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**Personal Flotation Devices in Recreational
Boating**

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SUBMITTED PAPER

Title: Personal Flotation Devices in Recreational Boating
Affiliation: National Boating Safety Advisory Council (NBSAC)
Submitted By: James P. Muldoon, Chairman
NBSAC
C/o METCOR
1500 K Street, NW Suite 350
Washington, DC 20005

MS 701: FORUM – Personal Floatation Devices in Recreational Boating

On behalf of the U. S. Coast Guard's National Boating Safety Advisory Council (NBSAC), this paper is being presented to the National Transportation Safety Board for its 25 August 2004 Forum on Personal Floatation Devices in Recreational Boating. The NBSAC is composed of equal representation from the States, industry, and the boating public, selected by the Secretary of Homeland Security. The 21 members of the Council are charged with providing direction to the U.S. Coast Guard on proposed and current recreational boating safety regulations, and also to provide insight on other major boating safety matters. This unique composition allows for the representation of all points of view – the users, the enforcers and the marine industry. Diverse membership is particularly helpful in addressing controversial issues, of which mandatory PFD wearage certainly qualifies.

Over the last nine years, the NBSAC has expressed increasing concern about the rising number of boating fatalities associated with failure of our nation's recreational boaters to wear a personal floatation device (PFD). This growing concern is evidenced by the Council's thirteen recommendations to the USCG on the subject of PFDs since 1996. Of these 13 recommendations made to date, three rule promulgations have resulted.

Over the last five years, Council discussions have moved from a general desire to evaluate the factors that contribute to PFD conspicuity to a more focused interest in solving the problem. The Council's approach to the issue of PFD wearage has included not only the traditional recreational boater but also, from time to time, the new boater responding to the popularity of emerging trends in recreational marine craft. For example, the introduction of Personal Watercraft (PWC) swiftly attracted hundreds of thousands of new recreational boaters

to on-the-water recreation. While many in this new user group experienced the enjoyment of recreational boating, accidents and drownings soared as the numbers of PWC operators grew.

The Council has concentrated on a number of areas with the aim of increasing PFD wear rates among the boating public. Following is a brief synopsis of the Council's actions/findings in those areas including; boater education; child PFD wearage requirements; PFD technology; model act for PFD wear; PFD workshops

BOATER EDUCATION

Initially, the Council believed that boater education efforts would have a notably positive impact on PFD wearage. Accordingly, in 1998, the Council requested that the Coast Guard coordinate with the National Association of State Boating Law Administrators (NASBLA) and boating organizations to develop a Coast Guard program to encourage and support adoption of State laws and mandatory safe boating education.

The Council also expressed concern that boater education opportunities and the corresponding recreational boating laws varied from State to State with no effective, nation-wide reciprocity program among the States, thereby placing an additional burden on the individual to comply with the multiplicity in boating rules. The Council continues to work with NASBLA to seek ways to enhance the reciprocity issue among the States.

During that same meeting, the Council recommended that the Coast Guard engage in PFD public awareness campaigns with due consideration of the targeted risk groups identified (e.g. hunters, anglers, paddlers and PWC operators). Unfortunately, data continue to show that PFD wearage overall has not increased despite U.S. Coast Guard public outreach campaigns.

Again, in November 2003, the Council requested that the U.S. Coast Guard work with

NASBLA and the National Transportation Safety Board (NTSB) to promote the accelerated development of State boater education programs by:

1. Conducting a campaign to encourage those States that do not have boater education laws to enact such laws;
2. Tailoring statistics on boating accidents to those States that lack boater education laws that meet the NASBLA model act;
3. Reviewing the efficacy of existing State boater education laws;
4. Establishing a program on new incentives for States to develop mandatory boater education laws; and
5. Reporting back to the Council on the progress in developing this campaign and programs.

This effort continues today, as more and more States enact mandatory boater education that includes the lifesaving benefits of wearing PFDs.

CHILD PFD WEARAGE REQUIREMENT

Simultaneously, in the late 1990's, the Council also voiced concern about the safety aspects of the sudden rise in sales of various marine craft and the corresponding steep growth in utilization of personal watercraft (PWC), canoes and kayaks on our nation's waterways. The Council's initial inclination was to recommend the enactment of measures that would protect the most vulnerable recreational boaters, the children. In the Fall of 1998, believing that utilization of PFD's by children would eventually lead to PFD wearage by adults, the Council recommended federal rulemaking requiring the wearing of PFDs by children 12 years of age and under, riders of personal watercraft, and persons engaged in tow-behind water sports activities.

Four additional resolutions over the next several years resulted in the Interim Rule on wearing of PFDs by children 12 years of age and under being published in June 2002 and becoming effective December 23, 2002. The Final Rule was published on July 30, 2004. Interestingly, most States have complied by adopting their own child PFD wearage requirements.

PFD TECHNOLOGY

In addition to the need for education, the Council has been keenly aware that resistance to wearing PFDs was in part due to the lack of user friendliness in PFD designs. For years, boaters have complained that U.S. Coast Guard “approved” PFDs were hot, bulky and created limitations in maneuverability. These complaints prompted the Council to encourage the U.S. Coast Guard to consider approval of less cumbersome PFDs, such as self-inflatables. To that end, in 1997, the Council recommended that the Coast Guard require all automatically-inflating PFDs to have effective full system indication, including cylinder seal indication, so the indicator can be viewed during and after donning the PFD. In FY 1999, the U.S. Coast Guard awarded grants to test the indicators to promote and eventually facilitate the development and approval of inflatable PFDs. In 2001, grant results showed that it was indeed feasible to meet the new standards and the Coast Guard approved the first manual/automatic inflator with single-point cylinder seal indication on July 24, 2001. As a result, Type I, II, and III inflatable PFDs using manual/automatic inflators with cylinder seal indication are now available.

