RESOLUTION 2015-2

Overhaul of the Recreational Boating Accident Reporting Manual, COMDTINST M16782.1

WHEREAS, the Federal Boat Safety Act of 1971 calls for "the States to assume the greater share of boating safety education, assistance, and enforcement activities;" and,

WHEREAS, 46 U.S. Code § 13109 - Consultation, cooperation, and regulation says, "the Secretary shall ensure the fullest cooperation between the State and United States Government authorities in promoting boating safety by making agreements and other arrangements with States when possible;" and,

WHEREAS, recreational boating accident data are gathered, reviewed, and submitted by the States and Territories to the U.S. Coast Guard's Boating Accident Report Database (BARD) for use in recreational boating safety (RBS) analyses and inclusion in the annual Recreational Boating Statistics; and,

WHEREAS, the accident report data are fundamental not only for meeting the Federal statistical mandates, but also for analyses that affect the understanding of boating safety issues, shape national and state RBS program goals and policies, inform allocations of enforcement and safety education resources, and lead to consideration of equipment modifications; and,

WHEREAS, many U.S. Coast Guard Strategic Plan and Recreational Boating Safety program goals and measures are directly linked to boating accident data gathered and reported by the States and Territories; and,

WHEREAS, in 2005 the National Boating Safety Advisory Council adopted a resolution advising the U.S. Coast Guard to consult with NASBLA to define — and then develop amendments to resolve — regulatory concerns relative to accident reporting; and,

WHEREAS, the National Boating Safety Advisory Council adopted in April 2009 15 recommendations from its Accident Reporting Task Force (including the development of a two-tiered notification/reporting system, creation of a decision matrix, and the development of a replacement for CG-449, among others); and,

WHEREAS, NASBLA has produced in cooperation with the U.S. Coast Guard and other stakeholders several products related to accident reporting including: Recreational Boating Accident & Casualty Reporting Decision Matrix (2006); Boating Accident Reporting Manual [by a special grant from the U.S. Coast Guard] (2007); Accident Reporting Terms & Definitions Project Lists (2012 & 2013); and,

WHEREAS, the United States Coast Guard Recreational Boating Accident Reporting Manual, COMDTINST M16782.1, Notice of Availability and Request for Comments was published on August 21, 2015; and,

WHEREAS, the purpose of the Recreational Boating Accident Reporting Manual is to "promulgate and consolidate U.S. Coast Guard policies and operating procedures for administration of the reporting, investigation, and data processing of recreational boating accidents"; and,

WHEREAS, its intent is to provide "current requirements" and "expanded information" on the reporting procedures for accidents and that its use by reporting authority agencies will "clarify reporting requirements and enhance data quality"; and,

WHEREAS, the Boating Accident Reporting Manual does not incorporate the significant work produced over more than a decade by the National Association of State Boating Law Administrators (with direct consultation of U.S. Coast Guard staff) and the National Boating Safety Advisory Council; and,

WHEREAS, in many instances the document only repeats what appears in regulation, without offering necessary interpretation and guidance; and,

WHEREAS, the manual presents an overreaching, broadened scope of authority, which goes "Beyond what is required by regulation"; and,

WHEREAS, the U.S. Coast Guard does not present empirical evidence or studies to support what the U.S. Coast Guard "feels" or provide rationale to the examples cited; and,

WHEREAS, no information is included in the manual regarding the basis of authority for the U.S. Coast Guard to ask States and Territories to follow up on news media tracking and the responsibility of the States and Territories to submit a boating accident report on a possibly unsubstantiated media report; and,

WHEREAS, the Boating Safety Division has imposed a near two-year delay on changes to BARD, essentially eliminating the States' and Territories' ability to transition to the use of the NASBLA-adopted accident reporting terms and definitions; and,

WHEREAS, a regulatory project is impending regarding the possible overhaul of and improvements to the recreational boating accident reporting system and process.

NOW THEREFORE, BE IT RESOLVED, that the National Association of State Boating Law Administrators, meeting on September 15, 2015, in Wichita, Kansas, does hereby request the United States Coast Guard to formally withdraw the proposed Recreational Boating Accident Reporting Manual, COMDTINST M16782.1, Notice of Availability and Request for Comments.

BE IT FURTHER RESOLVED, that the U.S. Coast Guard, in collaboration with its State recreational boating safety program partners and NASBLA, devise a new draft manual to incorporate the work of multiple stakeholders within the recreational boating safety community developed over the last decade.

BE IT FURTHER RESOLVED, that the U.S. Coast Guard pursue the most expeditious means of addressing the deficiencies identified above to provide the necessary and long overdue accident reporting guidance to the States and Territories.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to U.S. Coast Guard Commandant Admiral Paul F. Zukunft for appropriate action.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to National Boating Safety Advisory Council Chairman James P. Muldoon for appropriate action.

Eleanor Mariani, President
September 15, 2015