

65427
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USCG-99-6219-6

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COMMENTS 1-50

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U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION



**NATIONAL ASSOCIATION OF STATE
BOATING LAW ADMINISTRATORS**

*Res #118
G-L 9/11
G-LRA*

SEP 10 1997

97-059

Ed Carter
Chief, Boating Division
Tennessee Wildlife Resources Agency
P.O. Box 40747
Nashville, TN 37204

*Mr. Blayney - [unclear]
propose [unclear]
for [unclear]
signature
7/11*

September 10, 1997

Rear Admiral Paul M. Blayney
Chairman, Marine Safety Council
Commandant (G-L)
U.S. Coast Guard Headquarters
2100 2nd. Street S.W.
Washington, D.C. 20593-0001

Dear Admiral Blayney:

Attached please find Resolution # 1 that was passed at our Association's annual meeting in Charleston, SC.

Sincerely,

Ed Carter
Ed Carter, President
National Association of State
Boating Law Administrators

/

NATIONAL ASSOCIATION OF STATE BOATING LAW **ADMINISTRATORS**

RESOLUTION NO. 97-1

MANDATORY EDUCATION AND **MANDATORY WEARING** OF PERSONAL
FLOTATION DEVICES

WHEREAS, the U.S. **Coast** Guard has announced it's intention to solicit public comment in the **Federal Register** related to **mandatory** wearing of personal flotation **devices (PFDs)** and mandatory boating education programs; and

WHEREAS. the **Federal Register** may satisfy a legal requirement for giving notice of proposed federal actions, but it is not widely read by the boating community and will not reflect a statistically valid survey of how the entire boating community views either of these subjects; and

WHEREAS, a federal mandate to initiate mandatory state education programs without accompanying funding would result in severe financial hardships.

NOW, THEREFORE, BE IT **RESOLVED**, that the National Association of State Boating Law Administrators, meeting this 10th day of September, 1997. in Charleston, South Carolina, does hereby **call** on the Coast Guard to use appropriate alternatives to supplement the **Federal Register** as a means of surveying the public; and

BE **IT FURTHER RESOLVED**, that the National Association of State Boating Law Administrators strongly opposes any movement towards a federal **mandate** requiring states to initiate mandatory education programs or mandatory wearing of personal flotation devices; and

BE **IT FURTHER RESOLVED**, that a copy of this resolution be **forwarded** to the Executive Director of the U.S. Coast Guard Marine Safety Council and to Rear Admiral James Hull, Director of Operations Policy, U.S. Coast Guard, for their consideration and appropriate action.

September 10, 1997


Ed Carter, President

OCT - 7 1997

07 October, 1997

Executive Secretary
Marine Safety Council (G-LRA, 3406) (CGD 97-059)
U.S. Coast Guard Headquarters
2100 Second St. SW
Washington, DC 20593

Dear Sir or Madam:

Recently, I received the following notice over the Internet:

Coast **Guard** Seeks Boater Comments on PFD Requirements

The U.S. Coast Guard would like to hear from boaters on the need for ~~federal requirements of~~ incentives for boaters to wear life jackets. Send comments no later than February 2, 1998 to: Executive Secretary, Marine Safety Council (G-LRA, 3406) (CGD 97-059), U.S. Coast Guard Headquarters, 2100 Second St. SW, Washington, DC 20593. About ~~4~~ 3% of boaters who die in boating accidents drown because they **aren't** wearing life jackets.

My comments:

1. I believe the USCG should strongly encourage people to wear life jackets, particularly in off shore activities and in other isolated or semi-isolated situations.
2. I am not sure what "incentives" the federal government or the Coast Guard would or could offer so I will not comment on that issue except to say that If an appropriate incentive did exist I would probably support its implementation.
3. I would support a federal regulation that required infants to wear **PFDs** if it were patterned after the **spirit** of the infant car seat requirements of many states. (e.g., Children under 3 years of age are required to wear a PFD while In a boat or shlp that is underway.)
4. I **would** probably oppose a federal regulation that required PFD use by children above 3 years old.
5. I would strongly oppose any federal regulation that required PFD use by adolescents or adults.
6. I do believe that **PFDs** save lives but I do not believe that a federal regulation requiring the use of **PFDs** will have any **significant** effect on the number of boating accident fatalities.

If you have any question, I can be reached at:

Richard Ivy
421 Avery Street
Decatur, GA 30030-3808
(404) 378-5193 (evenings)
(770) 734-0100 (days)
Richard.Ivy@Antec.com (email)

I am 45 years old and I have been actively boating for 45 years, mostly on lakes and Inland waterways.

Sincerely,



Richard Ivy

2

OCT -7 1997



Minnesota Department of Natural Resources

Boat & Water Safety Section

500 Lafayette Road

St. Paul, Minnesota 55155-40__

Executive Secretary Marine Safety Council

(G-LRA, 3406) (CCD- 97-059)

U.S. Coast Guard Headquarters

2100 Second Street SW

Washington, DC 20593-0001

October 7, 1997

Answers to questions posed by *the US Coast Guard in the Federal Register Vol. 62, No. 186, Sept 25, 1997 (CGD 97-059)* regarding the mandatory use of PFDs by recreational boaters.

I am writing this not only as the boating education coordinator for the state of Minnesota but as a life-long boater. For 100 years, boating safety professionals have known that life jackets save lives. We also know that many boating deaths are drownings and could be prevented by the usage of personal flotation devices (PFDs or life jackets.)

1) Recreational boating in general involves a moderate amount of risk compared to other recreational pursuits such as trail hiking or bike riding, but certain specialized boating activities such as waterfowl hunting, personal watercraft riding and white water raking involve a much high amount of risk as evidenced by higher than average boating accident rates for these activities.

2) I do not agree that a Type IV device is as safe as a wearable device. In cases of cold water drowning, when a person goes overboard and their head goes under water, a phenomenon called the torso reflex occurs - that is when a victim's head is suddenly immersed in cold water. The gasp that occurs and the following aspiration of water can cause immediate drowning. There is no chance to grab a Type IV cushion or ring buoy. Also, there is little or no hypothermia protection provided by a Type IV compared to wearable devices, especially Type III Inherently buoyant devices.

In unscientific experiments I have seen conducted, I have noted that Type IV devices drift faster than wearable PFDs - perhaps due to the greater amount of wind propulsion provided by the higher above-water profile of a Type IV device. If it drifts away faster from a swamping or capsizing, the chance of a victim grabbing it is less than a wearable PFD that may not drift away as quickly.

3) I always wear a PFD, so mandatory PFD usage would not have an adverse effect on the amount I would participate in recreational boating.

DNR Information: 612-296-6157, 1-800-766-6000 • TTY: 612-296-5484, 1-800-657-3929

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3

4) I boat for approximately 10 hours a week for twelve summer weeks totalling 120 summer boating hours per year. Plus, I boat about 24 hours during waterfowl hunting season. Most of my boating activities take place in a 14 foot aluminum fishing boat, a 12 foot john boat (for duck hunting), a manually powered paddleboat (water bike) and occasionally a personal watercraft

5) I generally wear a inherently buoyant Type III PFD. but recently have tried an inflatable belt pack Type III PFD with encouraging results. It is very comfortable and easy to wear while fishing. When automatic inflator units are CG approved, I will probably switch to one exclusively for summer use, but for cold water boating, I will continue to use a Type III. At this point I do not feel that the manual Inflation devices provide the safety factor I require.

Mandatory use.

1) I don't believe that the Federal government should mandate PFD use for recreational boaters. As much as I believe PFDs are important and that every boater should wear a PFD whenever they go boating, PFDs wearing regulations are a state issue, and need to be left up to individual state boating law administrators and state legislatures. The Federal government needed to intercede in the seatbelt issue because of the huge number of people dying on the nation's highways (about 40,000 per year.) As tragic as any death in a recreational setting is, the 700 people that died last year do not constitute a national emergency requiring Federal government intervention.

Also important to note is the mention of "incentives" for states to require mandatory PFD use. I think "incentive" is a euphemism for "carrot and stick" tactics. I fear these incentives would be withdrawal of Federal boating funds (as happened to states whose legislatures refused to require seat belts and motorcycle helmet laws.) Many states, mine included, are very independent. As soon as they are told that the Federal government is requiring anything, they refuse to do it. If the Minnesota state legislature is told that Minnesota will lose 30 percent of their boating funds, they'll say, "fine, keep your Federal funds" . . .much to the detriment of the state's boating safety program and the state's boaters.

2) No mandatory PFD wearing requirements.

3) No mandatory PFD wearing requirements.

4) No mandatory PFD wearing requirements.

5) None.

6) Impossible to prove.

7) I have attached several press clippings regarding this issue.

8) I know of no instance where PFD usage is undesirable. An inflatable gets around the comfort issue. even in summer heat.

9) Yes.

10) No Federal PFD wearing requirements are acceptable.

11) None.

General

1) **Benefits:** If it were a Federal law, it would cut boating deaths by ten percent at the most Fifty or 60 percent of boaters would ignore the law, and most sole state waters (where most boating fatalities occur) the effect of a federal law on safety would be minimal. The people who needed to obey it would be the least likely to obey it.

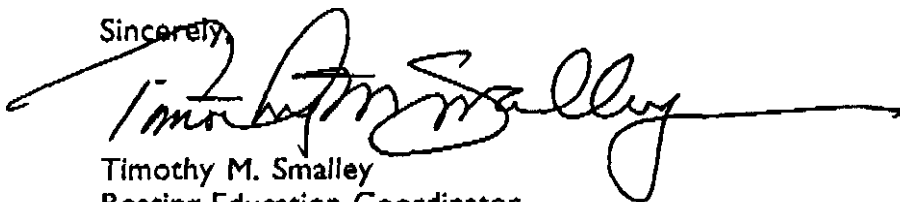
Costs: Huge costs in terms of enforcement and public relations since the US Coast Guard does such a poor job of telling people what the current Federal laws are and possible changes in existing laws, I suspect that would continue with any new law. (This is evidenced by the current USCG thinking that publishing this Request for Comment in the Federal Register is an adequate method of getting the word out to recreational boaters.) The individual states would most likely have to do the press releases and other educational outreach programs.

2) Increased mass media and public outreach boating safety programs. A very small percentage of boaters will ever take a boating class, so a greater effort has to be made to reach boaters that will never go to a formal boating safety course. They have to be in small, entertaining, *impactful* and *easy to digest* bites.

3) Hire professional public relations people to sell the boating safety message and the importance of wearing PFDs to the public instead of poorly funded safe boating week programs that are often executed poorly and in a haphazard approach. The Ad Council would be happy to do this sort of work.

We have used modern public outreach programs for the last ten years in Minnesota and our boating statistics show its effectiveness compared to other states with similar boating seasons and boating situations. According to scientific observational surveys the state has gone from less than ten percent PFD usage in 1986 to 40 percent usage in 1996.

Sincerely,



Timothy M. Smalley
Boating Education Coordinator

c: Ted Woolley, president NASBLA

Star Tribune

Established 1867

Roger Parkinson Publisher and President

Joel R. Kramer Executive Editor

Ilm J. McGuire Managing Editor

Robert J. White Editorial Editor

Saturday/October 5/1991

Tragedy averted

My canoeing companion, Bob Koenig, and I would like to thank the unknown angel who called the police when we capsized in the Mississippi River, upstream from the Camden Bridge Sept. 25. We would also like to thank the Minneapolis Police officers, Hennepin County deputy sheriff and his partner and the Minneapolis Fire Department and paramedics.

My partner and I were paddling our 490th mile in three summers in the river. What had been a struggle with strong currents and high winds suddenly became a fight for survival. We were able to get to shore with our life jackets, but had become separated. I recognized the onset of hypothermia — wet and in high winds.

I was shaking uncontrollably, losing coordination and becoming bewildered. As I clawed my way up the river bank to seek help, two Minneapolis police officers appeared. They quickly checked with the sheriff — my buddy was on shore. Quick action got us into the heated ambulance, and the police escorted our wives, who were to meet us at Boom Island, to the Camden boat landing for a thankful reunion.

Since Koenig and I are in our 70th year, I have no doubt that the quick action averted a fatal situation. We are deeply grateful — as are our spouses, nine children and 15 grandchildren. — Karl J. Vander Horck, Duluth.

PFDS

1-6-88

To Boat & Water Safety Section

I saw in the current of
Burnsville of water survivors
testimonials.

Still here, having worn a
life jacket.

A few years back I was a
sailboat instructor and having
taken a Coast Guard course, you
can still mess up.

At a Boy Scout Camp on Mirror
Lake between Effie & Logo, Minn. at
Flaming Pine Camp had 3 adults
in a sail boat 12' Tuff with
a main and jib.

We were tacking 10° down
wind port with both sails winged
out and went to come about.

to 18 down wind ⁻²⁻ starboard. The error, did not pull main boom to center before changing direction and when we crossed over center the wind caught the main sail on the other side and whipped the boom fully from one side to the other side and hit all 3 of us beside the head and tipped the boat over.

The woman with us was limp in the water but not quite fully unconscious and the other fellow was very dazed. Had we not had life jackets ON (required in Boy Scout Camp training) I'm sure one or two of us wouldn't be here now.

The type of life jackets were there. bulky R-Paks, but did the job.

A power boat in the area, but not near to us to be of any hazard,

had been pulling skiers, dropped them (skiers) off and came to our rescue.

He approached very cautiously - not knowing where we were in the water and also the mast & sails.

It took two full grown adults to lift the woman into the power boat. She was immobile to help herself. The man with us managed to partially help himself into the boat.

As far myself as long as I was up right above water & breathing OK. but dazed, I stayed with my boat I managed to crawl onto the center board for more support.

Waited 15-20 minutes and then proceeded to upright sail boat with some help and got it back

to the dock.

The woman was laid up for a couple days and we had to do our own cooking for awhile for she was the Camp Cook.

No more swimming in the lake the rest of day and part of next day for the man with me was the life guard.

Needless to say we had a very thorough discussion with the B.S. troops there as to what went wrong and the very positiveness of wearing a life jacket and not even fall in your hand alone in the boat.

A sail boat can get away from you and not as forgiving as other boats.

The next day I heard the remark "Won't it be funny if Chuck tips over he has the Cook

- 5 -

and the life-guard." Well it
wasn't us, for we all could
have been hauled off in a
crate, if they found us.
Sure would have curtailed
our summer camp schedule.

Many of us learned a good
lesson that day and hope
it has saved someone else.

Thank you

Charles Tom Hunter
209 Valley High Road
Dunsmuir, Am.

53-337-2765

612-890-2349

You had asked for
letters concerning happy
endings with 5 life jackets
I've enclosed one. I
apologize it's taken so
long to get it to you.

Thank you
Ueki-hu

In May of 1985 my husband (Mike), 2 year old son (Joey) and myself spent the day at William O'Brian St. Park. It was busy that day so when we rented a canoe they had run out of the Jr. sized life jackets. We used a large one and strapped Joey in. It wasn't long before he started complaining it was uncomfortable. I sat him in my lap and tried to keep him happy. It was a warm & calm day so I suggested to Mike that we should take Joey's jacket off. But he thought we

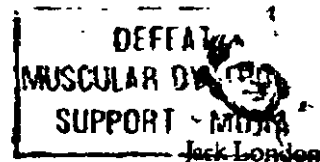
Should leave it on, and we did. After awhile the motor boats were out. Joey still in my lap Mike started playfully rocking the boat with the waves. We both knew better but it was fun. Next thing we all were in the water. I lost my grip on Joey as we went over. He came up about 10ft. away from us. I thank God he came up. As slim sure you know the water in that area is swift, deep and very dark. Also quite cold.

in May. I don't like to think of what might of happened had I taken the jacket off like I wanted. After we got to shore run out + dried off we went on to have a pleasant day.

We took this lesson to heart, we all have our own life jackets and never leave home without them.



Mike & Vicki Lee
978 West Burke Avenue
Roseville, MN 55113



Dept. of Natural Resources
Boat + Water Safety Section
500 Lafayette Rd.
St. Paul, MN 55155-4046

Boat and Water Safety Section
Minnesota Dept. of Natural Resources
500 Lafayette Road
St. Paul, MN 55155-4045.

INFORMATION COPY

TO: TIM SMALLEY

FROM: JEFF GORTGN

RE: "HAPPY ENDING" STORY

I spoke to you earlier regarding a request in the most recent Minnesota Volunteer magazine for stories with happy ending because of using a P.F.D., and you asked me to send you my tale in writing. I hope this will suffice.

I was involved in an outing with a church youth group as an adult counselor, participating in a spring weekend canoe trip on the Red Cedar River in Wisconsin. This trip took place during the last weekend in April, and water levels were still a little high from spring runoff. The group consisted of six junior high school kids and three adult counselors initially, but one of the adult counselors had to leave Saturday evening, leaving only two counselors.

Our group broke camp Sunday morning, and was about to start down the river. Two of the group weren't wearing a P.F.D., and I instructed them that they had to put on their P.F.D.s before we could leave. One of them informed me that she was a good swimmer, and didn't need to wear it - I'm sure you know the type. I explained to her that the water temperature of the river was only in the 60 degree range, and that swimming in 60 degree fast moving water was quite different from swimming in a heated indoor pool. The young lady reluctantly put on the Stearns vest I had brought along, and we started down the river.

The canoe with the two balkers got into trouble right away, and I tried to help them from my canoe, but only succeeded in capsizing my own canoe. My canoe floated down the river in an inverted position with me and my young partner hanging on. We came close to a blown down tree along shore and I grabbed it and brought our canoe to a stop. I looked up and saw the canoe that had been in trouble come floating along behind us with its two passengers in their P.F.D.'s clinging to the overturned craft. I reached out and grabbed them, and helped them up onto the blow down, and then to shore.

Both of the girls were shaking, and one girl was crying, but all four of us were safe. A passing motorist noticed our dilemma, and took the three kids to her house, gave them all a shower, dried their clothes in a clothes dryer, and gave them something to eat.

The other canoeist in our group fished what gear we could out of the river, and packed up. After the incident, the "good swimmer" told me it was a good thing I made her put on the P.F.D., because she didn't think she could have swam to shore after the incident.

The following is an account of a canoeing accident I had on the last weekend of duck hunting in 1985.

It was early in the morning sometime before dawn, ~~and there were~~ ~~two~~ We were there early because four guys were going to hunt and the 17 foot square stern canoe would only hold 3 guys at a time.

I drove across with the first two guys and upon arrival we set up our decoys. I then dropped those two off and proceeded back to the landing.

As I approached, a small sunken ~~island~~ island in the middle of the lake I slowed the motor and steered away from the island. As I was skirting the ~~land~~ reef the motor suddenly struck something under water. The canoe was instantly capsized. As I was going over my first instinct was to reach and save my gun but it was too far away.

By the time they shaking
reached me I was shaking
uncontrollably. They were in
a jon boat and had to
haul me in over the back
end and now to shore. ~~They~~
~~had~~ On the way in my
body shook so hard that I
shook the whole boat and made
it hard for them to pull. Half
way back to the landing stopped
the boat with a motor stopped
and towed us to shore. The
I was taken home by the
other hunter in my party. I had
The other two hunters I had
dropped off on the island were
sick when they heard me yelling
for help and could do nothing
to come help me.

This happened on Three-Island
Lake in Be Frami County that
morning we broke several yards
of ice away from shore so
we could leave.

When I go now everyone
wears a pfd, we never over load always
watch the wind, and use a lot of
common sense when we hunt.

Chuck Plantz
Rt. 1 Box 683
Barnum, MN. ~~55707~~ 55707

The initial shock of the cold water was incredible and during the time I was in the water I never fully regained normal breathing.

I was glad that I was wearing my flotation jacket (float coat) that morning. It kept most of my upper chest and head out of the water.

I held onto the canoe and the gas tank and yelled for help. I yelled because I knew that on an island near me there was another set of hunters setting out decoys.

I yelled for 5 to 10 minutes until finally they responded. While I yelled I kept eyeing a point that was 100 yds away. I kept wondering if I could possibly swim to it. The point had a resort on it with a big yard light that was visible. The reason it took the guys on the island close to me so long to hear me was that they were setting out decoys. ~~and~~ They were also up wind from me.

MINN CLIPPING SERVICE
LITTLE FALLS
MORRISON COUNTY
RECORD
Merris Co.

JUN 13 1988

DNR employee helps rescue anglers

Two anglers who were clinging to their overturned boat were rescued recently by a Department of Natural Resources employee.

Jim Lillienthal, area fisheries supervisor at Little Falls, had just completed stocking walleye fry in Lake Shakopee when he and two other anglers spotted an overturned boat about one-

half mile from the boat launching site.

Lillienthal quickly unloaded his boat from its trailer, and he and the two other men pulled the boat about 200 feet to open water. From there, they motored to the capsized boat and pulled the anglers aboard. Both men had been wearing life jackets and appeared to be in good con-

dition. Lillienthal then helped the men upright their boat and get packed up at the public access.

DNR Commissioner Joe Alexander has commended Lillienthal, noting, "Your quick, decisive action is highly commendable and reflects highly on you, your companions who are as yet unknown, and the Department."

ADDL DETAILS

May 15, sunday of fishing opener, Lillienthal was out stocking walleye fry.

High winds, big waves-4-6' Water temp 52⁰F

Low water conditions at boat ramp, difficult to get boat out into deep water to run motor.

Had to ask 2 fishermen to help him get his boat out of water and onto his pickup.

Just as it was loaded up, they saw a boat capsize and 2 people enter water.

They unloaded his boat and got out to victims. - Both were wearing PFDs- One Stearns type III, one orange type II.

They pulled men out of water and uprighted the boat (12' aluminum)

Got men back to shore.

Lillienthal feels that without PFDs men would have had a difficult time surviving.

T . M . Smalley

MN DNR-boat and water safety specialist

Outboard **was running and Mies directed them to** fetch one child while he **aimed** his **16-foot** Lund at the other **two**.

"The kids weren't in the lake for a long time," said Mies. **"I suppose** it was just **five** minutes. **But they were 500 yards from shore in the middle Of whitecaps and the water was only 50 degrees or so.** They were in **trouble."**

When the men got **the children to shore**, DNR **Conservation Officer Steve** Jacobson was waiting with a warm **pickup truck**. **He** tended to their immediate needs and drove them to their cabin.

"When we got back to the cabin," said Mies, **"we** all sat **down** and had a talk **about** boating safety."

Mies said he appreciated the **help** Of **the Elkes**. **"I don't** know if they caught any fish, but they sure helped some kids in need.'

May 9, 1968

Rec
= 9/6/88

Minnesota Dept. of Natural Resources
Boat & Water Safety Section
500 Lafayette Road
St. Paul, MN 55155

Sir:

I am writing **per** your request in the "Minnesota Volunteer" **May-June** 1988, page 64.

I know of 3 people that era alive today because of the wearing of a P.F.D.

I **was** taking a vacation in the spring (May), in the BWCA, and **ended** up on the Burke-Sunday portage in the Quetico Park, just off Bailey Bay, on Basswood, near **Ely**. This was **in** the days when motors were allowed, maybe 20 years **ago** or **more**.

I was fishing on the Sunday Lake portage, where it goes into Burke Lake, with a friend, who has since **died**, and looking out over the white caps on the lake, I noticed **a** canoe in the middle of the lake. My friend and **I** were busy tending our **tackle** and the next **time** I looked, I saw three orange jackets floating in the water, the canoe tipped over.

My canoe was on Burke Lake so I ran as fast as I could and portaged into Sunday Lake and to make a long story short, I got all three people to shore.

On shore the father told me he was thinking of giving up, even though he was wearing a PFD, until he saw **me** coming. The water was cold as it happened just after ice out.

