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Public Forum

**Personal Flotation Devices in Recreational
Boating**

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SUBMITTED PAPER

Title: Report to the National Transportation Safety Board on
Mandatory Wear of Personal Flotation Devices on
Recreational Boats

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Report to the National Transportation Safety Board on
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on Recreational Boats

Aug. 2, 2004

In response to an invitation by the National Transportation Safety Board, the Boat Owners Association of The United States (BoatU.S.) is pleased to submit our comments, on behalf of our 575,000 members who are all recreational boaters, on the topic of life jacket wear requirements for all boaters. Since 1966, BoatU.S. has been an advocate of and at the forefront of numerous efforts to make boating safer, from research, grant projects and outreach efforts, many of them focused on life jackets. The founder of BoatU.S., Richard Schwartz, was instrumental in the drafting of the Federal Boat Safety Act of 1971 which fostered so many of the safety improvements we see today.

The BoatU.S. Foundation for Boating Safety and Clean Water has a staff with considerable expertise on all of the issues surrounding life jackets and we draw from much of their past work and current knowledge base in forwarding these comments. There are two main areas we'd like to focus our comments on — boating accident data and survey data drawn from national opinion surveys of recreational boaters. Finally, we will include comments on technology and the need to move forward in new directions.

Accident Statistics¹

BoatU.S. has analyzed the available U.S. Coast Guard accident statistics on recreational boater drownings from 1998 through the latest figures available, 2002. The figures overall do not support the commonly repeated slogan that some “400 boaters per year would have been saved” if they'd been wearing a life jacket. In a perfect world in which every regulation were obeyed, that might be the case.

In looking at the actual figures, BoatU.S. finds that of 2,446 drownings for those years, 2,139 (87%) did drown without wearing a life jacket. However, of the 2,446 drownings, there were also 13% of the victims (307) who were wearing a life jacket and perished anyway. Additionally, over these five years there were 679 boaters, or 20% of all boating fatalities, who died while wearing a life jacket, mainly from causes other than drowning, such as trauma or hypothermia.

Of the drowning victims who died without benefit of a life jacket, 37% had no life jackets on board their boat. In these instances, a “wear requirement” would most likely not have saved those lives, as the existing requirement that life jackets be on board were ignored.

A reasonable estimate of the number of lives that may have been saved between 1998-2002 with a mandatory wear requirement of life jackets is about 49% of those that drowned. This equates to about 240 out of an average of 679 overall boating deaths per year, or 35%.

In looking at the “big picture” of boating accident statistics, it should be noted that fatalities have shown a nearly steady decline throughout the 1980s and 1990s. The all-time 30-year low was reached in 2001 of 680 boating deaths and it is our belief that the main reason for an

¹ Information derived from BARD tables. Both non-reportable and non-recreational boating accidents have been omitted from this report.

increase in 2002 was a change in reporting requirements — 2002 was the first year that a new category of boaters, those who voluntarily swam away from a boat and subsequently died, were counted as boating accident deaths.

Since boating deaths reached an all-time high in 1973 of 1,753, they have dropped by more than half while, at over the same time period, boat ownership has increased by millions.

Based on existing figures, there are significant numbers of boaters who are currently not obeying the law requiring them to carry life jackets on board. It is the conclusion of BoatU.S. that a similar, if not greater, number will ignore life jacket wear laws.

Our experience has shown us that with little likelihood of enforcement and a small perceived risk, a sweeping new requirement will likewise not obtain widespread enforcement at any level. Enforcement of laws requiring carriage of life jackets are lacking, especially now that first responders have turned much of their resources to homeland security duties.

Several states have reported that year after year their number one boating violation is lack of carriage of personal flotation devices.

Surveys of Recreational Boaters

In 1998, when a similar request for comments was published, we conducted a survey of our members and received over 10,000 comments on the subject. 91% of the responders were opposed to a federal requirement that adults on board recreational boats be required to wear life jackets. We have no reason to believe that those opinions have changed based upon early responses to our current survey.

Many recreational boaters voluntarily wear personal flotation devices of some type when their judgment, based on local conditions, warrants it. A majority of those BoatU.S. members surveyed in 1998 did not object to life jacket requirements for children, canoeists, kayakers, personal watercraft operators, water-skiers and operations in bad weather. 34% of those surveyed said they did not object to a requirement for those operating open boats under 16 feet, mainly because statistics show that 50% of all recreational boating fatalities occur in boats less than 16 feet.

In addition to the 10,000 comments in 1998, BoatU.S. Foundation acquired opinion surveys earlier this year as part of a grant project, as well as focus groups of boaters, on the subject of life jacket wear. This research was conducted by Responsive Management, an independent research group in Harrisonburg, VA. Their results were quite consistent with the BoatU.S. generated member survey in that the main reason boaters said they did not wear a life jacket was that they are uncomfortable.

The second highest reason cited in all surveys was that boater did not feel the need to wear a life jacket. The ways to increase life jacket usage by boaters suggested by these surveys were (1) more comfortable devices and (2) more education and outreach efforts.

The member survey also found that boaters do not perceive any great sense of risk while boating — 88% said they felt boating involved only slight risk or moderate risk. 38% of boaters in the Foundation survey said they felt no need to wear a life jacket. Lack of perceived risk will also make acceptance and enforcement efforts more difficult, should wearage become mandatory.

