

SCA

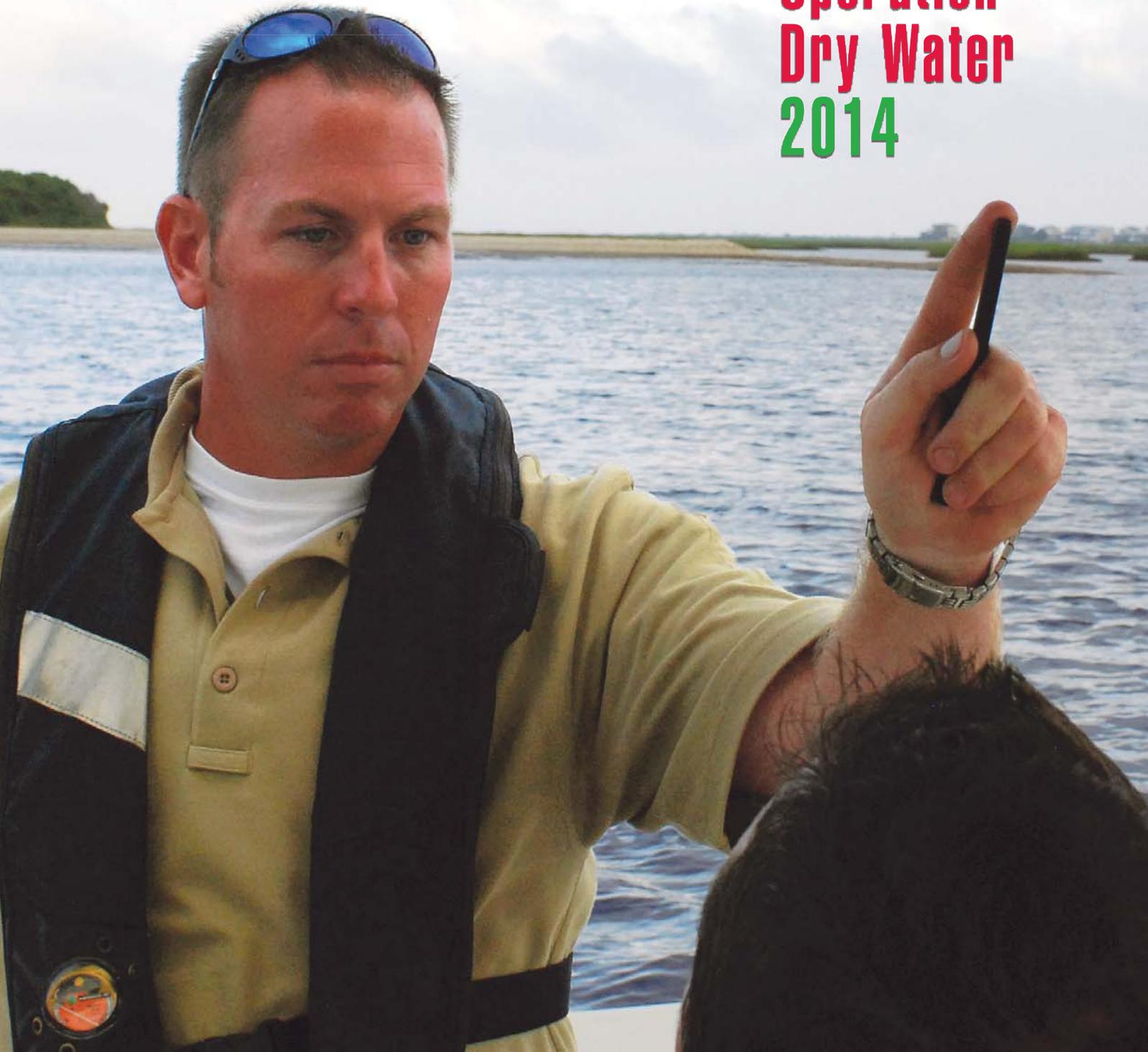
small craft advisory

MARCH-APRIL 2014 | VOL. 29 NO. 2
National Association of State Boating Law Administrators

**Will legalized marijuana
affect boating safety?**

**DRUG ENFORCEMENT
TIPS FOR OFFICERS**

**Gearing up for
Operation
Dry Water
2014**



SCA

small craft advisory

The official publication
of the National Association
of State Boating Law Administrators

President **HERB ANGELL**

Vice President **ELEANOR MARIANI**

Treasurer **KEVIN BERGERSEN**

Past President **TOBY VELASQUEZ**

Members-at-Large

TOM GUESS

DARREN RIDER

STEPHANIE WEATHERINGTON

Executive Editor

JOHN JOHNSON, CAE

Editors-at-Large

TOM HAYWARD

RON SARVER, CAE

Managing Editor **KIMBERLY JENKINS**

Copy Editors

JOSEPH McCULLOUGH

FRED MESSMANN

Creative Director **ROLANDO ZERQUERA**
ANGSTROM GRAPHICS

Circulation Director **SAM LYNCH**

EDITORIAL OFFICES

1648 McGrathiana Parkway, Suite 360

Lexington, KY 40511

PHONE: 859.225.9487

FAX: 859.231.6403

EMAIL: editor@nasbla.org

About the Cover

Curbing the number of impairment-related accidents and fatalities is a key to achieving safer and more enjoyable recreational boating. With the legalization of marijuana in some states, as well as the increasing use of alcohol, controlled substances and illicit drugs, officers need to be able to recognize impaired operators.

NC Wildlife Resources photo/Geoff Cantrell

©Small Craft Advisory (ISSN: 1066-2382)

Published bimonthly by the National Association of State Boating Law Administrators, 1648 McGrathiana Parkway, Suite 360 Lexington, KY 40511 (six issues).

Contact NASBLA for permission to reprint articles at 859.225.9487 and editor@nasbla.org.

Send change of address to:
Small Craft Advisory
1648 McGrathiana Parkway, Suite 360
Lexington, KY 40511

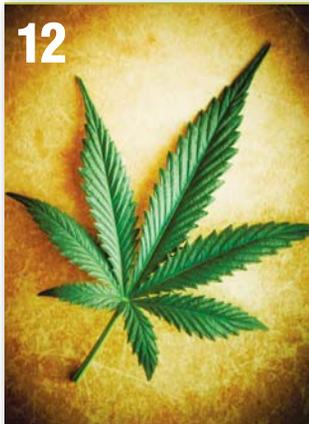
Departments

2 from the HELM

4 nasbla NEWS

22 boating BRIEFS

28 coast guard COMMENTS



features

9 Campaign proves effective in curbing drunken boating

National BUI campaign effectively employs enforcement and outreach

12 Legalization of marijuana and boating safety in Washington State

State contemplates the effect legalized marijuana could have on boating safety

14 Drugged driving – A problem on the road and the water

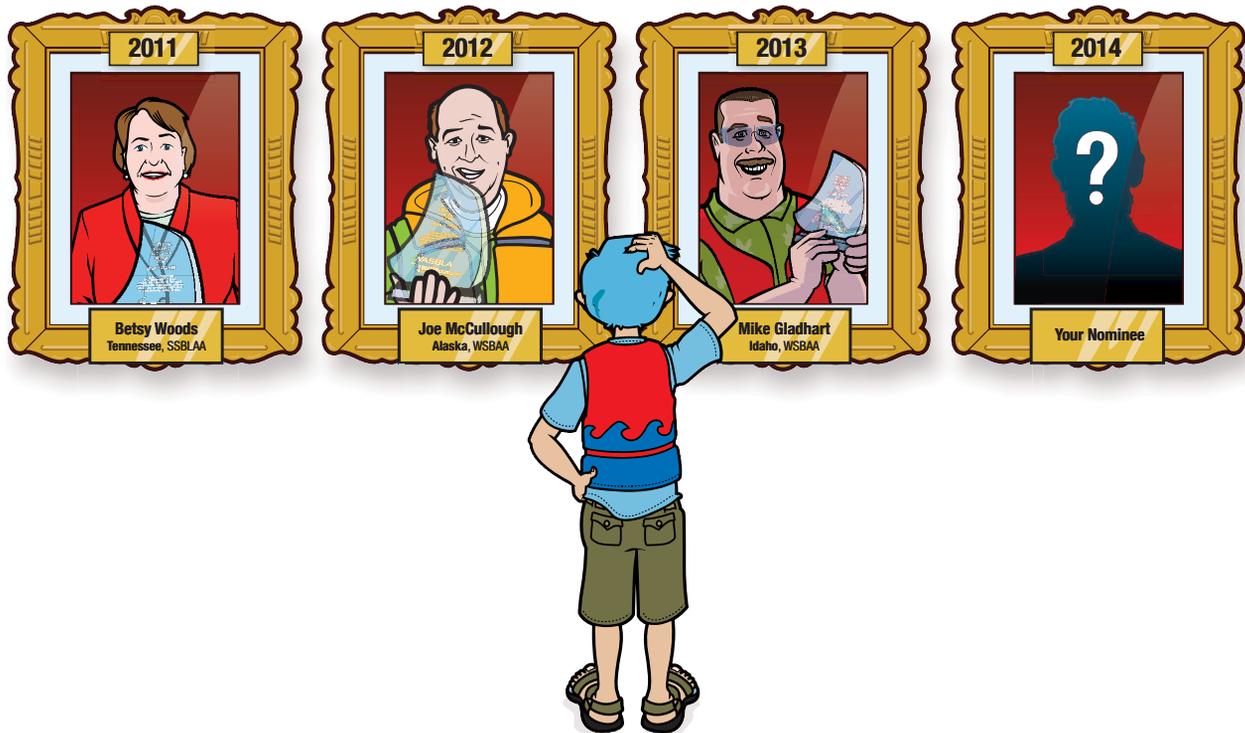
Ways officers can prepare themselves to deal with impaired operators

18 A view behind the curtain

Insight to the science behind NASBLA's BOAT Program



Picture Your Nominee With The Boatsey



Do you know a boating volunteer or professional from your state who has gone above and beyond to teach safe boating? Now is your chance to recognize them!

Nominate your Boatsey candidate today at: www.boaterexam.com/award

Nominations close: April 1st, 2014



Did you know?

Boatsey stands for “Boating Safety Educator of the Year”, an award founded by NASBLA and BOATERexam.com in 2011 to honor boating professionals and volunteers who have made our lives safer through education. Each year, three finalists receive an all-expense paid trip to the NASBLA conference where the winner is announced. **Nominate your candidate today!**



from the Helm



Herb Angell
NASBLA President



John Johnson, CAE
NASBLA CEO

NASBLA initiatives work to improve boating safety

Alcohol use on our nation's waterways continues to be a significant challenge, with as many as one in six boating fatalities linked to alcohol use. However, recent initiatives undertaken by NASBLA, our member states and our partners on the water are beginning to have a positive impact. More than a decade ago our members recognized the importance of mounting a focused and sustained effort to mitigate the effects of alcohol on the recreational boating experience. As a result, NASBLA adopted a more strategic approach to addressing the problem of boating under the influence (BUI).

Through a combination of concerted (state) legislative efforts, better standards and better training for marine law enforcement officers, more targeted research and development, and a sustained public awareness and enforcement initiative, NASBLA is working to change the way we look at alcohol abuse on the water. While it is hard to discern a sustainable trend from the accident data at present, anecdotal evidence suggests we are making a difference.