This whole experience is still **very** vivid in my mind and if the people involved had not been wearing their PFD, I question **if** they would have made it out of the lake alive.

One other factor in saving these people is the **fact** that motors were still allowed in the BWCA and the **Quetico** Park. Because of the **water** temperature, time was **a** great factor in the rescue. **The** fact that I **was** using **a** small **1 1/2 h.p.** outboard motor on a side mount on my canoe was in my thinking as important as the people wearing their PFD. I had to go into the wind with my canoe to get to them and to

Page 2

this **day**, I am sure **I** would not have been able to rescue these three without the small motor. It would have **been** impossible for me to paddle into the wind to get to **their** overturned **canoe**. If I had tried without a motor, I am sure I would have endangered my **own life** and the three would **have** died of exposure.

I think the U.S. Government made **a** huge mistake to ban small motors on **canoes**. The safety feature of being able to control my canoe for the above rescue is **ample** evidence of **their** importance and far more important than a person hearing an "egg baster" on a BWCA lake and complaining about noise.

The motor and PFD saved three people and were Just as important **as** my personal participation **in** this incident.

I am 62 **years** old now and have been retired from the Rochester, Minnesota, Fire Department for close to 12 **years** and also think that my training from the Fire Department had a great deal to do in the rescue because of the confidence I gained from my Job.

I still hear from the father that **I** rescued every Christmas **and** if you would like his side of the story about wearing a **PFD**, write:

Bill Conner
8 - 6th Avenue NW
Aitkin, MN 56431

I think he is retired now, but that **was** his last **address**.

Respectfully yours,

Richard D. Toogood

Richard D. Toogood
Route 1, Box 150
Millville, MN 55957

Aug. 31-88

*This letter was misplaced
& I just found it
today. Hope it is
not too late for your
intended use.*

Richard D. Toogood



A life jacket by any other name still makes sense'

Rob-a-dub-dub, five dudes in a tub.

In whitecaps, yet.

On Lake Lac.

Good grief, what Minnesotans won't do for the taste of walleye.

They were riding in a tri-hull boat, a popular design noted for stability. A tri-hull might not be a fisherman's first choice for angling in whitecaps, but the shape of the hull is not what this story is about.

It's about PFDs.

The five dudes had two PFDs on board last weekend.

Which wasn't enough when the tub took waves over the bow and filled up with water.

Oh, they were rescued. By a pair of



Ron Schara

walleye fishermen competing in a tournament sponsored by — irony of ironies — Sears Manufacturing, the St. Cloud makers of U.S. Coast Guard-approved PFDs, the Personal Flotation Devices.

The tournament contestants were required to wear PFDs.

That happened to make extraordinary sense last weekend, because the big lake was, at times, rolling with white-tipped waves.

What the five dudes in the tub were

thinking is anybody's guess.

"You haven't told me anything yet that surprises me," Kim Elverum said yesterday when told of the incident.

Elverum, 38, the state's water safety expert, has been monitoring the ways boats sink for a dozen years for the Department of Natural Resources.

Although state law requires a PFD for every person on board, "It's the most common violation," Elverum

said. "That and failing to register a boat. The two most obvious requirements are the two most common violations.

"And I don't know why."

Boating deaths and accidents involve more than misplaced common sense, however.

Boats often is a factor.

Last year 52 percent of the state's boating deaths involved alcohol. Since boating while drunk became illegal this year, Elverum said, 39 arrests have been made.

And maybe the boom-and-boating law has helped, Elverum said the numbers of boating deaths (8) and accidents (27) in the state are behind last year's rate.

Back to the PFDs.

Elverum said there are plenty of examples of boating trouble even with the proper number of PFDs.

"Sometimes the people on board don't know where the PFDs are stored and they forget to ask," Elverum said.

When the boat owner falls overboard and is drowning, it's a little late to be asking.

But rob-a-dub-dub, five dudes in a tub.

Could have lost three.

Without a PFD.

Maybe it's the same.

Personal Flotation Device. PFD. It's an awful acronym. Has all the warmth and meaning of a Do Not Enter sign.

Personal Flotation Device. It's a government phrase. Who else but a federal bureaucrat could think of such a dull name for something so important to the boating public?

PFDs used to be called "life jackets."

Now, there was a name that got your attention.

"It's rough out, folks."

"Oh, say, look at the state of those waves."

"Should I wear my PFD?"

"I'd put on a life jacket, M I was you."

NOV 5 1992

Accident victim: 'Life jacket saved my life'

Twenty people have died in Minnesota boating accidents this year, the Department of Natural Resources announced today.

Frank Ubel, 62, of Nisswa, nearly became victim number 21. He credits his life jacket for saving his life.

"If I hadn't been wearing a life jacket, I'd be dead," said Ubel, who was recently thrown from his boat into near ice-cold water. "That jacket kept my head and chin above water. Without it, I wouldn't be talking today."

Ubel was thrown from his boat while crossing Lake Edward in Crow Wing County. The accident happened at the exact instant he took his hand off the tiller of his 25 horsepower outboard motor. It happened like this: "It was a cold October day and my eyes began to water as I crossed the lake. As I

took off my glasses to wipe my eyes, there was a lurch and I was pitched right out of the boat. Next thing I knew the boat was going in circles and I was alone in the water. I knew I couldn't swim to shore. For a while, I didn't think I'd make it."

Luckily, a neighbor spied Ubel's boat. She dialed 911 and also notified two neighbors who immediately began rowing a boat toward Ubel who was about one-half mile from shore. The men, Less Jacobson and Gary Fonn, had to row because their outboard motors had been put away for the winter. After being in the water for nearly 30 minutes, Ubel was hoisted into the motorless boat. Later, he was transferred into a power boat, loaded into a waiting vehicle and rushed to a hospital, where he was treated for hypothermia. At the boat landing,

Ubel was unable to walk and could barely talk.

"Thankfully, I never start my outboard without putting my life vest on first," said Ubel. "That's what saved my life. I hope others learn a lesson from happened to me."

As a lakeshore owner, Ubel said he is constantly amazed at the number of people who don't wear life jackets. "I'm telling you it doesn't do any good to sit on a jacket or have it close by," said Ubel. "Things happen so fast you can't react. Besides, my boat never did capsize. The boat stayed upright and kept circling around, the wind constantly pushing it farther away from me. There's no way I could have got into that boat again."

Tim Smalley, DNR boat and water safety specialist, said "circle of death" accidents are not

uncommon. He said when the operator releases the boat's steering mechanism, a force called steering torque forces the motor to slam to the right. This motion is caused by the propeller's clockwise rotation. In a worst case scenario, the boat continues to travel in a circle and returns to strike the victim who has been thrown overboard.

"For many years, these types of accidents were labeled as just plain flukes," said Smalley. "That isn't the case. Never release your grip on the steering wheel or tiller until the boat has ceased all forward motion."

Smalley applauded Ubel's commitment to wearing a life vest. "Wearing a personal flotation device is called the 85 percent solution," said Smalley. "That's because 85 percent of all boating fatalities could have been avoided had the victim simply strapped on a vest."

May 28, 1988

Regarding: PFDs (Happy Endings)

Mr. Tim Smalley,

Approximately eight years ago, my husband & I & several friends & relatives were canoeing down the Flambeau, a popular white-water river in Wisconsin. Ahead was a bad stretch - a rocky, roiling dropoff. We scouted it, started through, and flipped. Frightened, I yelled the classic "Help" & felt foolish for it. My thoughtful husband glanced at me, saw I was all right and chased after the canoe. I was all right. I can't swim; I always wear a PFD. I chose a type III from Sears because Consumer Reports rated it best for keeping a person face up, conscious or not. That episode convinced me of the value of PFDs. It's not the first or the last time we've been dumped but now I'm not such a sissy about it.

Eloise Anderson

Box 52

St. Croix Falls

WI 54624

(24)

* 9246 168th Ave *
* Forest Lake, Mn *
* 55025 *



Chris NISKANEN
OUTDOORS EDITOR

NISKANEN.

▼ CONTINUED FROM 1B

of boats.
"We were getting ready to go in," Jim recalled, "but the fish had started biting. And that tends to keep a guy out there."

Suddenly, a boat was speeding in their direction. Bobby stood up and began waving his arms and screaming, but the boat continued onward at a breakneck pace.

"It happened so suddenly," Jim said. "I heard a bang and suddenly I was in the water, seeing bubbles all around me."

When they came to the surface, Jim and Bobby grabbed on to each other. Bobby was wearing his lifejacket, but Jim's was still lying on the floor of the boat. Unbeknown to them, their screams had been heard, and within five minutes help was on the way.

But not far away, another drama was unfolding.

Jim's brother, Bob Vollhaber of St. Paul, 55, was alive and, in fact, still onboard their Alumacraft boat.

The other boat — going nearly full speed and powered by a 115-horsepower engine — had plowed over the top of the bow of the Vollhabers' boat, throwing Jim and Bobby into the water.

Then it dragged their boat with Bob still in it about 500 feet before stopping.

The two boats were strung together by Vollhabers' anchor rope, which was wrapped around the swimming ladder of the other boat.

When the two boats stopped, Bob pulled himself with the anchor rope to within shouting distance of the other boaters, begging them to cut the rope so he could go back and rescue his brother and nephew.

He also begged the other boaters to aid in the rescue.

"I asked them if they had a knife to cut it loose," Bob said. "I asked them to go over and get my brother out of the water. At that point, they said, 'Go do it yourself.'"

With the rope severed, the other boaters fired up their engine and fled.

Bob found the engine keys, managed

to start the motor and headed toward his brother and nephew whose screams he could now hear. In the meantime, three other fishermen — Todd Palashewski of Maple Grove, Robert Michael of Princeton and Dave Steffens, address unknown — rem rescuing the father and son. Neither was injured.

Back on land, witnesses had called the sheriff's office and word went out across the lake to look for the hit-and-run boaters.

About the same time, Department of Natural Resources conservation officers Julie Olson and Martin Book had pulled over a boat that was operating without its lights.

They also arrested and released its operator for boating while intoxicated, although the boater made no mention of being in an accident.

Authorities would soon put the pieces together.

Jim Vollhaber would later identify the boat, which was owned by a neighbor just five cabins away.

Authorities have charged Robert Leonard Brown, 55, of Blaine with boating while intoxicated. He is expected to be charged today by Aitkin County prosecutors with hit and run and reckless endangerment.

The boat, which Brown was operating, was seized. Authorities say they found paint they believe is from Vollhabers' boat on its propeller. Damage also matches that on the Vollhabers' boat. Calls to Brown's residence on Tuesday were unanswered.

"If that boat had been four feet to the right, it probably would have killed two people," said DNR conservation officer Karl Hadrits, who is investigating the accident.

While they are getting over their anger, the Vollhabers still can't figure out why the other boaters refused to help.

"It was one thing to get drunk, but then to not help, well, that's pretty lousy," said Bob, whose voice still wavers when describing the accident.

Jim said he feels lucky to be alive.

"I think somebody was watching over us that night," he said.

Chris Niskanen's column regularly appears Sundays, Wednesdays and Thursdays.

Fishermen survive dark, icy plunge

This was the scene on the east shore of Lake Millie Lacs about 9:30 Friday night: Jim Vollhaber, 61, of Forest Lake and his son, Bobby, 28, clung to each other in the frigid waters, held aloft only by the life jacket on Bobby's back.
In the darkness, their byal was missing — per-haps sunk — after being struck by another speeding boat. Also missing was Jim's brother.

Bob
On shore, about 500 yards away, shone the lights of their cabin, along with the lights from nearby H.J.'s Eastside Resort.
While Jim was nearing hypothermia, it struck him as cruelly ironic that he and his son might die within sight of their cabin.
"I told Bobby we should take turns yelling for help," Jim said Tuesday. "But we were getting tired and we had no idea if anybody could hear

us. I thought it was a bad joke to drown in front of your own place."
It had started as any other evening on Lake Millie Lacs. The three Vollhabers had been fishing on the lake for several hours, hooking four walleyes just as darkness fell.
They were anchored legally with their stern light turned on, fishing away from a main group

NISKANEN CONTINUED ON 7B

BEST ONE

Two men rescued after boat capsizes

Deephaven man saves victims from hypothermia

By Richard Crawford

Scott Alford had spent hundreds of hours fishing from his 12-foot, low-to-the-water "Jon Boat." He had also gone boating on several occasions with his friend and fellow fisherman, Paul Simonette.

On a calm Saturday night, they didn't anticipate running into any trouble as they launched their flat-bottomed craft on Lake Minnetonka, in search of some early-season crappies.

That was before a bizarre set of circumstances April 23 resulted in their boat capsizing and a dramatic rescue after the two treaded in 55-degree water for about 40 minutes in the middle of lower Lake Minnetonka.

Dick Dayton, 36, a Deephaven resident who pulled them to safety, said it was just a fluke that he spotted the two in the water when he looked out a window from his mother's lake home in Deephaven.

Alford suffered a severe case of hypothermia as his body temperature plummeted to 82 degrees. Simonette's condition wasn't as severe, however both were taken to Methodist Hospital.

"It was just by the grace of God that somebody spotted them before it got too dark," said Dayton.

Alford, 24, and Simonette, 28, both grew up in Minnetonka and went to Hopkins Lindberg High School. Both are avid outdoorsmen.

Late Saturday afternoon at Simonette's house, they gathered their tackle and fishing poles and packed them in Alford's boat.

"I said to Paul, 'We better load up the life-jackets,'" Alford recalled. "He joked around saying, 'What, can't you swim?' If we wouldn't have had those, they would have been dragging the bottom for us."

The duo started at Gray's Bay and fished their way across the southern shoreline of the lake with the aid of Simonette's 10-horse engine. After fishing Carson's Bay, they docked in Excelsior at about 7 p.m. to grab a bite to eat.

After dinner, Alford decided they'd better head back to Gray's Bay because they were low on fuel.

Alford, at the helm, decided he would steer the boat in a straight line across the main lake toward Brewery Point to save gas.

"I've had hundreds of hours in this particular boat and wasn't the least bit concerned," he said three days after the mishap.

"The only thing we were worried about was that we were low on fuel. Otherwise, we would have fished our way back."

As they cleared Big Island at approximately 8:15 p.m., Alford noticed a 23-foot cruiser coming in the opposite direction. They didn't pay too much attention to the craft as it appeared to be a safe distance away, about 100 yards to their port side, he recalled. The cruiser went past and headed toward Excelsior.

But, moments later, the wake of the cruiser hit their boat.

"It caught us off guard, and caught us just right," Alford said. "As we caught the wave, Paul shifted his weight and then I shifted my weight and . . ."

Simonette, who was sitting in the front of the boat, facing Alford, didn't see the waves coming.

"I was just looking back and the next thing I know I was swimming," he said.

The boat overturned in the middle of the lower lake, about a half mile from shore. Alford grabbed a life-jacket, and Simonette held a seat cushion that doubled as a flotation device.

They decided to stay with the boat at first, in hope that another boat might come by. After a few minutes, one did.

"There was one other boat," Alford said. "It came within 75 yards of us. We waved and holed but it didn't hear us. It was driving fast."

A few more minutes went by; the 55-degree water began taking its toll, and daylight was fading fast.

"It started to get dark," Simonette said. "We decided, 'If we sit here, we're dead.'"

So they began to swim for the Deephaven shore.

Dick Dayton had stopped in his mother's home to pick up his kids she had been babysitting.

"We were talking in the kitchen and looking out the window. You know, you just can't resist taking that one last look over the lake before you go home."

That's when he spotted the swamped fishermen.

"At first I thought it was a black lab swimming after something," he said. Then he grabbed binoculars and saw Simonette struggling toward shore.

His mother, Jane Hall, dialed 911 as Dayton ran down to the shoreline and untied a 14-foot Alumacraft that hadn't been used since last summer.

"Anybody would have done the same thing," he said.

Simonette had swum ahead after Alford told him to go for help.

"Mentally, I never gave up," Alford recalled. "But physically, I just couldn't do it anymore. I know the stages of hypothermia. My legs were cramping; I was confused about how far I was from shore; and every time I took a breath, it got worse."

After stripping off a windbreaker, Alford propped himself on top of the life-jacket and floated as Simonette swam for help.

"The worse part was the fear of what was happening to me," Alford explained. "I more or less knew I didn't have much time left."

Simonette said he was frigid and tired as he stroked closer to solid ground.

"I was cruising," Simonette said. "I didn't want to die, and I didn't want him to die either."

Then Simonette saw Dayton, coming down to the shore.

"I was sure happy when I saw him come racing down the hill," he said.

Dayton rowed the boat about 100 yards out to Simonette, helped him in, and then they started back out to find Alford as sirens blared in the background.

"I wasn't sure if he drowned," Simonette said. "But then we saw him bobbing. That was a pretty good feeling."

Dayton and Simonette had to pull Alford into the boat. He had lost control of his arms and legs and was barely conscious, after being in the water for more than a half-hour.

"The last thing I remember was seeing the bottom of the boat . . . then voices. But then nothing until after 20 minutes in the emergency room," Alford said.

They were taken to Methodist by ambulance. Deephaven police and the Excelsior Rescue Squad responded to Hall's 911 call.

When he arrived at the hospital, Alford said, he was blue and rigid with a body temperature of 82 degrees.

"The doctor couldn't believe it because I was still responsive," Alford said.

Dr. Gary Coon, an emergency physician at Methodist Hospital, said Alford's case of hypothermia was in a life-threatening range.

Simonette was released from the hospital that night. His body temperature had fallen to 80 degrees.

Alford stayed the night. But was proclaimed healthy and released the next day.

The two fishermen said the incident won't deter them from going back onto the water. In fact, Alford surprised a nurse Sunday morning when she found him tuned into a fishing show on TV.

They warned people, however, to take precautions on the lakes, especially in the cold weather of early spring and late fall.

"It's a good idea that people realize, in this time of year and in the fall, it's serious business," Alford said. "We were lucky that we didn't become statistics. Cold water is bad news."

Simonette hopes no one has to go through a similar ordeal.

"I wouldn't wish it on my worst enemy," he said.

Both men will never underestimate the importance of a life-preserver either.

"If you can't swim," Simonette said, "I wouldn't even stand on a beach without one."

NOV 5 1992

Accident victim: 'Life jacket saved my life'

Twenty people have died in Minnesota boating accidents this year, the Department of Natural Resources announced today.

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Ubel was unable to walk and could barely talk.

"Thankfully, I never start my outboard without putting my life vest on first," said Ubel. "That's what saved my life. I hope others learn a lesson from happened to me."

As a lakeshore owner, Ubel said he is constantly amazed at the number of people who don't wear life jackets. "I'm telling you it doesn't do any good to sit on a jacket or have it close by," said Ubel. "Things happen so fast you can't react. Besides, my boat never did capsize. The boat stayed upright and kept circling around, the wind constantly pushing it farther away from me. There's no way I could have got into that boat again."

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5-11-88

Dep't of Natural Resources
Boat & Water Safety Section
500 Lafayette Rd. St. Paul MN 55155-4046

Re: Request for PFD incidences in "Volunteer"

On the owning weekend of the 1981 duck season I and companion Ed FOX were hunting on Fish Lake in Isanti Cty, east of the U of M's Cedar Creek area. The temperature as I recall was in the 40's and the lake was calm with no overcast. Ed was in his jonboat and I in my "Tippecanoe", a now departed and not-to-fondly remembered relic. The morning was just getting going and the ducks being elsewhere I filled a pipe and, in trying to light it, dropped the lighter overboard. Ed had quit some time previous to this and had no matches, of course.

Here followed a growing period of frustration and, after a thorough search of pocket, wallet and any other probable storage place, I paddled over to where the lighter had fallen overboard, and in leaning just the slightest bit to one side in an effort to see the errant object on the lake bottom, proceeded to follow it--- straight over the side and into the drink!

I had chosen to hunt with my muzzleloader that day and so was festooned with and laden by all the accouterments attendant upon the use of such a gun, including among other things 15 pounds of heavy birdshot, The many and sundry things that go along outdoors further weighted me so that I surely would have made an excellent if unwilling anchor. However several previous near-misses with the Tippecanoe had convinced me to wear my Stearns jacket, so in spite of all the ironmongery on my person I bobbed to the surface and started to rsth my breath. Not the least of the days indignities was the constant aspersions cast upon me, my Tippecanoe and my smoking habit by Ed FOX, who had to help

get all three of us **aright** on **the water** again.

It is **now** something **to** laugh about* however had **I** not had that PFD on that day it **could well have** been the end of my illustrious **career** as hunter, fisher and **general** outdoor lover. I could not have swam the **proverbial** lick for some time **after** the shock of the inverted **immersion** that day, and, handicapped like **some** old nag at **Canterbury** by **all** that birdshot, **would have likely** made some **new** (if **temporary**) lake bottom structure to **be** remarked on by some sonar unit.... The message for **all in** this little **tale** is to **wear** the clumsy ugly misbegotten thing no matter **what**. Of course I **wasn't** going to **tip over**, just take **a** quick **looksee**. **Next second** gone, submerged. It can **happen anytime** to anyone. For the record I have Red Cross Senior Lifesaver **certificate** and still swim. I wonder **why** thore who drown through lark of a PFD so often are **non-swimmers??** Maybe they **can't comorehend** the shork snd the tendency to panic **until** they go **over** for that first & **last** time.

Use this tale if you **can-** edit as needed (I get long-winded). My **hope** is that **one such tale** would convince even one **more person** to get with it, and **wear** it .

Yours truly,

Brian M Lundgren
2648 Carlson Dr
Coon Rapids, MN 55433

Rec 5/26/88

Boat and Water Safety Section
Minnesota Dept. of Natural Resources
500 Lafayette Road
St. Paul, MN 55155-4046

TO: TIM SMALLEY
FROM: JEFF GORTON
RE: "HAPPY ENDING" STORY

INFORMATION COPY

I spoke to you earlier regarding a request in the most recent Minnesota Volunteer magazine for stories with happy ending because of using a P.F.D. and you asked me to send you my tale in writing. I hope this will suffice.

I was involved in an outing with a church youth group as an adult counselor, participating in a pring weekend canoe trip on the Red Cedar River in Wisconsin. This trip took place during the last weekend in April, and water levels were still a little high from spring runoff. The group consisted of six junior high school kids and three adult counselors initially, but one of the adult counselors had to leave Saturday evening, leaving only two counselors.

Our group broke camp Sunday morning, and was about to start down the river. Two of the group weren't wearing a P. F. D., and I instructed them that they had to put on their P. F. D.s before we could leave. One of them informed me that she was a good swimmer, and didn't need to wear it - I'm sure you know the typo. I explained to her that the water temperature of the river was only in the 60 degree range, and that swimming in 60 degree fast moving water was quite different from swimming in a heated indoor pool. The young lady reluctantly put on the Stearns vest I had brought along, and we started down the river.

The canoe with the two balkers got into trouble right away, and I tried to help them from my canoe, but only succeeded in capsizing my own canoe. My canoe floated down the river in an inverted position with me and my young partner hanging on. We came close to a blown down tree along shore, and I grabbed it and brought our canoe to a stop. I looked up and saw the canoe that had been in trouble come floating along behind us with its two passengers in their P.F.D.'s clinging to the overturned craft. I reached out and grabbed them, and helped them up onto the blow down, and then to shore.

Both of the girls were shaking, and one girl was crying, but all four of us were safe. A passing motorist noticed our dilemma and took the three kids to her house, gave them all a shower, dried their clothes in a clothes dryer, and gave them something to eat.

The other canoeist in our group fished what gear we could out of the river, and packed up. After the incident, the "good swimmer" told me it was a good thing I made her put on the P.F.D. because she didn't think she could have swam Co shore after the incident.

