



# U.S. COAST GUARD OFFICE OF AUXILIARY AND BOATING SAFETY



## Boating Safety Division RBS Newsletter February 2021 Vol 2

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### WELCOME

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On behalf of the Boating Safety Division, welcome to the second edition of the RBS Newsletter. Our goal is to provide State RBS professionals updates on news and initiatives from the National RBS Program that affect them and their programs. We intend to put out a newsletter as content allows.

Here are the highlights. More detail is provided in the subsequent sections.

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[Division Chief's Note: Thank you to Lynne McMahan, and Carlin Hertz for their work in putting this together.]

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### TOPICS

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#### [Engine Cut-off Switch Wear Requirement](#)

Over the last three years (2018-2020), Congress has passed two laws requiring, first, that manufacturers install engine cut-off switches on recreational vessels and, second, that recreational vessel operators use those engine cut-off switches. The laws that have placed these requirements on

recreational vessel manufacturers and recreational vessel operators are found in United States Code (USC), as opposed to the Code of Federal Regulations (CFR) where these types of requirements are typically found. These are federal laws and not enforceable by state and local marine officers at this time. These new laws will improve safety for all recreational boaters by reducing the potential for propeller injuries to recreational vessel operators, other users of the nation’s waterways, and marine law enforcement officers responsible for responding to runaway boats.

More specifically, Section 503 of the LoBiondo Coast Guard Authorization Act of 2018 created 46 USC 4312 to require a manufacturer, distributor, or dealer that installs propulsion machinery and associated starting controls on a covered recreational vessel (less than 26 feet long and capable of 115 pounds of static thrust) to equip the vessel with an ECOS per compliant with ABYC Standard A-33. This law went into effect on December 4, 2019 one year after the 2018 CGAA was enacted and is referred to as the “installation requirement.”

Section 8316 of the National Defense Authorization Act of 2021 amended 46 USC 4312 to require individuals operating those recreational vessels covered by the installation requirement to use ECOS links, except if the main helm is within an enclosed cabin or the vessel does not have and is not required to have an ECOS. It provides a penalty of \$100, \$250, and \$500 for the first, second, and third offenses, respectively. The law goes into effect on April 1, 2021. This requirement is referred to as the “use requirement.”

The seven States listed below have ECOS laws:

- Alabama
- Arkansas
- Illinois
- Louisiana
- Nevada
- New Jersey
- Texas

The Coast Guard will be contacting those states to discuss those laws this coming month. Federal law preempts States from enacting or enforcing a law on a subject that is different from a federal law on the same subject. However, the Coast Guard has the authority to provide an exemption from preemption if recreational vessel safety is not adversely affected, as when a state law is close enough to the federal law and does not adversely affect recreational vessel safety.

The Coast Guard is putting together a press release, frequently asked questions (FAQs) and other educational materials on this new boating safety requirement and will disseminate those prior to the April 1, 2021 deadline. The Coast Guard will also make a presentation on this topic at the BLA Workshop. If you have any questions please contact your state coordinator. [[Return to Top](#)]

### **[CAPT Scott Johnson, Born on an Important Day in Boating Safety History](#)**

There’s a movie titled, “Born on the 4<sup>th</sup> of July,” which I think is a catchy title. Well, CAPT Johnson, who will leave his job as the Chief of the Office of Auxiliary and Boating Safety on July 1, 2021 was

“Born on an Important Day in Boating Safety History.” I can’t share the day, since that’s personally identifiable information, and the Coast Guard’s Cyber Police would hunt me down. But I feel it speaks to the important role that he’s had on our Boating Safety Program over the past four years. And while his replacement is outstanding, I am already bracing myself for CAPT Johnson’s departure.

What follows is a list of just some of his accomplishments during his four years in CG-BSX:

- Completion of the first exposure and participation national surveys in seven years.
- First update to the State Guide in 20 years.
- Completion of a three-year state, NASBLA, and Coast Guard joint project to update the accident reporting system.
- Initiation of a desk review program assessment of the states, which should eventually reduce the time it takes for such an assessment by more than 50% from the visits we have done.
- Completion of what will soon be 50 Standard Operating Procedures that continue to improve the services that we are offering you.
- Reestablishment of a strong relationship between the Coast Guard and NASBLA, including attendance by a large contingents of Coast Guard staff at the NASBLA BLA Workshop and Annual Meeting.
- The furtherance of key regulatory and statutory initiatives.
- The initiation of District workshops.