New Survey Data in August

To get current, updated opinions of boaters on this topic, in late June BoatU.S. contacted Dr. Ed Mahoney, Co-Director of Recreation Marine Research Center at Michigan State University. Dr. Mahoney has developed a group of over 9,000 boaters that he calls the National Boater Panel. It includes a broad spectrum of boaters that he polls on a regular basis to get their opinions on a variety of issues affecting their sport. All 9,780 persons who registered for the National Boater Panel were sent the e-mail requesting their participation in the survey.

Dr. Mahoney recognizes the importance of the issue for recreational boaters and has responded as quickly as possible to launch the attached survey and poll the boater panel on their feelings about mandatory wear. He has asked them not only if they would support or oppose mandatory wear but why and how it would impact their desire to continue boating. The survey can be viewed on the Web site at <http://www.prr.msu.edu/boatfuel/> and is also attached.

The survey consisted of 10 questions relating to: (1) support or opposition to a requirement that adult boaters wear life jackets while underway in all boats, (2) reasons for support or opposition to a requirement that adult boaters wear life jackets while underway in all boats, (3) whether they were likely to boat less or the same amount if required to wear a life jacket while underway in a boat, (4) support or opposition to the requirement that children age 12 or younger wear life jackets while underway in a boat, (5) support or opposition to a requirement for adult boaters to wear life jackets while underway indifferent size and type boats, (5) whether or not they regularly wear a life jacket while operating their boats, (7) assessments of whether life jackets currently on the market are wearable and affordable and, (8) the type and number of life jackets boat owners currently own. The questions were developed based on a review of previous studies relating to life jacket usage, behaviors and attitudes.

While an excellent response came in by the end of July, to make sure the results were complete, the survey continued until August 9th. Dr. Mahoney reported that 44% (4,337) of the panel members submitted a completed survey prior to the August 9th deadline. This is considered an excellent response, especially given the fact that it is summer and people being queried are out boating. The final results and analysis will be available just prior to the forum on August 25 and will be presented at the forum and posted on the Internet.

BoatU.S. Policy on Mandatory Wear

The Association has long reflected the opinions of its more than half-million members who largely believe that a broad federal mandate for all boaters on all boats is not justified at this time, based on available data.

With further supportive data and analysis, BoatU.S. and its members may support requirements that are targeted to specific boating user groups by vessel size, type of waterway or age of boater. That being said, we believe each individual state is in a better position to craft boating laws tailored to their unique needs; the federal government's "one size fits all" approach is not one we can support at this time.

BoatU.S. also strongly believes that boating safety education is the key to ultimately reducing drowning fatalities. A 2002 Coast Guard funded study found that over 70% of boat operators using canoes, kayaks, rowboats, inflatables, pontoon boats and houseboats have never taken a boating safety course. Operators of cabin motorboats and sailboats were most likely to have taken a boating safety course, but participation by these groups is still very low. Many states are passing laws that require that all operators of recreational boats complete mandatory

boater safety courses. BoatU.S. strongly supports boater education efforts, including well-structured and reasonable mandatory education laws in all the states.

What Needs to Be Done

On April 7, 2004, BoatU.S. President Jim Ellis wrote to U.S. Coast Guard Commandant Adm. Thomas H. Collins regarding the Type II personal flotation device, the so-called horse-collar widely sold at discount chains (see letter attached).

The Type II is the most common personal flotation device that is the Coast Guard approved. It is bulky, it restricts movement, and it is uncomfortable and hot — one of the major reasons given by boaters for not wearing a life vest. However, it is cheap and fulfills the requirement of having a flotation device for every person on board. Life jackets do save lives, if they are worn, but boaters have largely rejected wearing Type IIs when choosing a device to wear. BoatU.S. feels that the Type II flotation devices should be re-evaluated and a testing requirement should be developed to increase their wearability.

BoatU.S. also supports an idea put forward in the July issue of *BoatU.S. Magazine* by our technical editor, Chuck Husick. In his column TechnoTalk (attached), Husick suggests that the Coast Guard and the marine industry pursue new devices outside of the current standards or types that will reduce boaters' resistance to wearing flotation aids. The Coast Guard should foster through design/technology competition or through incentives, the development of completely new types of devices that break the old molds and harness 21st century technology to address this problem. The current set of standards allow for little creativity or flexibility in getting a new device approved.

Conclusion

BoatU.S. believes that there should be a combined effort by the recreational boating industry, associations, media and the Coast Guard to find solutions that encourage the wearing of personal flotation devices that are wearable and inexpensive rather than issuing a federal regulation requiring mandatory wearing on recreational boats. We believe that a combined effort of these organizations together with increased boater education will increase the number of recreational boaters wearing life vests, with an increase in the number of lives saved.

The boating industry also needs to acknowledge and relate to the recreational boating community that boating has some inherent risks. Promoting safety has frequently been equated as being bad for business — people won't boat if it is seen as being dangerous. The boating media must consistently display safe boating practices in their advertisements and corporate literature. Our surveys have indicated that an important source of information and guidance on how to act on the water come from these sources.

Thank you for bringing attention to this important issue and we look forward to working with the Board on this and future safety efforts.

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Attachments Sent:

BoatU.S. Magazine Survey Form

BoatU.S. Magazine article

TechnoTalk column

Letter to Adm. Collins

Boater Survey by Dr. Mahoney

Survey Data from Responsive Management

Chart of BARD Accidents Statistics