May 9, 1988

Minnesota Dept. of Natural Resources
Boat & Water Safety Section
500 Lafayette Road
St. Paul, MN 55155

Sir:

I am writing per your request in the "Minnesota Volunteer" May-June 1988, page 64.

I know of 3 people **that** are alive today because of the wearing of a P.F.D.

I was taking a vacation in the spring (May), in the **BWCA**, **and** ended up on the Burke-Sunday portage in the Quetico Park, just off Bailey Bay, on Basswood, near Ely. This was in the days when motors were allowed, maybe 20 years ago or more.

I was fishing on the Sunday Lake **portage**, where it goes into Burke Lake, with a friend, who has since died, and looking out over the white caps on the lake, I noticed a canoe in the middle of the lake. My friend and I were busy tending our tackle and the next time I looked, **I** saw three orange jackets floating **in the** water, the canoe tipped over.

My canoe was on **Burke** Lake so I ran as fast as I could and portaged into Sunday Lake and to make a long story short, I got all three people to shore.

On shore the father told **me** he **was** thinking of giving up, even though he was wearing a **PFD**, until he **saw** me coming. The water was cold **as** it happened just after ice out.

This whole experience is still very vivid in my mind and if the people involved **had** not been wearing their **PFD**, I question if they would have made it out of the **lake** alive.

One other factor in saving these people is the fact that motors were still allowed in the BWCA and the Quetico Park. Because of the water temperature, time **was** a great factor in the rescue. The fact that I **was** using a small 1 1/2 h.p. outboard motor on a side mount on my canoe **was** in my thinking as important as the people wearing their PFD. I had to go into the wind with my canoe to get to them and to

Minnesota Department of Natural Resources
Boat and Water Safety Section
500 Lafayette Road
St. Paul, MN 55155-4046

03/25/88

Dear Sirs:

I am sending you the following information in response to your published request for testimonials from people whose lives were saved because they were nearing a personal flotation device (PFD).

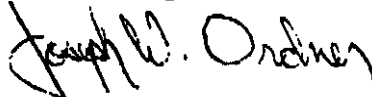
On April 5, 1986 Gary Werner and myself were canoeing on the St. Croix river east of Rush City and our canoe overturned. At first we stayed with the canoe and tried unsuccessfully to get the canoe and ourselves to shore. We realized that **because** of the cold water temperature (33 to 34 degrees) that we would have to leave the canoe and try to get ourselves to **shore**. We made **some** progress but **we** were having trouble because of the current and the high water level. As we drifted passed my brother's (Dick Ordner) **house** we started yelling for help. **Gary's** father (Wilber Werner) who was **just** arriving to pick **us** up from canoeing heard us and with my brother proceeded to rescue us which is **beat** described in my brother's account of it which I have attached.

We were brought to the Rush City Hospital suffering from hypothermia. We **were** both released later that night **with** no permanent injuries. **Needless** to say if we had not been wearing life vests we **would** not be alive today. Some other information you may be interested in is **as follows**:

	<u> </u> Gary Werner <u> </u>	<u> </u> Joe Ordner <u> </u>
Height	6.1"	5'11"
Weight	185	175
Body Temperature (at hospital)	85	83
PFDs		
Brand	Stearns	Stearns
Model	?	ssv-140
USCG Approval No	?	160.064/1771/0
Time in Water	45 to 60 minutes	

If you need any additional information please feel free to contact me.

Sincerely



Joseph W. Ordner
5511 East Oberlin Circle
Fridley, MN 55432
(612) 571-3618 Home
(612) 425-4100 Work

On Saturday April 15 1986, at approximately 4:30 p.m., a truck pulled into our driveway and I started to go out to ask them how high the water was on the road. AS I approached the back door, I noticed Wilbur Werner and Darlene Carrier running toward the river so I quickly ran outside and as I came closer to the river I could hear someone calling for help. I looked up and could see people floating in the water, but they were moving very fast and the closest one was approximately 100 yards downstream. I could not tell who it was or how many there were but Wilbur and Darlene said that it was Gary and Joe. I believe they were both shouting for help, but am not sure. I know that Gary was.

At first I didn't know what to do and seemed frozen to the spot. I looked over toward dad's cabin and saw the canoe and went for it, but as I ran I changed my mind and figured we would be better off to use the boat as it would be more stable. I shouted to Wilbur to put the boat in the water as I went to get the oars and cushions in dad's shed. I then ran to our shed to get two lifejackets. As I came back toward the boat, I put on a lifejacket and told Wilbur to do the same. I got in the boat and told Wilbur to come with as would need his help.

We shoved off and the current really moved us downstream. I remember Wilbur asking if I knew how to row a boat. I don't know what I said, but it didn't make any difference as we had to go on anyway. I am not very good at rowing and it was difficult to keep the boat from turning sideways. I also tried to stay near the shore for better control. Wilbur was sitting toward the front so the balance was bad, but we did not want to try to move as the twelve foot boat was not very stable in the swift current. We were not gaining on the bobs as they were being carried swiftly downstream. When we passed by the cabin Wilmer Lind used to live in I saw Darlene's truck and at some point along the way shouted for them to call Frandsen's. I couldn't tell if Bonnie or Darlene heard me or not. I was having a terrible time keeping the boat under control and we got hung up in some brush along the shore. This delayed us further and I was really worried about the boys and we were shouting to them to hang on a little longer.

I could see the the Sunrise Camp Building on the shore so said I would push them in to shore from here. With the boys both laying in the boat, Wilbur began to row toward shore while I pushed from behind. The water got deeper and I couldn't touch bottom so I just hung on the back of the boat. Gary kept talking and trying to get up so I kept shouting at him to stay down low so Wilbur could row. I was getting extremely cold and could not imagine how the boys could have made it this long. Even though we were now in much quieter waters it seemed like it took a long time and we ran into some bushes that delayed us. We had to get within 5 or 10 feet from shore before I could touch bottom. We landed the boat and pulled the boys out on the ground. Gary was still making some noise, but Joe was pretty unresponsive.

I ran to the Sunrise Camp Building and tried to get in but couldn't. I didn't see a phone and figured that we would just waste time if we tried to break in, so I ran back part way and told Wilbur and he motioned for me to go on for help. I started running down the road, but it was hard because I was so cold and wet and my boots were full of water. I knew Joyce Larson lived not too far from there, but didn't know if I could run all the way. I walked some of the way because I was running out of steam figured it would do no good to collapse,

I passed the gate to the camp and it was closed. That would be another obstacle to overcome. It was like a bad dream as I was running along the road shouting for help. I came to Joyce's place and knocked on the door. There was no answer at first, but I heard dogs barking inside so kept on knocking. Finally an answer and I went inside to use the phone, but they did not have one. The girl said we could drive to Graydons. We tried the car but no gas. We would have to run to Graydons which was about another half mile. I asked if she would run ahead of me so as I didn't know if I could make it so she did and arrived there before me. It seemed as if I would never make it but finally did. Mrs Matteson called the ambulance while Graydon, the girl and I went back to Sunrise Camp. In the meantime, she had also called Weiner's to come with the key for the gate and it was open when we arrived. The police were there trying to help the boys and I ran down and helped them get Joe up toward the road. By this time, the ambulance had arrived. As you can see, our prayers were answered.

As they approached an island they drifted toward the Minnesota side and luckily the current was somewhat slower and we started to catch up. Gary was still making noise, but I don't think we got a rise out of Joe. I kept yelling that we were going to get them but only had one pair at each as the current was too swift to row back against. At some point here I mentioned that we needed prayers and I was getting extremely worried about being able to get the boat in the proper position to get a hold of them. As we approached Gary, the boys were separated by about 100 feet and I told Wilbur there was no way we could get them in the boat without capsizing and he would have to grab them as we went by and just hold on. We approached Gary and Wilbur threw out the cushion with a rope on it, but it didn't quite get to him. I tried to push it toward him with the oar and then I'm not sure how he or we did it, but we had him and Wilbur held his hand while I rowed the boat and headed for Joe. At this point Gary was talking and telling us to get Joe. As we headed for Joe I could see he was in shock or something and was not responding. Somehow I got the boat positioned to pick up Joe and Wilbur grabbed him by the hand. We had them both at this time, but couldn't do much. I said our only chance was to get to a tree so we could tie up the boat and try to get the boys out of the water.

Wilbur held the boys one on each side of the boat and I rowed toward the Minnesota side but the rope that was tied to the life preserver kept winding around the oar and making it hard to make headway. In spite of this we managed to get to a tree and Wilbur hung on to the tree with one hand and Gary with the other while I hung on to Joe with one hand and tried to get the rope loose from the oar with the other. I was not making much headway using only one hand and was getting excited. Somehow Joe managed to get up against the tree and I could then use both hands to get the rope free and got it around the tree. We were then stopped and ready to try to get the boys in the boat.

Gary was standing along side the boat but could not get in so I handed the rope to Wilbur and said I was going in the water to help get them in the boat. I jumped in and the water was about waist deep and extremely cold and it gave me an idea of what the boys must be going through. Wilbur pulled and I lifted and pushed on Gary until he sort of fell into the boat and we slid him toward the back so we would have room for Joe. Joe was on the deep side but next to the tree. We both pulled on him and got him into the boat.



OCT - 9 1997

☒ North Carolina Wildlife Resources Commission ☒

512 N. Salisbury Street, Raleigh, North Carolina 27604-1188, 919-733-3391
Charles R. Fullwood, Executive Director

October 7, 1997

Executive Secretary
Marine Safety Council (G-LRA, 3406)
United States Coast Guard Headquarters
2100 Second Street, SW
Washington, DC 20593-0001

Dear Executive Secretary:

In reply to the request for comments regarding a **federal** requirement for wearing personal flotation devices published in the **Federal Register** on September 25, 1997 [CGD 97-059], the North Carolina Wildlife Resources **Commission** supports the resolutions by the Southern States Boating Law Administrators Association and the **National** Association of State Boating Law **Administrators** which oppose a federal requirement to wear personal flotation devices (PFD).

Our **opposition** is not directed toward the wearing of lifesaving devices, which clearly are beneficial in most boating situations. We are, however, **opposed** to a federal mandate regarding an issue that has been and should continue to be addressed **by** individual states. In fact, many states already have addressed this situation as evidenced **by laws** in most states which require personal **watercraft** riders to wear **PFDs**, and there are at least 25 states and a number of **local** governments which require children below a certain age to wear a PFD. While the Federal Boat Safety Act of 1971 requires that **PFDs** be aboard all vessels, it does not address or authorize the Coast Guard to mandate the wearing of these lifesaving devices, leaving this matter to the discretion of the states.

With the belief that a number of issues can be better and more efficiently addressed **on the state** and local level, Congress and federal agencies have been **shifting** control of a number of social and safety programs back to the states i.e., motorcycle helmet laws and 55 MPH federally imposed speed limit on interstate highways. And since elected members **of** Congress have not had a consensus to enact legislation introduced in both the Senate **and** House of Representatives since 1993 which included provisions requiring the wearing **PFDs** by youths below certain ages, it seems inappropriate that the Coast Guard **now** would attempt to impose mandatory life jacket laws on the states and public through its regulatory power.

Sincerely,

Charles R. Fullwood

NATIONAL ASSOCIATION OF STATE BOATING LAW ADMINISTRATORS**RESOLUTION NO. 97-1****MANDATORY EDUCATION AND MANDATORY WEARING OF PERSONAL FLOTATION DEVICES**

WHEREAS, the U.S. Coast Guard has announced its intention to solicit public comment in the **Federal Register** related to mandatory wearing of personal flotation devices (PFDs) and mandatory boating education programs; and

WHEREAS, the **Federal Register** may satisfy a legal requirement for giving notice of proposed federal actions, but it is not widely read by the boating community and will not reflect a statistically valid survey of how the entire boating community views either of these subjects; and

WHEREAS, a federal mandate to initiate mandatory state education programs without accompanying funding would result in severe financial hardships.

NOW, **THEREFORE**, BE IT RESOLVED, that the National Association of State Boating Law Administrators, meeting this 10th day of September, 1997, in Charleston, South Carolina, does hereby call on the Coast Guard to use appropriate alternatives to supplement the **Federal Register** as a means of surveying the public; and

BE IT **FURTHER RESOLVED**, that the National Association of State Boating Law Administrators strongly opposes any movement towards a federal mandate requiring states to initiate mandatory education programs or mandatory wearing of personal flotation devices; and

BE IT **FURTHER RESOLVED**, that a copy of this resolution be forwarded to the Executive Director of the U.S. Coast Guard Marine Safety Council and to Rear Admiral James Hull, Director of Operations Policy, U.S. Coast Guard, for their consideration and appropriate action.

September 10, 1997


Ed Carter, President



OCT 10 1997

214 Beaver Drive
Mechanicsburg, PA 17055-2501
Tel: 717-761-7858 FAX: 717-761-2428
email: mariemcnbg@juno.com

Thursday, October 9, 1997

Executive Secretary
Marine Safety Council (G-LRA, 3406)
CGD 97-059
U.S. Coast Guard Headquarters
2100 Second Street, SW
Washington, D.C. 20593-0001

RE: Federal Register, 25 September, 1997 Vol.62 No. 186
Proposed Rules page 50280 - 50281
CGD 97-059

Gentlemen:

I have reviewed your request for comments, the supplementary information and the questions to which you seek a response.

A: I have been boating for approximately 30 years. I have been a member of the United States Coast Guard Auxiliary since 1981. I earned the coxswain pin and have conducted safety patrols along the New Jersey Coast and The Chesapeake Bay. I have operated a variety of watercraft up to 45 feet over the years, including high speed performance boats such as the Cigarette and Fountain. This past year I have voluntarily retired myself from active boating activities because of health conditions I feel could make me one of the problems on the water if I continued in those activities.

1. The degree of risk depends on a variety of factors including the knowledge, training and preparedness of the boater. A knowledgeable boater operating the vessel in a prudent and safe manner would have minimal risk.

2. Disagree. By not wearing an approved PFD, I am unprepared for the unexpected incident and am totally dependent upon someone else to observe my situation and act in a timely fashion to recover me from the water.

3. A requirement to wear a PFD would have no meaningful affect on my participation in recreational boating activities. As a member of the U.S. Coast Guard Auxiliary, we had to wear a PFD when operating a facility under orders.

4. Up until this year (I sold my boat in April) I would boat weekly or more often. On the New Jersey Coast I had to learn to run the Inlets. I took a trip up the Hudson River to the Erie Canal. I have handled all a variety of power boats from a 14 foot Boston whaler to a 45 foot trawler yacht with diesel engines. I used the boats for fishing, touring and transportation. I have boated along the New Jersey Coast from Cape May to New York Harbor, running most of the inlets including Barnegat, Absecon, Great Egg, Townsends Inlet, Hereford Inlet and Cape May. I also maintained and operated my boat in the Chesapeake Bay from below Kent Island up to The C& D Canal. In addition I have operated boats on Lake Raystown, PA, Lake Beltsville and Lake Wallenpaupak, The Susquehanna River, including Lake Frederick, The Harrisburg Pool and Lake Clark.

5. I wore a type III PFD when underway, my wife also wore her type III. In addition, on my last boat (a 30 foot Allura) I maintained six additional type IIIs and six type II. All guests on board my boat were advised to wear the PFD. If they chose not to, I required them to take the time to fit the PFD to themselves and to maintain it within arm's reach before we could get underway. No one was permitted to go forward or be on the gunwale unless they were wearing a PFD.

B. Mandatory wearing of PFDs

1. The question lacks specificity in defining "appropriate category". I believe that in the interest of safety, that requirements should be uniform throughout the country. I personally have no objection to a mandatory wearing of PFDs. Most states have had mandatory seatbelt laws and have had reasonably good acceptance by motorists. In those states in which a law enforcement officer is permitted to "write" a seat belt violation independent of any other violations, I understand deaths have declined. Some states have recently enacted laws to require PFDs to be worn by children under age 12 while on board a vessel that is underway. Why is age 12 such a magic age when it comes to life preservation? I see no meritorious objection to wearing a PFD at any time a vessel is underway.

2. Based upon my personal experience and observations, The Coast Guard would be justified in proposing the **mandatory** wearing of approved type PFDs on recreational boats while the boat is underway or is disabled from any cause. At a minimum the wearing of approved PFDs should be required on all personal watercraft, power boats that have speed capability

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in excess of 25 knots and in deteriorating weather conditions such as sustained winds in excess of ten miles per hour or rough sea and deteriorating sea conditions. Consideration should also be given to requiring persons on board sailboats to also wear appropriate PFDs when underway.

3. essentially same question as B 2. Same answer.

4. Age of the victim does not necessarily relate to fatality rates. I believe that the speed capability and maneuverability of the the boat are important determining factors, along with the size of the boat. The smaller, the faster and the more maneuverable the boat, the greater the probability and potential for a fatal injury. I would prefer to see it by vessel characteristics as opposed to age groups. Of course, this idea will create a furor among boat manufactures and retailers. In any event if we are going to use age, why not up to age 18?

5. I don't see any benefit in allowing a parent to make a decision that their child is OK to die from drowning because he or she is age 13. If we are going to go by age then I would say the age when the probability of the child being most responsible is the greatest.. I would go to age 18. Recent studies of youthful car drivers suggest that the classroom study may be cut back, but the over the road driving time increased as a condition for getting a license. Another advantage of making it age 18, is that there may be a good probability it will become a habit and the person will continue to wear it after age 18.

6. The problem with this concept is that of enforcement. Some persons, because of some forms of handicap may be incapable of swimming. They can wear a PFD. The wearing of the PFD is also more effectively enforced based on the observation of an enforcement officer.

7. not based upon my personal experience.

8. I can not conceive of any real situation where the wearing of a PFD would be unacceptable or undesirable given the selection of available approved PFDs.

9. Yes, I believe so.

10. At a minimum, I would suggest that the Wearing of an approved PFD should be mandatory as follows:

a. When the person on board the vessel is under the age of 18 or the person has some form of physical disability that effectively impairs that person's motor capabilities;

b. When a person is on a vessel that has speed capabilities in excess of 25 knots and/or the vessel is in in excess of 45 feet in length;

c. Whenever the vessel is disabled or under tow;

d. When sea conditions warrant such as seas in excess of three (3) feet;

e. When a vessel is underway and is less than 45 feet in length.

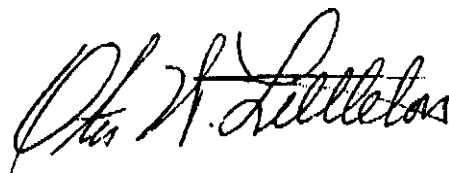
11. I believe I have adequately addressed this in the previous responses.

C: General

1. I do not believe the cost of Federal requirements to wear PFDs would result in any unnecessary expenditure of money, cause an increase of paperwork or inconvenience. The saving of lives would outweigh any perceived inconvenience, extra paperwork or costs. Merely wearing a PFD is no assurance that a person will not drown or otherwise survive an incident. It enhances the opportunity for survival.

2. I can think of no other non-regulatory ways to effective reduce the number of drowning deaths nor a lower cost than that I have already proposed . Federal regulations do not necessarily have to be burdensome.

3. A uniform national policy applicable to all states territories and similar situations or circumstances should have a salutary impact on reducing the number of boating related fatalities caused by drowning. Under the present regulatory scheme, this should also have minimal cost and burden on the Coast Guard, itself and assist the various states in enforcement capabilities. Boaters would benefit because the standards would be uniform and universal, thereby enhancing the probability of compliance by all boaters.



OCT 14 1997

97-658

NOTOMANDATORY PFD 'S

10/12/97

Executive Secretary Marine Safety Council;

Regarding mandatory PFD requirements:

At 60 years old I've been boating nearly 50 years. I'm adamantly opposed to mandatory Pfd's. It would be a cumbersome restriction on the ability to feel the sun and sea. I resent this further intrusion on our lives in the name of safety.

I'm for a program of education on the benefits of the voluntary wearing of life jackets. Possibly mandatory for children under a certain age and as a worst case mandatory for persons 'who can't produce a Red Cross type card indicating their proficiency in swimming. Maybe mandatory for people engaged in commercial work such as fishing and ocean clamming.

If required would that include while anchored or only underway? What size vessel would be exempt? I can't picture the millionaire owners of the larger yachts wearing them.

Sincerely Yours,
Robert B Gale
2605 Bayshore Ave.
Brigantine NJ 08203



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Edward JW O'Brien
"Katahdin"
88005 Overseas Hwy. - Suite 9-302
Islamorada, FL 33036
800-718-4778 ext. 302#

OCT 15 1997

October 13, 1997

Executive Secretary
Marine Safety Council
(G-LRA, 3406) (CGD 97-059)
US Coast Guard Headquarters
2100 Second St. SW
Washington, DC 20593

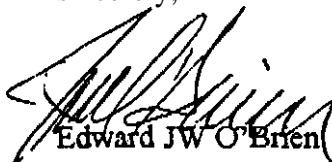
Please add my **comments** to your consideration for **PFD** usage. Prudent mariners wear PFD when **conditions dictate**. Those less than prudent will ignore rules targeted toward them. It seems impossible to protect someone who does not wish to be protected. A rule targeted toward protecting the **unwilling serves** to limit the **freedom** of the mariners who are already being prudent in their usage of the **PFD**.

A **requirement** to wear a PFD would be a **restriction** on **personal** choice. Such a law, **although** sounding good on the surface, is **virtually** impossible to **enforce, consequently** it would be bad law.

Perhaps the new inflatable **PFD, will** increase the **times** when mariners **will** wear a **PFD**. Concentrate on approving PFD that people **will** use, while providing **adequate** amounts of buoyancy **vs.** the heavy bulky types we have today.

If **there** is a specific action which requires wearing a **PFD** such as water skiing or PWC usage, require PFD usage while **participating** in the targeted activity. A general requirement to wear a **PFD**, would, in my **opinion**, be more **punitive** than productive.

sincerely,


Edward JW O'Brien

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OCT 20 1997

19 October 1997

Executive Secretary
Marine Safety Council
(G-LRA, 3406)(CGD 97-059)
U.S. Coast Guard Headquarters
2100 2nd St. SW
Washington, DC. 20593

Dear Sirs

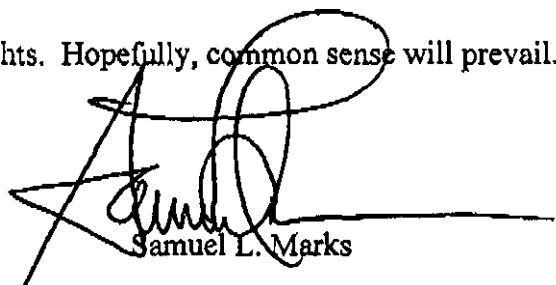
Recently our local newspaper in Jacksonville, Florida indicated the USCG was considering making the wearing of life jackets mandatory for all boat operators, not only children. The reason given is that 80% of the fatalities in water accidents were not wearing a life jacket. The article did not state what type of boat or PWC was involved, if alcohol was involved, if life jackets were even available on the vessel and it did not give the number of fatalities.

It would appear that all boaters would be penalized if a mandatory rule was legislated because of the negligence of X number of boaters who either failed to prepare for a dangerous situation which was developing or violated the cardinal rule of "don't drink and drive"..

Being an owner of a 32 A sail boat, I do not cherish the thought of having to wear a life jacket on a blistering hot summer day. We have one life jacket for each passenger and crew member and do not serve alcoholic beverages while on the water. A better solution may be to increase the number of educational programs/public announcements concerning alcohol usage and boat driving, the number of life jackets that must be on a boat (ie, one per boat occupant) and increasing spots checks by state marine patrols and USCG Auxiliaries on the water.

Having passed the USCG Auxiliary safety inspection for 1997, I find it disturbing that a blanket rule is even being considered. Granted the need may exist to increase the awareness of the boating public to proper safety precautions and practices but why punish everyone?