The Council recognizes that inflatable PFDs have a higher price tag than traditional U.S. Coast Guard approved PFDs and are considered by many to be too expensive for a large portion of the general boating public. It is the Council’s hope that the increased production of U.S. Coast Guard approved inflatable PFDs, fueled by public demand, will result in more affordable

inflatable designs available to the recreational boating public.

Further, there is a growing sentiment that the industry needs to foster new and improved technology in PFD options that do not hinder the enjoyment of recreational boating. During the Council's most recent meeting in April 2004, a concern arose about the presumed safety of children by parents who rely on the implied product assurance created by U.S. Coast Guard approval and labeling of PFDs for small children. They expressed concern that parents may opt to not require their child to wear a PFD if the labeling information did not fit their exact needs.

The Council therefore requested that the U.S. Coast Guard promote usage of unconditionally approved Type I and Type II PFDs for children weighing less than 50 lbs. because they provide superior in-water performance. If, however, there was a demonstrated need for PFDs with Type III performance for children of less than 50 lbs. for special activities, such as water skiing, the PFD's would only be conditionally approved by the U.S. Coast Guard.

The Council has also made efforts to promote the wearage of PFDs by adults interested in traveling to resort destinations and those engaged in special activities like sailboat racing. In October of 2001, the Council requested that the Department of Transportation (DOT) require the USA commercial airline industry to allow the carriage of personal, Coast Guard approved, inflatable life vests in checked luggage aboard commercial aircraft, and that the DOT provide suitable notification for uniform enforcement of the requested rule. The Federal Aviation Administration and Research and Special Programs Administration (RSPA) representatives in DOT responded that the airline carriers are required to state their policy for carriage of inflatable PFDs and associated CO2 cartridges and that the airlines should be contacted directly. Although the U.S. Coast Guard contacted the airlines to request a policy statement, heightened security due to the ongoing threat of terrorism has made carriage of inflatable PFD's on commercial

aircraft nearly impossible at this time.

MODEL ACT FOR MANDATORY PFD WEAR

The Council's increasing concern that the percentage of fatalities resulting from lack of PFD wear had not changed, regardless of the U.S. Coast Guard's attempts at education/intervention, lead the body to debate the possible need for stronger wearage requirements. In April 2003, during the Council's Spring meeting, discussions on PFD wearage rates resulted in a Council resolution to encourage NASBLA to develop a model act requiring the wear of PFDs on all recreational vessels 21 feet and under while underway and to recommend that States and territories pursue enactment of such legislation using the model act. Work on this model act continues to date.

PFD WORKSHOPS

In November 2003, the Council firmly acknowledged that boater education, mandatory PFD wear for children, and advances in PFD technology/design options have not resulted in higher PFD wearage rates and, therefore, had not significantly reduced the number of recreational boating accident deaths. Accordingly, the Council requested that the U. S. Coast Guard organize a PFD workshop where representatives of all appropriate segments of the recreational marine community would be brought together to explore any and all means of increasing wear of PFDs while boating.

During the Council's next meeting, in April 2004, the U.S. Coast Guard reported the results of the February 2004 industry workshop in Miami and a second workshop held during the International Boating and Water Safety Summit of April 2004. As expected, public and

industry comments were divided on the question of mandatory wear. However, the need to positively impact the wearage rates of PFDs by all boaters was clearly established.

Recognizing the immediate need to take a stronger stance on PFD wearage issues as only 22% of the boating population consistently wear PFDs, the Council recommended that the U.S. Coast Guard follow up on the recommendations of the two workshops by immediately convening a working panel consisting of interested parties, such as PFDMA, Boat Manufacturers, Retailers, State Enforcement Agencies, Media, and Boating Education Groups to initiate industry wide cooperation in promotion of wear of PFDs while boating,

The Council further recommended that the U.S. Coast Guard immediately initiate similar efforts with specialty groups to include hunters, anglers, and paddlers, and that implementation of the PFD Pledge for children, adults, boat manufacturers, and retailers (dealers) be included in all promotional efforts.

In addition, to ensure the allocation of the resources necessary by the U.S. Coast Guard to effect a significant reduction in boating fatalities by increasing PFD wearage, the Council set the following PFD wear rate goals (to be measured by ongoing surveys):

- overall wear rate of 44% through the 2007 season; and
- interim goals of 27.5% through 2005;
- 33% through 2006; and
- 44% through 2007.

It is the hope of the Council that achieving this 44% wear rate would save an additional 200 plus lives per year.

The Council further requested that the U.S. Coast Guard present reports at each succeeding Council meeting on the development and implementation of key strategies,

measurable results of programs, and needs for development of other programs for further growth. The Council plans to evaluate the reports at each meeting and recommend whatever other measures they deem necessary to significantly increase PFD wear.

CONCLUSION

In conclusion, the Council believes that in order to continue the U.S. Coast Guard's marvelous record of reducing recreational boating fatalities, we must effectively deal with the issue of drowning caused by failure to wear a PFD. The Council has no greater priority than to find ways to encourage the boating public to don some form of PFD in all circumstances.

With the technology available today, user-friendly floatation can be made available to the recreational boater and we must continue to encourage industry to expand the options available at an affordable cost. The Council will continue to promote child PFD wearage requirements and work with the States towards some form of mandatory education for the boating public. Finally, the Council will continue to actively work on reducing the amount of boating-related drownings by all possible means including considering the question of mandatory PFD wear.

James P. Muldoon
Chairman
National Boating Safety Advisory Council (NBSAC)
C/o METCOR
1500 K Street, NW
Suite 350
Washington, DC 20005
Tel: 202-638-2788
E-Mail: james.Muldoon@metcor.com