

**NATIONAL TRANSPORTATION SAFETY BOARD
WASHINGTON, D.C**

Public Forum

**Personal Flotation Devices in Recreational
Boating**

August 25, 2004

SUBMITTED PAPER

Title: Mandatory Wear of Personal Flotation Devices on
Recreational Boats

Affiliation: Marine Retailers Association of America

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TESTIMONY

OF

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Before the

**NATIONAL TRANSPORTATION SAFETY
BOARD
ASBURN, VIRGINIA
AUGUST 25, 2004**

**Re: Mandatory Wear of Personal Flotation Devices on
Recreational Boats**

Thank you Ms. Chair and distinguished members of the Board. My name is Larry Innis. I am the Director of Government Affairs for the Marine Retailers Association of America. MRAA is the national trade association of 3,000 small businesses, which sell and service new and used recreational boats, sell marine accessories, and operate marinas. Our members own businesses in virtually every state in the country. In addition, our associate memberships include many regional, state, and local marine trades associations.

I am a member of the National Boating Safety Advisory Council, a Congressionally mandated panel of 21 people from industry, the public, and law enforcement, which advises the Coast Guard and the Secretary of Homeland Security on boating safety issues. I am also completing this fall about 14-years on the Board of Directors of the National Safe Boating Council where I served as the chair of the National Safe Boating Campaign, a national media outreach and volunteer coordination effort supporting PFDs, for two-years and the Council's chair from 1999 to 2000. Both of these organizations have done yeoman work promoting boating safety and the importance of boaters wearing a lifejacket, especially at night, on small boats, in bad weather, when boating alone, and when the boater is a non-swimmer.

MRAA also strongly supports wear of lifejackets by boaters of all ages. Our dealers sell a boating safety package to buyers of new and used boats and have various kinds of lifejackets available for sale in our ship stores. Our dealers also support boating safety by opening dealerships to the Coast Guard Auxiliary, U.S. Power Squadrons, and state boating educators for boating safety classes. Many dealers also teach boating safety and provide behind the wheel instruction, if desired by boat buyers. Others require an on-the-water demonstration during delivery no matter how much experience the buyer has. We support children wearing lifejackets. MRAA is also developing a safety page on its web site that can be accessed by boat dealers and consumers, which will offer many safety topics and safety tips.

There are many organizations, safety professionals, and volunteers who have worked hard with a great passion to make our waters safer and more enjoyable for the 70 million Americans who go boating each year. And, because of these efforts and the financial support provided by the Wallop-Breaux Trust Fund, the boating fatality rate has steadily been declining since the highs of the early 1970s. In more recent years, the fatality rate has declined from 8.0 in 1981 to an all time record low of 5.3 in 2001. There was a bump up in the number of fatalities reported by the Coast Guard in 2002 to 750, but that is primarily due to a change in the definition of a boating fatality by the Coast Guard to include people who die while swimming from a recreational boat (33). The Coast Guard failed to restate prior years for this definition change making it appear unusually high. I understand the Coast Guard will report a decline in fatalities to 703 for 2003, even with the definition change, continuing the long-term favorable trend.

If we put these statistics into perspective of the vast numbers of people who enjoy recreational boating, we can more clearly see the successes of the boating safety efforts. According to the Coast Guard and the industry, it is estimated around 70 million people enjoy recreational boating on about 17 million boats. MRAA believes recreational boating has achieved an enviable safety record that probably makes boating safer than walking, jogging, bicycling, and back yard swimming pools.

MRAA strongly commends the successes of the public safety efforts that have made our waters as safe as they ever have been. But, MRAA also believes more work needs and can be done to ensure the boating fatalities continue to decline. MRAA applauds the

recommendation of the National Boating Safety Advisory Council, which asks the Coast Guard to bring many interested parties together with the clear intent of increasing voluntary wear. A massive passive and active campaign needs to be developed, which includes the boating industry that will promote adults wearing lifejackets. We need the committed support of the Congress and the Coast Guard by fully funding state boating safety programs at the levels contained in the Senate-version of the Wallop-Breaux trust Fund reauthorization. We need the continued support of the Coast Guard to fully fund public and media outreach of the National Safe Boating Campaign. We need the industry to work with public safety officials even more to develop a workable plan to meet the goals set by NBSAC. And, we need all interested parties in boating safety to work smarter in a positive, cooperative way. MRAA wants to part of the development of this program and wants to work to implement its key strategies.

But, is it time for the federal government to require adults to wear lifejackets on a boat while underway? Even though we strongly believe boaters should wear lifejackets, we also strongly believe it is not yet the time. At its annual convention last November, the MRAA Board of Directors responded to a recommendation made by the regional and state marine trades associations in attendance by passing a resolution opposing a federal mandatory adult PFD wear requirement. The resolution supports states rights in this issue and says MRAA believes states should decide this issue, following a similar historical course as the issue of children wearing PFDs.

The MRAA resolution also asks the Coast Guard to schedule public hearings in key centers of boating to better gauge the feelings and ideas of recreational boaters. The Coast Guard has already completed two public meetings, at the Miami Boat Show and the International Boating and Water Safety Summit in Panama City Beach Florida. I attended both meetings. The Panama City Beach meeting was very productive with many ideas on how to increase PFD wear, but the Miami meeting was more about fear of what a federal mandate could do. MRAA is very concerned that the American boater needs time and strong reasons to support a significant change to a long established lifestyle. In addition, great improvements have been made in the design and comfort of Type I, Type II, and Type III lifejackets and, in particular, in inflatable lifejackets. But the cost of these better-designed lifejackets continues to be high for the owners of boats under 21 feet to 26 feet being targeted by the proposed NBSAC resolution and the Coast Guard. And, automatic inflatable PFDs just won't work on some of the boats being targeted in the discussions so far, like kayaks where the boater is consistently getting wet. We have more work to do to better design lifejackets and to lower the cost of inflatable lifejackets to better address the needs and desires of the boater.

As I said in my testimony, MRAA strongly supports PFD wear by all boaters. Its members, Board, and staff work hard to improve boating safety, but we oppose a federal law at this time. We believe time needs to be given to the recommendation of NBSAC that is being coordinated by the Coast Guard where industry, government, and voluntary groups come together to develop a workable strategy to double PFD wear in the next three years. By working together, MRAA believes our waters can be made even safer and fewer people will die while boating. Boating is a form of recreation with 70 million participants each year that must be safe to be enjoyable. Thank you.

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