As more and more federal, state and local agencies join in the weekend-long enforcement effort associated with Operation Dry Water, reports from participating officers indicate a subtle change in boaters' awareness of the campaign, as well as a growing understanding of the dangers of drinking and boating. Although it is not exactly the outcome we were looking for, a story from our enforcement partners in the Texas Parks and Wildlife Department (TPWD) symbolizes some of those changes. As the result of media warnings in the local area, TPWD encountered a strange site near the end of the Fourth of July weekend. It seems that one earnest (sober) boat operator had taken the

initiative to assist his fellow impaired operators by towing in a "train of vessels" tethered together end-to-end. While this approach may result in a different kind of navigation hazard, at least the message appears to be getting out.

Over the course of the last decade, the states have worked hard to achieve more parity between alcohol offenses on the highway and those on the water. State legislative efforts have resulted in tougher penalties for boating-related alcohol violations while lowering the blood alcohol concentration (BAC) levels for presumed impairment from .10 to .08. These actions have been prompted both by more progressive alcohol law enforcement standards nationwide as well as changing social norms regarding the acceptability of alcohol use and boating.

In the early 2000s, NASBLA brought together subject matter experts from across the nation to develop standards for training marine law enforcement officers in more effective practices and procedures for detecting and enforcing boating under the influence violations. From that effort was born a standardized BUI enforcement training curriculum and methods of instruction that have facilitated the training of thousands of marine law enforcement officers around the country. Through the assistance of grant funding from the Sport Fish Restoration and Boating Trust Fund administered by the U.S. Coast Guard, NASBLA has been able to replicate this critical training program in BUI courses many times over.

Despite the success of the BUI training program in translating and applying traditional alcohol impaired driving enforcement techniques for use in the marine

environment, the emerging cadre of BUI subject matter experts and training instructors recognized the limitations of these highway enforcement procedures in the context of boating law enforcement. Although a series of practical field sobriety tests were developed and deployed to assess impairment on the water, veteran BUI enforcement officers identified the need for a specific battery of standardized field sobriety tests (SFSTs) that could be administered on the water in a seated position.

As a result, in the late 2000s, NASBLA secured the assistance of the noted research and development facility that designed and developed the original standardized field sobriety tests created for the National Highway Traffic Safety Administration and our nation's highway enforcement officers. Utilizing similar methodologies based on physiological concepts borrowed from the traditional battery of SFSTs (like the walk and turn test), researchers established and validated a new series of SFSTs that can be administered in a seated position. This seated battery of SFSTs provides officers an important new tool in establishing probable cause for alcohol violations.

As the seated battery gains broader acceptance, even among vehicle enforcement professionals, NASBLA is working to hone and further validate these enforcement techniques. Over the coming year, researchers will work with officers on the water to gather additional data based on a comparison of arrest/no-arrest decisions measured against actual BAC testing. This additional field research will provide a heightened level of confidence in the effectiveness of the seated battery.

(Continued on page 6)



Wear Your Life Jacket to Work Day

Friday, May 16, 2014

“Ready, Set, Wear It!” • outreach@safeboatingcouncil.org • (703) 361-4294

Help Get the Word Out about Life Jackets!

Date

Friday, May 16, 2014

Time

During the Workday

Location

Wherever You're Working!

Join Us!

Join your colleagues, peers, and friends around the world in demonstrating how easy it is to wear a life jacket – even at work!

Help Promote “Ready, Set, Wear It!”

Just prior to National Safe Boating Week and the fifth-annual “Ready, Set, Wear It!” event being held on May 17, we are asking you to take a photo of yourself wearing your life jacket at work!

Don't forget to post your photo on the “Ready, Set, Wear It!” Facebook wall ([Facebook.com/ReadySetWearIt](https://www.facebook.com/ReadySetWearIt/)) or email to outreach@safeboatingcouncil.org for others to see that you “Wear It!” at work.

READY
SET
WEAR IT!



ReadySetWearIt.com



NASBLA

NEWS

Angling and Boating Alliance develop consensus agreement

The Angling & Boating Alliance has released a coordinated statement on reauthorization of the Sport Fish Restoration & Boating Trust Fund. The group's consensus agreement focuses on reauthorization priorities and statutory changes to ensure the Trust Fund's continued vitality and success as a "user pays, public benefits" program.

For more information, including links to the consensus agreement, supplementary notes and proposed allocations, visit <http://www.nasbla.org/trustfund>.

The Sport Fish Restoration and Boating Trust Fund serves as the backbone for fishery conservation funding in the United States – a uniquely American system of conservation funding. It is a critical funding tool for a diverse set of important state and national recreational fishing and boating programs, including recreational boating safety, boat manufacturing compliance, fisheries management, habitat conservation, vessel sewage pump-out stations, water and boating access infrastructure programs, and aquatic resource education programs, among others.

Funding for the Trust Fund is attained through a "user tax" system, in which excise duties on fishing tackle and equipment, motorboat fuel, and import duties on recreational boats and fishing equipment are collected for the various sportfish restoration programs and boating programs operating under the Dingell-Johnson Sportfish Restoration

Act (16 U.S.C. 777). These combined excise taxes and duties on the boating and fishing communities generate nearly \$600 million annually.

The Angling & Boating Alliance is an ad hoc coalition of national recreational boating, angling, outdoor recreation interests, conservation groups and state boating safety and natural resources agencies committed to the sustainable future of the Sport Fish Restoration & Boating Trust Fund. The mission of the Alliance is to protect the Trust Fund, lead a national advocacy effort for the Trust Fund's reauthorization as part of the Federal Highway Bill during the 113th Congress, and communicate the importance of the fund to the Administration.

Members of the Alliance Steering Committee:

- American Sportfishing Association (ASA)
- Association of Fish & Wildlife Agencies (AFWA)
- Association of Marina Industries (AMI)
- B.A.S.S. LLC
- Boat Owners Association of the United States (BoatU.S.)
- Coastal Conservation Association (CCA)
- Congressional Sportsmen's Foundation (CSF)
- Marine Retailers Association of America (MRAA)
- National Association of State Boating Law Administrators (NASBLA)
- National Marine Manufacturers Association (NMMA)
- States Organization for Boating Access (SOBA)
- Trout Unlimited (TU)

Sign up now to participate in national BUI campaign

Please join NASBLA and hundreds of local, state and federal law enforcement agencies for Operation Dry Water 2014, a national boating under the influence awareness and enforcement campaign. This year's event takes place June 27-29.

The goal of Operation Dry Water is to bring awareness to the dangers of boating under the influence as well as reduce the number of alcohol- and drug-related accidents and fatalities on our nation's waterways through heightened enforcement during the Operation Dry Water weekend.

As we enter the sixth year of Operation Dry Water, we look forward to working with all of you and anticipate an even more widespread and successful campaign in 2014. Join Operation Dry Water!

For more information, visit www.operationdrywater.org.

The logo for Operation Dry Water features the words "OPERATION" and "DRY WATER" in a bold, red, sans-serif font. The letter "O" in "OPERATION" is stylized to resemble a life preserver or a ring.

(Continued on page 6)

NASBLA NEWS

NASBLA leaders attend CEO Symposium



In January, NASBLA President Herb Angell, Vice President Eleanor Mariani, CEO John Johnson and Deputy Director Ron Sarver attended the American Society of Association Executives' Symposium for Chief Executive & Chief Elected Officers. The symposium provides an opportunity for staff executives to connect with the board president and vice president to define annual priorities and determine how to work better together. The CEO Symposium provides insight into challenges facing

association leaders and highlights the value of informed policy and strategy as primary tools of the leadership team.

NASBLA participates in maritime security conference



NASBLA Director of Law Enforcement John Fetterman and NASBLA BOAT Program Director Mark DuPont participated in Maritime Security 2014 East, held March 11-12 in Boston.

Maritime Security 2014 East provides discussion and collaboration on strategies and technologies to counter maritime security threats encountered by governments, law enforcement and port/terminal owners and operators. Interactive workshop sessions are designed to give all conference participants the actionable knowledge on how to better

secure their maritime areas of responsibility, mainly by stressing the importance of collaboration, efficiency and best practices. Fetterman led a panel of marine law enforcement leaders from Coast Guard District 1 states on building a national standard for law enforcement boat operation training, and DuPont participated on a Radiological and Nuclear Detection discussion panel.

Sponsorship opportunity available

Would you like to help fund one of NASBLA's most prestigious awards? NASBLA is seeking a sponsor for the Butch Potts Boating Law Enforcement Officer of the Year Award. This awards program was developed to celebrate the country's outstanding marine officers.

Normally a three-year commitment, the sponsorship covers the expenses for the award, including travel to the NASBLA Annual Conference for each of the three regional award winners. Sponsorship includes the sponsor logo on the national

(Continued on page 7)

From the Helm *(Continued from page 2)*

The value of our BUI enforcement training courses, combined with the advent of the new seated battery of standardized field sobriety tests, comes into clearer focus through the execution of the BUI awareness and enforcement campaign we call Operation Dry Water. This year will mark the sixth consecutive national Operation Dry Water event when it launches on June 27-29, 2014. Last year, more than 6,000 marine law enforcement officers representing more than 500 agencies (and Coast Guard units) nationwide joined in the three-day, pre-Fourth of July initiative.

As it gains new participants and enhanced media coverage each year, Operation Dry Water (ODW) has become the signature boating law enforcement and boating safety

outreach event of the year for many of our marine law enforcement partners. With a relatively small proportion of boater contacts over the three-day weekend resulting in actual citations, ODW provides an opportunity for largely positive interaction between law enforcement and the boating public. For many law enforcement officers, this alcohol awareness campaign creates an environment conducive to sharing multiple safety messages in the context of the "teaching moment." (See more on the concept of the teaching moment from NASBLA's Law Enforcement and Training Committee in the next edition of Small Craft Advisory.)

For far too long alcohol consumption has been an acceptable companion activity in

recreational boating, yet the overwhelmingly positive response from the boating public to Operation Dry Water, and to better enforcement in general, suggests the emergence of a more socially responsible ethic on our nation's waterways. As we have witnessed a sea of change in people's attitudes toward drinking and driving over the last generation, perhaps we are seeing the dawning of a new age in reduced tolerance for boating under the influence of alcohol as well. Not unlike the myth of Sisyphus, however, unless we can break through the momentum of our social customs to achieve a robust culture of safety on water, we will be destined to push that rock up the hill over and over, only to see it come rolling back down again. *



During the BLA Workshop, NASBLA President Herb Angell (center) congratulates graduates of the 2013-14 Leadership Academy: (l-r) Ty Hunter, Kenton Turner, Rachel Zechenelly, Mark Brown, Cody Jones, Shane Carrier, Mark Richerson, and Stan Linnell. Not shown: Jon Cornish, Cathy Fetterman, and Sylvia Hunter.

award as well as on all announcements and press releases related to the award. Please contact Tom Hayward at tom@nasbla.org for more information.

NASBLA holds productive spring workshop

On Feb. 19-20, 38 boating law administrators or their representatives attended NASBLA's BLA Workshop in Lexington, Ky. During the two-day meeting, participants learned about a new app being developed for the Coast Guard, the status of the National Recreational Boating Survey and the life jacket labeling project, new resources for the Wear It! Campaign, the revamped boating safety course from BoaterExam.com, a new video from Boat Ed, implementing the Uniform Certificate of Title for Vessels Act, training opportunities and the new RBS Professional Certification and Credentialing Program.

In addition, NASBLA recognized the graduates of the 2013-14 Leadership Academy:

- Mark Brown, Oklahoma
- Shane Carrier, Kentucky
- Jon Cornish, Maine
- Cathy Fetterman, Maine
- Sylvia Hunter, California
- Ty Hunter, Utah
- Cody Jones, Texas
- Stan Linnell, Minnesota
- Mark Richerson, Missouri
- Kenton Turner, Indiana
- Rachel Zechenelly, Louisiana

Before concluding the meeting, NASBLA President Herb Angell signed a memorandum of agreement with Adam Gormely, president of the Northern Association of Boating Administrators, as NABA evolves from being a stand-alone association to becoming the "Northern States Caucus" within NASBLA.