Thanks for listening to my thoughts. Hopefully, common sense will prevail.



Samuel L. Marks

1921 Ridgewood Drive
Fernandina Beach, FL 32034

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OCT 21 1997

H. SCOTT HILAMAN

10985 Mandarin Station Drive W.
Jacksonville, FL 32257-3901
(904) 262-0262

October 20, 1997

Executive **Secretary**; Marine Safety Council
(G-LRA,3406)(CGD 97-059)
U.S. Coast Guard Headquarters
2100 **2ND** Street SW
Washington, DC 20593

Dear Sirs:

I have read with interest an article in the Jacksonville, **FL** newspaper *The Times Union* that **the Coast** Guard is considering rule making to require- **all** boaters to **wear PFD's**. I wish to go on **record** that this **is** exactly the type of over regulation that most Americans **feel** should be curtailed.

While I **support** the use of **PFD's** for children, water skiers **&** PWC operators, at some point an adult must assume the responsibility for **his/her** own life. Many **PFD's** are not designed to be worn either in this hot climate or during many **fishing** activities. As a result of budget cuts, the Coast Guard has already cut back many of the services it once provided Please do not waste more of your precious dollars trying to enforce a **law** that **will** be as unpopular as **Prohibition** and about as enforceable. We would rather the Coast Guard furnish things we need and can't provide for ourselves; things such as DGPS, a second GPS frequency or continuing LORAN,

Respectfully,

H. Scott Hilaman

H. Scott Hilaman



Astronautics Corporation of America
Post Office Box 523, Milwaukee, Wisconsin 53201-0523

23 October 1997

OCT 24 1997

Executive Secretary
Marine Safety Council (G-LRA,3406) [CGD97-059]
USCG Headquarters
2100 Second St. SW
Washington, DC 20593-0001

Subj: Federal Requirements for Wearing Personal Flotation Devices

Dear Sir:

In the October issue of *Marine Safety Newsletter*, I noticed an article soliciting **comments** about this subject.

I have a 40' yacht in Lake Michigan which is used exclusively for sport and entertaining. The people with whom I sail are often foreign nationals who are business associates and other corporate executives.

While we all **appreciate** the **necessity** of having flotation devices on the boat in the event of an emergency, we do not see a need to be wearing them at all times. Over suits, the flotation devices would be cumbersome, restrictive, uncomfortably warm, and in our view, completely unnecessary.

It is tragic to hear of boaters who drown each year, but it is a very small percentage, and not in **every** case would requirements to wear flotation devices have effected a safe rescue. There will **always** be those few who are irresponsible and will eventually pay the price for their behaviors. The majority of us are responsible boaters who strive for safety on our waterways. We would wear the devices as required, but would be the last ones to need them. In a sense, this is a punishment of the whole for the actions of a few - something our moral sense chafes against as **injust**.

Very truly yours,

ASTRONAUTICS CORPORATION OF AMERICA


Nathaniel K. Zelazo
Chief Executive Officer

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OCT 25 1997

October 24, 1997

ExecutiveSecretary
Marine Safety Council
U.S. Coast Guard **Headquarters**
2100 2nd Street
Washington **DC** 20593

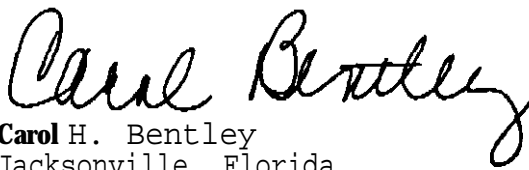
Gentlemen:

I read an article in our local newspaper concerning the need for all boaters to wear **life** jackets.

We have been boaters all of our lives and do not feel it is necessary to **impose** such a regulation. As adults, **we** are **capable** of deciding, for our own safety, **if** a life jacket is **required**; i.e., an adult that cannot swim or is not comfortable on the water should **wear** a **jacket**. However, we feel that most bating **accidents** that **involve** victims who sustain injury and/or **death** either occur due to carelessness or abuse and a life **jacket** would **be** of no value **anyway**.

In cases where a specific **body** of water is extremely dangerous, a life jacket requirement should **be considered**.

We feel that this is not a necessary regulation and **would** make **for costly enforcement**.


Carol H. Bentley
Jacksonville, Florida

OCT 27 1997

Donald J Wigston
President
F-27 Class
Association
674 Densley Dr.
Decatur
GA 30033

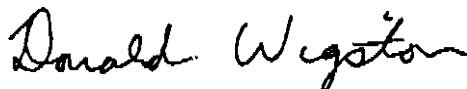
Executive Secretary,
Marine Safety Council (G-LRA. 3406)(CGD 97-059),
U.S. Coast Guard **Headquarters**
2100 Second St. SW
Washington
DC 20593.

10/24/97

Dear Sir:

I would like to contribute my comments regarding the possibility of mandating the wearing of Personal Flotation Devices by boaters. My boating experience comes from whitewater kayaking, where ALL boaters ALWAYS wear life jackets and from sailing larger boats, especially racing multihulls and monohulls where few if any sailors bother to **wear life** jackets. Having witnessed the apparent rejection of life jackets by the a large portion of the sailing community (not those who sail small dinghies and beach cats who am very good in this regard) I strongly **support** action to **encourage or** mandate the wearing of **PFDs** especially during sailboat racing activities and on powerboats. As you might **exp**ct there **will** be a lot of **complaining** if the wearing of life jackets becomes mandatory, **especially** from people in the warmer states where it can get unbearably hot underneath a standard life jacket in 95 degrees and no wind. To this end. anything that the Coast Guard can do to make alternative forms of flotation acceptable, for example fanny pack type flotation devices and standard inflatables, might go a long way to achieve compliance. **If PFDs** can **become** fashion statements, like whitewater **PFDs** have become, then people will wear them. What we don't need is so be forced to wear bright orange heavy duty **PFDs**, while drifting along on an inland lake in I knot of breeze. Ideally we would like to be able to choose our flotation to suit **the** current conditions of temperature, sea state, proximity to shore etc.. but **I** can understand the difficulties of making one type of flotation device acceptable under certain conditions, and requiring **another type** for different conditions. My feeling is that **it** would be best to mandate **some** minimum acceptable level of flotation, that would increase the chances of survival but be easy to comply with. Retroactive acceptance of the large number of inflatable **PFDs already** in existence **would** help. Above all, efforts should be continued to educate boaters about the value of wearing life **preservers**, and to require skippers to demonstrate familiarity with issues related to boating **safety** by taking a test, perhaps via the **WWW**.

Sincerely,



Donald Wigston

OCT 30 1997

Executive Secretary
Marine Safety Council
(G-LRA, 3406) [CGD 97-059]
U.S. Coast Guard Headquarters
2100 Second Street SW
Washington, DC 20593-0001

October 29, 1997

Dear Sir or Madam,

I would like to take this opportunity to respond to your request for comments regarding the proposed Federal requirements or incentives for boaters to wear lifejackets.

Let me begin by stating that **I** am the owner/operator of a 34' sailboat and consistently wear a PFD while sailing on San Francisco Bay just as I wear seat belts while driving. I also require that children wear PFD's when on deck.

The fact that I do has nothing to do with government requirements. In fact, when California enacted a mandatory seat belt law, I just about quit wearing them as a matter of protest.

To put it succinctly, I do not support the idea of making it a Federal requirement to wear PFD's. Most skippers and crew of larger sail and power boats are knowledgeable and responsible people whom I believe can make their own decisions regarding their own safety and that of their passengers. In addition, more and more yacht clubs and racing organizations are requiring participants in sponsored races to wear PFD's.

This basically leaves smaller power boats, high performance power boats, and personal water craft. For the reasons as stated above, I don't think adult operators of these craft should be required to wear PFD's either, Responsible adults will make responsible decisions.

To answer some of the specific points:

A1. I believe there is very little risk in the type of boating I do

A2. No.

A3. No, it wouldn't affect my participation

A4. As I said, my wife & I own a 34' Catalina sloop, we go out on SF bay at least once month (a lot more during the summer), and most of our sailing involves weekend cruises to local **marinas** & yacht clubs on the Bay, Pacific coast, and Delta. We plan on extended cruising in the near future.

A5. Both my wife and I wear automatic, inflatable **PFD's**. We do not require adult passengers to wear them, but they're available, Children are required to wear them while on deck.

B1. None and No.

B2. None.

B3. None.

B4. None.

B5. None.

B6. None. Good question (it's probably impossible)

B9. Yes, to some extent.

B10. None.

B11. There are no circumstances where I would want additional Federal requirements on anything.

C1. I can't think of any benefits and I believe there would be significant costs in enforcement (additional boardings, paperwork, property damage law suits caused by the additional boardings, etc)

ct. Support state agencies and local organizations in their efforts: increase penalties for **BUI**, stricter guidelines for PWC rentals, safe boating summer programs for kids, etc

Respectfully,



Gregory P. Sherwood
1305 Maria Way
San Jose, CA 95117

S/V 'Imi Loa
San Francisco, CA

gsherwood@kichwa.com
gsherwood@mail.arc.nasa.gov



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary

Box 7921
101 South Webster Street
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October 28, 1997

In Reply Refer To : CGD 97-059

Executive Secretary
Marine Safety Council
USCG Hdqtrs. 2100 2nd St SW
Washington, D C - 1

NOV - 3 1997

Dear Executive Secretary:

I write these comments regarding 33 CFR Part 175 [CGD 97-059] per the published notice in the Federal Register of September 25, 1997, on behalf of the Wisconsin Department of Natural Resources.

Your opening remarks paint a vivid picture of the PFD, boating problem. Over 800 boating deaths in 1995 of which >600 were due to drowning. Sixty eight of these were wearing PFD's while the other 561 were not. It would be most interesting, if the figures were available, to compare the total number of boating accidents that occurred and see the number of persons that were wearing PFD's that resulted in a saving of life. We think it is obvious, that the wearing of PFD's do and will save lives. It is next to impossible to legislate common sense. Over the years, the statistics have shown the same thing, " Wearing PFD's do save countless lives each year." and " PFD's only work when they are worn." States have pounded the message home, to deaf ears of the majority of the boating community. Wisconsin started a massive campaign called the "Cool Twist Program" which targets the young boaters of the state. When youngsters are observed wearing their PFD's while boating, the Conservation Warden gives the youngsters a Hardees coupon good for a free ice cream cone. The campaign has worked so well, there has been only one drowning death of a youngster in the past three years. As you pointed out early in your remarks, boating has the second highest transportation related death rate in the nation, second only to motor vehicles. Very strict federal safety regulations and requirements have been imposed on other forms of transportation in the name of safety. Now is the time to take tough, and needed action, to further reduce the boating death rate nationwide, through Federal regulations.

Manufacturers are working to develop more user friendly PFD's for use in all types of boating activities. Casual boating to sporting activities on the waters, are being targeted. As new technologies are discovered, manufacturers are working hard to develop new items in an attempt to make the boating activity more safe and enjoyable. One new item being developed is an AUTO INFLATABLE PFD. The USCG must work with industry to develop this product to the standards necessary so the USCG will approve this PFD. Federal Regulations are needed for the mandatory wearing of PFD's. However, as many PFD options as possible must be made available to the boaters to insure compliance. The auto inflatable PFD must be one of the options available to the public.

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The need for wearing PFD's is quite evident. We fully agree with your comments that efforts, less than regulatory, to modify boaters behavior, will not by its self be successful. Parents set the examples that their children follow. What children see, affects them more than what they are told. We need to target the youth in boating, as they are the future adults of boating. We feel you need to take a close look at the activities the victims were involved in at the time of the accidents, the type of craft involved, and those should be addressed first. Fishing and hunting are two activities that would be a good starting point. With the technological advances being made by PFD manufacturers, along with offering a wide variety of choices of PFD's for the boaters, regulations for mandatory wearing of PFD's by boaters involved in these types of activities would not be intrusive and will cut a large chunk out of the 561 deaths of boaters that were not wearing PFD's at all.

I will now address your questions in order, as published in the register.

Section A

- 1) Risk The risk is really high. You are putting a human in an environment that becomes one of survival when the human is placed in it. Hypothermia, winds, waves, water, swimming ability, injuries, age, all have a bearing on survival. Th one thing that is needed to survive is breathing. PFD's give the survival edge to the boater when used.
- 2) We totally disagree. A person should depend on the PFD that they are wearing, rather than on a throwable someone might be able to through to them.
- 3) A requirement to wear a PFD would affect boating, in that boaters would feel more comfortable while participating in on water activities.
- 4) I own three boats and go boating on small, medium and large bodies of water. I also boat on the Mississippi River. I boat 50 to 60 times a year. My boating takes place from the winter months through the summer months.
- 5) I supply each person that sets foot in my boat a wearable type III PFD. In addition, I wear a type III inflatable. I wear the inflatable all the time due to its comfort.

Section B

- 1) (a) Federal regulations should require all persons to wear a PFD of proper type and size while hunting, fishing, operating PWC's, or engaged in waterskiing or similar activity. In addition, all children under the age of 12 regardless of the activity, should be subject to this requirement.
- (b) Federal regulations should apply to all states, regardless of current laws in effect. The language of the federal regulation should, however, be such that states that have current laws would only have to rewrite those portions that were less restrictive than Federal Law.

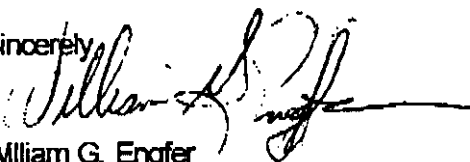
- 2) The statistics speak for them selves. There should be regulations, and the regulations should target those activities that are the major causes of the deaths.
- 3) Again, the statistics speak for them selves. There should be regulation for wearing PFD's as I have out lined above. All statistical categories should be considered and the regulation target those categories of activity, boat class etc. (ie. Under 16 feet in length.)
- 4) As to the age, we feel that all persons must wear a PFD of proper type and size while hunting, fishing, operating PWC's, or engaged in waterskiing or similar activity. In addition, all children under the age of 12 regardless of the activity, should be subject to this requirement. If the statistics indicate more activities from what we have listed, then those should be included also.
- 5) All children under the age of 12 regardless of the activity, should be subject to a mandatory wearing regulation.
- 6) It would be unenforceable for law enforcement to determine if a boater can swim or not. Regulations targeting the activity, class of boats and age are enforceable.
- 7) We have been involved in many boating accident investigations over the years. In most every case where a drowning occurred, or a person ended up in the water with out a PFD, they stated that they wished they had worn one.
- 8) I can't think of any instance where safety makes the wearing of a PFD undesirable or unacceptable.
- 9) I am aware of the intended uses and limitations of the various types and kinds of PFD's. I have observed pool testing of the various types under law enforcement work conditions with full gear. It was an eye opener.
- 10) As stated in section B, numbers 1,3,4 and 5, there should be regulations.
- 11) As stated above.

Section C

- 1)
 - (a) The major benefit of a federal requirement to wear PFD's would be the saving of lives, and uniformity nationwide for the boaters.
 - (b) The costs would be minimal compared to the benefits.
 - (1) State law would have to be changed to come into compliance.
 - (2) Education courses will have to be modified to reflect the safety changes.
 - (3) The public will have to get the message through education and rewrite of boating materials, PSA's etc. in order to comply.
 - (c) Would the costs out weigh the benefits? We don't think so. What price do you put on saving lives?
- 2) Wisconsin has tried bill boards, TV ads, radio PSA's, which costs have had some impact. Changes in Wisconsin's PWC laws, along with public education and an enforcement effort, showed immediate results in the our accident and injury rates. The same will happen with PFD regulations. The one area that has worked very well, is the "Cool Twist Program" which Wisconsin initiated several years ago. I have attached a copy of the program for your review.
- 3) We feel that federal regulation is the only thing that will work and have results. We would ask that funding that was made available for boating safety campaigns, would continue to be made available to assist the states in accomplishing this life saving goal.

Thank you for the opportunity to comment on this critical issue to boating.

Sincerely,



William G. Engfer
Boating Law Administrator
Bureau of Law Enforcement

**Hardee's and
Wisconsin Department of Natural Resources
Join Forces to Sponsor Safe Boating for Children
on Wisconsin Waterways**

Program Summary Statement

The Wisconsin Department of Natural Resources *promotes* boating safety through Information and **education** of boaters of all ages. Because boating is not just a form of transportation, but a form of recreation through which boaters are seeking fun, excitement, and relaxation, boaters often don't want to be burdened with the safety precautions which can guard them against the dangers they face on the water. **Of** boat accident victims who drown, over 80 percent are not wearing a life jacket. In many fatal accident situations, **victims** were thrown life jackets or cushions, or one was floating nearby, but the victim was unable to grasp it. Understanding the importance of wearing a life jacket, and wearing that life jacket every time you're on the water can mean the **difference** between life and death.

Because children develop lifelong habits early in their lives, directing education toward teaching young people safe boating practices at an **early** age can greatly influence their conduct and that of boaters around them throughout their lifelong enjoyment of boating and water related activities. An integral part of any education program is awards and rewards which affect self-esteem. Because it is not only in the interest of the Department of Natural Resources, but all citizens of the state to encourage safe and responsible boating practices, the Department of Natural Resources, in partnership with **Hardee's** Restaurants In Wisconsin, developed a program to meet these goals and put a "Cool Twist" on the safe practice of **kids** wearing life jackets.

The Wisconsin Department of Natural **Resources/Hardee's** Restaurants Cool Twist program is designed to encourage kids to wear life jackets without making it mandatory. The program recognizes and rewards safe practices by providing a safety certificate and a certificate for **a** free Hardee's cool twist frozen **yogurt** cone to young boaters wearing their life jackets when contacted by a Conservation Warden on the water. The free cone **certificates**, issued to boaters age 15 and younger, not only provide the young boater with recognition and support for the safe practice, but also an appropriate seasonal treat they will enjoy -- and remember.

Wisconsin Conservation Wardens handed out over 86,000 free cone certificates to children **during** the 1994, 1995, 1996, and 1997 boating seasons. The program has worked so well that it has been almost impossible to locate a child on or near the water who is not wearing a life jacket. The program's success has prompted **a** request to participate from the **United** States Coast Guard and other boating law enforcement agencies in Wisconsin, which the Department gladly **accommodated** beginning at the start of the **1996** boating season and **continuing** today. Other states have also requested information on the program and have since implemented it. The success of the **Wisconsin** program lead several other states to set up similar programs **with** Hardee's Restaurants in their state for the 1996 and 1997 **boating** seasons. Currently there are over 20 states using Hardee's restaurants and several states using the same idea with Dairy Queen and Orange Julius.

In 1997, the **Wisconsin** DNR was awarded the National Safe Boating Council's National Boating Education Advancement Award in recognition of the Department's outstanding efforts in the development and implementation of a new and innovative boating education program which addresses a major boating safety concern.

Community Being Sewed

The "Cool Twist" program addresses a national boating safety concern. While targeting boaters under the age of 16, this program also serves the greater boating community through the influence that responsible young boaters have on those around them both now and in the future. In addition to providing positive reinforcement to children, the program **serves** the parents of these children by emphasizing not *only* the importance of **wearing** a life jacket, but also that the life jacket **be** of the proper size and type for the intended child. The Department has received frequent comments from the parents and guardians of children receiving certificates that their children have pressured them **into** wearing **PFD's** also.

The program also serves the law enforcement community of both Conservation Wardens, U.S. Coast Guard, and other law enforcement agencies by **providing** children and their parents with a positive image of these agencies and officers.

Problems Identified and How They Were Identified

Wisconsin fatal boat accident reports document the fact that boaters unexpectedly forced into the water as a result of an accident are subjected to various conditions not limited to cold water, panic, injury, and shock, which make it **difficult** or impossible for them to grasp a life jacket that is thrown or floating **next** to them. All too often the tragic result is a drowning. Statistics show that in the majority of boating related drownings, life **jackets** were in the boat at the time of the **accident. Statistics** also indicate that **75-80%** of boating fatalities would still be alive today **if** they had been wearing a **life** jacket. As this program was about to begin in May, 1994, a boat capsizing resulted in the tragic death of 2 young children who were not wearing life jackets. This unfortunate accident made our life jacket reward program very newsworthy and also made the public very receptive to our message.

An extensive survey of over 64,000 boaters in Wisconsin and surrounding states showed that adults who don't wear life jackets **grew** up not wearing life jackets as children. This reinforces what many other studies dealing with behavior have found – people learn and establish their habits as children. Children who *grow* up wearing life jackets are more **likely** to continue wearing life jackets as adults and this in **turn** will set an example for their own children.

Complaints *from law* enforcement **officers** and national boating accident statistics indicated that children not wearing **life** jackets was not only a state problem, but a national problem.

When examining all of these facts, it was identified that the means to saving **lives** and preventing a good majority of boating fatalities was getting people to wear **life** jackets. It was identified early on that the legislature did not want to pass mandatory life jacket laws to address this problem so the Department looked at other alternatives available. The logical alternative was to start with our most valuable resource, our children, and try to influence the development of safe boating habits, such as wearing a life jacket, at an early age.

Program Goals, Objectives, and Outcomes

Goals and Objectives:

1. To prevent boating fatalities, **especially** in children.
2. To conduct a boating safety campaign without cost to the taxpayer or boater.
3. To get children under 16 to wear life jackets voluntarily at all times when on the waterways.
4. To get children comfortable with and familiar with their life jackets so that they will wear them any time they are fishing or recreating around water.
5. To persuade parents to wear life jackets through the encouragement of their children.
6. To open up an opportunity to discuss **with** parents how important **it is** to have the proper size and type life jacket for every child.
7. To Influence habits of adults and future generations by **establishing** a habit of wearing a life jacket at a young age.
 - a. To have children practice safe boating **habits** while boating.
9. To portray a positive image of marine law enforcement agencies and officers.
10. To show the community that a business In the State is concerned for the safety of the children.
11. To provide Hardee's restaurants **with** the Incentive to participate through the prospect of food sales when parents **visit** the restaurant to redeem the free cone coupons.
12. To provide incentives to **businesses** to participate in future public safety campaigns.

Outcomes:

1. Since the program started no child under the age of 16 has drown as a result of a boating accident
2. Children are wearing their life jackets in Wisconsin. Over the 4 summers since this program's inception, officer's on patrol indicate that it **is quite** rare to **find** a child not wearing a life jacket.
3. When officers are on patrol, children are **trying** to find the **officers** to show that they are wearing their life jackets to receive the free cone certificates.
4. Children are encouraging their parents to wear **their** life jackets.
5. Based on the success of the Wisconsin program, over 25 other states have implemented similar programs and achieved similar results.

6. Over 88,000 free cone certificates were given away by Department of Natural Resources **Conservation** Wardens to children under 16 **wearing** life jackets during the previous 4 summers.
7. All other boating law enforcement agencies in the state including the United States Coast Guard began fully participating in the program in 1996 due to its success in promoting boating safety and due to the positive Image that It gives to law enforcement **officers**.
8. **All** boating fatalities, including those involving children, were at an all-time low In **Wisconsin** in 1995 and remained the second lowest number on record in 1996.

How This Program Meets the Identified Transportation Safety Needs of the Community and How It's Effectiveness is Measured

This program has definitely had an impact on life jacket use by children in Wisconsin and other states. Conservation Wardens and other officers indicate that it is almost **impossible** to spot a child near the water who is not wearing a life jacket. In addition, when wardens and officers are making contacts with boaters on the waterways, children are making comments to their parents that maybe Mom and Dad should wear their **life** jacket so they **could get a** free cone also. Many parents have stated that as a result of this program, their children now wear life jackets at swimming pools and while fishing from shore.

This program has generated hundreds of newspaper, radio, and television spots which has allowed us to get the word out to hundreds of thousands of people on the importance of wearing a life jacket and how to choose the proper life jacket for a child. The program has also received attention In numerous **national** fishing magazines.

