

National Transportation Safety Board Report (2010 CBYCA)

This report is in three parts. The first part of the Safety Board's report touches on on-going accident investigations underway that may be of interest to the various organizations present at the IBWSS.

This first accident on 3/24/2009 off Cape May, NJ, highlights the need for accurate registration information for emergency position indicating radio beacons (EPIRBs). The accident involved the sinking of the US F/V LADY MARY with the presumed loss of 6 lives of 7 crew members. Water temperature was 40.6 degrees F. (discuss green sheet text p. 2 of Safety Recommendation letter). Because of the EPIRB registration error the vessel could not be identified and a delay of more than 2 ½ hours occurred. If the vessel's EPIRB had been registered properly and the EPIRB had had a GPS receiver, rescue crews most likely would have been on scene within an hour and the crew members in the water with and without immersion suits may have survived.

On March 11, 2010, the NTSB issued Safety Recommendation M-10-1 to the Federal Communications Commission as follows:

For commercial vessels required to carry 406-MHz emergency position-indicating radio beacons (EPIRBs), mandate that those EPIRBs broadcast vessel position data when activated.

The second accident involved 2 individuals who died in a parasailing accident near Ocean Isle, NC on 8/28/2009. Although the NTSB is not fully investigating this accident, we are supporting the CG with research and engineering support in examining and testing the Vessel's parasail tow yoke, towline, tandem bar and personnel harness.

The third accident which occurred on 12/5/2009, involved a collision of a 25-foot CG patrol vessel and a commercial 55' (Supercat) catamaran passenger vessel in Charleston Harbor. This accident is currently under investigation by a 3-man NTSB team.

The fourth accident under investigation involves a CG vessel identified as CG 33118, a 33' drug interdiction vessel, which collided with a 24-foot Sea Ray in the vicinity of Harbor Island in San Diego Bay on 12/20/2009. One person on board the Sea Ray died (an 8-year old). The NTSB is the lead investigating agency.

The second part of my report updates States' actions dealing with life jackets and children and mandatory boating safety education.

Basically, actions on life jackets and children came down to 3 States as follows:

1. VA – A bill was introduced; passed the VA Assembly Committee by a non-partisan vote of 15-3. When the bill reached the Assembly floor it was sent by Republican leadership (3 persons) to VA Militia Committee and was tabled by a 3-2 vote.
2. MD – Senate Bill 92 (a Departmental bill) amending Maryland's current children and life jacket law from under age 7 to under age 13 has passed the Senate by a 44-3 vote. A House Committee hearing was held on April 7, 2010. The Vice Chairman of the NTSB testified in support of the bill. If it is reported out of this Committee to the Maryland House floor, it looks good that Maryland will have moved to the recommended safety age for children and life jacket wear (under age 13).
3. WI – Two bills are in the Wisconsin legislature, AB 219 at age 12 and under and SB 162 at Age 10 and under. Currently, the Assembly and Senate are trying to resolve the age impasse. If this does not happen very soon, the bills will again be introduced next year.

Mandatory boating safety initiatives were fewer than expected as follows:

1. Hawaii – BLA reports that HI plans to do education requirement through the regulatory process. To date, no information has been provided.
2. Massachusetts – HB 2244 (mandatory boating safety education including PWC) has been passed by the Joint Committee on

- Public Safety and Homeland Security and has been referred on 3/18 to the Joint Committee on Ways and Means Committee.
3. Maine – No action on legislative study because of looming budget concerns.
 4. Both Illinois (strengthening its existing law) and California are again considering action on mandatory boating safety education.

Finally, as I was in attendance at the United States Coast Guard National Boating Safety Advisory Committee (NBSAC) meetings in Arlington, Virginia and here are some of the facts provided from those meetings (April 15 and 16, 2010).

1. In 2009, there are 83 million plus boaters about the same level as in 2008.
2. There are about 12.6 million registered boaters.
3. There are between 4 to 25 million unregistered vessels, mostly canoes and kayaks.
4. The boating industry provides an economic impact of about \$100 billion for the Nation.
5. In 2009, it appears that boating fatalities will surpass the number of deaths in 2008 (709).
6. The United States Coast Guard indicates that the national adult wear rate of 4.9% as reported in 2009, is not acceptable.
7. The NBSAC's strategic plan needs to revisit the plan's strategic national goals and propose a way to increase adult wear rates.
8. The current wear rate, for example for personal watercraft is between 90-98%; for children under age 13 between 90 and 95%. The United States Army Corps of Engineers (USACE) is reporting a wear rate for children of about 96+%.
9. There are still 2 States without a State life jacket wear requirement for children (WI and VA).
10. The USACE study in its Mississippi District (4 lakes), requiring all persons aboard small vessels under 16' and on all vessels 16' to under 26' when the vessel is underway and the person is not in an enclosed cabin, reports that at the end of its first year the wear rate is close to 78%. There has only been one complaint and the visitation at the lakes has increased 6%.