Moreover, that’s just half of his responsibilities; he’s also the Chief Director of the Coast Guard Auxiliary. He conducts himself in a patient, attentive, and listening manner that makes him a joy to be around. His primary vision has been on improving our performance, and he has had a lasting effect doing just that on the Office. He will retire after a 27-year active duty career in the Coast Guard. His immediate plans are to remain in the Virginia area, and he will be on active duty rehabilitating and from a knee injury and performing special duties until his retirement date on January 1, 2022.

-Verne Gifford, CG-BSX-2 [[Return to Top](#)]

### **[Welcome Aboard CAPT \(select\) Troy Glendye](#)**

CAPT Troy Glendye will be taking over the helm and guiding BSX through new and exciting adventures. CAPT Glendye is a decorated Coast Guard aviator and engineer. Most importantly, he's a lifelong boater and loves spending time on the water with his wife and four children. CAPT Glendye grew up in Plymouth, MA and graduated from the Coast Guard Academy in 2000 with a degree in Naval Architecture and Marine Engineering. After the Academy, he did his first tour on the Coast Guard cutter RESOLUTE then went to flight school and never looked back. He also attended graduate school at Purdue University and earned a degree in aeronautical engineering in 2014. To quote CAPT Johnson, who has spent some time already speaking to him about the Office Chief position, “CAPT Glendye is a wonderful person and I know you'll enjoy working with him.” [[Return to Top](#)]

### **[Scott Kelly Selected for Program Management and Operations Branch Chief](#)**

Scott Kelly has been selected as the BSX-21 Branch Chief position, which is the position once occupied by Don Kerlin that is responsible for State program compliance and grant technical management among other things. Captain Scott Kelly is currently on active duty as the Commanding

Officer of the Coast Guard Marine Safety Center (MSC). He comes to us with an extensive background in marine safety and engineering.

Prior to the MSC, he was the Office Chief of Operating and Environmental Standards (CG-OES) and the Prevention Chief at Coast Guard Sector Baltimore. A graduate of the Coast Guard Academy class of 1993 with a degree in civil engineering, CAPT Kelly began his CG career on the Coast Guard cutter MORGENTHAU then attended graduate school at Worcester Polytechnic Institute, where he earned a degree in fire protection engineering. Other assignments include executive assistant staff to the Deputy Commandant of Operations, Marine Safety Center Division Chief, Marine Safety Office Philadelphia and Marine Safety Detachment New Bedford. CAPT Kelly will be retiring this spring and starting with CG-BSX in June. You can check him out in his current position at this following [link](#). [[Return to Top](#)]

### **[Welcome Aboard Jonathan Hsieh](#)**

Jonathan Hsieh recently started as a Management and Program Analyst for the Boating Safety Division. His responsibilities include conducting recreational boating safety data analyses and research projects. Jonathan joins CG-BSX-2 from the Coast Guard Office of Navigation Systems where he conducted data analysis on the U.S. Aids to Navigation System and was also employed with the Maritime Administration where he managed the maritime data & statistics program for the agency. A merchant mariner by training, Jonathan is a graduate of the California Maritime Academy and holds advanced degrees in Government Analytics and Public Administration from Johns Hopkins University and Virginia Tech. Jonathan is also a Lieutenant Commander in the U.S. Coast Guard Reserve, currently stationed as a logistics management officer with Coast Guard Sector Virginia in Portsmouth, VA. [[Return to Top](#)]

### **[National Recreational Boating Safety Survey \(NRBSS\) 2018](#)**

In December 2020, the U.S. Coast Guard announced the public release of the 2018 National Recreational Boating Safety Survey (NRBSS). The purpose of the NRBSS is to produce scientific estimates about characteristics of recreational boaters, types of recreational boats that are owned and operated, boating population sizes, and exposure to risk. These estimates assist agencies and organizations meet nationwide best boating safety practices and standards.