The Department **has** received numerous letters from the public telling us what a gratifying experience it **was** for them to be stopped by such a "nice" Conservation Warden who rewarded their children for wearing their life **jackets**.

The overall effectiveness this program **has been** excellent as it has resulted in a reduction In boating fatalities, attitude changes in children, and attitude changes in the public itself. This program has encouraged the participation of the business community, thereby saving the taxpayer the cost of running a program such as this. It saves local communities the expense involved In responding to fatal boat accidents. It also protects our most valuable resource — our children.

While the effectiveness of the program can be clearly measured, there are still many impacts that will never be known such as how many children may have fallen from their boat but **are** alive today because they had their **life** jacket on. What we can say is this: No child under the age of 16 has drown as the result of a **boating** accident In Wisconsin since this program began, and Wisconsin's boating fatalities were at an all time low in 1995 and second lowest in 1996.

Explanation of Program Partnership

The Department of Natural Resources worked in partnership with Hardee's Restaurant and the news media to make this program work. Hardee's, who was easily accessible to most **boaters**

due to the fact that they **have** a franchise in almost every community in **Wisconsin**, provided the one thing that all children generally like - frozen yogurt cones. The Department of Natural Resources provided a way for **Hardee's** to get advertising out into the community to a group of customers who in most cases would need their parents or an adult to bring them into the franchise to get their **free** cone. This, in turn would generate additional sales for the franchise due to the sales of food items such **as** sandwiches and soda when the coupons were redeemed. The news media provided advertising due to the newsworthiness of the story and the public's interest in boating.

While working out the details of the partnership, we tried to keep the focus on our intended goal, the safety of children. Hardee's restaurants first suggested that they would like to give away a free burger but In examining that option, it was decided that children prefer cones to burgers and that a cone was more of a "special treat". This was **confirmed** by a survey of young children.

The Department of Natural Resources promotes this program as much as possible through the media. Each May, in conjunction with the beginning of National Safe Boating Week, the Department works with the media to schedule media events to draw attention from local newspapers, radio and television stations. In addition, the Department encourages **media** personnel to ride along with enforcement personnel as often as possible while they give away the free cone certificates. This effort promotes the program and encourages safe boating awareness among the public. The media has looked at this program as an excellent example of the state saving taxpayer dollars by working with the private sector.

Because the results of this program have prompted requests to participate In this type of program from other businesses in the state, the Department of Natural Resources is now looking into expanding this concept Into other **areas**.

Wolcott Gibbs, Jr.
P.O. Box 4728
Santa Barbara, CA 93140

November 4, 1997

Executive Secretary, Marine Safety Council (Rm. 3406)
U.S. Coast Guard Headquarters
2100 Second Street SW
Washington, DC 20593-0001

Re: CCD 97-059

The following is in response to your query posted on the Internet. I should emphasize at the start that I feel very strongly that no uniform **national regulation** for the **wearing of** lifejackets is desirable or even feasible, for three reasons.

First, boating conditions around the nation **vary** so much that any standardized regulation would be inappropriate much of the time, in many of the **waterways**. One has only to examine the **safety regulations** for small fishing craft to see the kind of impossible tangle a national **lifejacket** regulation would be.

Second is the difficulty – impossibility, here in coastal Southern California – of enforcing such a **regulation**. I think the last **thing** the Coast Guard needs is involvement in **another** wild goose **chase**, like the **tax** stamp law of unhappy memory.

Third, under what logic would a lifejacket regulation apply **only** to **recreational** boaters? **Why** not commercial fishermen? Towboat **operators**? Or, for that matter, *marine* police? (I **have** yet to see a member of any **West Coast** harbor patrol wearing a lifejacket, under any circumstances.)

That said, here are my responses to your specific questions:

A. Boating Activity of Commentator

1. This is a foolish question, to which any response will be **so general** as to be meaningless. My boating activity – offshore cruising in a **small powerboat**, mostly in the Santa Barbara Channel – varies from **essentially** danger-free to moderately hazardous.

2. **Yes.**

3. On my own boat, I wear a PFD when I **judge** it necessary. I would simply disobey a legal requirement to wear a PFD at all times.

4. I have been boating in salt water for **approximately 50 years**, since I was a small child. My experience **has** included **ocean racing, fishing, cruising, and search-and-rescue work**, on both coasts and in the waters of **major estuaries**. Currently, I take my boat out approximately once a week, **usually on day trips**, in the Santa Barbara Channel. My cruising in the past four months **has taken me from Newport Beach to**

Point Conception, and to most of the channel islands, from my base in Santa Barbara.

5. I carry several Type 3 life vests for guests and to satisfy the carriage requirements. I would not willingly wear any of them for more than a few minutes. When boating singlehanded, as I usually do, I wear automatically inflating SOSpenders or a Mustang. (I have one of each.) Neither is Coast Guard approved, but they are clearly good devices. When boating with competent crew. I seldom wear a PFD. When on official patrol for the Coast Guard Auxiliary, I wear a Type 3 vest, which I detest: It severely reduces my mobility, besides being savagely uncomfortable.

B. Mandatory wearing of PFDs.

1. None and no, **respectively**. Even if you have (as I do) a low **opinion** of local authorities, they still **have** access to local information, and they are – or should be – attuned to the nautical and safety requirements of their area.

2. None. If the groups administering specific **activities** – **race** committees **leap** to mind – care to require wearing **PFDs** in order to participate, that is **a** legitimate use of **authority**; an across-the-board national regulation is not.

3. None.

4. None.

5. None.

6. None. The **impossibility** of legislating in this area is **explicit** in the question.

7. I don't know of such an instance.

8. There are **several** such situations, most of which are variations of the same thing. In really hot, windless weather, **none** of the standard Type I, II, or III **PFDs** is bearable for long. If someone on a boat is engaged in physical activity requiring balance, coordination, and **mobility**, any PFD is **going** to detract from their **ability** to perform. In addition, all **PFDs** have a propensity for snagging fittings and boat furniture, and the rougher the sea is, the more this is likely.

9. I am aware of the intended uses and limitations **as** described by the Coast Guard. I do not think these intended uses and limitations accurately relate to the **PFDs** in question.

10. This question is incomprehensibly phrased.

11. None. This kind of thing cannot accurately be covered by regulation: There will always be something **left** out, or **exceptional** situations in which **PFDs** need not be worn. The decision should be up to **the** vessel's skipper and/or the individual.

C. General.

1. No benefits, except **perhaps** public relations eyewash. Vast inconvenience, masses of paperwork, **the** impossibility of enforcement, and the addition of another regulation to be held in contempt by the **boating** public.

2. **Force** the Coast Guard to approve more **comfortable**, less expensive **PFDs**, even if they require maintenance or are not perfect, Then focus boating safety education on these **devices**. The **goal** should be on **automatically** inflatable PFD that costs \$25 retail; many more boaters would wear such a device, though not **all** will.

3. See 2. above. In the end, at least for adults, the decision to wear a PFD is a matter of personal responsibility.

NOV - 6 1997



Northern Minnesota Boating Safety Coalition

P.O. Box 763, Rochett, Minnesota 56578

C. J. Lewis, Rochert, MN-Chairperson

3 November 1997

Executive Secretary
Marina Safety Council (G-LRA,3406)
U.S. Coast Guard **Headquarters**
2100 Second Street SW
Washington, DC 20593-0001

Dear Sirs:

As chairperson of a **newly** formed group in Northern Minnesota concerned deeply about boating safety, I am writing to represent the memberships position regarding requirements /incentives to wear personal flotation devices.

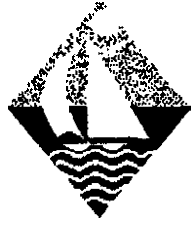
WC welcome the U.S. Coast Guard's interest in this area and **feel** hopeful that something will be done to make the wearing of **lifejackets** universal.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read 'Craig J. Lewis'. The signature is fluid and cursive, with a large initial 'C' and 'L'.

Craig J. Lewis
Chairman



Northern Minnesota Boating Safety Coalition

P.O. Box 763, Rochert, Minnesota 56578

C. J. Lewis, Rochert, MN-Chairperson

RESPONSE TO THE REQUEST FOR COMMENTS ON THE FEDERAL REQUIREMENTS/INCENTIVES FOR WEARING PFD'S TO THE UNITED STATES COAST GUARD-MARINE SAFETY COUNCIL BY CRAIG J. LEWIS, CHAIRMAN OF THE NORTHERN MINNESOTA BOATING SAFETY COALITION.

A. Boating Activity of Commenter:

Our association is composed of both **sailors** and powerboaters interested in promoting boating safety. It is our Position that negligible risk exists in the sport of **recreational boating** and that this risk rises with the level of boating activity. It is also our position that in our own area of Northern Minnesota the level activity is increasing greatly especially in the area of **jetboats** and personal water **craft**. Many people **feel** that wearing a lifejacket is unnecessary since they can easily swim to the boat or catch a tossed **lifering**. In reality this is a false hope. Many fatalities likely occur because the **victim** was knocked unconscious during the boating accident, or a **lifering** was not available to through to them **in** time/ or the person throwing the ring was unable to effectively propel it to the victim in **sufficient** time to avoid a tragedy. Wearing a **lifejacket** (PFD) would not affect our recreational boating, as all of our members now **wear** PFD's and enforce the same by all passengers on our vessels. Most of our boaters engage in the **sport** for relaxation, transportation, or fishing when underway on the many small lakes and rivers that **dot** the Northwestern Lakes area of Minnesota. Our boating is mostly restricted to these inland small waterways. Our choice of PFD is either the Type **II** or Type 111 device. Wearing it in our vessels is not an option. because we require it and the Coast Guard **Auxiliary** in our **area** supports and promotes it actively. However, we see many of our neighbors and friends who do not follow our example.

B. Mandatory Wearing of PFD's:

We would support federal regulations which made it mandatory for a person to **wear either** a **type I,II,III**, or V PFD **whenever** they are underway. Additionally, we would support a federal regulation which made it mandatory for children and adults who cannot swim to wear only the **non-inflatable** type of PFD. Waterskiers. Personal **Watercraft** operators and passengers, should be required to wear special "impact-rated" PFD's to provide additional protection beyond just buoyancy and flotation. Persons **involved** in competitive skiing, boating, or racing type competition should be required to **wear** "high-impact rated" PFD's. There should **be** no age limits or restrictions involving such **regulations** -all ages should be required to wear **them**. Do not make regulations which delineate swimmers versus non-swimmers. Unconscious swimmers drown **just** like everyone else. We would encourage the regulation to allow the use of inflatable type **devices** except for non-swimmers and young children. If the swimming ability **of the** person is in questions, it should be the burden of proof for the individual to prove their ability to swim or provide documentation within a reasonable time frame that they have shown their ability to swim. This

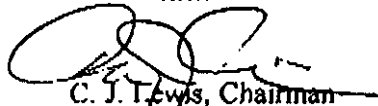
could **be** certified by demonstration to a Red Cross Certified Swimming Instructor or Coach who would then document the person's ability in writing. It may be important to document their swimming ability **be** at a minimum **level** to be acceptable in the regulation. On vessels that would be considered greater than 36 **feet** in length, it should be **allowed** that one lifejacket **be** on board for each person on board and that they are readily available. Additionally, throwable devices should be available on such larger **craft** at the ratio of 2 for each 18 feet of **overall length**. **Passenger liners** and commercial cruise vessels should be **regulated** separately by the Coast Guard in a manner consistent with present standards for **that** category of vessel and its application.

c. **General**

We already have many regulations regarding the wearing of lifejackets by different groups, **ages**, types of boaters, etc. It would be most likely less expensive to simply have a law that **requires** everyone to **wear** one and **eliminate** all the specifics (with of course **the few exceptions** noted). Additionally we encourage the U.S. Coast Guard to include **with** these regulations **universal licensure** of boat operators and restriction of operation of motor vessels to persons 16 years of age or older. **Licensure fees** could help to offset the costs of additional **regulations** and testing requirements should include satisfactory completions of a **recognized** boating safety course of the **US** Coast Guard Auxiliary, US Power Squadrons, or state recognized **courses** that **meet** standards for education **set** by the United States Coast Guard. **Licensure** should bear privilege, not a right. Failure to wear lifejackets would be subject **to** a fine and **repeated** violations could **result** in revocation of your **license**. The license should be an endorsement on the person's **state** vehicle driver's license. In this way, persons will be more **careful** and **responsible when** boating knowing that they may actually lose **their** operator's license for both boat and vehicle if they violate the law or at least lose the boating endorsement.

Lastly, empower the Coast Guard Auxiliary safety patrols to issue non-law **enforcement** warnings to boaters who violate the life jacket law and allow them to recognize young boaters appropriately "on the water" who are wearing their lifejacket properly.

Our organization believes that the only route to safer boating in the end is to combine wearing of lifejackets with operator **licensure** that **requires** boating safety education similar to that offered by the United States Coast Guard Auxiliary and US Power Squadrons. We encourage you to take **firm** action on this **regulatory** initiative.



C. J. Lewis, Chairman
Northern Minnesota Boating Safety Coalition

1206 West Street
Annapolis, Maryland 21401
November 7, 1997

NOV - 7 1997

Executive Secretary
Marine Safety Council
U. S. Coast Guard Headquarters
2100 Second Street. S. W.,
Washington, DC 20593-0001

Dear Mr. Secretary:

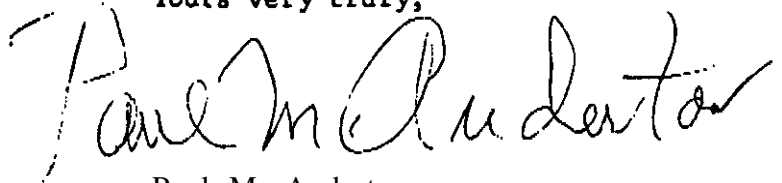
In response to the notice in The Capital, Annapolis, Section **B**, page 1, **November 3, 1997**, copy enclosed, I would **comment as** follows:

There is a class of sailing yachtsman who are competent. These are they who do things right afloat. They know the rules of the road and don't do breath-taking stunts. The seagoing yachtsman does **not** wear a lift jacket because he **uses instead, a web-harness like that that mother puts on a baby or a very young child when she walks the child on the street, fastened to a tether of braided dacron or nylon rope spliced into the companion coaming or some other secure anchor.** The deep sea yachtsman knows that even in the Bay if he falls overboard he is lost notwithstanding a life jacket. You should take the harness method **into** consideration as an alternative to wearing a life jacket. The lift jacket belongs to the speed boat crowd and the kids zooming around on **these** personal water craft or sailboards.

My second comment is that **yachties** ought to pass an examination **as** professional officers must. People who make too much money come to Annapolis and buy a yacht far too big and take off for Bermuda without knowing much of anything. In my judgment the examination ought to be administered by experienced **seamen** such as those who **belong** to the Cruising Club of America, not drinking **clubs** or social clubs.

I am an experienced deep **water** sailer.

Yours very truly,



Paul M. Anderton



Guests at the restaurant are Debbie and Sean McMullen of Pasadena and Viola Fischer of Arbutus.

The Capital Nov. 3, 1997 B1

National boating safety rules eyed

By CHRISTOPHER MUNSEY
Staff Writer

Looking to reduce the death toll from drownings, a boating safety group wants boaters to consider a federal rule requiring life jackets and boating education — two steps Maryland has already taken.

The National Boating Safety Advisory Council, which held its biannual meeting recently in Annapolis, is asking boaters to let it know what they think of the proposals.

Despite several years of publicity campaigns advocating use of personal flotation devices, federal officials said boaters still aren't wearing them.

"The problem is people aren't wearing them. And the question is, are there people that should wear them?" said Capt. Tony Stimatz, chief of the Coast Guard's Office of Boating Safety.

The council, a federally appointed

group that advises the Coast Guard on boating regulations, wants to receive public comment by Feb. 2.

The council will review the comments at its April 1998 meeting, and decide whether to recommend any changes in life jacket and boating education regulations.

"We could save over 600 lives a year if people wore PFDs," said Albert J. Marmo, the council's executive director.

Boaters are asked to comment on:

Whether there should be a federal requirement to wear a life jacket while boating, for any particular age group or type of boat.

What type of boating they take part in, what type of life jackets they have and whether they wear them.

What type of training they've received in a row in the General Assembly.

Whether they think ensuring boating education nationwide would improve boating safety.

Federal regulations require that a wearable life jacket be on hand or more in length.

There are four types of Coast Guard-approved life jackets. They're designed to keep a person afloat until rescue.

But there's no federal requirement that life jackets must be worn by boaters when they're out on the water.

State law requires jetski operators and water skiers to wear life vests. Of the 19 people who died in boating accidents last year in Maryland, 16 weren't wearing life jackets, state officials said.

A bill requiring young children to wear life jackets failed three

less stage to one where it produces toxin. That toxin is believed to sicken and kill fish and cause health problems in people who come into contact with water containing the toxin.

State officials have historically shielded away from food taxes because of the financial burden such taxes put on consumers, said Royden Powell III, assistant secretary of state Agriculture Department. Food taxes usually disproportionately affect lower-income households, said.

Although the idea of a tax on chicken was proposed to the commission studying ways to reduce fish-killing pollution in Chesapeake Bay tributaries, it won't likely be part of the commission's recommendations to combat pollution, one member said.

"That's just not going to fly," said Rick Nelson, a commission member and president of the Somerset County Farm Bureau.

The survey also showed that poultry farming is found to be one of the biggest contributors to E. coli contamination, the poultry companies themselves should pay for the cleanup, Mr. Shultz said. Eighty-one percent of those people indicated they would be willing to chip in for the effort by paying a few cents more for poultry, according to the survey.

The survey, conducted earlier this month by an Annapolis polling company, surveyed 600 adults in Maryland and Virginia.

Mr. Shultz declined to say how much the foundation spent on the survey.

The Associated Press contributed to this story.



NOV - 7 1997

October 14, 1997

Executive Secretary

Marine **Safety** Council (G-LRA, 3406) [CGD 97-059]
U. S. Coast **Guard** Headquarters
2100 Second Street SW
Washington, DC 20593-0001

To Whom It May Concern:

Following are my comments on the proposal to require **PFDs** for recreational boaters.

A. Boating Activity

1. Not very much risk.
2. No, **I** do not agree! But this is a self-serving question that does not make it **right** to pass a new law **requirig PFDs**.
3. No, it would not effect my **participation** in boating.
4. I sail on the Great Lakes. I usually live on the boat as much as possible, sailing every weekend during the summer. Currently we are looking for a new boat, having just sold our 45 foot sloop. Reason for boating **is** for relaxation and adventure (**exploration**).
5. **We carry one Type I or II PFD for every person on board and one Type I inflatable PFD with safety harness for each crew member (my wife and I). Five Type N Throwable Devices (4 cushions, 1 ring) and one Type V Lifesling.**
Everyone wears a PFD when:
 - night sailing (crew only, unless other conditions warrant)
 - cold weather (< 50 degrees)
 - high winds (> 30 knots)
 - highseas(>7foot)
 - or other conditions as warranted, reduced visibility, crowded waters, etc.

B. Mandatory Wearing of **PFDs**

1. The Coast Guard should **not** propose any requirements for wearing **PFDs**.
2. The Coast Guard should **not** propose any **requirements** for wearing **PFDs**.
3. The Coast Guard should **not** propose any requirements for wearing **PFDs**.
4. The Coast **Guard** should **not** propose any requirements for wearing **PFDs**.
5. The Coast Guard should **not** propose any requirements for wearing **PFDs**.
6. The Coast Guard should **not** propose any requirements for wearing **PFDs**. Will the **government** require a license to be able to **swim** (Oh I meant to certify **that** you can **swim**) ?
7. None.
8. **PFDs** are undesirable when trying to make repairs or other situations where mobility is required. when trying to enjoy a nice sunny day on the lake, when sunbathing, when diving off the boat, and when swimming. The government would in effect be **banning** these activities.

☎ 630.705.7750

ntiffin@earthlink.net

PO Box 458, Itasca, IL 60143

9. Yes.
10. The Coast Guard should **not** propose any requirements for **wearing PFDs**.
11. None.

C. General

1. No benefits would accrue. Most boaters will ignore the law anyway. I, and **the boaters** I know, already take steps to insure **personal** safety. Since it will be ignored, no costs is worthwhile.

The only time I see law **enforcement** is when I enter and leave port. Most people **I** know will simply remove **PFDs** once out of sight of the **marine** police.

Enforcing **the** wearing of **PFDs** on sunny, warm days will simply further erode the image of the Coast Guard and marine police.

2. No Answer.
3. From the Request for Comment:
"On the contrary, the best way to minimize the number of deaths due to drowning is to maximize the number of boaters wearing **lifejackets**."

This is absolutely absurd. The best way to reduce deaths, injuries, and damages is to reduce the number of accidents! If a person does not **end** up in the water they will not drown. This is **where** any money should be spent. No accident, no call to the **Coast** Guard, no **expenses**. The **PFD** plan **may reduce some** deaths, but you will still have accidents, a call to the Coast Guard, and **expenses**. **The PFD plan is NOT a plan to** reduce expenses. Just more feel-good **regulation**. Hence the reason for question A.2.

When I looked at the statistics on deaths for 1995 it appeared that at least 92% of the deaths were the result of poor decisions by the captain of the boat. The **solution** is to require Captains to know the laws, regulations, and safe practices before **being** able to Captain a boat. Then hold the Captain responsible for careless actions.. Publicize what happens to careless Captains. Period. **The** solution is easy.

This works with automobiles. Most **drivers** drive safely. Why not boating? **By** the way what did happen to the Captains of the boats that killed 600 people in 1995? **This** is the message that will cause Captains to be more careful. Advertise this on **TV**, put it on the **website**, get families involved in safety and mail the results to all boaters. This would be money well spent.

If you have any money or time left over then **simplify the** procedure for boaters to get USCG licensed, but not the technical requirements. **Make** being the captain of a boat a responsibility,

Sincerely,



Neil Tiffin

Former Owner s/v *Liberté*, 45 ft. sloop, USCG 988304

PETER A. McDERMOTT
1270 CADDIE DRIVE
ARNOLD, MARYLAND 21012

Peter A. McDermott

97-059-

97-066

11/9/97

EXECUTIVE SECRETARY
MARINE SAFETY COUNCIL
U.S. COAST GUARD HEADQUARTERS
2100 SECOND ST SW
WASHINGTON DC 20543-0001

DEAR SIRS:

PLEASE NOTE MY MOST EMPHATIC
OBJECTION TO FURTHER IMPOSITION OF
REGULATIONS ON BOAT OWNERS - WHETHER
SUCH RULES REQUIRE WEARING OF LIFE
PRESERVERS OR TAKING BOATING COURSES.

MY SEVEN CHILDREN HAVE BLESSED
ME WITH FIFTEEN GRAND CHILDREN; ALL
OF WHOM ARE ACTIVE, COMPETENT WATER
AND BOAT PERSONS. INDIVIDUAL RESPONSIBILITY
AND SELF DISCIPLINE, COURTESY TOWARD
OTHERS HAS BEEN CHARACTERISTIC OF THEIR
TRAINING, ETHIC AND BEHAVIOUR.

I VEREMENTLY FURTHER INCURSION AND
INTERFERENCE IN COMMUNITY AND INDIVIDUAL
LIVES.

SINCERELY,

Peter A. McDermott

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NOV - 6 1997

5 November, 1997

Marine Safety Council (G-LRA) [CGD-97-059]
USCG Headquarters 2100 2nd St. SW
Wash. DC 20593-0001

To Whom It May Concern:

YES, I believe from my years of boating experience on SF Bay and sailing to American Samoa that our Federal Government should make it mandatory to wear life jackets on board a vessel underway.