Committees progress on FY14 charges

Three of NASBLA's policy committees met in conjunction with this year's BLA Workshop, held in Lexington, Ky.:

- The Enforcement & Training Committee met Feb. 18 to discuss topics including a Swift Water Rescue course, web-based training, Operation Dry Water, a vessel boarding policy, apps and mandatory life jacket wear for marine law enforcement officers.



Members of the Vessel Identification, Registration & Titling Committee discuss their five-year planning goals during their Feb. 21 meeting.

Plus, watch for the development of a NASBLA edition patrol vessel. It's scheduled to be unveiled during the 55th Annual NASBLA Conference in Bar Harbor, Maine, Oct. 16-19.

- In its all-day meeting on Feb. 21, the Engineering, Reporting & Analysis Committee welcomed 18 members onsite and another dozen participants on the phone to discuss and craft next steps on FY2014 charges, spanning topics from human performance factors in recreational boating accidents to the National Recreational Boating Survey. For more information about the committee and a meeting summary, visit the ERAC web page at www.nasbla.org.
- The Vessel Identification, Registration & Titling Committee also met Feb. 21. Members spent a good deal of time reviewing and finalizing the group's five year planning goals. They then discussed their charges, which range in topic from the Uniform Certificate of Title Act, HIN validation, model procedures, the Vessel Identification System and evaluating states' registration and titling programs.

BOAT Advisory Board welcomes new members

The Boat Operations and Training Advisory Board met on Feb. 21 immediately following the 2014 Spring BLA Workshop. Two new members have joined the Board this year: Mike Evans, Marine Training Branch Chief for FLETC, and Capt. Shane Carrier, boating law administrator with the Kentucky

Department of Fish and Wildlife Resources. The main focus for the Advisory Board will be the development of a strategic plan to guide NASBLA BOAT Program into the future to assure sustainability and service to our members and their partners on the water. The Board is also taking a close look at currency standards for instructors and courses alike. *



The only predictable thing on the water.

Advanced technology. Rigorous testing. And the best warranty on the water.

Our outboards are designed to conquer the harshest of conditions. So no matter what lies ahead, we've always got your back. Discover ultimate reliability and durability at Mercurygovsales.com

Find out where we've been
and where we're going at
mercury-marine.com/75years





CAMPAIGN PROVES EFFECTIVE IN CURBING DRUNKEN BOATING

By Kimberly Jenkins and Hannah Helsby, NASBLA Staff

In 2009 the National Association of State Boating Law Administrators (NASBLA) took the lead in an ongoing battle – the fight against impaired boating. It was in that year that the nonprofit organization launched, in partnership with the U.S. Coast Guard, Operation Dry Water – a national awareness and enforcement campaign designed specifically to reduce the occurrence of boating under the influence of drugs or alcohol.

With alcohol continuing to be the leading contributing factor in recreational boating deaths and one of the top contributing factors to the number of recreational boating accidents and injuries, NASBLA developed Operation Dry Water (ODW). Produced under a grant administered by the U.S. Coast Guard, this campaign consists of a coordinated, national weekend of boating under the influence (BUI) detection and enforcement and year-round outreach to raise awareness about the dangers of combining drinking and

boating. The overarching goal of the effort remains aimed at reducing the number of alcohol-related accidents and fatalities and to foster a stronger and more visible deterrent to alcohol use on the water.

Curbing the number of alcohol-related accidents and fatalities is a key to achieving safer and more enjoyable recreational boating. Prior to the launch of Operation Dry Water, the percentage of alcohol-related fatalities was on an upward trend. In fact, Guard statistics showed that more than one-fifth of all boating fatalities resulted from alcohol use.

The outreach and awareness portion of the Operation Dry Water campaign is a continuous effort year-round. NASBLA staff work with a marketing and media relations firm to produce an electronic Operation Dry Water newsletter, which goes to over 4,000 individuals. A critical means of communication about the

campaign, the newsletter provides information about registration, public outreach and enforcement resources, reporting, and other useful tips and facts.

The heightened and targeted enforcement portion of the campaign takes place across the span of three days (Friday, Saturday and Sunday) during the last weekend in June, just prior to the fourth of July holiday. Purposefully, the period selected is a non-holiday weekend since many other boating safety initiatives may compete during the Memorial Day, Labor Day and Independence Day periods.

Each year, participation in Operation Dry Water grows, gaining momentum in bringing greater awareness to the local boating community. In 2009, the campaign's first year, 2,442 officers made contact with 36,277 boaters. During the 2013 campaign, 6,219 officers contacted 144,044 boaters.

(Continued on page 11)



**OPERATION
DRY WATER**



NEVER BOAT UNDER THE INFLUENCE

OPERATION DRY WATER | JUNE 28-30, 2013

6,219
OFFICERS

NUMBER OF
AGENCIES
513

144,044
BOATERS
CONTACTED

17,159
CITATIONS & SAFETY
WARNINGS



290
BUI ARRESTS



58,971
VESSEL CONTACTS



HIGHEST BAC
REPORTED
.243

Number of Officers Participating

2013	6,219
2012	4,519
2011	3,687

Learn more: www.operationdrywater.org

Participating agencies applaud the campaign, saying it helps them keep BUI in the forefront of their enforcement efforts.

“Although every day on the water is an important day as an officer, these three days allow officers to collaborate and focus primarily on bringing attention to BUIs. In Tennessee we have benefited by continuing to raise awareness in our communities and educate the public on the serious implications of operating a vessel while under the influence,” said Boating Officer Barry Baird with the Tennessee Wildlife Resources Agency (TWRA).

An added benefit is that working together on the campaign fosters relationships with other state and local agencies.

“From an enforcement standpoint, [Operation Dry Water] brings multiple marine law-enforcement agencies together for a common goal, which is to decrease the amount of water-related casualties due to operators under the influence of intoxicants while increasing public

awareness of those types of violations,” said Matt Majors, an investigator in the TWRA’s Boating and Law Enforcement Division.

Operation Dry Water is accomplishing what it was designed to do – reduce the occurrence of boating under the influence. The average percentage of fatalities related to alcohol in 2008 was 20.75%. In 2009 NASBLA initiated Operation Dry Water, after which alcohol-related fatalities dropped to 17%. Clearly, NASBLA’s efforts to fight BUI continue to have a positive effect on alcohol-related fatalities.

Since the campaign began, it has consistently reported the same or more BUI arrests during the three-day event than the majority of the states and territories reported for the entire year.

For example, in 2011, agencies registered to participate in Operation Dry Water reported 324 BUI arrests during the three-day targeted enforcement weekend. This was the same as or more BUI arrests than 96 percent of the individual states and territories reported for the entire year.

The only states to report more BUIs for the year than the number of ODW BUI arrests was Alabama (333) and Wisconsin (435). In 2012, 337 BUI arrests were reported during the Operation Dry Water weekend. This was more BUI arrests than 98 percent of the individual states reported for the entire year in 2012. The only state reporting more BUI arrests in 2012 was Arizona at 406.

The partnership between NASBLA, the states and territories, the U.S. Coast Guard, boating safety organizations, and hundreds of other local and federal agencies is making an impact on our waterways and having a positive effect on alcohol-related fatalities.

“It is imperative that local, state, and federal agencies come together each year for Operation Dry Water if we want to be part of the solution of reducing BUI related accidents and fatalities on a local and national level,” added Officer Baird. ✨

A comparison of the first five years of Operation Dry Water shows a tremendous growth in law enforcement participation, outreach and enforcement of boating under the influence laws.

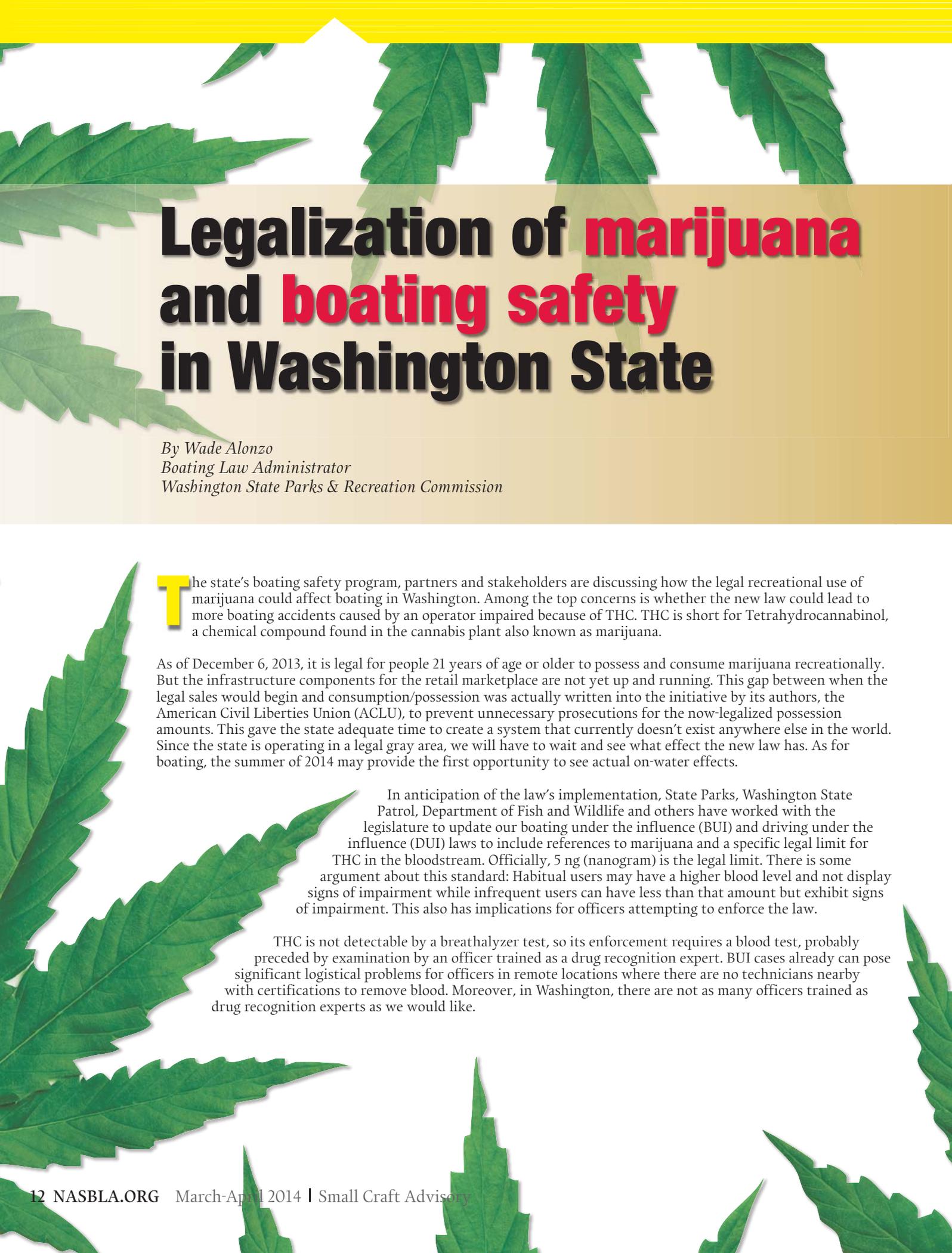
	2013	2012	2011	2010	2009
Reporting	Final	Final	Final	Final	Final
Agencies/Units/Stations	513	505	447	175	N/A
Officers	6,219	4,519	3,687	2,708	2,442
Vessel Contacts	58,971	49,209	43,777	40,127	17,454
Boater Contacts	144,044	113,116	97,648	66,472	36,277
Citations	4,942	4,819	4,370	4,171	2,522
BUI	290	337	325	322	283
Safety Warnings	12,217	9,695	8,763	7,522	5,320
Highest BAC	.243 (KS)	.38 (MI)	.305 (MO)	.303 (KY)	N/A



Registration is now open!