As an example, the survey shows an estimated 84.5 million Americans boated (over 25% of the population) in 2018, and nearly 14.5 million households (11.9%) owned boats. Of the 25.4 million boats owned, 13.4 million were unregistered, including kayaks (7.3 million), rowed boats (2.4 million), and canoes (2.2 million). In 2018, recreational boats were operated for 3.42 billion hours (over 130 hours per boat).

The 2018 NRBSS was conducted via two grants funded by the Sports Fish Restoration and Boating Trust Fund (SFRBTF) administered by the U.S. Coast Guard. The grants were awarded to RTI and the Department of Community Sustainability at Michigan State University (MSU). The culmination of this multi-year, \$4.5 million project includes two written reports: the Participation Survey report and the Exposure Survey report. These reports provide the numbers and demographic profiles of persons

who went out on the water in recreational boats in 2018, and they provide information on boat ownership and use, estimates of exposure (e.g., person hours of boating), and risk ratios. A Data Access Query System (DAQS) was also developed, which allows users to browse results through a set of pages, each designed around a topic of interest to stakeholders.

The RBS Program is committed to using the NRBSS data and estimates to (1) identify and analyze boating participation trends; (2) better understand the characteristics of at-risk boating populations; (3) more effectually design and efficiently target boating safety education and outreach campaigns; and (4) more objectively and consistently assess the performance of education, regulations, and enforcement intended to reduce boating accidents.

The NRBSS reports and DAQS are available to the public on the U.S. Coast Guard's Boating Safety Division website at <https://uscgboating.org/statistics/national-recreational-boating-safety-survey.php>. [[Return to Top](#)]

### **[Revision of the State Recreational Boating Safety Programs COMDTPUB P16755.3B \(State Guide\)](#)**

The State Recreational Boating Safety Programs, COMDTPUB P16755.3B, commonly known as the "State Guide," provides a reference to the laws, regulations, and guidelines that govern the acceptance of State Recreational Boating Safety (RBS) programs and the administration of federal financial assistance available to eligible States. It assists the states in applying for and administering federal funds provided under the Sport Fish Restoration and Boating Trust Fund. All Coast Guard District RBS Specialists use this Publication as a reference when providing guidance to State RBS Programs. The State Guide also provides key elements and requirements for program approval, and describes monitoring and enforcement actions that may be taken by the Coast Guard.

The State Guide has long been overdue for an update, and has been undergoing this process over the course of the past several years. Since some portions of this revision represents a significant change in public policy, and, as the primary effected party, the states have been afforded the opportunity to provide comment on this Publication. The Coast Guard received 128 comments from 13 individual commenters. Many of the comments require action by the Coast Guard, and many of the comments center on methods used to measure certain performance aspects of the state programs. All comments have been thoroughly reviewed and recommendations have been developed for consideration by leadership. To address some of the programmatic measurement concerns, the Coast Guard is conducting a thorough analysis of every state program using the formula-based program measurement tool to insure an equitable measurement of program performance. Once this analysis is completed, then recommendations for any revisions needed will be forwarded to leadership for a decision. The Coast Guard is committed to keeping the states and NASBLA, through its Finance and Grants Committee, involved throughout this process.

The Coast Guard is grateful for the states participation in this process. Many of the comments and suggested edits received have certainly improved the document and provided clarity where needed.

We will keep you posted! [[Return to Top](#)]

## **[Update on Reauthorization of the Sport Fish Restoration and Boating Trust Fund](#)**

The Sport Fish Restoration and Boating Trust Fund (“Trust Fund”) is the financial backbone of the National Recreational Boating Safety Program. In 2020, \$120M was available to the 56 states, and \$6.2M was available to the national nonprofit public service organizations, such as NASBLA.

Generally, every five years, Congress passes a bill to reauthorize the Trust Fund. Our last reauthorization expired on September 30, 2020 and was extended a year by the Continuing Appropriations Act 2021 and Other Extensions Act of 2020 (Public Law No: 116-159).