My belief is based upon observing the number of people and bodies that have been rescued from our waters who have died probably because they did not wear a life jacket.

This belief is reinforced by the number of people who endanger their lives and the lives of others because they boat under the influence of alcohol. If you could ban alcohol on boats we would have worked ourselves out of a job. (The CG that is!) These are, in my experience, the same people who fall overboard and drown because they were too macho to put on a life jacket.

On the lake where we taught our children to water-ski, young men drank and skied without a life jacket. They ran into things and drowned. They did not believe a life jacket was necessary!

On a private lake in So. CA a Home Owners Association voted to prohibit a woman from putting a life jacket on her 5 year old autistic son even though he could not swim. They claim life jackets would give parents a false sense of security. They had two drownings that year! Your rule would not affect that circumstance but, in my opinion, it points out the stupidity of some people when it comes to understanding what a life jacket can do!

I was knocked in the head by the boom of our small sailboat and went to the bottom. I did not have a life jacket on. We were just out for "fun" on a "fresh" windy day in a lagoon near our home. As I fought my mental fogginess in order to swim to the surface, all I could think about was the headlines in our local rag, "USCG Auxiliaries Drown Without Life Jacket." Dumb! You bet, and I know better!

Our family endorses a mandatory wearing of life jackets on board a boat. (And forget that PFD stuff - the public calls them Life Jackets!)

Best of luck on your uphill battle,

Betty H. Oakley
Betty/H. Oakley

(obviously, member USCG Aux.)

SF Bay Boater since 1942 with the Sea Scouts

life jacket/bo

20

NOV 13 1997

William S. Griswold
815 Northside Drive
Mt. Dora, FL 52757

13 November, 1997

The Executive Secretary
Marine Safety Council (G-LRA,3406)
[CGD97-059]
U.S.C.G. Headquarters
2100 Second Street
Washington, DC 20593-0001

RE: **CGD97-059**

Dear Coast Guard:

I am a **retired** Coast Guard officer and I am active in the Coast Guard Auxiliary. I have been active in the Coast Guard's recreational boating mission area since 1983. I will respond to each question posed in the Federal Register.

A.

1. Recreational boating, in my opinion, involves no more risk than driving or riding in a passenger car on the nation's roads. I think it is probably safer in that speeds are generally lower, constrictions of lanes is much broader, and traffic is certainly less on most waters, than it is on county roads.

2. No, I do not agree that a life ring (type **IV**) is safer than wearing a life jacket and I would feel just as safe.

3. A requirement to wear a life jacket would not affect my boating, because I use a personal **watercraft** or are on Auxiliary patrols, both of which already require a PFD. However, if I went fishing and had to wear a jacket, I would probably not do so under certain conditions. I don't think it would keep me from going boating, but I suspect I would not comply with a blanket regulation.

4. I have done just about every kind of boating. I **own** a 21' sailboat, a PWC, and a row boat. I have canoed, fished, and **crewed** on many power boats on the ocean, Alaska waters, sounds, rivers and lakes. Presently, I boat on fresh water lakes, about 5000 acres or less. Most of my boating is pleasure, although I do some Auxiliary patrols. I occasionally water-ski, or tow family members while water skiing. I also have a tube that I tow.

5. I carry type III PFD's, and have 50 mph impact rated ones for my PWC. I also use the impact ones while water skiing. Children under 12 wear jackets on my boats (the Florida law is under **6**), and anyone who can't swim. I use my judgment and require jackets if weather threatens, or during anchoring/docking maneuvers. I believe this is the skipper's call. I wear a jacket all the time on the PWC and during Auxiliary patrols.

B.

1. I think the Federal Government should press for uniformity regarding impact rated PFD's while on **PWC's** or water skiing. I don't think it is feasible to require the states to achieve uniformity across the board regarding PFD's. The difference in types of water,

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temperatures, etc., bar a uniform approach. I do think it advisable that the Coast Guard look at high speed activities, and in light of the acceptance of wearing a PFD during PWC operations or skiing, I think **the** country would **accept** a regulation there.

However, to buck the states who do not have a requirement, or raise/lower age limits for states that do have a requirement will destroy good will, raise the specter of state rights, and disturb everyone.

2. See above, high speed activities where a person is being towed, or on a vessel easily overturned should be considered for **Impact** rated vests.

3. I do not think the Coast Guard has good enough statistics to determine risk factors involved in various types of **boats/activities**. While fatalities may be a solid statistic, other classifications of accidents **are** not adequate. Much of the strong feelings regarding statistics are not fueled with fact, but with emotion. The difference between a fatality and an injury might be a matter of luck, inches, 2 mph, seconds, and reports do not cover those measurements. Fatalities are just the tip of the iceberg, the country really needs a better accident reporting system. To assume remedial actions based on 600 +/- drownings probably does not represent a true picture. To put a blanket requirement on everyone, whether they are in a large sail boat, bass boat, PWC, yacht, dinghy is ridiculous, as is making any blanket law to cover every body of water in the land. It's similar to legislating one speed limit for every **road/vehicle**. The debate over 55 mph should serve as an example.

4. I **hold** that those 12 and under should wear a lifejacket while underway on vessels under 26 feet while on deck. Adults should have a choice.

5. See above.

6. This should be emphasized in **PSA's** or through **classes**. I don't think it's manageable to expect an officer to determine whether someone can **swim**. While someone says they can swim, they may mean in a pool where you can touch. This is not practical, and there should be the notion of personal responsibility involved.

7. I know a large strong man who fell into the water working on his sailboat at the dock in Seward, Alaska. His wife was unable to pull him out, the dock was too high, and the temperature in September left his hands incapable of helping himself. Fortunately, people nearby heard the wife, and three men pulled him out. Another instance which happened on my boat, a water skier fell during a normal turn, and we learned later, fractured his hip. We were still wearing **ski** belts then, but it was enough flotation to keep him up until we got people in the water to stabilize him and gently lead him to shore, where we put him on a board and transported him to the hospital. Had he not had flotation, he might well have sunk, and if he had had a jacket as required today, he would have been in better shape.

8. I know of no instances where wearing a PFD is unacceptable. Perhaps in rowing shells, or on racing sailboats/boards a standard PFD might be unacceptable, but I think the inflatables have filled that gap.

9. **Y e s .**

10. **PWC** operations, water skiing, being towed on a tube, etc., white water activities might be a short list.

11. I think the Coast Guard should strengthen their ties with the states, help the states enact the regulations to suit their waters and boating, rather than **try** to drop a single regulation across the whole spectrum.

C.

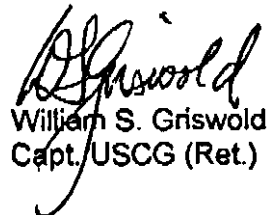
1. I think that the benefits would be minus, because of non-acceptance by the public.

2. Put your efforts into strengthening public education. The recent cave ins to "at home" texts, non proctored exams are erasing any good that exists now. Engage the insurance industry, which has been magnificently aloof and reticent to share any meaningful data.

3. Continue to measure the **effectiveness** of NSBW. Do some test **site** analysis on local areas that **can** have a media blitz, or a big law enforcement presence to see if those measures are effective. Copy the **multi** agency boardings going on in the western states. Take a hard look at those states with mandatory education to see if it is working. Look at states with mandatory PFD wear, at different ages, and be prepared to do it over several years, to see **if** laws help. No one combines various **cats** bases to see if there are correlation between accidents, enforcement, education, and other factors. No governmental agency has the people, the resources, money, or the time. I don't think there are enough bodies for most legislators to care. Compare insurance data with trauma unit data, **and** analyze it with existing reported accidents. Consider an **accident thresh** hold that will **require** a law enforcement investigation, and note it on the form, instead of spending lots of **time** with fender benders. The fender bender reporting can come from insurance companies. If you engage the insurance companies, strike for rates that favor educated or examined boaters. Coordinate arrests between highway and water **BU's**. There's lots to do out side of mandating **PFD's** for everyone.

These opinions are my own, and have been developed over many years of watching the **progress** the Coast Guard has made, and the non progress. Distractions to the RBS mission of the Coast Guard have been supernatural. During my 7 years as a Coast Guard Captain involved in RBS, I saw 3 major **reorganizations**, a virtual parade of Admirals through the mission area, and the **transformation** at Headquarters from sharing an office with public affairs, to sharing an office with nearly 10 **other** missions, all having higher **visibility** than boating. Now the whole effort is diffused **in** different **offices**, and the Auxiliary and Boating Safety **might** as well be in diierent **buildings**. The Coast Guard's attention to RBS has been minimal, and now there isn't one Admiral who can speak for the whole program. And with the demise of District Boating Safety Divisions, junior **officers** might well shun an assignment in **this** backwater position. It certainly is not glamorous, does not compare well **with other** "real" Coast Guard jobs, and those officers continually have to apologize for the lack of support. Now middle level civil servants, many of whom have had no **boating** background, are calling the shots at the District level. Organization and reorganization have been the battle cry, and no one is leading. Such is my opinion, and I will gladly expound if asked.

Sincerely,



William S. Griswold
Capt. USCG (Ret.)

Robert J. Auchinleck
2610 Blackhawk Road
Wilmette, IL 60091-1204

November 12, 1997

NOV 14 1997

Executive Secretary,
Marine Safety Council (G-LRA), Room 3406
U. S. Coast Guard Headquarters
2100 Second Street SW
Washington DC 20593-0001

Ref.: CGD 97-059

Dear Sir or Madam:

This is in reply to your notice of inquiry in the referenced matter.

I believe there can be substantial risk involved in recreational boating. I would not feel as safe having someone throw me a life-ring as I would if I were wearing a lifejacket. But, if I were required to wear a lifejacket other than a fully inflatable, I might boat less on very warm days.

I go boating at least four times each week during the months from May through September and almost every day during the month of March. Most of my boating during the summer months is on Lake Michigan and also on an inland chain of lakes. During March, I'm on the Gulf of Mexico and the ICW. I own three powerboats and one sailboat. I rarely rent, but have done so in the Caribbean. All boating is for relaxation or competition (sailing).

On all my boats except the pontoon boat, which is used only on the protected inland chain of lakes, I carry Type I PFD's, but would only wear these if I expected to abandon ship. On the pontoon, I carry Type II's, but they also are not worn. Underway, any child 12 years of age or under, any adult 75 years of age or older, and all non-swimmers wear lifejackets aboard all my boats whenever on weather decks. Everyone wears one on weather decks when racing, water-skiing, during hours of darkness, or under certain circumstances such as high seas or needing to handle lines on the foredeck, etc. Adults wear either fully inflatable (Crewfit) or Type III's. Children wear Type III's. Children 7 and under wear them whether we're underway or not. In fact, they don't get on the dock without wearing one. And my grandchildren literally learned to swim before they could walk. Their mom's a swimming teacher. On any boat other than the pontoon, I wear and recommend a Type III at night because I have PML's and flares in the pockets. On Lake Michigan, wearing them isn't uncomfortable at night, because the water is always cold.

The biggest reasons people give for not wearing lifejackets are that they're hot and uncomfortable, but the inflatable has solved that. I bought them before they became USCG approved, but since I equip all my boats with approved devices up to the capacity of the boat, including child sizes, I don't worry about carriage requirements. Inherently buoyant PFD's are so cheap, it's not worth wondering about if you're boarded. Because of my personal investment, I would not like to see a requirement that approved devices must be worn, especially since you haven't approved any auto-inflators.

Since I regularly boat in five states, all having different regulations, some on the same body of water, I strongly feel that a uniform federal set of regulations should be in place, pre-empting state rules, at least on the navigable waters of the U.S. I support mandatory wear for children 12 and under, adults 75 and older, water-skiers & persons on PWC (for added visibility too), canoes & kayaks, sailboats under 16 feet, all racing boats and all boats under 65 feet at night on the Great Lakes, oceans or coastal waters -- when underway on open decks.



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Executive Secretary, Marine Safety Council
(G-LRA, 3406) [CGD 97-059]
U. S. Coast Guard Headquarters
2 100 Second Street SW
Washington, DC 20593-0001

NOV 15 1997

Sirs;

The following remarks **are** provided in response to your notice [CGD 97-059] requesting comments regarding personal **floatation** devices (**PFDs**):

I am **strongly** opposed to any **Federal** requirements for the mandatory **wear** of **PFDs**.

Answers to selected specific questions **provided** in your request follow:

Q: Several States have Imposed various requirements for **wearing PFDs-** by children, during **waterskiing....What** Federal requirements should the Coast Guard propose, **if any** for wearing **PFDs** to ensure uniformity around the country:

A: No Federal requirements should be proposed by the USCG. It is good **common** sense to wear **PFDs** while waterskiing (a **particularly** dangerous sport where a person is **vulnerable**) and it is also common sense for adults to require **children** who **cannot** swim to wear a PFD at all times (**I** do). However, it should **definitely** not be the **Federal Government's** role (nor the WSCG) to **recommend or establish any requirements and/or enforce compliance in this area.** There are times when PFD wear is appropriate, **and times** when it is not appropriate, **necessary** or desirable. **Requirements/regulations** cannot effectively or appropriately address this issue; it is (and should be) a matter of personal responsibility. Again, common sense **prevails**, and there is no desire by the **general** boating public or the **taxpayers** for a greater **role** for Government requirements/regulation in this area.

Part of the general boating public's adamant resistance to any Federal requirements is an understanding that the mandatory wear of **PFDs** will do little to prevent the accidents that cause drownings. The same **irresponsible** boating/water behavior that is behind the majority of boating deaths will still be prevalent, with or without mandatory **PFD** use. Regulation of **PFD** wear will do nothing to improve boating safety- it just makes finding dead bodies a little easier. **The** following is a proposed solution, which **in** my opinion would be highly **agreeable** with the (responsible) boating community:

Q: Is there any other information you **feel** may help the Coast Guard to reduce the number of deaths by drowning with the lowest costs to, or **least** burden on, the Coast Guard itself, the States, and most of all, **boater**?

A: Yes. Education and certification of **boaters**. I don't understand the emphasis of "lowest cost" and "least burden" in the above question, the effort should be to pursue the most effective and appropriate method. Clearly, one of the most effective methods of reducing the number of deaths is by preventing them in the first place. USCG statistics show a majority of boating accidents can be attributed to alcohol use and/or poor boating judgement. These are the types of things that **can** be prevented through **training** and education.

Specifically, boaters should have to complete some training such as a "Power Squadron Boater **Safety Course**", and take a test to receive a "boating license". Responsible boaters would generally support such an effort. It is of great concern to many responsible **boaters**, the number of people in boating who neither have the experience nor training to **safely operate** their vessels. Mandatory training and licensing will directly address this problem by establishing some minimum baseline of knowledge/safety standards required for boating- This will improve upon boating safety and **reduce the** number of drownings that result from accidents; mandatory PFD regulations will not.


Lastly, I would like to briefly comment on the nature **of the request** for comments by the USCG. **I** found out about this request through an online boating **newsgroup**. However, I'm **sure** that many boaters are unaware of your **request**; consequently your response may be limited, and may not be **representative** of the "**general boating community**" (as I believe this **response** is). **The topic online** was very much **of** interest, as **everyone** had an **opinion**. The clear **sentiment** by dozens of boaters **quoted** was **overwhelmingly** against any Federal regulation for PFD wear. **Unfortunately** however, **many** of **these** boaters online **expressed** unwillingness to **respond to** this USCG **request**. This is **partly** because it is time consuming to respond **via** mail, but **also**, and more importantly, because the nature of the questions provided tend to suggest an USCG "agenda". **It** is perceived by many that any input **received** that does not follow the desired response (agenda: pm mandatory PFD wear/regulation) will not be fully considered. Hopefully this is not the **case**. I don't know what the statistics **are**, but a clear **majority** of boaters (practically unanimous) that I have discussed this **with/heard** from **are** against **Federal/USCG regulation** of (mandatory) PFD wear.

To reiterate my main points, the following are provided in summary:

1. No Federal requirements should be proposed by the USCG for PFD wear.
2. Consider mandatory **safety** qualifications **and** "boating licensing" to improve boating safety. Mandatory PFD wear does not improve boating safety, because it does **not prevent the** accidents that cause drowning.
3. Many **stakeholders** concur with the above two **statements**.

I **appreciate** the work that the **USCG** does for boating safety, and hope my comments above are **helpful**. Hopefully, it is **clear** to **USCG** decision makers that Federal regulation of mandatory PFD **wear is** inappropriate and strongly opposed, yet **that there** are **concerns** over boating safety that can be better served by educating boaters. Through education and qualification, all boaters can achieve a requisite level of boating safety knowledge; including the segment of less **responsible/less experienced** boaters who are **involved** with many of the fatal accidents that are of concern. Attack the problem! PFD wear is **not** the problem.

Very respectfully,



Steven D. MacDonald
1598 Willow Cove
Newport News, VA 23602
(Notice CGD 97-059)

Robert W. Hays
 3360 **Trickum** Road
 Marietta, GA **30066**
 November 15, 1998

Executive Secretary

Marine Safety Council (**G-LRA**) [CGD 97-059]
 U. S. Coast Guard Headquarters
 2100 Second Street SW
 Washington, DC 20593-01

Please consider my comments about **the** proposal to require wearing **PPDs** (life jackets) while boating:

A. My Boating Activity.

1. My boating involves very little risk--at least a risk which wearing a PPD would avoid or lessen. Most **risk** involves collision with boats operated unsafely.

2. This is, of course, a slanted question. **I** would feel as safe if someone threw me a PFD (Perhaps safer, because grasping a thrown PFD would not restrict arm movement). I swim well. Non-swimmers **might feel** safer **wearing PFDs**.

3. Imposing still another requirement would diminish my desire to take part in recreational boating.

4. I go lake boating about four times monthly on warm days. I cruise or fish for pleasure, almost always with guests, on my 26' stem-drive cabin cruiser.

5. I carry one throwable float cushion, plus an approved life jacket per person, plus two extra **PPDs**. I require children under six to wear a **sized** PPD. I do not **ask** adults to wear a PFD (though I welcome their so **doing**).

I do not wear a PFD because (a) the danger in not wearing is very **small (b)** a PFD hinders movement, especially in fishing, and is a nuisance and (c) forcing me to wear one would infringe my already fretted personal freedom.

B. Mandatory Wearing.

1. The Coast Guard should stay out of a matter best left to states and their enforcers. The Coast **Guard** should focus on Rules of the Road, **especially** the "Prudential Rule,"--just as police enforce driving rules on highways. However, the Coast Guard (iii Georgia's boating enforcers) should require worn **PPDs** for (a) personal **water-crafters** (inherently dangerous to operators and other boaters) and skiers **(b)** children (perhaps **under 6**) and (c) all offshore boaters (perhaps as in the past where Inland Rules of the Road stopped).

2-6. The Coast Guard should stay out of **this matter**. The Coast Guard and other enforcers already have enough--too much--to do in preventing **crazy** operation of boats. After all, crossing the **street** involves **risk**. In this country, we have long past the point of wisdom in trying to protect against all risk-with loss of freedom.

7. I have only heard rumors, but know no details.

8. I consider my own operation of a boat makes my wearing a PPD undesirable at **all** times (except offshore).

p. 2/2, from Robert W. Hays

9. Yes.
10. Already answered under 2-6.
11. Already answered under 2-6.

C. General.

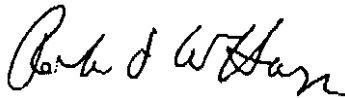
1. Wearing **PFDs** might save a few lives otherwise lost (although extrapolated statistics are subject to wide interpretation). The cost of **PFDs** is trivial. The inconvenience is--for persons like me--enormous. Forcing all boaters to wear **PFDs** will further increase disrespect for stupid laws aimed at minor problems.

Law enforcement on inland lakes and rivers will probably adopt Coast Guard practices. But we need inland boating police (rangers, etc.) moving on the water to stop dangerous operators--not snooping for PFD non-wearers. Any experienced boater can recall instances when a boat operator behaved foolishly.

2. We can cut accidents by (a) enforcing laws against risky boat operation **(b)** placing more liability on boat operators (c) getting drunk operators @VI--Boating Under the Influence) off the water. The CG might also award VOLUNTARY licenses or certificates based on exams (not as formal as master's or mate's licenses. A boat owner could display such with pride on his/her windshield, The Coast Guard Auxiliary should continue its fine program of voluntary boat inspection!

3. Of course, we can prevent almost **all** boating accidents by simply outlawing private pleasure boating! That seems the way we are heading, with such loaded questionnaires as this which I am answering. This whole proposal typifies our spastic response to problems.

Note I (a) spent two years at sea as a naval **officer** during and after **WWII** on a small amphibious ship **(b)** have owned four small **motorized** boats (c) know and follow the Rules of the Road and (d) often have almost been run down by other boats (whose occupants may **have been bundled** in **PFD's** but whose skippers behaved foolishly.)



Robert W. Hays

MARINE SAFETY COUNCIL

11-20-97

PFD

NOV 20 1997

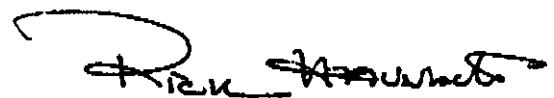
97-059

GENTLEMEN:

As a boater of 35 enjoyable years I recognize the need for life preservers but NOT necessarily worn by the occupants.

While worn they are cumbersome and restrict movement of the wearer.

The real problem on the waters is Alcohol and under education, please address these issues and stop presuming that government is our keeper.



9244 S. Sawyer
E. PK, IL 60805

NOV 20 1997

John Bledsoe Bonds
253 **Hobcaw Drive**
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75410.2126@Compuserve.com

November 20, 1997

Comments on CGD 97-059

A. Boating Activity of Commenter: Former Surface Naval Officer, two ship commands, first Director of Navy Sailing, former Commodore Naval Academy Sailing Squadron/CO NavSta Annapolis (responsible for all offshore training in YP and smaller craft). Former EXDir of US SAILING, presently Chairman of Safety at Sea Committee that organization and manager of the national "Safety at Sea Seminar programs. 100ton Offshore Operator, yacht owner (J/35) with 1000+nm offshore each year. DOB 12/16/39.

A1: Risk in recreational boating? Very little in an absolute sense. More dangerous by far to drive to the boating site. However, there ARE risks anytime we go on the water as we are land animals and in an alien environment in the water. Regardless of what we do, some risk will always remain. The art is to determine how much more to do to make it a tiny bit safer; law of diminishing returns applies.

A2: Strang disagree with the statement. BUT I would also NOT feel as safe in a USCG-approved inherently buoyant device as I would in a 35# properly-designed inflatable (or for that matter in the non-USCG-approved lifejackets carried ON USN and USCG ships). Buoyant cushions are short-term only, more useful to sit on. Type IIs are deceptive in expectation, as they will not turn unconscious persons over reliably and provide insufficient flotation to survive very long in choppy water. Type IIs are suitable only when rescue is imminent and the person is pretty fit (dinghy sailors or white water canoeists). Not for rough water either. Type Is are too bulky to work boats while wearing. In my view, inflatables are the only practical solution to the problem of flotation while boating in an active manner.

A3: would a requirement affect participation? Probably not, but I would resent the hell out of being told I had to wear a device that is demonstrably inferior to another, possibly non-approved device by someone who doesn't know the difference.

A4: Own a 17' Boston Whaler, two windsurfers, and a J/35 sloop. I race on a Lindenberg 26 sloop locally (Charleston SC) and on a J/44 sloop in New England (and to Bermuda) in the summers. I serve as race committee on a variety of large motoryachts, and deliver racing yachts back to homeports after racing, usually in international waters for long distances.

