Weather Conditions should continue to be collected, with preference for the following basic options: Clear, Cloudy, 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. 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. 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 the 2013 Vessel Sub-Types for Use with Authorized Vessel Types approved list with markups and notes reflecting the current project’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 (in 5.3.12) should also be modified to move “whitewater raft” (which is currently a subtype under Inflatable) to the vessel type “Rowboat.” (See the 2013 Vessel Sub-Types for Use with Authorized Vessel Types approved list with markups and notes reflecting the current project’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 the 2013 Vessel Sub-Types for Use with Authorized Vessel Types approved list with markups and notes reflecting the current project’s recommendations.)
- 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 the current project workgroup discussions in March 2018, and again in March 2019 and January 2020---should be adopted for national data collection. As part of this, the report category title should be changed to "Incident Events." (See the 2012 Accident Types/Events approved list with markups and notes reflecting the current project's recommendations.)
- 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 the current project workgroup discussions in March 2018---should be adopted for national data collection. (See the 2013 Operation of the Vessel at the Time of the Accident approved list with markups and notes reflecting the current project'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 current project workgroup discussions in March 2018 and again in January 2020---should be adopted for national data collection. (See the 2013 Activity: Use of the Vessel and Activity at the Time of the Accident approved list with markups and notes reflecting the current project's recommendations.)
- 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 the current project workgroup discussions in March-April 2018 and again in January 2020---should be adopted for national data collection. (See the 2012 Contributing Factors/Causes approved list with markups and notes reflecting the current project's recommendations.)
- 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); BUJ 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-mp/> 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. Berlin: 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" (see recommendation 5.6.12).

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

The second phase of this project will focus on recommendations for a revised reporting system. However, throughout its discussions in this first phase, the project 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 from the States during the 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.

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

For additional information and a summary of the feedback received and concerns expressed by the States during the comment periods, see the [Resource Document \(v. June 2020\)](#).

- 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.)**
- 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.**
- 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, 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 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.

- 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.**

**8.4 The future reporting system should have a means to easily notify a Coast Guard Sector of a bridge collision. 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.**

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