Please join the National Association of State Boating Law Administrators and hundreds of local, state and federal law enforcement agencies for Operation Dry Water 2014, a national boating under the influence awareness and enforcement campaign.

As we enter the sixth year of Operation Dry Water, we look forward to working with all of you and anticipate an even more widespread and successful campaign in 2014. Visit www.operationdrywater.org to get your agency involved!



Legalization of **marijuana** and **boating safety** in Washington State

*By Wade Alonzo
Boating Law Administrator
Washington State Parks & Recreation Commission*

The state's boating safety program, partners and stakeholders are discussing how the legal recreational use of marijuana could affect boating in Washington. Among the top concerns is whether the new law could lead to more boating accidents caused by an operator impaired because of THC. THC is short for Tetrahydrocannabinol, a chemical compound found in the cannabis plant also known as marijuana.

As of December 6, 2013, it is legal for people 21 years of age or older to possess and consume marijuana recreationally. But the infrastructure components for the retail marketplace are not yet up and running. This gap between when the legal sales would begin and consumption/possession was actually written into the initiative by its authors, the American Civil Liberties Union (ACLU), to prevent unnecessary prosecutions for the now-legalized possession amounts. This gave the state adequate time to create a system that currently doesn't exist anywhere else in the world. Since the state is operating in a legal gray area, we will have to wait and see what effect the new law has. As for boating, the summer of 2014 may provide the first opportunity to see actual on-water effects.

In anticipation of the law's implementation, State Parks, Washington State Patrol, Department of Fish and Wildlife and others have worked with the legislature to update our boating under the influence (BUI) and driving under the influence (DUI) laws to include references to marijuana and a specific legal limit for THC in the bloodstream. Officially, 5 ng (nanogram) is the legal limit. There is some argument about this standard: Habitual users may have a higher blood level and not display signs of impairment while infrequent users can have less than that amount but exhibit signs of impairment. This also has implications for officers attempting to enforce the law.

THC is not detectable by a breathalyzer test, so its enforcement requires a blood test, probably preceded by examination by an officer trained as a drug recognition expert. BUI cases already can pose significant logistical problems for officers in remote locations where there are no technicians nearby with certifications to remove blood. Moreover, in Washington, there are not as many officers trained as drug recognition experts as we would like.



Some interesting facts:

- A whole new set of rules had to be developed to license and regulate marijuana production, distribution, and possession for persons over 21; remove state-law criminal and civil penalties for activities that it authorizes and provide for the taxation of marijuana sales and earmark marijuana-related revenues. The new regulatory and licensing system is similar to those used by other states to control alcohol.
- It is legal to possess/consume both usable marijuana (i.e., flower buds, shake, joints, etc.) as well as marijuana-infused products (i.e., foods, topical ointments, drinks, etc.) However, all recreational marijuana must be sold in sealed packaging and include labeling for a variety of things including (but not limited to) THC content, pesticides and health care warnings.
- The Washington State Liquor Control Board will initially license 334 retail outlets where legal marijuana can be purchased. Using population and consumption data they are trying to give the public reasonable access to marijuana while at the same time trying to mitigate the black market. This effort is being challenged by a few cities and counties that are passing ordinances that would prevent retail outlets from opening or greatly restrict where they can open. This is complicating the implementation of the law.
- The entire system is tightly regulated and includes things like strict security requirements, state and federal background checks, and an online traceability software system that tracks plants from seed to sale. Growers will have to submit online reports documenting a plant's lifespan including destruction and notify authorities to register all shipments of marijuana.

On a positive note, in 2013 we increased the penalty for BUI in Washington from a misdemeanor to a gross misdemeanor and created implied consent for breathalyzer tests. It is our hope that the increased penalty will deter boating under the influence in any form. The new BUI law went into effect in late July of 2013, so we will soon have six months of data to examine. We will soon be requesting a report from the Administrator of the Courts on current and historic BUI arrest records to determine if the law is having any effect. The implementation of the law received a good deal of press that, at least temporarily, elevated the conversation on boating under the influence. The long-term social effects of the legalization of marijuana will not be evident for some time.

In the meantime, we are working to change the norms around boating so that it is as socially unacceptable to operate a vessel while impaired as it is a vehicle. We are changing our message to match the times. We can no longer say just "don't drink and boat." Our message for 2014 and beyond will have to change. What will our catchy slogan be? We're still working on it. *

DRUGGED DRIVING

A problem on the road and the water

By Captain Todd Radabaugh, N.C. Wildlife Resources Commission

Photos by Geoff Cantrell, Public Information Officer N.C. Wildlife Resources Commission

One of the greatest threats to public safety – whether on the road or on the water – continues to be impaired drivers and boat operators. For many years the focus of enforcement efforts with regards to impaired operation was alcohol. That became our focus because these cases were easy to detect. We had a chemical test ticket with a number representing the subject's alcohol concentration printed on it. Many law enforcement professionals came to rely on that "magic number" provided by a breath-testing instrument. We could show this number to judges and jurors and the case was closed.

Alcohol continues to be the most abused drug in our country. It is readily available, and its use is socially acceptable. Alcohol-impaired operators will continue to threaten the members of our community, and we must continue to be capable and willing to deal with these violations. However, for the public and law enforcement professionals nationwide, the roads and waterways of our country have changed drastically in the last twenty years. If we truly wish to keep our waterways safe, we have to prepare ourselves to be able to deal with operators impaired by substances other than alcohol, and the law enforcement community is becoming better equipped to deal with operators impaired by these substances.

Impaired with a BAC of zero?

In the summer of 1998, I was on boat patrol with my captain. It was July 5th, and the waterway was very congested. We pulled alongside a vessel, and I began my safety inspection. I quickly noticed that the operator of the vessel was very unsteady on his feet. His speech was extremely thick and slurred, and he was

very slow to respond to my questions. I asked him to remove his sunglasses and noticed that his pupils appeared to be unusually large in the bright sunlight. When he moved to the front of the vessel to retrieve his life jackets, he fell on the deck. I climbed into his vessel and helped him up, and he immediately fell back down. I sat him down and asked him the usual field sobriety pre-test questions. I administered the Horizontal Gaze Nystagmus Test and noted all six clues



Law enforcement officers today must be alert to the possibility that substances other than alcohol could be causing impairment they recognize in suspected impaired operators.

plus vertical gaze nystagmus. I administered the afloat battery of tests that we used at the time, and based on everything I had observed, I had no doubt in my mind that he was an alcohol impaired operator.

I asked the subject to submit to a PBT, and he provided a breath sample. The results indicated .00 grams of alcohol per 210 liters of breath. I was floored. I was very comfortable dealing with alcohol impaired operators, but this occurrence was something new to me. I informed the subject that he was under arrest for operating a vessel on the waters of the state while under the influence of an impairing substance. My captain looked at me like I had lost my mind.

Important Lessons

I learned three very important lessons that day. The first was that, contrary to what some officers and the courts tell us, detecting impaired individuals is not rocket science. Through our training and experience, most officers are easily capable of discriminating between impaired and non-impaired individuals. I would submit that a six-year-old child at a family gathering could distinguish between an impaired and non-impaired relative.

The second lesson that I learned that day is that law enforcement officers are smarter than their preliminary breath testing instruments. All that the little box can

confirm for us is whether or not alcohol is present. We just need to be more comfortable in making arrest/no arrest decisions in the absence of alcohol as the impairing substance. At the time of that arrest, I was not comfortable with how I would obtain a conviction from the court based on my observations in the absence of that "magic number." I was comfortable with the fact that, in his current condition, I did not want this particular operator to meet the members of my community on the water or on the road.

The third lesson for me on that July 5th was that I required more training that would make me more comfortable dealing with these drug impaired operators.

Substances that can impair

An accepted law enforcement-oriented definition for "drug" can be found in the National Highway Traffic Safety Administration's Drug Evaluation and Classification Program manual. This definition defines a drug as "Any substance that, when taken into the human body, can impair the ability of the person to operate a vehicle safely." This definition translates easily from a highway context to the maritime environment.

There are seven broad categories of drugs that can impair one's ability to operate any vessel or vehicle safely: Central Nervous System Depressants, Central Nervous



Training programs help law enforcement officers to become better equipped to detect the drug impaired vessel operator.

System Stimulants, Hallucinogens, Dissociative Anesthetics, Narcotic Analgesics, Inhalants and Cannabis. All of the drugs in these categories affect the human body in predictable ways. Training programs are readily available to law enforcement officers to help them become better equipped to detect the drug impaired vessel operator.

The wide-ranging Central Nervous System Depressants category includes such substances as Alcohol, Barbiturates, Anti-Depressants, and Anti-Anxiety Tranquilizers among many, many others. Individuals under the influence of a CNS Depressant generally act much the same as an alcohol impaired individual. Possible effects of this category include reduced inhibitions, difficulty dividing attention, slowed reflexes, and slurred or mumbled speech. Vision, judgment and coordination also become impaired. Generally, we would expect Horizontal Gaze Nystagmus to be present, and for Vertical Gaze Nystagmus to be present in a high dose for that person.

The next category is Central Nervous System Stimulants. Examples include Cocaine, Amphetamines, Methamphetamine and Ritalin. Individuals under the influence of CNS Stimulants may appear very excited. Their reflexes may be exaggerated and you may also notice leg, eyelid and body tremors. Be alert for anxiety, a dry mouth and the grinding of their teeth. We would not expect to see any HGN clues in a person under the influence of a stimulant. Pupil size is usually dilated, and you may notice a rigid muscle tone.

(Continued on page 16)



To reduce the incidence of crashes, deaths and injuries caused by impaired operators on our waterways, officers must be able to recognize an impaired operator when they encounter one.

Hallucinogens are the third drug category. LSD, Ecstasy and Peyote are all examples of hallucinogens. This category of drugs intensifies whatever mood the user is in when the drug is ingested. Hallucinations are a common effect. Dilated pupils, a dazed appearance, difficulty with speech, paranoia and perspiring are other general indicators that may be observed.

The Dissociative Anesthetics include PCP, Ketamine and Dextromethorphan. We would expect to see Horizontal Gaze Nystagmus clues in an individual under the influence of a drug in this category. Rigid muscle tone, agitation, difficulty with speech and violent reactions might also be observed. Be aware of officer safety anytime Dissociative Anesthetic use is suspected as these subjects may often become combative.

The next category is the commonly abused Narcotic Analgesics. These include both synthetics and opiates. Heroin, Codeine, Demerol, Methadone and OxyContin are examples. Pupils will generally be constricted, and the officer may notice that constriction while interviewing the operator. Be alert for droopy eyelids, facial itching, slow speech and drowsiness. HGN will not be present.

Inhalants are a category of drug that is readily available in most homes. A person under the influence of an inhalant would exhibit HGN clues and Vertical Gaze Nystagmus in high doses for that person. Distorted perceptions of time and distance, dizziness, drowsiness and intense headaches are possible. We would expect to see a confused and disoriented individual with slurred speech. Glue, gasoline and paint are examples of inhalants.

The last category is Cannabis. Marijuana, Hashish and Marinol are examples of the Cannabis Category. Currently 20 states have passed legislation to legalize medical marijuana. Two states have legalized it both for medical and recreational use. According to the 2012 National Survey on Drug Use and Health (NSDUH), 18.7% of the population between the ages of 18 and 25 reported using marijuana in the past year. Daily use of the drug increased from 3.1 million people in 2006 to 5.4 million people aged twelve or older in 2012. In 2012, 7.6 million Americans reported using

marijuana twenty or more days in the past month. These numbers can be expected to increase as more states look into the possibility of legalizing the drug.