A5: Type PFDs. For daylight in smooth water, I wear a non-approved inflatable fannypack made by Survival Technologies. It inflates to a 32% flotation horseshoe buoy. It is unobtrusive and light weight. At night or in rough water I wear an SOS-penders combination harness/inflatable with automatic inflation and tether. It provides 35% of buoyancy. In a small pouch attached are a strobe, whistle, signal mirror and three hand flares (Skyblazers). When working around the boat in spring and fall or when sailing in chilly but not rough conditions, I wear a Stormy Seas (unapproved) inflatable jacket, which provides 35% of buoyancy and a crotchstrap. Note that NONE of these are USCG-approved, but all provide significantly more flotation than even a Type I PFD. Recognizing that the mechanical inflation mechanism may fail, I can orally inflate to 22% minimum in three breaths.

B. Mandatory wearing:

B1: State requirements noted. What federal requirements should be implemented. In my view none. Uniformity around the country is not appropriate. What is needed in the cold water conditions of northern New York, Washington or Maine is not necessarily the same as southern California or Florida. Moreover, intelligent boaters can provide better for themselves than any regulation is likely to do. For example, states now require that children wear USCG-approved devices, in which they may possibly drown (Type II or III if unconscious). An automatic inflatable may be a better choice for a parent to make--and the choice SHOULD be his, not the state patrolman's.

B2&3: Requirements based on statistics? Why not on IQ or some other measure? Or on swimming ability? I have no problem with insurance companies offering a "safe boater" rate for people who pledge to always wear flotation, and require their passengers to do so, but I don't believe it should be a federal requirement. There is a real problem in defining who should and should not be required. Guests on a 120' motoryacht embarked for a catered cocktail cruise and operated by a professional crew? How about an 80' motoryacht operated by its owner? Or a 40' sailboat on an afternoon sail in lovely weather? Shall guests on a USCG dependents day cruise wear PFDs all day? How about passengers on a ferry or cruise boat?

Having said all this, it's obvious to me that people sailing lively dinghies, in which one may expect to capsize as a normal function, should wear flotation. Ditto white water rafters and kayakers. Ditto waterskiers. Ditto PWC operators. In fact, I think that people in most small boats should wear adequate flotation while on the water. But I think they all should be free to choose their own flotation device, which matches their employment--and this would include non-approved devices, which no federal regulation could include.

B4: Fed Requirements based on age? None.

B5: Same question. None. Leave it properly to the states. It is a local issue, not a federal one.

B6: *Non-swimmers* required to wear PFDs? Obviously, yes. But again, where is the line to be drawn? Dependents* day cruises on USCG ships? Ferries? Cruise boats or ships? Large motoryachts? How large? Etc. Of all the proposals here for regulation, requiring non-swimmers to wear flotation makes most sense. But as the query notes, how to determine? An autopsy won't tell. However, the regulation might remove the liability from an operator who advises his passengers that non-swimmers must wear flotation, and point out where it is located, but then is sued for wrongful death when a non-swimmer didn't use the device and subsequently died. Misconduct could be a defense in that case, if non-swimming ability could be proved. Clearly, requiring a swimmer to carry some sort of card to prove his/her swimming ability is ludicrous.

B7: Many instances of deaths reported to our committee. Tragedies, nearly all preventable had adequate flotation been worn. But I must also ask YOU how many people drown in Type II PFDs each year? How many unconscious victims are recovered alive in Type IIS? Given those answers how can USCG continue to approve these devices???? Most boaters feel that if they comply with USCG requirements, and wear USCG-approved devices they are safe. Safer perhaps, but not as safe as they could be with proper devices.

B8: Clearly wearing adequate offshore flotation (Type I inherently buoyant PFD) is dangerous while working a boat actively. The bulk simply precludes proper **crewing**. That's why USCG have work vests, and we use inflatables. I think Type IIS probably have the same practical limitations. Type IIIS can be worn while working the boat--but they are inadequate in rough water conditions.

B9: Aware of limitations? Obviously. I **doubt** if most marine patrol and perhaps USCG on-water personnel are so aware, and I **KNOW** that USCG Aux and USPS personnel are not. USCG has been remiss in my view in not **educating** the public sufficient in this regard, and very reluctant to approve inflatable devices which are far superior in life-saving capability.

B10: None.

B11: None.

C General

C1: Benefits from federal requirements to wear PFDs: A few lives would be saved each year. But more would be saved by outlawing bathtubs, as you know.

Costs to implement would be large--and would produce the

wrong result. Federal regulation is not the best way to improve survivability among boaters. Education is.

By a long margin, not worth the cost to implement.

C2: Non-regulatory ways? State or local regulation, if deemed desirable by the citizenry. Insurance rates for wearing flotation. Special requirements for high-visibility activity, such as racing, to help change the norms of the sport voluntarily (as has happened with bicycle helmets--no federal requirement here). The point is to make some rules that people learn to obey for the right reasons, not because they fear boarding by an uninformed youngster with a rulebook.

C3: Yes, widely publicize the new availability of inflatable devices--together with the information on how important regular maintenance is to their reliability. Point out to the public that current USCG-approved inherently buoyant devices may NOT be the best answer for many boating venues. Stress that buoyancy has to be worn if it is to be effective, and that inflatables provide this capability at very low "costs" in comfort. Encourage USCG, USCG Auxiliary personnel and state boating law personnel to wear inflatable flotation if they wish as a highly visible example of use by professionals. Explore with the insurance companies the possibility of a "safe boater" discount for those who will pledge to wear flotation at all times on the water.



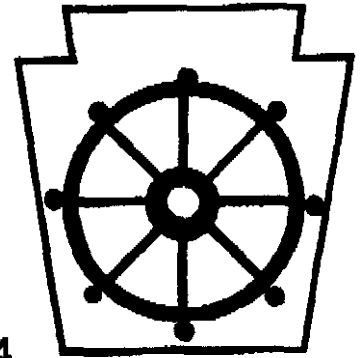
B. Bonds



Pennsylvania Marine Trades Association

(717) 675-0677

PO Box 1411, Kingston, Pennsylvania 18704



November 26, 1997

NOV 28 1997

Executive Secretary
Marine Safety Council
US Coast Guard Headquarters
2100 Second Street, SW
Washington, DC 20593

Re: Comments on mandatory lifejacket requirements (G-LRA,3406), (CGD 97-059),
and position of **PMTA**.

Dear Sir:

Pennsylvania Marine Trades Association has long supported the training and use of personal floatation devises. We oppose the idea of mandatory usage for many reasons. First and most important is that we believe that a mandatory requirement is an infringement on personal freedom such as the helmet laws are for bikers. At the present time, existing helmet laws are under scrutiny, and in some states the mandatory statutes are facing the possibility of being over turned. Chances of succeeding against this type of sentiment will be difficult. Many people feel that as a society, we don't need more laws in order to personally protect ourselves. This amounts to government telling its citizens through the verbiage of "mandatory" that it knows what is better for it's citizenry than they individually and collectively realize what is good for their own benefit. History shows that *not only* is this type of thinking ineffective, but more bureaucracy and costly, expanded, central government results from these aggressive initiatives. Rational thinking individuals will consider these safety methods and consequences. No amount of regulation will prevent the irrational from acting carelessly.

Rather than take this approach we should examine the following. Can enforcement

be rendered effectively for implementation of a mandatory program or is the "idea" of this requirement justification for satisfying a minority of special interests? The real question that should be considered is the public being served ?

The objective should be boater safety and how we as an industry can effectively implement efficient result safety measures. PMTA and many of its coalitions view it from the premise that as boating is promoted through improved safety statistics, the more people will participate and enjoy the sport.

It is our position that participants should have access to the necessary educational process associated with boating and that it should be easy for them to do so.

The purpose of wearing PFD's needs to be impressed upon everyone engaged in boating. The wearing of PFD's is not necessarily warranted in every boating situation although it is generally advisable. Boat design, water conditions, swimming ability, age, and physical condition of the operator or passenger need to be considered. These are the absolute determining factors. This decision is still better determined by the individual, such as a parent, guardian, passenger, or boat operator. The best method to enhance this objective is through awareness. We would rather institute a campaign beginning with something simple. A cliché possibly as "when in doubt don a PFD." and build upon this theory. Awareness should be promoted nationally and taught locally.

Sincerely,



George C. Horwatt
President

cc file

Robert Stewart - PMTA
Marine Retailers Association of America
Pennsylvania Fish & Boat Commission
Pennsylvania Boating Association

Larry G. Mazzola
2225 Vinson Lane
Jacksonville, FL 32207
(904) 388-6980 home
(904)-398-0140 work

NOV 29 1997

November 25, 1997

Executive Secretary
Marine Safety Council
(G-LRA, 3406)(CGD97-059)
U.S. Coast Guard Headquarters
2100 2nd St. S.W.
Washington, D.C. 20593

RE: **Mandatory** regulations for wearing personal flotation devices
Attention Executive Secretary,

As a boat owner I **am** against any mandatory **life** jacket requirements for "all boaters".

While there may be concerns as to the number **of** boaters (**80%**) who **die** in water **accidents** without **life** Jackets, I submit upon evaluating the circumstances of the **majority** of the **accidents**, how many **of** the victims would have been saved by a **life** Jacket or **if** the negligent party would **wear** the **life jacket** regardless to a law requiring such. Enforcement would **be** prohibitive et best, proven by existing "boating" laws.

i am in favor of practical **safety** requirements, and require **such** with out hesitation on my vessel, however more laws which are neither **practical** or functional and will not **be enforced** is another taxpayers waste **of** time and money. Why penalize the entire industry For the negligence of the few.

At a minimum prior to initiating **any** new legislation, I suggest strong consideration be given to the size and type of the vessel. **Open** runabouts, bass boats, **speed** boats and small **craft** (17' or less) should certainly be **viewed** separately from larger boats and yachts.

In addition I strongly recommend Personal Water Craft (PWC/Jetskies) are **identified** in a separate NON BOATING category.

Sincerely,



Larry G. Mazzola

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NOV 27 1997

Wallace S. Venable
Route 13 Box 125
Morgantown WV 26505-8526 USA
Phone (304) 328-5128

27 November, 1997

Executive **Secretary, Marine** Safety Council (**G-LRA**, 3406) [**CGD 97-059**]
U.S. Coast Guard Headquarters
2100 Second Street SW, **Washington**, DC 20593-0001

RE: CGD **97-059**, Recreational Boating Safety--Federal Requirements for Wearing
Personal Flotation Devices

General remarks:

I have **been** involved in boating safety education for over 25 years as **a member** of the United States Power Squadrons **and the USCG** Auxiliary. I support moves to unify state boating **regulations**, both in the **interests** of **safety** and of **simplifying** the educational process. This applies particularly to **PFD use** by children, water-skiers, and "sit-on" craft such as P WC and **sailboards**.

I regularly wear **PFD's** under certain conditions, and support legislation mandating their **use** under specific circumstances.

It has been the practice that Federal laws **regarding** recreational craft are not more restrictive than those applying to commercial, passenger carrying, or military craft. **That** practice should be **continued**. That is to say, if a **recreational boater** is to be told he must wear a PFD at all times, that rule **should** also apply to commercial and **USCG** crews and gambling boat passengers as well. In that spirit, I would suggest that **any** legislation **include the** following exemptions:

- (1.) Any mandatory PFD **use** law **shall** only apply **when** the vessel is under way.
- (2.) A PFD need not be worn when an **individual** is within a cabin, or is within a cockpit, lifelines, or railing with a height of at least 18 inches, or **when** wearing a protective **harness** securely attached to the vessel.

I do not believe that **reasonable requirements** for PFD wearing can be **based** simply on vessel **size**, speed, or type. **There** are "micro-cruisers" under 16 feet in length which pose **far** less drowning hazard than much larger boats, and "speedboats" which pose less drowning hazard than "deckboats."

Several cautions:

The Coast Guard has excellent statistics **regarding** accidents which involve serious injury and/or **death**. It lacks information on incidents which are not serious. This is to say that the information available gives no indication of the number of times a PFD

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contributed to an accident which had negligible consequences, or to the number of times in which a person overboard was recovered without injury, whether wearing a **PFD** or not. **The** data summarized should not be interpreted as absolute **proof** of the value of wearing PFD's at all times.

Apparent drowning is strongly related to hypothermia as well as PFD use. Few PFD's give much protection against hypothermia in low water temperatures. There is likely to be a prejudice among safety officers to attribute drowning to non-use of **PFD's** while actively seeking another cause when one is worn.

The USCG summary indicates that at least 25 states have some regulations mandating the wearing of **PFD's**. As **part** of the **general** public discussion of this issue, detailed **evaluations** of the effect of these laws on death rates should be made and **publicized**. Since these laws vary, the data may suggest **areas** with high end/or low potential returns.

The effectiveness of any legislation is **strongly affected** by compliance. It would be interesting to know how many of the drowning deaths were among persons who failed to comply **with** existing state laws.

Answers to listed questions:

A. Boating Activity of **Commenter**.

1. Risk: **SLIGHT TO HIGH**
2. If I fell overboard: **OF COURSE NOT**
3. Would a requirement for wearing a PFD likely affect: **YES. AT TIMES IT WOULD GREATLY DECREASE MY COMFORT OR INCREASE MY FEELING OF RISK.**
4. [My] recreational boating activity: **ABOUT 60 DAYS DURING 1997, MOSTLY CRUISING ON INLAND WATERWAYS. IN THE PAST I HAVE DONE COASTAL SAILING IN WEATHER CONDITIONS TO FORCE 8.**
5. **type of PFD you carry: 2, 3, 4**
whether or not you or other passengers wear a PFD: **AT TIMES**
reason(s) for wearing or not wearing **a PFD: DEGREE OF RISK, COMFORT**

B. Mandatory wearing of **PFDs**.

1. the Coast Guard **propose** Federal requirements only in those States with no requirements for **...wearing PFDs--by** children, during waterskiing, aboard personal **watercraft: YES**
2. What **Federal** requirements for wearing **PFDs** should the Coast Guard propose... **based** on higher categories of boaters, activities, or conditions? **UNIFORM STANDARDS FOR CHILDREN AND SIT/STAND-ON CRAFT**
3. What Federal requirements for **wearing PFDs** should the Coast Guard **propose...based** on sizes or types of recreational vessels? **NONE, EXCEPT SIT/STAND-ON VESSELS**

4. What **Federal** requirements for wearing **PFDs** should the Coast Guard propose...based on ages of the victims? **COVERAGE OF CHILDREN UNDER 13**
5. specifying an age below which children **must** wear **PFDs**: **UNDER 13**
6. What Federal requirements for non-swimmers to wear **PFDs**:
7. If you know of an instance: **NO**
8. If you know of instances **where** safety makes wearing **PFDs** unacceptable or undesirable, **please** describe them. **ALL "BELOW DECKS" SITUATIONS, INCLUDING HEAD USE ON MANY "CONSOLE" AND "PONTOON TYPES." MOST OTHER SITUATIONS COULD BE COVERED WITH ALTERNATE USE OF SAFETY HARNESS.**
9. Are you aware of the intended **uses** and limitations: **YES**
10. particular activities wear **PFDs** under any conditions? **SIT/STAND-ON CRAFT**
11. Describe any other boating activities: **NONE**

C. General.

1. What benefits (in terms of personal safety or in other terms) do you think would accrue **from** Federal requirements to wear **PFDs**? **MODERATE REDUCTION IN DROWNING DEATHS, SIMPLIFICATION OF BOATING SAFETY EDUCATION.** What costs (in **terms** of money, paperwork, inconvenience, or other terms) would accrue **from** such requirements? **FOR GOVERNMENT, SHIFTING ATTENTION AWAY FROM OTHER NEEDS, INCREASED COURT OPERATION COSTS, CONFLICT WITH BOATING COMMUNITY. FOR BOATERS, DECREASED ENJOYMENT, PARTICULARLY DURING SUMMER WEATHER.** Would the costs outweigh the benefits? **YES, REGARDING CHILDREN AND SIT/STAND-ON CRAFT, BUT NOT FOR "UNIVERSAL" USE**
2. **Please** describe any nonregulatory ways: **BOATING SAFETY EDUCATION HELPS**
3. other information: **SEE GENERAL REMARKS AT BEGINNING**

Sincerely yours, ,



Wallace Venable

EDWARD A. SPRAGUE
47921 TRANQUILITY LANE
LEXINGTON PARK, MD 20653

DEC - 2 1997

December 2, 1997

Executive Secretary
Marine Safety Council
(G-LRA 3406)(CGD 97-059)
USCG Headquarters, 2100 2nd St. S.W.
Washington, D.C. 20593-0001

In regard to possible federal requirement for life jacket use, I strongly urge that this matter be left to the individual states who are in a better position to judge the need for action in different areas, if any.

I have been a mariner for sixty years and have witnessed numerous situations when life jackets should be worn. We use them in extreme weather conditions and always require small children to wear them when on deck. But they are hardly necessary (to be worn) for seasoned mariners most all of the boating season on Chesapeake Bay and its tributaries.

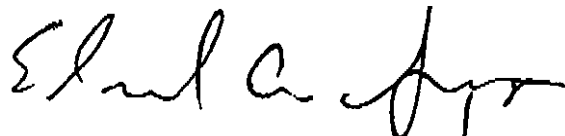
Life jackets are uncomfortable and restrict movement. On very hot days they increase the risk of heat exhaustion. The new inflatables may be some improvement in this regard but not enough. Mandatory use of PFDs would detract significantly from the value of recreational boating.

Furthermore, there are instances when life jackets themselves can be a hazard. I enjoy winter canoeing on salt water creeks, keeping quite close to shore. In case of capsize here, the biggest danger is quick hypothermia, and a life jacket that slows you down in swimming to shore becomes part of the problem.

Government cannot possibly prescribe a life jacket rule that would be fair and appropriate to all circumstances or even the majority of them. Such decisions should remain with individual skippers. If the states want to set some minimum nonintrusive requirements, such as the requisite number of PFDs on board, that's fine and proper.

It's unfortunate that the Coast Guard with its proud traditions has gotten dragged into the potty patrol business. It would really be a new low, however, if it had to enforce a dress code too.

Sincerely,



30



DEC - 3 1997

COMMONWEALTH OF VIRGINIA

George Allen
Governor

Becky Norton Dunlop
Secretary Of Natural Resources

Department of Game and Inland Fisheries

December 1, 1997

William L Woodfin, Jr.
Director

97-059

Executive Secretary
Marine Safety Council
U. S. Coast Guard Headquarters
2100 Second Street SW
Washington, DC 20593-0001

Dear Executive Secretary:

In response to the request for comments about the need for, and alternatives to, federal requirements or incentives for boaters to wear life jackets (Federal Register Vol. 62, No. 186, Page 50280), the Virginia Department of Game and Inland Fisheries does not favor a federal requirement for mandatory wearing of personal flotation devices.

This Department does support the resolutions of the Southern States Boating Law Administrators (SSBLA) and the National Association of State Boating Law Administrators (NASBLA) which oppose such federal mandates. The SSBLA resolution clearly reflects our position on the issue by stating that such requirements "are best left to the discretion of the individual states."

We have recently completed a survey of boat owners in Virginia and found that requirements for mandatory wearing of life jackets were not favored by most boaters. Recreational boating continues to be a voluntary, leisure-time activity. Through our boating education programs, we should continue to strongly encourage the use of life jackets and to emphasize that this use will keep your boating experience safe and, therefore, more enjoyable.

Sincerely,

William L. Woodfin, Jr.
Director

WLW, Jr./cas

31

From: Albert A Dekin Jr
Po Box 505
Newark Valley, NY 13811

.. 12/2/97

DEC - 4 1997

Albert A Dekin Jr

May the gifts of
peace, hope and love
be yours this Holiday Season.

There is no need for mandatory life
jackets on any water craft (exc PWC).
There is no need for Federal requirements in
this area (local can and will be done).
Alcohol abuse is the culprit!

32



47-059

"Holiday Line Up"
Original art by © Mary Hadenhop
for Pipsqueak Productions

ASPCA

THE AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS
484 EAST 82ND STREET, NEW YORK, NEW YORK 10128

This card was created exclusively for use by ASPCA members
and supporters — people who care about animals.

616A-2

©1997
LITHO IN U.S.A.

Douglas D. Keeth
1916 Pike Place #12-812
Seattle, WA 981011097

December 1, 1997

Executive Secretary
Marine Safety Council (G-LRA, 3406) [CGD 97-059]
U.S. Coast Guard Headquarters
2100 Second Street SW
Washington, DC 20593-0001

Reference Notice - CGD 97-059

A. Boating Activity of Commenter.

1. How much risk do you believe recreational boating involves?

Very little. Less than many land bound activities. Try farming if you want some real thrills.

2. Do you agree with the following statement: If I fell overboard, I would feel just as safe if someone threw me a lifering or a buoyant cushion (Type IV PFD) as I would feel if I have been wearing a standard jacket style (Type, I, II, III, or V PFD)?

Stacking the deck to get the effect you are looking for, eh? If that is not your intent ~~this~~ is a stupid question.

3. Would a requirement for wearing a PFD likely affect your participation in recreational boating, and how would it affect it?

I would ignore it often. The effect would only occur when some of your jackbooted thugs came around.

4. Recreational boating varies widely depending on the interest of the individual boater. Individuals may own, rent or be a passenger on a boat; the boat may be manual, sail, or motor powered; the reason for boating may be for relaxation, transportation, competition, or excitement. Please tell us something about your recreational boating activity, including how often you go boating, what type of boating activities you do, and the type of water on which you go boating.

I live aboard my yacht and cruise upon the oceans of the world. We travel through the water at least 2,000 miles each year. I use my dinghy for excursions to many destinations which include reefs, rocks, islands. I fish, swim, snorkel, and scuba dive from my yacht and my dinghy.

5. Please tell us what type of PFD you carry when you go boating, whether or not you or other passengers wear a PFD, and the reason(s) for wearing or not wearing a PFD.

I have several types of PFD's. They are worn when and as I see fit to ensure my own safety and the safety of my crew and I don't need nor want your help or advice in this matter.

B. Mandatory wearing of PFDs.

1. Several States have imposed various requirements for wearing PFDs--by children, during water-skiing, aboard personal watercraft, and so on. What Federal requirements should the Coast Guard propose, if any, for wearing PFDs to ensure uniformity around the country? Should the Coast Guard propose Federal requirements only in those States with no requirements for children, while water-skiing, aboard a personal watercraft, or for any other appropriate category of boaters or boating activity?

The Coast Guard should make no requirements to wear PFDs. You already spend too much money for the benefits you provide. Your budget is too big already. You should be looking to cut it by half, not trying to increase your empire.

2. What Federal requirements for wearing PFDs should the Coast Guard propose, if any, based directly on higher fatality statistics in one or more categories of boaters, boating activities, or boating conditions?

The Coast Guard should make no requirements to wear PFDs for any reason. You already spend too much money for the benefits you provide. Your budget is too big already, You should be looking to cut it by half, not trying to increase your empire.

3. What Federal requirements for wearing PFDs should the Coast Guard propose, if any, based directly on higher fatality statistics involving one or more sizes or types of recreational vessels?

The Coast Guard should make no requirements to wear PFDs for any reason. You already spend too much money for the benefits you provide.

Your budget is too big already. You should be looking to cut it by half, not trying to increase your empire.

4. What Federal requirements for wearing PFDs should the Coast Guard propose, if any, based directly on higher fatality statistics related to ages of the victims?

The Coast Guard should make no requirements to wear PFDs for any reason. You already spend too much money for the benefits you provide. Your budget is too big already. You should be looking to cut it by half, not trying to increase your empire.