We expect Trust Fund reauthorization will be part of the Surface Transportation bill. As soon as the Trust Fund is reauthorized, we will report that news to our stakeholders and begin seeking ideas on how best to optimize the Trust Fund in the future. [[Return to Top](#)]

## **[DHS Civil Right Evaluation Tool: Initial Submission or Renewal](#)**

As a recipient of federal financial assistance from the U.S. Department of Homeland Security (DHS)/United States Coast Guard (USCG), we would like to remind you about the requirement to complete DHS Form 3095: DHS Civil Rights Evaluation Tool. The DHS Civil Rights Evaluation Tool is a technical assistance tool to assist recipients of DHS financial assistance in understanding and being able to meet their existing obligations under civil rights laws and regulations. DHS added the requirement to the DHS Standard Terms and Conditions for grants and cooperative agreements awarded on or after April 9, 2018. For the State program, this meant implementation during the 2019 grant cycle.

Recipients of federal financial assistance from DHS must complete the DHS Civil Rights Evaluation Tool within thirty (30) days of receipt of receiving your signed award documents from USCG. After the initial submission for the first award under which this term applies, recipients are required to provide this information once every two (2) years if they have an active award, not every time an award is made (e.g. you will not need to resubmit this should you receive funds from another component in DHS, such as FEMA). Those States that successfully completed the requirements back in 2019 will be contacted by the DHS Office of Civil Rights and Civil Liberties (CRCL) at the time of your renewal this year. If you have not done your initial submission yet, please plan to do so immediately. We will be coordinating with CRCL to ensure that all State recipients are contacted about their compliance. [[Return to Top](#)]

Recipients should submit the completed tool, including supporting materials, to [CivilRightsEvaluation@hq.dhs.gov](mailto:CivilRightsEvaluation@hq.dhs.gov). Sub recipients are not required to complete and submit this tool to DHS. Please note that USCG has no administrative role in this process and cannot directly answer your questions about the requirements. Our colleagues at DHS are incredibly responsive via email, so please do not hesitate to contact them should you have any questions.

The evaluation tool can be found at <https://www.dhs.gov/publication/dhs-civil-rights-evaluation-tool>.

For additional information and technical assistance resources on recipient civil rights obligations, please visit: <https://www.dhs.gov/resources-recipients-dhs-financial-assistance>. [[Return to Top](#)]

## **FY2021 Grant Training Schedule**

We are continuing to offer virtual grant training for the remainder of FY2021. We previously published the schedule through the end of March. We have now added sessions in April through September. The schedule will be published as a separate document and is available to Grant Managers, Grant Accountants, and other fiscal staff members in your organization. This is a valuable opportunity for you and/or your staff to work toward certification under Management Concepts Grants Management Certificate Program.

<https://www.managementconcepts.com/Certifications/Management-Concepts-Certificate-Programs/Certificate-Programs/Grants-Management>

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## **Solicitation for DisPoCo Members**

The Coast Guard is looking for a few experienced maritime officers to help with a Visual Distress project.

Interested in Helping with Visual Distress Signals for the Future?

The USCG is creating an "expert team" that is tasked with developing Performance Based Requirements for Visual Distress Signals for Alerting and Locating with respect to Day/Night, and Coastwise/Oceans location. The team will create a performance criteria matrix that would outline future vessel carriage requirements based on their operations. Additionally, the "expert team" is tasked with developing a quantifiable model on detection probability for distress signals to evaluate future electronic Visual Distress Signals. This will involve quantifying the effectiveness of a distress signal while weighing the factors or variable that go into that effectiveness. [\[Return to Top\]](#)

Contact: Jeff Decker, [jeffrey.e.decker@uscg.mil](mailto:jeffrey.e.decker@uscg.mil)

## **Boating Incident Report Project**

As many of you are aware, state representatives and Coast Guard staff have been working under the auspices of NASBLA's Engineering, Reporting & Analysis Committee (ERAC) to develop recommendations for changes to the accident reporting component of the National Recreational Boating Safety program. The project, which ran from November 2017 through July 2020, was a massive undertaking that was originally projected to take a year but took almost three. It touched upon the reporting structure and timelines, scenarios and vessels that should be subject to reporting, as well as a list of data elements and definitions. The project ultimately led to ERAC forwarding over 100 recommendations to the NASBLA membership, which were overwhelmingly approved by the states. The final step is the review and approval of these recommendation by Coast Guard leadership, which is presently occurring, so the recommended changes passed by NASBLA member states have not yet taken effect.