Cannabis impairs the ability of the user to divide their attention. For this reason, our Standardized Divided Attention tests are reliable tools for recognizing individuals who are under the influence of the drug. Pupils will generally appear to be dilated. Horizontal Gaze Nystagmus would not be expected.

Millions admit to driving under the influence



Officers in North Carolina constantly remind the public that whether they are "On the road, or on the water, don't drink and drive." The multi-agency initiative merges the "Don't Drink and Drive" and "Boat Safe, Boat Sober" messages to raise awareness and improve safety.

According to the 2012 NSDUH, 10.3 million persons aged 12 or older reported driving under the influence of illicit drugs last year. Illicit drug use was reported by 9.2 percent of the population aged 12 or older. Marijuana continues to be the most commonly used illicit drug with 18.9 million self-reported users. It is estimated that 8.9 million individuals aged 12 or older are current users of illicit drugs other than marijuana. Of those, 4.9 million people aged 12 or older used pain relievers non-medically within the past year. Illicit drug use was reported by 21.3% of the population aged 18 to 25. Seven percent of the population aged 26 or older reported drug use.

One of the biggest increases in drug use in 2012 was reported by adults aged 50-54. Drug use rose from 3.4% of that population in 2006 to 7.2% of those individuals in 2012. Males are still more likely to use illicit drugs (11.6%) as females (6.9%). When the survey looked at illicit drug use by geographical area in 2012, they found that 11.7% of the population aged 12 or older in the West reported current illicit drug use. 9.6% of this age group in the Northeast, 8.6% living in the Midwest, and 7.7% living in the South reported current use as well. Cases from across the country demonstrate the fact that some of these individuals are finding their way into boats.

Resources for officers

How can we better prepare ourselves to prosecute the drug impaired operator? The National Association of State Boating Law Administrators offers courses on the validated Seated Field Sobriety Testing Battery. The National Highway Traffic Safety Administration and the International Association of Chiefs of Police also offer several courses that can better equip us to deal with this problem. DWI Detection and Standardized Field Sobriety Testing is the foundation for all of their programs. In addition to that course NHTSA offers several others. An *Introduction to Drugs that Impair* is a four-hour overview of drugs other than alcohol that can impair an individual's ability to operate a vehicle safely.

Advanced Roadside Impaired Driving Enforcement (ARIDE) is a 16-hour course designed to better equip an officer to recognize the signs of a drug impaired driver.

The next step would be the *Drug Evaluation and Classification* program. Officers attending this training must complete 72 hours of classroom training, complete field certifications and then complete an extensive comprehensive final knowledge examination. Officers successfully completing the program are known as Drug Recognition Experts or DREs. The DRE officer is trained to conduct a standardized and systematic 12-step evaluation and obtain other evidence in cases involving drug impaired operation. These officers can come to



The roads and waterways of the U.S. have changed drastically in that last 20 years. To keep the waterways safe, officers have to prepare to be able to deal with operators impaired by substances other than alcohol.



reasonably accurate conclusions on the category or categories of drugs, or medical conditions causing the observed impairment in the individual.

We are constantly reminding the public that whether they are “On the road, or on the water, don’t drink and drive.” That is very sound advice. Law enforcement officers today, however, must be alert to the possibility that other substances are causing the impairment they recognize in the suspected impaired operator. In 1986 the Maryland Shock Trauma Center found that nearly one-third of crash injured drivers had recently used marijuana. A 1988 study by the University of Tennessee found that 40% of crash injured drivers had drugs other than alcohol in their system.

To reduce the incidence of crashes, deaths and injuries on our waterways caused by these impaired operators, we owe it to the public to recognize an impaired operator when we encounter one. We must be prepared to recognize and address the impaired operator regardless of the category, or categories of drug causing the observed impairment. After all, it is not rocket science. ✨



Capt. Todd Radabaugh, a 22-year veteran with the Wildlife Commission, was presented a statuette and a plaque for his work in drug enforcement and boating safety in December 2012.

N.C. captain recognized for drug enforcement work

In December 2012 Capt. Todd Radabaugh, a wildlife officer with the N.C. Wildlife Resources Commission, was recognized for his work in drug enforcement and boating safety. He was awarded North Carolina’s 2012 Drug Recognition Expert of the Year, given by the Forensic Tests for Alcohol branch of the N.C. Division of Public Health, marking the first time the award went to a law enforcement officer not assigned to a specialized traffic unit.

“This award reflects the work done on a daily basis by wildlife officers in our efforts to promote safe and responsible boating,” said Col. Dale Caveny, chief of the Commission’s Division of Law Enforcement. “Capt. Radabaugh has been a leader in training and enforcement efforts, which, coupled with our public awareness campaigns, decreased the number of boating-while-impaired arrests and produced a greater measure of public safety in 2012.”

Since 1964, the Forensic Tests for Alcohol branch has provided training to law enforcement officers in breath-alcohol testing. In recent years, the branch has expanded its role by providing additional comprehensive training programs for officers to test impairment, whether caused by alcohol or drugs.

A VIEW BEHIND THE CURTAIN:

Insight to the science behind NASBLA's BOAT Program

By David Durfee
Lead Instructor
NASBLA BOAT Program

123RF photo

The National Association of State Boating Law Administrators (NASBLA) hosted its first National Instructor Development Workshop at their headquarters in Lexington, Kentucky, December 2-5, 2013, to discuss the Boat Operations and Training (BOAT) Program and share best practices. Although lead instructors from the BOAT Program were the target audience, it is clear that future conferences will be open to NASBLA's entire instructor cadre and other members of the NASBLA community.

This inaugural event showcased the diverse background of the maritime operators and technical experts that comprise this select group of instructors. The cadre contains instructors from all aspects of the maritime community, including active and retired law enforcement officers, firefighters, commercial salvors and retired U.S. Coast Guard members. The common denominator that everyone involved shares is a passion for improving the maritime readiness and professional competency of our nation's marine law enforcement officers.

The BOAT Program is arguably the most successful training initiative in the maritime law enforcement community. With an end goal to enhance the safety and security of our nation's ports and waterways through standardized training, NASBLA set out to create a standard of operations for all maritime officers. The standard is not the sole reason why the program has succeeded; not all of the material is original to NASBLA, and the courses are not even unique or exclusively available from NASBLA. The combination of instructors (facilitators), the course design, and the way the courses are delivered are the key elements that have fostered the overwhelming success of the ambitious initiative.

As a lead instructor for the boat operations courses, I am continually impressed at the caliber of instructors that are drawn to the BOAT Program. The instructor cadre is comprised of experts with years of diverse experience who understand the importance of teamwork. To fully utilize the instructors' strengths, each team of instructors is carefully selected to cater to

specific course requirements. Mark DuPont, NASBLA's BOAT Program Director, lent a little insight to the selection process utilized by our program managers.

Within the instructor community, the BOAT Program as a whole is referred to as the "island." To keep the program successful, program managers Brad Williams, Tactical; David Considine, Boat Crew and Search & Rescue; Richard Moore, Boating Under the Influence; Gary Haupt, Boating Accident Investigation; Rodger Norcross, Officer Water Survival; and Paul Alber, GPS Forensics, personally select the instructor teams for every course. They carefully match the strengths and experiences for an optimized team.

Team teaching is the core of the BOAT Program. If an instructor does not fit well within the team concept, he or she may be "voted off" the island. While the popular reality game show *Survivor* may have coined the phrase "Being voted off the island," DuPont uses the term to reinforce the importance of standardized training to prevent complacency and ensure the program is not jeopardized through maverick instructors. The BOAT Program has grown exponentially over the last three years and indirect instructors and recognized "trainers" from accredited and non-accredited agencies have joined our cadre. We need to continually provide the standard of excellence that we built the program on.

The BOAT program, and the way it is designed, structured, managed and nurtured, is likened to a Lego building. Yes, some of blocks could be removed and the building would look similar and remain capable of accomplishing its purpose. Yet, how many missing blocks would it take to lose the initial design? Standing alone, each block may not seem that critical. However,

each block is important, and when removed, the foundation, the walls and the roof of the building get weaker and more likely to collapse.

In the BOAT Program, the core blocks are the instructors, instructor selection, instructor training, course design, course management, course delivery, exportable model of training, team teaching, boat operations. Because of the intricacies involved, it is very easy to lose the base structure by substituting a similar block.



The instructor workshop, sponsored exclusively by Metal Shark Boats, provided a unique professional development venue for core instructors under the Boat Operations and Training Program. NASBLA photos

The biggest variable is always the instructors – the rest of the blocks are standardized. The BOAT island is constructed with the instructors building each course from blocks provided by NASBLA. The end result is complex training delivered across the country in an easy-to-assemble package.

The strength of the kit is comprised mainly on the instructors' experience and adherence to the national standard. Our charge as lead instructors and maritime professionals is not simply to use all the Legos and create the best building but to facilitate the construction of multiple Lego buildings through the training and accreditation of others around the country.

Each instructor is selected based on his or her experience, personality, and skill to fully utilize the kit. Although each instructor knows what the final results should be, different instructors may use different instructional techniques to teach the same course because students do not always respond the same to each individual instructor. The BOAT Program is not randomly playing match-maker; instructors for each course are chosen based on simple observable personality traits. The teams of instructors are cohesive because they balance to the needs of the students and specific needs of each course.

A couple years ago I asked Mark DuPont, "How are the teams selected?" The short version I remember is paraphrased as, "We look at who is available and how many courses they delivered. We also pick others to support them, so a funny guy, a smart guy, a serious guy, etc... but also a break-in. Most importantly the instructors all want to do the job well." At the instructor conference we further discussed the selection matrix to understand the complexity it involves.

The results of hand-picking teams of professionals that want

to facilitate the BOAT Program are prevalent in every course evaluation. We are consistently commended for the "knowledge or experience of instructors." In over 60 percent of evaluations, participants have written in those as strength of the program. This not an accident or happy coincidence, this is an integral part of our program.

The second major contributing factor to the success of the BOAT Program is the course design. The courses are designed to facilitate adult learning. We use numerous tools to facilitate memory retention. Since one of the most important elements for memory retention is repetition, we state the objectives, tell the students why we are

(Continued on page 20)

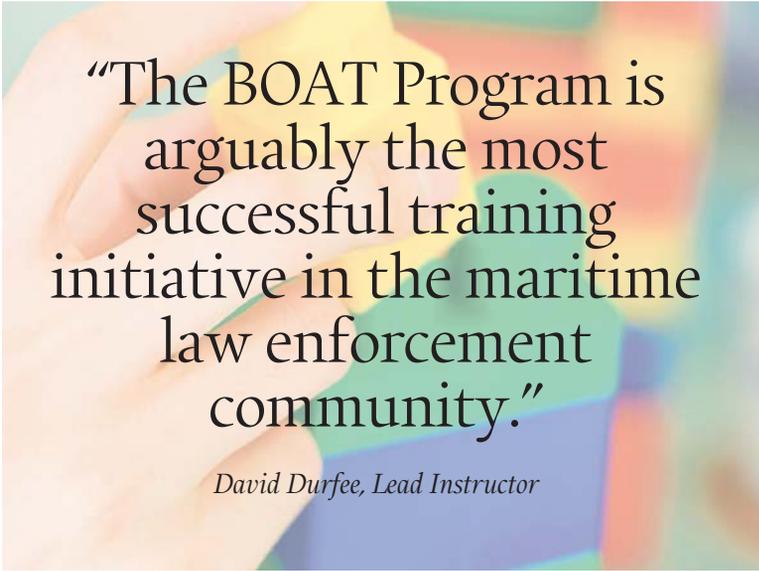
there, ask them what they learned, review the course, and then give them a test. This type of repetition goes largely unnoticed because the students are given enough new material to keep them engaged.

