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RETHINKING MANDATORY PFD WEAR

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For years, the National Safe Boating Campaign has exhorted the public to “Boat Smart, Boat Safe, Wear It” or older versions, “It Floats, You Don’t”, “Boat Smart from the Start, Wear your Life Jacket”, direct references to wearing your lifejacket. Every organization associated with recreational boating safety pounds that message, in classrooms, in literature, during vessel checks, at boating booths, and in the media. This core message transcends alcohol abuse, hypothermia, and all the other hazards one might encounter on the water. Yet, the JSI National PFD Wearage Observational Study 2002, funded by a grant from the Wallop-Breaux Trust Fund states, that there has been no improvement in PFD wear rates over the five year period, 1998-2002. This study observed a total of 71,074 boats and 190,936 people during the 5-year period. And I believe that most would agree this is the case. Our present tactics are not improving the situation.

In 2003, the Canadian Safe Boating Council commissioned Smart Risk to investigate the advisability of advocating for legislation mandatory PFD wear for boaters in small craft. This comprehensive paper looked at four blocks of research:

- The magnitude of the issue
- The risk factors involved, with particular emphasis on the role of PFD wear
- The political and legal context
- The likely public response to the introduction of legislation

Concurrently, and possibly without a direct connection, the National Boating Safety Advisory Committee passed a resolution to study mandatory wear of life jackets on boats 21 feet and under. The Western States Boating Administrators at their annual 2003 meeting passed a resolution supporting the Advisory Committee’s stance and brought a resolution to the 2003 National Association of State Boating Law Administrators conference asking that body to adopt a model act requiring PFD wear on small boats. That resolution was sent back to committee for further work. However, the resolution contained a statement that NASBLA adopted a resolution in 1973 requesting the Congress to impose mandatory PFD wear on boats less than 16 feet as a national requirement. This issue has been around for some time.

In boating statistics in the U. S. and in Canada, the numbers show that roughly 80% of the recreational boating fatalities drown, and that wearing life jackets could have saved about 80% of those who did drown. This has held firm over the years, and has become a constant. Other studies show that the wear rate increases with rough weather, but that most fatalities occur in fair weather and calm water. People end up in the water unexpectedly, and having a jacket immediately available is usually not an option. Even if the jacket ends up in the water next to the victim, putting it on while swimming is difficult at best. A comparison might be buckling up your seat belt just before the collision. It probably is reasonable that if 700 people die in boating accidents, about 560 will drown, and 448 could survive had they had their jackets on.

The boating community has used the same arguments to justify mandatory wear of PFD's for children. Many states have passed laws requiring children of various ages to wear a proper fitting PFD. The Coast Guard passed a Federal Regulation covering those states without a PFD law, which will require children 12 and under to wear their PFD. The Canadian paper finds an unwillingness of government to institute an unpopular regulatory regime, and the perception that mandatory wear would be extremely unpopular. However, in public opinion polls a solid majority of boaters supported the idea of mandatory wear in Canada.

An associated issue could be the liability of boat owners or operators in accidents involving the non-use of PFD's, Canadian courts are not agreed on the factors determining liability or standards of reasonable care, thus the legal front is confused by the lack of a standard. Another issue is the economic impact of the needless loss of life, when taking lifetime earnings, medical costs and other factors such as maintenance of search and rescue assets, the costs are very high.

Lack of training and inexperience, plus an overconfidence of swimming ability probably are the largest hurdles to wearing a PFD. In Canada, water temperature is a large factor in boating fatalities, but almost half of the canoe & kayak fatalities in the U. S. between 1996 and 2000 occurred in water over 65 degrees. Cold water is a threat even in Florida. The National Transportation Safety Board has reports reinforcing these claims, and says that the majority of people who perish while wearing their jacket died because of hypothermia.

Seat belt and bike helmet legislation could be good models to compare PFD wear to. Once seat belts began showing up in automobiles, persuasion campaigns failed to get them on 20% of the occupants of vehicles. However, over the years, mandatory wear laws were enacted and those percentages have climbed to over 80% wearing their belts. Even with a catchy "Buckle Up for Safety" slogan, it took legislation to persuade the public that everyone really needed to buckle up. Bike helmets are on the same track. And when one considers the effort and money spent on asking people to wear their PFD, the similarities are striking.

This whole issue is about saving lives. Those in the boating safety business advocate wearing a jacket. Law Enforcement agencies and true professionals put on a jacket in a small boat. However, we see over 50% of people in a canoe not wearing a jacket, yet require a person on a Personal Water Craft to wear one, something is off course. Statistics show that the vast majority of deaths in boating accidents happened on boats under 22 feet, and were completely unexpected. Putting a jacket on everyone in that category would be the single most effective way to reduce those deaths.

I know that this will be a long haul, that there are many players, and across this nation it will bump along, as has countless other legislative initiatives. I would recommend that every serious boater study this issue and consider the effects it could have on our sport.

We wear the right gear to play all sorts of games, and lately we require our kids to wear their jackets on the water. Why not the same standard for us?

I invite you to read the Canadian Research Project, a compelling recommendation for mandatory wear. It can be found at www.csbc.ca. There are many other documents addressing this issue in various ways, “Critical Judgment” by the American Canoe Association, the JSI Study previously mentioned, Saving Lives and Preventing Boating-Related Accidents by NASBLA, and a host of presentations offered at the International Boating & Water Safety Summit, reported in their Proceedings. Approach this issue with an open mind; we need your counsel.

I propose that the NSBC Board study this issue and be prepared to have an open discussion at a future meeting. We should poll our member organizations to get their input. Furthermore, I enlist the major volunteer organizations to also consider the issue to provide their insight and recommendations. I believe that mandatory PFD wear can be the most singular measure we can enact to save lives on the water. And, that is our purpose.