NASBLA notified the Coast Guard of their membership's approval of the recommendations on August 6, 2020, and the Coast Guard staff have been diligently reviewing the recommendations and analyzing the implications of the recommendations on the current accident reporting program. The Coast Guard is currently considering the ERAC recommendations and staff analysis of the potential impacts of implementing the recommendations.

It is expected that many of the recommendations such as those related to scenarios and vessels subject to reporting can be enacted relatively quickly by updating Coast Guard policy. However, other recommendations such as the reporting structure and reporting timelines will require a change to Coast Guard federal regulations, which typically takes three to five years.

The Coast Guard plans to also begin work on the second phase of this project, which involves modernizing the current electronic reporting system (BARD) so that it uses current database technology and security protocols, as well as updating the system so that it can accommodate any changes to the accident reporting process. In this phase, the Coast Guard plans to work with members of our information technology workforce, the States, and NASBLA in a collaborative manner to recommend system functionality.

Alongside this effort, ERAC will develop best practices to assist in implementing recommendations. [[Return to Top](#)]

### **FY 2021 Final Allocation**

There is \$133,314,966 available in FY 2021 funding from the Sport Fish Restoration and Boating Trust Fund for the US Coast Guard. This is an addition of \$14,433,166 from FY 2020. According to the Fish and Wildlife Service, the agency that administers the Fund, there are increases in prior interest (up 68%), fish equipment sales (up 66%), and arms/ammo sales (up 17.5%). There were, however, decreased in tackle box sales (down 54%) and bows and arrows sales (down 20%).

After the statutory required deductions for sequester, the nonprofit organization grant program, and USCG RBS administration, the overall net funding to the States for FY 2021 is \$120,182,042. This is an increase of \$12,169,207 from FY 2020. [[Return to Top](#)]

### **Non-Profit**

Every year, funding is available for national nonprofit organizations via the National Nonprofit Organization Grant Program. The Notice of Funding Opportunities provides an “Areas of Interest” that the USCG deems a priority for these nonprofit dollars. We are requesting input from the States for these Areas of Interest. The topics have to be national in scope. The FY 2022 solicitation will be posted in October or November 2021. We would like topic ideas from the States to be submitted by August 31, 2021. For more information or if you have any ideas please reach out to Cynthia Dudzinski. [[Return to Top](#)]

### **Federal Safe Boating Act Reaches 50.**

This year marks the Fiftieth Anniversary of the Federal Safe Boating Act.

On August 10, 1971, President Richard Nixon signed the Federal Boat Safety Act (FBSA). The act mandated a cooperative Federal-State effort to improve the safety of recreational boating in the United States. It also established the National Recreational Boating Safety Program and gave the U.S. Coast Guard the authority to establish mandatory boat manufacturing and safety standards.

The FBSA changed recreational boating and the way the industry approaches both safety and cooperation. This act has given organizations common guidelines for recreational boating safety and serves as the foundation for safe boating standards. Partnerships with volunteer organizations, state-led agencies, boaters and the maritime community have greatly contributed to the FBSA's legacy. As a result, recreational boating is safer than it has ever been.

For more information and resources to include in your individual celebrations, please visit. The National Safe Boating Council's website at <https://www.safeboatingcouncil.org/federal-boat-safety-act/> [Return to Top]

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## U.S. Coast Guard Office of Auxiliary & Boating Safety

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### Engineer Vacancy

The Recreational Boating Product Assurance Branch (CG-BSX-23) staff includes three engineers who are primarily responsible for reviewing boat test and inspection results and working with boat manufacturers to ensure that their boats are in compliance with Coast Guard requirements. We currently have two vacancies among the engineering staff, and are trying to get those positions filled as soon as possible. If you have any questions about recreational boat compliance issues including hull identification numbers (HIN) and manufacturer Identification codes (MIC), please contact

Jeff Ludwig

Chief, Recreational Boating Product Assurance Branch (CG-BSX-23)

U.S. Coast Guard

Office of Auxiliary & Boating Safety (CG-BSX) [www.uscgboating.org](http://www.uscgboating.org) [www.safeafloat.com](http://www.safeafloat.com)