While repetition helps reinforce the concepts, the team teaching model and the blend of humor work to foster an atmosphere of trust. The entire program is centered on a scientific approach to adult learning. As instructors our job is not simply to present the material; it is our duty to create an environment that is conducive to adult learning. We've developed a complete approach that has seen a 99% pass rate.

The BOAT courses are being evaluated by the American Council on Education (ACE) accreditation to qualify for continuing education credits. Felix Hensley, retired boating law administrator from Indiana and now one of our BOAT Instructors, has already laid the groundwork for this accreditation. NASBLA is also working toward ANSI (American National Standards Institute) certification as a Standards Development

Organization and is in the final stages of NFPA (National Firefighters Protection Association) for Firefighter standardization. FEMA is also looking to NASBLA as a standard of training that will be required for the typing of maritime assets.

opportunity for our contracted instructors. The accreditation process does not negate the need for our courses; we will shift our focus to become evaluators of their programs and supplemental instructors. More courses will be delivered, and more instructors will be needed to fulfill the needs of the program.



“The BOAT Program is arguably the most successful training initiative in the maritime law enforcement community.”

David Durfee, Lead Instructor

We are moving onward and forward, our goal is to reach every officer that needs our training in all 56 U.S. states and territories. This goal is not as lofty as it once was; it is attainable through our cadre of subject matter experts.

Every instructor is the face of NASBLA to the nation's first responders. We facilitate the participants' learning from our experiences. We give them the opportunity to succeed. But most importantly, we are changing the nation, one course at a time. We are helping to make our country a safer place by keeping our fellow officers safe.

The BOAT Program is moving forward, in a stage of growth that is unlikely to slow down anytime soon. States and regional accreditations will increase – seven are planned for the first quarter of 2014. Contrary to rumors, this is an excellent

Our program is just that: It's OURS! Bringing his or her personal expertise to the course each instructor has ownership in the program and works to make it special. ✨

More than 30 core instructors attended the National Instructor Development Workshop hosted by NASBLA Dec. 3-5, 2013.



NEW TOOLS FOR MARITIME LAW ENFORCEMENT



DETECTION

The new Seated Battery of standardized field sobriety tests (SFSTs) allows the marine officer the advantage of conducting sobriety tests while still out on the water with a validated degree of certainty.

Four standardized BUI training courses are available to meet your agency's needs:

- **BUI 01 8-hour Seated Battery Transition Training Course**
One-day course for officers who have previous BUI training but have not been trained in the new seated battery of SFSTs.
- **BUI 02 8-hour BUI Trainer Transition Course**
One-day course to prepare current BUI instructors to teach the seated battery of SFSTs in both the 24-hour BUI Detection and Enforcement Course and the 8-hour Seated Battery Transition Training Course.
- **BUI 03 24-hour BUI Detection and Enforcement Course**
Three-day course for marine law enforcement officers who have either never been formally trained in BUI enforcement or have not had refresher training in quite a few years.
- **BUI 04 24-hour BUI Train-the-Trainer Course**
Three-day course for marine law enforcement officers who have a desire and some of the skills needed to teach other officers either the 24-hour BUI Detection and Enforcement Course or the 8-hour Seated Battery Transition Training Course.

Strengthen your law enforcement capabilities on the water through the best training in the country.

Call 859.225.9487 today.
SAFETY ON THE WATER DEPENDS ON IT.
www.nasbla.org/boat

For details on how these courses can be brought to your region and your agency, contact

John Fetterman
NASBLA Deputy Executive Director
john.fetterman@nasbla.org

Mark DuPont
National BOAT Program Director
mark.dupont@nasbla.org

National Association of State
Boating Law Administrators
1648 McGrathiana Parkway
Suite 360
Lexington, KY 40511
859.225.9487



BOATING

Briefs

Dingell, longest serving in Congress, to retire



U.S. Rep. John Dingell, a Dearborn, Mich., Democrat who replaced his father in the House some 58 years ago and became one of the most powerful members of Congress ever, will step down after this year, capping a career unmatched in its longevity and singular in its influence and sweep.

Dingell, 87, said that he'd reached the decision to retire at the end of his current term — his 29th full one — rather than run for re-election because it was time, given a list of achievements that any other member of Congress would envy, and his continued frustration over partisan gridlock.

Louisiana reports record low for boating fatalities in 2013

The Louisiana Department of Wildlife and Fisheries Enforcement Division's Boating Safety Program is reporting a record low of 13 boating fatalities for Louisiana in 2013. The previous low for boating fatalities was 19 in 1992, with a high of 79 in 1974, the first year boating incident statistics were recorded.

"While we are always striving for lower boating incidents and fatalities, we are happy to report this record low for boating fatalities for 2013," said Col. Jeff Mayne, head of the LDWF Enforcement Division. "It shows that some of our boating safety initiatives are working and that boaters are doing a great job of adhering to our safe boating regulations."

LDWF attributes the drop in boating fatalities to the mandatory boating education class, stricter driving or operating a vessel while under the influence enforcement and introducing new regulations for wearing a personal flotation device.

Adm. Papp delivers his final State of the Coast Guard Address

U.S. Coast Guard Commandant Adm. Bob Papp delivered his final State of the Coast Guard address at Coast Guard Headquarters on Feb. 26, providing an overview of programs and issues of the last four years and also looking ahead to what the Coast Guard may face in the future.

Emphasizing that this year the Coast Guard became the first military service to achieve a clean financial audit, Papp remarked that the Coast Guard provided a sound stewardship of taxpayer dollars, an "achievement that required an all hands effort across the service."

Papp mentioned progress in the Coast Guard's improvement of its sexual assault prevention and response program, citing the commitment of \$5 million and 32 military and civilian billets to the effort and the creation of the Special Victims Counsel.

The commandant also focused on the acquisition of new assets, such as the



christening of the fifth National Security Cutter, the James, this summer, and the newest Fast Response Cutter, the Charles Sexton, commissioned in early March. He said the Coast Guard had also received 148 of the ordered 170 Response Boats-Medium.

As a maritime nation and with more than 90 percent of trade being carried in ships, America needs our service, Papp said. Highlighting the “layered security” approach of the U.S. Department of Homeland Security, he focused on the Coast Guard’s partnerships with other DHS agencies to counter threats before they reach U.S. borders.

Papp also took a moment to recognize the service’s recent loss of Boatswains Mate Third Class Travis Obendorf, who was mortally injured during a rescue operation in the Bering Sea and Senior Chief petty Officer Terrell Horne, who was killed by drug traffickers during drug interdiction operations.

Boating industry continues rebound

The National Marine Manufacturers Association (NMMA) announced that as 2013 came to a close, the U.S. recreational boating industry will continue its post-recession climb with an estimated 5 percent increase in new powerboat retail sales. The

increase comes on the heels of the industry’s 2012 rebound when new powerboat retail sales increased 10 percent – the industry’s first sign of recovery. In 2014, NMMA expects the recreational power boat sales will continue to grow another 5-7 percent.

“The housing market has improved, consumer confidence has steadily increased the last two years, and consumer spending is on the rise – all factors that are helping to fuel stable growth for the U.S. recreational boating industry and further sales in 2013. In addition, we’re seeing more and more Americans take to the water, as our participation numbers are at an all-time high—88 million Americans went boating in 2012,” said Thom Dammrich, president of NMMA. “If economic growth persists and the recreational boating industry continues gaining participants, we anticipate sustained growth in 2014 and into 2015 and 2016.”

Boating Safety Advisory Council accepting applications

The Coast Guard seeks applications for 2015 membership on the National Boating Safety Advisory Council (NBSAC). This Council was established by the Federal Boat Safety Act of 1971 to advise the Coast Guard on recreational boating safety regulations and

other major boating safety matters. Applicants should email their cover letter and resume to Jeff Ludwig, Alternate Designated Federal Officer, at jeffrey.a.ludwig@uscg.mil. Applications must be received by May 12, 2014. Appointments for 2014 are still pending, and those applicants need not resubmit an application for 2015.

Coast Guard announces how it spent boating safety money

In January, the U.S. Coast Guard announced how it spent its FY13 recreational boating safety funding. Each year, the agency uses \$5.5 million from the Sport Fish Restoration and Boating Trust Fund for its own administrative and related expenses. Here’s what it spent the funds on last year:

- Factory Visit Program/Boat Testing Program: Contractors visited 1,300 recreational boatmakers and tested equipment for safety. Total: \$2,516,089.
- New Recreational Boating Safety Associated Travel: The Coast Guard spent \$10,219 so its staff could get from here to there.
- Boating Accident News Clipping Services: To keep abreast of accidents, the Coast Guard spent \$30,000 for a daily news clipping service.
- Boating Accident Report Database (BARD) Web System: BARD allows all state and territories to report accidents electronically. It also provides reports on boating accident statistics. Total: \$327,360.
- Personnel Support: \$971,198.
- Reimbursable Salaries: The Coast Guard hired a mathematician/statistician to conduct necessary national surveys and studies on recreational boating activities. It also hired an outreach coordinator to oversee various projects. Total: \$301,623.
- Website Support: \$81,733 went for upkeep of <http://www.uscgboating.org>, which provides boating safety info.

The total amounts to \$4,238,222 because it includes some leftover funds from previous years and the rest will be spent in later years.

(Briefs continued on page 24)

Marlow named Board Chair of American Boat & Yacht Council



Dave Marlow of the Brunswick Corporation has been named Board Chair of the American Boat & Yacht Council (ABYC), the only ABYC volunteer to hold this position for two separate terms.

“For the past 25 years, I have seen the good that ABYC can do for boating and I am honored to again hold the position as Board Chair of this great organization,” said Marlow, director of Product Integrity/Government Affairs for Brunswick.

ABYC celebrates 60 years of Standards this year, incorporated in 1954 as a non-profit organization to develop safety standards for the design, construction, equipage, repair and maintenance of boats.

Marlow assumed the Board Chair role after Jack Hornor of Maryland’s Marine Survey and Design Company passed away in October 2013. “Jack had a heart for this organization; it was evident in all that he did,” Marlow said.

“For 60 years, each Board of Directors for the Council has faced unique challenges of their time. I am humbled to work with this amazing group of people as ABYC embraces change and opportunities that will set our course for the next 60 years and beyond,” said John Adey, ABYC President.

AMI presents board of directors



The Association of Marina Industries elected its 2014 officers and directors at its annual International Marina & Boatyard Conference held Jan. 29-31, in Fort Lauderdale, Fla.

Jeff Rose, CMM, of Marinas International was appointed chair; Brad Gross, CMM, of OC Dana Point Harbor was appointed vice president; Mick Webber of HydroHoist Marine Group was reappointed secretary; and Joe Riley, CMM, of Windmill Marina Association, Inc. was appointed treasurer. Bob Evans, CMM, of Dillon Marina was also elected to the 2014 board as a new director.

Boaters asked to help update 'magenta line'

It's over 70 years old, a thin magenta-colored line appearing on over 50 different navigational charts covering the Atlantic Coast and Gulf, snaking along the route of the Intracoastal Waterway. Now, thanks to NOAA's Office of Coast Survey and a public-private partnership with Active Captain, an interactive cruising guidebook, NOAA will be updating the "magenta line" on all of its newly issued navigational charts to help keep boaters in safe waters.