5. A survey of State boating laws conducted in 1996 by NASBLA, under a Coast Guard grant, revealed that 25 States imposed requirements for the wearing of PFDs by children under various ages (from under 13, down to under 6). What Federal requirements should the Coast Guard propose, if any, specifying an age below which children must wear PFDs during any activities or under any conditions?

The Coast Guard should stop spending money on worthless grants such as the one cited. The Coast Guard should make no requirements to wear PFDs for any reason. You already spend too much money for the benefits you provide. Your budget is too big already. You should be looking to cut it by half, not trying to increase your empire.

6. Statistics for 1995 show that 476 (75%) of the 629 drowning victims were non-swimmers. What Federal requirements should the Coast Guard propose, if any, for non-swimmers to wear PFDs during any boating activities or under any boating conditions? How would boaters or law enforcement agencies determine who is a swimmer and who is a non-swimmer?

Asking such stupid questions as these proves that you are over paid by some large multiple. Further, you don't have enough real work to do there.

7. If you know of an instance where a person did not wear a PFD, but where that person or you later wished that person had worn one, please describe the instance.

Yes I know of such an instance. Just now I wish you were compelled to wear a Type I PFD when on duty. That way everyone could identify you as a dummy just by looking at you. Then they wouldn't be required to spend so much time fighting off your really stupid ideas. Like this particular trial balloon.

8. If you know of instances where safety makes wearing PFDs unacceptable or undesirable, please describe them.

Any time it is demanded by regulation is undesirable.

9. Are you aware of the intended uses and limitations of the various types (Type I, II, III, IV, V) of PFDs and kinds of PFD flotation (inherently buoyant, hybrid inflatable, fully inflatable) approved by the Coast Guard?

Yes and some not approved by the precious US Coast Guard.

10. What Federal requirements should the Coast Guard propose, if any, that boaters engaged in any particular activities wear PFDs under any conditions?

The Coast Guard should make no requirements to wear PFDs for any reason. You already spend too much money for the benefits you provide. Your budget is too big. You should be looking to cut it by half, not trying to increase your empire.

11. Describe any other boating activities, conditions, or categories under which the Coast Guard should propose Federal requirements that all boaters, or specific groups of boaters, wear PFDs.

Apparently you want the help of the general public in further effort to justify your existence. The Coast Guard should make no requirements to wear PFDs for any reason. You spend too much money for the benefits you provide. Your budget is too big and you should be looking to cut it by half, not trying to increase your empire.

C. General.

1. What benefits (in terms of personal safety or in other terms) do you think would accrue from Federal requirements to wear PFDs? What costs (in terms of money, paperwork, inconvenience, or other terms) would accrue from such requirements? Would the costs outweigh the benefits?

There is no question but that the cost of regulation in this area would outweigh the benefits.

2. Please describe any nonregulatory ways to reduce the number of deaths by drowning at lower costs or with less burden than Federal

requirements would entail.

Reduce the number of government employees working on the water.

DEC - 4 1997

6443 Dove Way
Mechanicsville
Virginia, 23111
December 1, 1997

Executive Secretary
Marine Safety Council (G-LRA, 3406) [CGD 97- 059]
U.S. coast Guard **Headquarters**
2100 **Second Street SW**
Washington, DC 20593-0001

Dear Sir:

My name is: C. C. Wagoner, address is above, notice [CGD 97- 059]. I intend to comment on all of your questions. The reason is that I am an experienced sailor and am interested in keeping down regulations.

A 1. **Recreational boating involves** relatively low risk **if sensible precautions** are used.

2. I would feel a lot safer if I was wearing a PFD. Having fallen overboard, I know

3. A requirement for wearing a PFD would affect my participation in boating. It would affect it in the heat of the summer because it is too hot to keep one on in the cockpit.

4. I go sailing several times a week during pleasant weather seasons. I also go fishing at least once a week during the season. I sail on my 28 foot keel boat on the Chesapeake Bay and fish out of my 16 foot skiff on the York River.

5. On my sail boat I carry type II and type III PFDS. I wear a Type III PFD when out of the cockpit in nice weather and all the time if I think the weather and sea conditions require it. I use the same judgement for passengers. Children wear PFDS if out of the cabin. On the skiff I carry type II PFDS and wear them based on weather and sea conditions. Children always wear PFDS.

B. 1. The Coast Guard should not propose any **Federal Requirements**. This should be done by **education** not by **force**.

2. **The Coast Guard should not propose any Federal Requirements**. It is **not the government's** duty to **save fools from themselves**.

3. **The Coast Guard should not propose any Federal Requirements**. See B.2.

4. **The Coast Guard should not propose any Federal Requirements**. This should be the duty of **parents** or **captains**.

5. See B. 4.

6. Don't propose any regulations. You can't save fools from themselves.
7. A person fell off an A-scow in cold water and we were just able to get her out in time.
8. I can not think of an instance where safety would make not wearing a PFD unacceptable. One can find one that fits well and won't snag.
9. Ycs
10. Do not propose Federal Requirements.
11. Do not propose Federal Requirements.
- C.1. Few benefits would accrue from federal regulations. People would tend to ignore them, particularly the people who do stupid things anyway, The costs and inconvenience would outway any benefits.
2. EDUCATION is the way to go, People have to want to do something to make it work well.
3. I repeat EDUCATION is the thing to do.

Sincerely,



C. C. Wagoner

DEC - 5 1997

December 4, 1997

Executive **Secretary**
Marine **Safety** Council (**G-LRA** 3406) (CGD 97-059)
USCG Headquarters
2100 Second Street, S.W.
Washington, DC 20593-0001

RE: OPPOSITION TO MANDATORY FLOTATION DEVICES

Gentlemen:

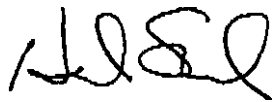
Please record this opposition to any regulation mandating wearing flotation devices while aboard any vessel.

The most imminent threat of danger or accident on a boat is not always the threat of going into the water. Movement about a sailboat especially, with **all** of its rigging, is sometimes difficult. If a person is wearing a **bulky** item which is uncommon, there is a significant potential for being caught by standing or running (moving) rigging which creates an otherwise avoidable accident. This is not to be compared in any way to the mandated wearing of **seatbelts** in a car in which case the person remains in a fixed position and the safety device does not impair the normal activities of the person.

Most skippers know when the threat of falling into the water **warrants** the wearing of **PFD's** and even use safety harnesses when conditions **are sufficiently** severe. This varies widely as the designs of boats vary and the circumstances of their operation. This is not a "one size fits **all**" risk situation.

Help us by speeding along development and approval of inflatable vests. As these are more available and **affordable, I** am sure that their use will become commonplace where the use of cumbersome and bulky old style **PFD's** will never be worn as **often** as they should.

Thank you.



Hal Smith
101 Deer Wood
Easley, SC 29642
(**Sailing** safely for 25 years)

DEC - 8 1997

Lawrence E. Gotch

27 Richmond Drive
Darien, CT 06820

Telephone 001 203 656 0085
Fax 001 203 656 3347

7 December 1997

**Executive Secretary
Marine Safety Council
G-LRA 3406 CGD 97-059
USCG Headquarters
2100 Second St. S.W.
Washington, D.C. 20593-0001**

Dear Sir,

Regarding federal requirements to wear lifejackets, my answer is **NO.**

If you have any questions please call me.

Sincerely,



Captain C. R. Carl
46 N. Hammock Ct
Manteo, NC. 27954
919 473 9891

DEC - 1 1997

PHH 12/5
LRA -
would a
response
w/G-OPS, pls,
Note ps. ??

Executive Secretary
Marine Safety Council
USCG Headquarters
2100 Second St. S. W.
Washington DC.
20593-0001

December 1, 1997

Dear Sir:

I would like to comment on the possible federal requirements on life jacket use.

I am an experienced boater. I have been on the water since I was 10 years old. I am now 56. I have had a number of safe boating classes. I feel that a law mandating the use of life jackets is not only not a bad idea but an unenforceable one as well. Life jackets have their place. There are times when it makes good sense to have one on and buckled up and there are times when "at the ready" so to speak is sufficient. I firmly believe that children up to age 10 should be required to have them on and buckled up when on board. But that is as close to mandatory as it gets. The answer is Education. Knowing when to wear it and doing so is the key. The boating public that is knowledgeable and responsible does not have a problem. The less responsible and uneducated will never get the message no matter what the law. A great number of people that would have been saved if they had been wearing a life jacket would never have been in a life threatening situation in the first place if they knew what they were doing. Not wearing a PFD was their second mistake, the first mistake was getting into the boat in the first place. Mandatory education in boating safety is the answer.

Sincerely


Dick Carl

PS. If you had an E-Mail address you would get a much greater response. It's the thing of the future.



RICHARD ILLER INC.
GENERAL CONTRACTORS

47-059

DEC - 8 1997

December 5, 1997

Executive Secretary
Marine Safety Council
U.S.C.G. Headquarters
2100 Second Street
South West Washington, D.C. 20593-0001

To Whom It May Concern:

As a boater for most of my 56 years, I am adamantly against the idea of a federal requirement to wear life jackets.

Boating is still one of the great escapes in which the government has no business.

Don't ruin this simple pleasure or the industry that supports it.

Concerned Boater

38

Al Gillen
20 Cedar Drive • New Britain, PA 18901
Home Phone: 215-340-0385 • Home Fax: 215-340-0998
Home e-mail: algillen@interserv.com

DEC - 8 1997

Executive ~~Secretary~~
Marine ~~Safety~~ council
(G-LRA 3406) (CGD 97-059)
USCG Headquarters
2100 ~~Second~~ st. SW
Washington, DC 20593-001

December 7, J 997

Dear Sirs:

I **understand** you are soliciting public **feedback regarding the** mandatory uso of **PFDs**.

This issue is **understandably** a difficult **subject on which** to issue and implement broad, **sweeping** rulings. From my perspective -that of a competent swimmer and small-boat fisherman -- I believe **that it makes** sense to issue PFD **recommendations** based **upon the type** of boat in **use, the** times it is under **use, and** weather **and other** variable conditions.

For **instance, when** I crewed aboard a 16-foot Hobie Cat sailboat, we always **wore PFDs because** one **never** knew **when** he. or she would **end** up in the water **without** any **advance notice**. On my 24-foot fishing boat, my crew and I **wear** a **PFDs** only **when** weather condition³ indicate a hi& degree **of danger** (e.g., **running** a dangerous **inlet**, etc.). What should **we** do aboard a 24-M boat? We **really** should **wear PFDs at night, and anytime the** water **temperatures are** below 65 degrees. I am currently considering **the** addition of **CO₂-inflated PFDs to be worn by me and my crew when fishing at night and during other times** where risk³ of fatling **overboard** are **higher**.

However, you should keep in mind that it is impractical to enforce any **rules that** may be issued. For **instance, when I'm fishing 30 miles offshore, we** rarely **encounter another boat, especially** a law **enforcement vessel**. Who would **know whether** we are or am not **complying** with whatever laws are in effect? A more **practical** approach would be to issue **recommendations**, then educate **the** public about **why** we should follow them. Than allow liability **laws to place the responsibility for the safety** of the crew on tbc captain's shoulders.

Thank³ for the **opportunity to contribute** my **thoughts** on this important issue.

Sincerely,



Al Gillen

DEC - 8 1997

235 Herbst Rd.
Coraopolis, PA 15108
12/6/97

To Whom It May Concern,

I understand that the U.S.C.G. is seeking comments on the need for incentives or requirements for recreational boaters to wear PFD's. I think there should be more emphasis on safe boating courses first. My family has a 21' recreational boat on the Ohio River near Pittsburgh, PA. This summer while locking upstream I was shocked by the lack of knowledge the other boaters had. Mishandling ropes, entering the lock chamber fast and out of control etc... This made me think. I am only 18 years old and people twice my age have much less knowledge than I do on safe boating. I feel that mandatory safe boating courses is the answer. I feel that this will greatly reduce the number of senseless accidents on our waterways. The accidents are causing the deaths not the lack of PFD wear.

Respectfully submitted,

Jon C. Mosimann

EXECUTIVE SECRETARY, MARINE SAFETY COUNCIL
(G-LRA 3406) (CGD97-059), USCG HEADQUARTERS
2100 SECOND ST, S.W.
WASHINGTON, DC 20593-6001

DEC 11 1997

Should Life Jackets Be Mandatory?

In my opinion to think of "yes" as the answer means to redesign life jackets to be more than a "hard as brick", "non-flexible" safety device that is uncomfortable and near impossible to be mobile while wearing it on board.

I think someone should evaluate several ideas of alternatives so that every boater will want to wear one. Safety first, of course, perhaps they can be a variety of colors that are easily seen (day or night), perhaps inflatable vs. hard foam blocks, sizes other than childrens or adults, and be created by designers (boat designers, or clothes designers, or boat names). People want service and choices that are "stylish" yet effective, unlike the problems with mandatory air bags in cars that can "kill"; ~~and~~ are now being redesigned.



41

Niki Girvin
14 COLONY GLEN DR.
PLEASANTVILLE, NY
10570

DEC 15 1997

6 Turtle Dove Lane
Hilton Head Island
South Carolina 29926-1827

December 15, 1997

Executive Secretary, Marine Safety Council
U.S. Coast Guard Headquarters
2100 Second Street, SW
Washington D.C. 20593-0001

Subject: Personal Flotation Devices

Gentlemen:


I am writing in regard to the U.S. Coast Guard's solicitation on the issue of wearing life jackets.

Safety on the water should be the concern of every boater and life jackets certainly play an important role in that safety issue. However, I do not think that the Coast Guard, or anyone else, should try to legislate common sense. Should children be required to wear PFD's? Sure they should. Should everyone on board be required to wear them in hazardous conditions? Certainly, Should every watercraft, regardless of size, have PFD's available to the occupants? Yes!

However, I don't believe more federal, state, or local regulations are the answer. Seat belt laws, in cars, are only 50% complied with. Speeding laws on the interstates are considered only guidelines, Progress has been made in DUI, but it still occurs at an alarming rate. What then is the answer?

Education! Give all boaters, both new and 'old salts'. the opportunity to learn the safety aspects of boating. For the new boater, it should be an interesting and exciting learning experience. For the "old salt", it would serve as a refresher course. Both the Coast Guard Auxiliary and the United State Power Squadron offer excellent courses designed to instruct in on the water safety. Upon the successful completion of these courses, the student receives a certificate. Require, by law, this certificate to be presented when buying, selling, and registering a watercraft of any size. This action will not eliminate drownings completely because there will always be the fool hearty, but government and society will have provided all the necessary tools for boat safety. It should be left to the individual to exercise prudent care and common sense while on the water.

Sincerely yours,


Lee C. McIntyre

42

15 Dec 97

Executive Secretary, Marine Safety Council
(G-LRA 3406)(CGD 97-039), USCG HQ
2100 Second St SW
Wash. DC. 20593-001

DFC 15 1997

Dear Sir or Madam

It is my understanding that the USCG is seeking comments on the need for federal requirements for lifejacket use. I have been involved in recreational boat use for 48 years. I currently own for my own enjoyment 5 registered boats and two unregistered boats. I spend my spare time I have on the water. The day I am required to wear a life jacket to legally use any of my boats, I will sell my Florida waterfront home and move to a locality where I can avoid such intrusions by government into my personal life, even if that means moving to the Bahamas or further.

As far as I am concerned, the current state mandate that children of certain ages must wear life jackets has already usurped parental authority. Let's let individuals be responsible for their safety and well being and that of their children.

Sincerely,
Daniel P. VanSechel 413

1515 Logan Ct, Panama City, FL 32404

28 November, 1997

NOV 29 1997

Executive Secretary, Marine Safety Council
(G-LRA, 3406 (CGD 97-066) U.S. Coast Guard Headquarters
2100 Second St. S.W.
Washington, D.C. 20593-0001

To Whom It May Concern:

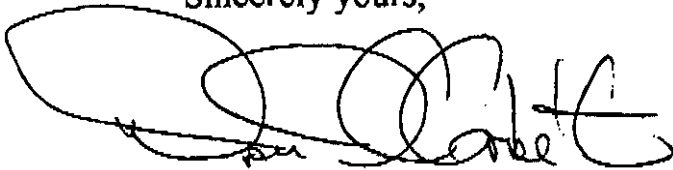
How many times must we go through this? It is unconscionable that the subject of forced usage of Personal Floatation Devices (**PFD's**) should even be a consideration for entry into formal Federal Law. Where does it stop? Shall Washington start dictating what shoes I wear aboard my private yacht? Shall the government direct me to remain at the dock if the temperature is below 32 degrees?

Already the Federal Government has past laws, regarding boating and boats, which are so outlandish and unenforceable it has become laughable. Now, the "do gooders" who know nothing of the recreational value of life on the water, want to impose yet another restrictive law. A law to protect me against myself. I'm sick of it. YOU CAN NOT LEGISLATE AGAINST STUPIDITY. GOVERNMENT HAS NEITHER THE RIGHT NOR THE KNOWLEDGE TO DO SO!

I vote a resounding **NO** on all issues which attempt to force individuals to wear a **PFD** while aboard a boat of any **size**. Just because there are a few stupid people, does not mean we all should suffer for their simple-mindedness. It does not take a rocket scientist to understand that over loading a 12 foot dinghy with 6 or 7 adults and a baby is courting disaster.

NO, NO, NO MORE RESTRICTIONS! PLEASE!

Sincerely yours,



David C. Corbett
Col. USMC (Ret.)

RR-1, Box 150A2
Backus, MN 56435

OCT 31 1997

10-30-97

Dear Coast Guard,

97-059

I am responding to your boater safety questions.

I do believe strongly that all states should require boater education and be tested at least initially (w/ boat registration, perhaps) on basic rules of the road, safety, etc.

I think the best we can do is require PFD's for adults & children to be on-board at all times. Situations vary; the type of water - how close to land, weather, individual strength & ^{swimming} ability of boaters/sailors. As a boater I would like to keep my right to decide for myself when conditions warrant doing my PFD. Perhaps the safety part of testing could have some grim facts & photos about drowning - maybe get people's attention that way. There should also be stronger

laws of enforcement for drunk
driving on the water. It's
time to thank you for your
consideration & your work
to improve safety on the
water.

Sincerely,
Rebecca Horn

2831 Calloway St., S.E.

Olympia, WA 98501

South Sound Sailing Society
Olympia, WA Power Squadron
Sailing Instructor - Olympia Parks & Rec.

NOV - 3 1997

Should all states require
1) boater education?

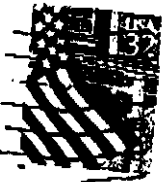
Yes, from units of the U.S.
Power Squadrons or like
service groups. not by
the Fed Govt.

2) PFD's for children: no

46

ES & BARBER Air Conditioning, Inc.

reef • Cocoa. Florida 32922



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100

WASH., D.C. GMP DCR#111/06/97 03:16

6797-066 U.S. Coast Guard Rm 3100
Office of Boating Safety (G-OPB)
2100 2nd St. S.W.
Washington DC 20953-0001

20000/3333



DEC 14 1997

Reuben Maverick Welsh Jr.
A r c h i t e c t
3501 Denver St.
Corpus Christi, Texas 78411
Telephone 512-855-8944
Fax 512-855-6948

13 December, 1997

Executive Secretary
Marine Safety Council (G-LRA 3406) (CGD 97-059)
USCG Headquarters
2100 Second St. S.W.
Washington, D.C. 20593-0001

Re: Your desire for **MANDATORY** wearing of life jackets by
individuals at pleasure while afloat.

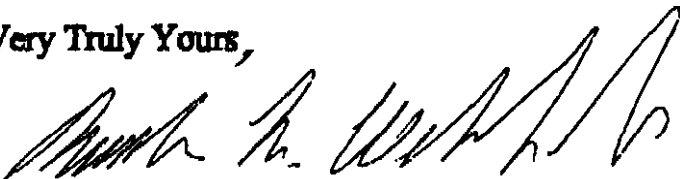
Gentlemen:

This letter is in response to your request for comments in regard to your proposed rule as noted above for individuals on pleasure boats.

Pleased be advised I am opposed to the proposed rule on the grounds that such a rule is a usurpation of authority not granted to the government by the Constitution (which all of you have sworn to uphold).

I have been on and about the waters in various craft for over 43 years and while "Safety First" is one of the primary rules of conduct while at sea, it is an individual responsibility and not that of the government.

Very Truly Yours,



Reuben M. Welsh Jr.



1100G Mares 100 Top Expeditor
425 S. York Blvd.
Gulf Bch Beach, FL 32507

14 Dec 97

DEC 15 1997

From
Ralph Hollis
Alvin Group

I believe that life jackets should be worn any time there is a risk of you ending up in the water.

I worked aboard a research ship for 17 years launching and recovering a small sub. I ended up overboard six times and was glad to have a PFD on. #48
Ralph Hollis

Stickley Yarns

Stickley Textiles Inc. John L. Stickley & Co. Cotton Stat Yarns

5672 International Way Suite 209

Charlotte, NC 28270

DEC 15 1997

Fax Sheet

DATE: December 15, 1997 TIME: 4:58 PM
TO: U. S. Coast Guard PRONE:
FAX:
FROM: John Stickley Jr. PHONE: 704-364-7091
FAX: 704-365-4156

Number of pages including cover sheet:

Subject: Comments on Life Jackets


Re: Proposed new rules on wearing of life jackets:

I am against rules forcing the increased use of life jackets. The government cannot protect everyone from themselves. Boating is a dangerous sport. If educating the public is not enough then they don't want to be educated and our responsibility ends. Requiring the wearing of life jackets under all of the circumstances which may result in drowning would be too complicated.

Three years ago while coming up the ICW below Savannah, Ga. I repeatedly heard the Savannah station (if I remember correctly) saying there were two people in the ocean from a sinking the night before and if anyone saw them. please pick them up. My safety comfort factor crashed.

Most drownings from boats are on lakes inland with no Coastguard presence. Let's let the Coastguard concentrate on rescue, waterway marking and alien and drug interdiction .

Very truly yours:



DEC 17 1997

Executive Secretary
Marine **Safety Council (G-LRA, 3406)**
U.S. Coast Guard Headquarters
2100 **Second** Street SW
Washington, DC 20593-0001

Re: CGD 97-059
December 14, 1997

Dear Executive Secretary,

I am stridently opposed to a blanket regulation **requiring wearing PFDs** while operating boats.

I cruise on an inland lake in a Catalina 22 sailboat **primarily** for recreation. The other day, my **wife** and I were sailing in a 5 mph wind with a throwable **PFD (Type IV)** at hand. I was not wearing a **PFD** and think it would have been ridiculous to wear one under those conditions. While **a** mandatory regulation might not prevent me from sailing, under those conditions I would greatly resent my government for demanding my wearing a PFD. I **think** we have enough resentment at our government without creating **more with such a** blanket regulation. From the comments posted to our list **server**, clearly this regulation would generate an enormous amount of resentment in many sailors and probably even more in many power boaters.

Your 1995 statistics indicate 629 people drowned and 75% of them could not swim. How many were intoxicated? What **type of** boating activity were they participating in and what led to their being overboard? I **suspect** that the **answers** to these questions would be good guides to what could be done to improve safety without blanket mandatory requirements for every one all the time to wear **PFDs**. It is not the **BEST** way **as** stated in the request; it is merely the **EASIEST** way.

I have yet to see any one that would have **benefited from** wearing a **PFD** that was not already wearing one. All of the approved **PFDs** that are worn are bulky, uncomfortable and tend to get caught in lines and shrouds. They provide little protection **from hypothermia other than keeping** one from treading water. A cut down version of a more buoyant **wet** suit would appear a better choice in cold water. There is certainly a lot **of room** for improvement in the current **PFDs** approved by USCG and these improvements would increase **voluntary wearing of PFDs**.



Chadwick Cox
2241 **Ravenwood**
Norman, OK 73071