2703 Martin Luther King Jr. Ave, SE

Stop 7501

Washington, DC 20593-7501

Phone - 202.372.1061 (direct line)

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### BSX Points of Contact

#### Boating Safety Division Chief (CG-BSX-2)

Verne Gifford

(202) 372-1051 (w)

[Verne.B.Gifford2@uscg.mil](mailto:Verne.B.Gifford2@uscg.mil)

#### Admin Staff

Lucie Michel

(202) 372-1062

[Lucie.E.Michel@uscg.mil](mailto:Lucie.E.Michel@uscg.mil)

#### Program Management & Operations Branch Chief (CG-BSX-21)

VACANT, Scott Kelly has accepted the offer to assume this position

*Duties for this position are being shared in the interim by Branch Chiefs, Pavlo Oborski and Jeff Ludwig.*

#### Program Management & Operations Branch Staff

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Kristin Williams*	(202) 372-1067	<a href="mailto:Kristin.A.Williams@uscg.mil">Kristin.A.Williams@uscg.mil</a>

*\*State Program Coordinators*

**Grants Management Branch Chief (CG-BSX-22)**

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**Grants Management Branch Staff**

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Lynne McMahan	(202) 372-1069	<a href="mailto:Lynne.C.McMahan@uscg.mil">Lynne.C.McMahan@uscg.mil</a>
Jack Roberts	(202) 372-1266	<a href="mailto:Jack.Roberts@uscg.mil">Jack.Roberts@uscg.mil</a>

**Recreational Boating Product Assurance Branch Chief (CG-BSX-23)**

Jeff Ludwig	(202) 372-1061	<a href="mailto:Jeffrey.A.Ludwig@uscg.mil">Jeffrey.A.Ludwig@uscg.mil</a>
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**Recreational Boating Product Assurance Branch Staff**

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Eric Johnson	(202) 372-1101	<a href="mailto:Eric.A.Johnson@uscg.mil">Eric.A.Johnson@uscg.mil</a>

If a matter is urgent, please feel free to contact Verne Gifford at (504) 982-3717. [[Return to Top](#)]

[www.uscgboating.org](http://www.uscgboating.org)  
[www.facebook.com/USCGBoatingSafety](https://www.facebook.com/USCGBoatingSafety)

## [BSX State Assignments](#)

The list of Program Coordinators and Financial points of contact has been updated to include those states now assigned to Brian. Please feel free to reach out should you have any questions.

State	Program Coordinator	Financial POC
AK	Carro	Jensen
AL	Williams	Hertz
AR	Burgess	Jensen
AS	Carro	Jensen
AZ	Williams	Hertz
CA	Carro	Jensen
CNMI	Carro	Jensen
CO	Williams	Hertz
CT	Williams	McMahan
DC	Carro	McMahan
DE	Williams	Roberts
FL	Carro	Jensen
GA	Moore	Roberts
GU	Carro	Jensen
HI	Carro	McMahan
IA	Williams	Roberts
ID	Williams	Dudzinski
IL	Williams	Roberts
IN	Williams	Hertz
KS	Carro	Roberts
KY	Moore	Jensen
LA	Carro	Roberts
MA	Moore	McMahan
MD	Moore	Roberts
ME	Burgess	Roberts
MI	Williams	McMahan
MN	Williams	McMahan
MO	Carro	Jensen

State	Program Coordinator	Financial POC
MS	Williams	Dudzinski
MT	Carro	Dudzinski
NC	Burgess	McMahan
ND	Carro	Dudzinski
NE	Williams	Hertz
NH	Williams	McMahan
NJ	Carro	McMahan
NM	Williams	Hertz
NV	Williams	Hertz
NY	Moore	McMahan
OH	Williams	McMahan
OK	Williams	Roberts
OR	Moore	Jensen
PA	Carro	Roberts
PR	Carro	Jensen
RI	Carro	McMahan
SC	Carro	Roberts
SD	Williams	Dudzinski
TN	Williams	Roberts
TX	Moore	Roberts
USVI	Carro	Jensen
UT	Williams	Hertz
VA	Moore	Roberts
VT	Williams	McMahan
WA	Carro	Jensen
WI	Williams	Jensen
WV	Williams	Jensen
WY	Williams	Hertz

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