Boat Owners Association of The United States submitted comments on the proposal to NOAA, who had initially proposed removing the line entirely. However, responding to BoatUS' and other boaters' comments, NOAA will tap into users of Active Captain to update the route in an ongoing effort that will benefit the boating community.

Boaters may contribute to the updating effort by joining Active Captain at www.activecaptain.com.

Mercury Marine named 2013 Wisconsin Manufacturer of the Year



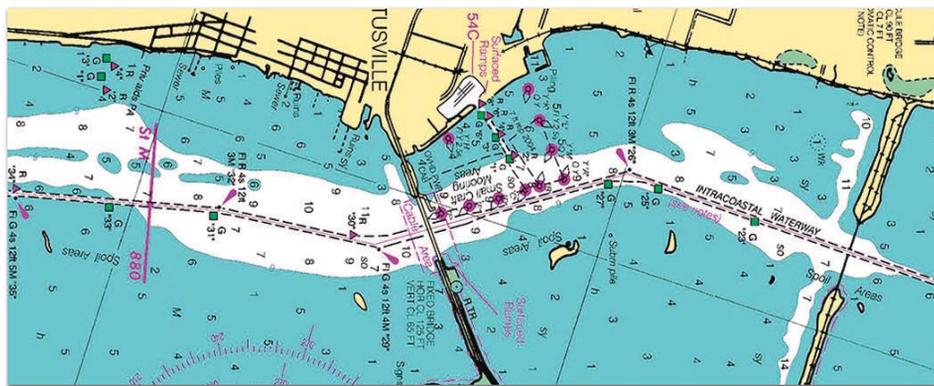
Mercury Marine, the world leader in marine propulsion and technology, was named 2013 Wisconsin Manufacturer of the Year recently in

Milwaukee. Wisconsin Manufacturer of the Year Awards are presented annually by Wisconsin Manufacturers and Commerce to leading Wisconsin-based manufacturers that produce world-class products and create employment opportunities in their communities.

Mercury Marine took top honors in the Mega category, which recognizes companies with more than 750 employees. Mercury employs 5,400 people worldwide, with 3,100 employees in Wisconsin.

“We’re extremely honored to be named Manufacturer of the Year,” said Mark Schwabero, president of Mercury Marine. “The award is a testament to the efforts and commitment of Mercury employees over the past 75 years, and our relentless determination to position Mercury as the world’s leading manufacturer of marine propulsion systems.”

Mercury Marine is the largest division of Brunswick Corporation. Mercury has manufactured more than 11 million boat engines during its 75-year history, and its global sales in 2013 totaled \$2.1 billion.



Free NOAA PDF nautical charts now permanent

PDF versions of NOAA nautical charts are becoming a permanent product, free to the public. The free PDFs, which are digital images of traditional nautical charts, are especially valued by recreational boaters who use them to plan sailing routes and fishing trips.

The free PDF charts are part of a suite of new and enhanced navigational products designed to make NOAA's data more accessible to the general public. The changes are part of a systematic reconstruction of NOAA's nautical products, anticipating mariner needs as navigation transitions to a new digital age.

"Up-to-date charts help boaters avoid groundings and other dangers to navigation, so our aim is to get charts into the hands of as many boaters as we can,"

said Rear Admiral Gerd Glang, director of NOAA's Office of Coast Survey.

To help boaters who aren't sure which chart they need, NOAA has launched an interactive chart locator that allows people to select a chart from a map of the U.S. and choose their format.

NOAA is also making available for free the NOAA ENC Online, a new web map viewing application that shows chart data previously only available to users who purchased specialized viewing systems. Printing PDFs may alter the chart scale, color, or legibility that may impact suitability for navigation.

Printed charts provided by NOAA-certified Print-on-Demand (POD) providers fulfill a vessel's requirement to carry a navigational chart "published by the National Ocean Service" in accordance with federal regulations.

Coast Guard to host on-water instructor licensing discussion

In conjunction with the International Boating and Water Safety Summit, the U.S. Coast Guard will be facilitating a discussion on on-water instructor licensing on Thursday, April 17, from 8 a.m. until noon.

Full implementation of on-water recreational boating instruction is being slowed in many areas by the requirement for paid instructors to comply with the United States Coast Guard Operator of Uninspected Passenger Vessel and Master Operator Licensing Laws and Regulations. These requirements supersede many of the intents, purposes and goals of the National RBS Strategic Plan involving on-water boat instruction for the entry level operator, halting the availability of course instruction on most U.S. waters.

The facilitated discussion will serve to document the issues and make recommendation to the Coast Guard to identify potential resolutions to advance the availability of on-water instructor offered by properly trained and certified instructors. This discussion is open to all interested parties.

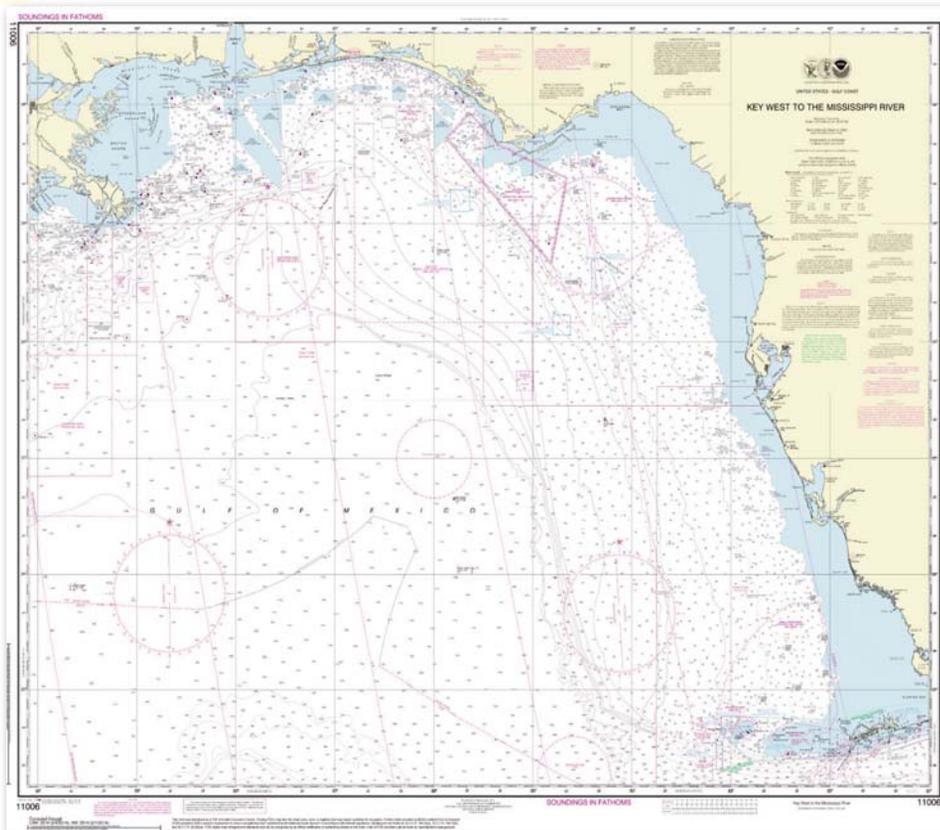
NTSB marks centennial of marine safety treaty

One hundred years ago, on Jan. 20, 1914, 13 nations agreed on the terms of the International Convention on Safety of Life at Sea.

The landmark international agreement known as SOLAS, prompted by the sinking on April 15, 1912, of the RMS Titanic with the loss of more than 1,500 men, women, and children, established international standards on (among other things) watertight and fireproof bulkheads; signaling apparatus (particularly wireless telegraphy); safety of navigation; and lifesaving, fire prevention and firefighting equipment.

Tracy Murrell, director of the National Transportation Safety Board's Office of Marine Safety, has written an essay on the history of SOLAS and how the NTSB envisions it evolving.

(Briefs continued on page 26)



NOAA's newest addition to the nautical charting portfolio is the new Portable Document Format (PDF) nautical chart, which provides up-to-date navigation information in this universally available file type. The image above is of the Gulf Coast - Key West to Mississippi River. NOAA image

“Shortly thereafter, the First World War broke out. Only five countries had signed the treaty when it went into force in 1915,” Murrell writes on the NTSB Safety Compass, the official blog of the NTSB chairman. “But from humble beginnings, international marine safety grew into a truly global undertaking. SOLAS has survived revolutions and world wars, and today 159 countries are signed on.”

The International Maritime Organization honors the 100th anniversary with an informative graphic that details some of the maritime safety measures we take for granted that were nonexistent for those aboard the Titanic. View the infographic at <http://tinyurl.com/IMOinfographic>.

Resources available to encourage boaters to Wear It!

Boating safety advocates across the U.S. and Canada are teaming up to promote safe and responsible boating, including consistent life jacket wear each and every time boaters are on the water, during National Safe Boating Week, held May 17-23. National Safe Boating Week is the official launch of the 2014 North American Safe Boating Campaign. This yearlong campaign promotes safe and responsible boating and the value of voluntary life jacket wear by recreational boaters through the national theme, Wear It!

To help you inform and educate your audience about the North American Safe Boating Campaign and the importance of wearing life jackets, the National Safe Boating Council has developed a helpful press kit. To access the press kit, visit <http://safeboatingcampaign.com/presskit.htm>.

Boating safety goes international with ‘Ready, Set, Wear It!’ Life Jacket World Record Day

U.S. and Canada partner to promote safe, responsible boating, life jacket wear

With summer almost here, families and friends are eager to enjoy time in the sun and on the water – boating, fishing, paddling and more. During all recreational water activities, it’s important to remember safety precautions.

Join boating professionals and boating enthusiasts by wearing your life jacket to work to heighten awareness of the different life jacket types that are available – including inflatable life jackets – and demonstrate their comfort and versatility. The NSBC is asking all participants to take pictures of themselves in their life jacket while at work and post them to the “Ready, Set, Wear It!” Facebook page (www.Facebook.com/ReadySetWearIt). On Saturday, May 17, participants in cities around the globe will gather to set



This year, the National Safe Boating Council (NSBC) will promote safe boating messaging during National Safe Boating Week, beginning with “Wear Your Life Jacket to Work” Day on Friday, May 16, 2014.

a world record for the most life jackets worn and inflatable life jackets inflated on the fifth annual “Ready, Set, Wear It!” Life Jacket World Record Day (<http://www.readysetwearit.com/>). The goal is not only to promote the comfortable and versatile options when it comes to life jackets but also to educate the public about life jackets and safe boating in general. The National Safe Boating Council and Canadian Safe Boating Council have again partnered to support this one-day event. *

Join the North American Safe Boating Campaign!
We have tons of boating information on our web site.
Be safe while boating, wading, or along shore—WEAR IT!

www.SafeBoatingCampaign.com

Your job is to tackle ADVERSITY every day.

OUR JOB IS TO HELP YOU GET THERE AND BACK HOME.



850 IMPACT RHIB



24' JUSTICE



37' JUSTICE

Like you, Brunswick Commercial and Government Products (BCGP) boats are built to go the distance. Fast. Dependable. Capable. Choose from extraordinarily stable Impact rigid hull inflatables or unsinkable fiberglass Boston Whalers to get you there and back. With more than 50 years dedicated to building commercial boats, the only thing that matches the longevity of our boats is our company.

- Ample dry storage for weapons and computer equipment
- Ergonomic designs built for the working professional
- Choice of fiberglass and RHIB hulls ranging from 15-39 feet
- Superior after-the-sale customer service

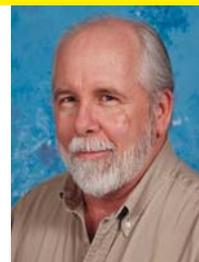


BRUNSWICK COMMERCIAL AND GOVERNMENT PRODUCTS, INC.
386.423.2900 • brunswickcgp.com

coast guard

COMMENTS

W. Vann Burgess
Senior RBS Specialist
Boating Safety Division
Office of Auxiliary & Boating Safety
U.S. Coast Guard



BUI. Is it a *Big* deal?

Most articles we have written on Boating Under the Influence (BUI) have dealt primarily with the enforcement aspect of training and successful methods of enforcement. When we see articles in boating periodicals and news outlets, we hear of the dangers and risks of BUI in general terms. On occasion we see or hear stories in the media of accidents that have occurred with serious injury or fatal results as a result of BUI. Even more rare is hearing of results of a criminal BUI conviction with a significant penalty such as a lengthy prison sentence. It appears many still consider the cooler full of beer a carriage requirement.

The truth is, outside of our world of boating and enforcement professionals, the general public (including the boating public) is largely unaware of what the costs can be if they were to boat and drink to excess. As a very unscientific and anecdotal example, I have close family members in six different states that either boat often or at least live very close to bodies of water frequented by boaters. Even sensitized by what my choice of employment has been for the past 35 years, they have rarely heard about boating accidents in the news media, and even more rarely centered on BUI. Boating statistics tell us they occur, so why don't we hear more about it?

Let's go back about 30 years. DUI/DWI had become a national epidemic on our highways. Law enforcement was doing all they could do, but officers were limited by the laws that were on the books. Over 21,000 people a year were dying in alcohol-related accidents. A grassroots effort began to change that with a group known as RID (Remove Intoxicated Drivers). Out of this effort grew MADD (Mothers Against Drunk Driving) and SADD (Student Against

Destructive Decisions), and as a result of their efforts to bring this issue to the national spotlight, DUI/DWI laws have real teeth; and those statistics were cut in half. Everybody knows the risks they are taking when they drive drunk, and everybody knows the lifelong – costs both personal and financial.

The media tells us every day. A similar attempt at a grassroots effort was made by a group known as BADD (Boaters Against Drunk Driving), but its success was limited.

So it begs the question, Is BUI just not a big deal? Any person who has had a loved one severely injured or lost to a boating accident involving an intoxicated operator, or any first responder to such an accident, will tell you, yes, it is a big deal. These accident scenes are often horrific. The bodies of the victims are not protected by airbags or reinforced metal doors and panels. The injuries are often mortal or, at the very least, life altering. I offer a few cases in point:

- An intoxicated man operating a PWC at a high rate of speed decided to pass close aboard an anchored vessel. Unfortunately, he did not either see or account for the anchor line tending forward. Let's just say he lost his head over that mistake.
- Another person under the influence departed a waterside bar with passengers in his 41 ft. boat. While operating at high speed in reduced visibility, the vessel struck a concrete pier. The operator and one of his passengers also struck the concrete pier. The pier won.

- A family was enjoying a calm, clear sunny afternoon on the family pontoon boat. A father and son were on their way back to the ramp in their bass boat after a day of fishing, both having had "a few beers" over the course of the day. The bass boat struck the pontoon boat amidships at speed, landing over 100 feet on the other side. In the process an eight-year-old boy, his mother, and unborn baby sister were killed in front of the father, grandparents, and other sibling. The two in the bass boat were uninjured.

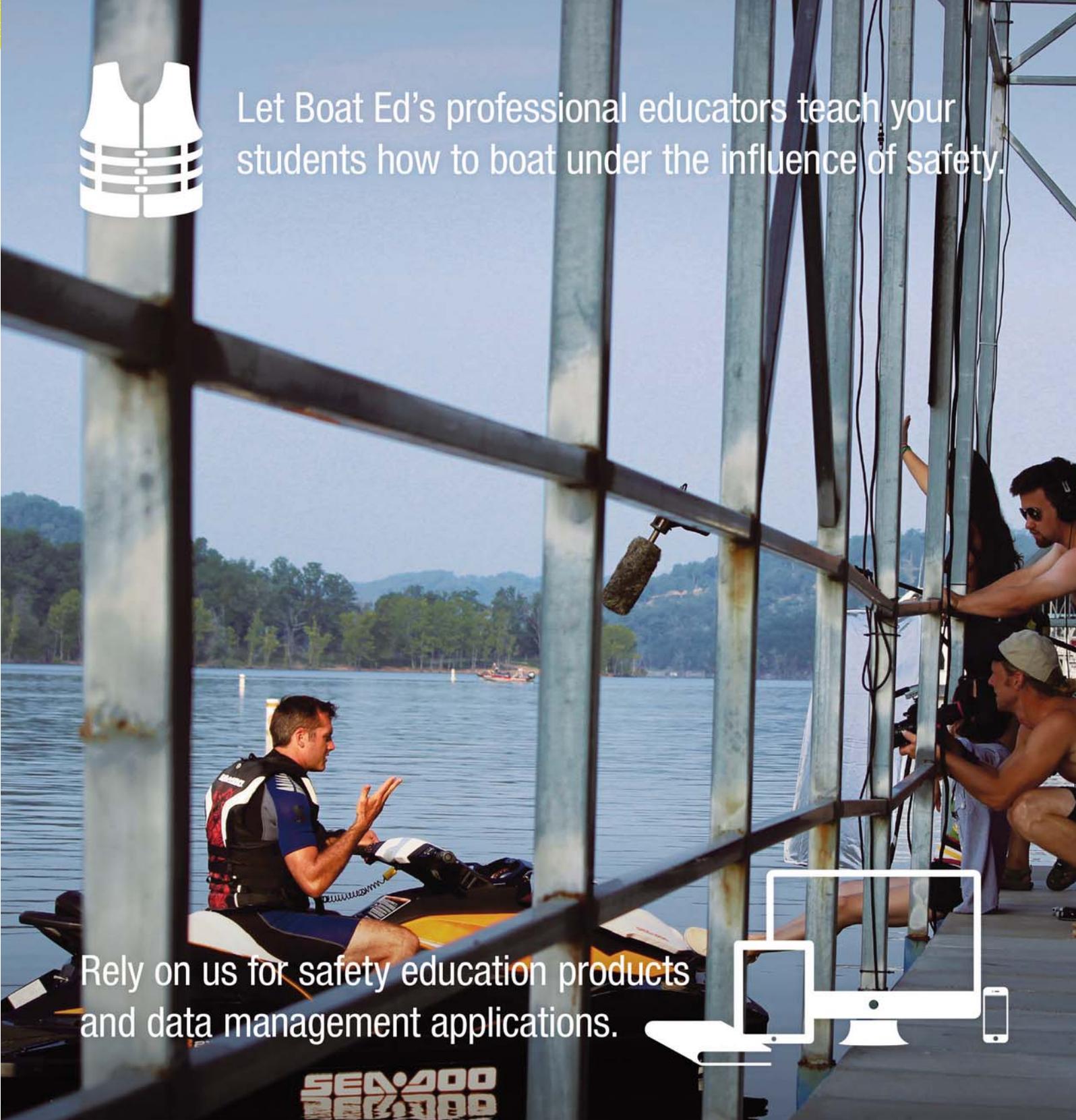
As happens with automobile accidents, often the dead or injured are innocent victims of someone else's bad choices. But they are not the only victims. Those injured often are left with severe disabilities as a result of a propeller strike. This impacts entire families. The mental anguish left after witnessing the death of a child is almost unspeakable, and often tears families apart. These impacts are devastating, and last forever.

Statistics show us that 17% of all fatal accidents involved alcohol as the primary causal factor. Yet with all that we know, why isn't the average person more aware? Do we have to wait until BUI is responsible for over 21,000 deaths a year as DUI was in 1980 to get the attention of mainstream media? Is BUI a big enough deal to make people pay attention and make better decisions?

My last question is, Can we, as a community, do more to make a difference? Let's hope so. ✨



Let Boat Ed's professional educators teach your students how to boat under the influence of safety.



Rely on us for safety education products and data management applications.



 **boat-ed.com**[™]
Get Safe. Get Certified.

Contact: Mitch Strobl
mstrobl@kalkomey.com
214-437-9900

 **kalkomey**[™]
kalkomey.com



2014 Recreational Boating Safety Calendar

May

5-8
NASBLA
Comprehensive Boating Accident Investigation Course
Spring Grove, Illinois
www.nasbla.org/accident
chris@nasbla.org
859.225.9487

6-7
National Marine Manufacturers Association American Boating Congress
Washington, D.C.
www.nmma.org/government/abc/default.aspx

8-9
National Boating Safety Advisory Council Meeting
Arlington, Virginia
<http://homeport.uscg.mil/NBSAC>
Jeffrey.A.Ludwig@uscg.mil
202.372.1061

11-17
National Police Week
www.policeweek.org

13-15
NASBLA
Boating Under the Influence Detection and Enforcement Course
Little Canada, Minnesota
www.nasbla.org/bui
chris@nasbla.org
859.225.9487

18-22
Western States Boating Administrators Association 53rd Annual Conference
Santa Fe, New Mexico
KBergersen@azgfd.gov
623.236.7383

16
Wear Your Life Jacket to Work Day
www.safeboatingcampaign.com

17
Ready, Set, Wear It!
www.ReadySetWearIt.com

17-23
National Safe Boating Week
www.SafeBoatingCampaign.com

June
9-11
Sail America Industry Conference
Charleston, South Carolina
www.sailamerica.com
rlamarre@sailamerica.com

11
National Recreational Boating Safety Coalition Meeting
Washington, D.C.
NRBSCoalition@aol.com
202.257.2836

14
National Marina Day
www.nationalmarinaday.org

17-19
NASBLA
Executive Board Meeting
Mystic, Connecticut
www.nasbla.org
info@nasbla.org
859.225.9487

21
American Canoe Association Board of Directors Meeting
Sloatsburg, New York
www.americancanoe.org
wblackwood@americancanoe.org

27-29
Operation Dry Water
www.operationdrywater.org

July
14-18
NASBLA
Leadership Academy
Lexington, Kentucky
www.nasbla.org
ron@nasbla.org
859.225.9487

August
18-20
Homeland Security Outlook Maritime Security West
Tacoma, Washington
www.maritimesecuritywest.com

September
7-14
United States Power Squadrons Governing Board Meeting
Arlington, Virginia
www.usps.org

8-11
NASBLA
Comprehensive Boating Accident Investigation Course
Biloxi, Mississippi
www.nasbla.org/accident
chris@nasbla.org
859.225.9487

14
American Canoe Association Board of Directors Meeting
Grand Rapids, Michigan
www.americancanoe.org
wblackwood@americancanoe.org

15-17
American Canoe Association Adaptive Paddling Summit
Grand Rapids, Michigan
http://www.americancanoe.org/?page=Adaptive_Summit
jmoore@americancanoe.org

October
6-9
States Organization for Boating Access Annual Boating Access Conference
North Little Rock, Arkansas
www.sobaus.org

14-15
NASBLA
Education Standards Panel Meeting
Bar Harbor, Maine
www.nasbla.org
deb@nasbla.org
859.225.9487

16-19
NASBLA
Annual Conference
Bar Harbor, Maine
www.nasbla.org
deb@nasbla.org
859.225.9487

23-25
US Sailing Annual Meeting
Milwaukee, Wisconsin
ussailing.org
events@ussailing.org
401.683.0800

November
4-5
Homeland Security Outlook Maritime Security Caribbean
Nassau, Bahamas
www.maritimesecuritycaribbean.com

16-19
Marine Retailers Association of the Americas Marine Dealer Conference & Expo
Orlando, Florida
www.mraa.com
info@mraa.com

December
3
National Recreational Boating Safety Coalition Meeting
Washington, D.C.
NRBSCoalition@aol.com
202.257.2836