

**SUPPORTING STATEMENT
BOAT OWNER'S REPORT, POSSIBLE SAFETY DEFECT**

JUSTIFICATION:

1. CIRCUMSTANCES WHICH MAKE COLLECTION OF INFORMATION NECESSARY:

Subparagraph 4310(f) of Title 46, United States Code gives the Coast Guard the authority to require manufacturers of recreational boats and items of "designated associated equipment" to notify owners and replace or repair boats and items of designated associated equipment which fail to comply with applicable Federal safety standards or are found to contain defects related to safety discovered in their products. For the purposes of 46 U.S.C. 4310, the phrase, "designated associated equipment," includes inboard engines, outboard motors and sterndrive units.

Enforcement of compliance with the regulations issued under the authority of 46 U.S.C. Chapter 43 involves:

- investigations of complaints from the public about the safety of boats and associated equipment currently in the hands of consumers
- Inspections of products displayed at trade shows or offered for sale at the retail level;
- Purchases of products on the open market for compliance testing;
- Investigations of boating accidents

Complaints from the public are received by various Coast Guard Headquarters and field units, and also via the Coast Guard Customer Infoline, an "800" toll-free telephone service designed to assist the public on matters related to boating safety. Owners of boats or engines who believe a product contains a defect, or fails to comply with an applicable Federal safety standard, may report it by: (1) completing a Boat Owner's Report – Possible Safety Defect electronically at the Office of Boating Safety website (www.uscgboating.org); (2) calling the Coast Guard Infoline and requesting a copy of the form, "Boat Owner's Report – Possible Safety Defect;" (3) sending a complaint via e-mail; or (4) sending a written complaint to the Recreational Boating Product Assurance Division for investigation.

The Boat Owner's Report - Possible Safety Defect information collection is designed to:

- Enable easy collection of the minimum amount of information necessary for Coast Guard investigators to make an initial decision concerning the validity of a consumer complaint;
- Maximize the accessibility of the Customer Infoline to other members of the public by minimizing time spent by a Customer Infoline operator giving or receiving information during a single call from a consumer; and
- Eliminate the necessity for a Customer Infoline operator to be familiar with technical details about boats and associated equipment or the intricacies of a Coast Guard

investigation, or speculating for a consumer on the probable outcome of an individual case.

2. HOW, BY WHOM, HOW FREQUENTLY, AND FOR WHAT PURPOSE IS THE INFORMATION USED AND ACTUAL USE THE COAST GUARD HAS MADE OF THE INFORMATION FROM THE CURRENT COLLECTION?

The Coast Guard Recreational Boating Product Assurance Division receives approximately 200 reports about defects or failures to comply with manufacturer safety standards involving recreational boats and associated equipment annually. We receive reports from consumers, other Coast Guard units, State and local law enforcement units, manufacturers, a compliance test laboratory, the Boat Owners Association of the United States (BOAT/US), Compliance Associates visiting factories under a USCG contract, marine surveyors and a variety of other sources. The number of consumers who actually complete a Boat Owner's Report - Possible Safety Defect by means of the fully electronic reporting option on the Office of Boating Safety website (<http://www.uscgboating.org>) or a hard copy paper form, is actually much lower – an average of 33 for the last five years.

Upon receipt of report about defects or failures to comply with manufacturer safety standards, the Coast Guard Recreational Boating Product Assurance Division begins an investigation to determine whether continued use of the particular product or similar boats or items of associated equipment may adversely affect the safety of the boating public. The investigation may result in a determination that a manufacturer has not violated any provisions of the Federal statutes or Coast Guard regulations, or an investigation may result in additional administrative actions against the manufacturer.

Many reports the Coast Guard receives do not involve manufacturer defects related to safety, but rather, warranty problems, installation problems, normal wear and tear, etc. The Boat Owner's Report - Possible Safety Defect enables Coast Guard personnel investigating a complaint received from a consumer or over the internet to make an initial determination concerning the likelihood that a defect related to safety exists.

The Boat Owner's Report - Possible Safety Defect also minimizes the necessity for Customer Infoline operators to be familiar with technical details concerning boats and associated equipment or technical details concerning the Federal statutes or Coast Guard regulations.

The Boat Owner's Report - Possible Safety Defect is completed a single time via electronic means on the Office of Boating Safety website (<http://www.uscgboating.org/opb3/SafetyReport1.asp>) or on the paper form (CG –5578) by consumers forwarding complaints about their boats or engines to the Recreational Boating Product Assurance Division.

The Boat Owner's Report - Possible Safety Defect provides information necessary to conduct additional administrative action if Coast Guard personnel determine that a potential defect related to safety or failure to comply with Federal statutes or Coast Guard regulations does, in fact, exist.

3. CONSIDERATION GIVEN TO THE USE OF IMPROVED INFORMATION TECHNOLOGY:

OMB 1625-0071

Since approximately CY 2000, the Coast Guard has had a fully electronic reporting option for submitting the Boat Owner's Report - Possible Safety Defect. Use of the electronic means for responding to the information request has steadily increased over the last five years:

2001 -- 43 percent
2002 -- 58 percent
2003 -- 88 percent
2004 -- 96 percent
2005 -- 100 percent

What percentage of the information collection can be submitted electronically?

One hundred percent of the information collection can be submitted electronically.

As a practical matter, there is no established number of respondents annually. The number of potential respondents is in the millions (in 2004, for example, 12,7871,476 recreational boats were registered in the States and U.S. territories). In any calendar year, we have no idea as to how many boat owners will choose to file reports of possible safety defects in their boats or engines. Many potential problems are solved by other means under manufacturer warranties, by hiring attorneys, by filing complaints with State better business bureaus and owner associations such as the Boat Owners Association of the United States, etc.

In **2001** we received a total of **seven responses** to the Boat Owner's Report - Possible Safety Defect – four of which were hard copies of the form and three were filed electronically on the Office of Boating Safety website. $3/7 = 43$ percent.

In **2002** we received a total of **24 responses** to the Boat Owner's Report - Possible Safety Defect – 10 of which were hard copies of the form and 14 were filed electronically on the Office of Boating Safety website. $14/24 = 58$ percent.

In **2003** we received a total of **27 responses** to the Boat Owner's Report - Possible Safety Defect – three of which were hard copies of the form and 24 were filed electronically on the Office of Boating Safety website. $2/27 = 88$ percent.

In **2004** we received a total of **29 responses** to the Boat Owner's Report - Possible Safety Defect – one of which was a hard copy of the form and 28 were filed electronically on the Office of Boating Safety website. $1/28 = 96$ percent.

In **2005** we received a total of **80 responses** to the Boat Owner's Report - Possible Safety Defect – none of which was a hard copy of the form and 80 were filed electronically on the Office of Boating Safety website. $80/80 = 100$ percent.

$43 + 58 + 88 + 96 + 100 = 385/5 = 77$ percent of the responses to the Boat Owner's Report - Possible Safety Defect were filed electronically during the period 2001 through 2005.

4. WHAT EFFORTS HAS THE COAST GUARD MADE TO IDENTIFY DUPLICATION?

The information the Coast Guard collects with the Boat Owner's Report - Possible Safety Defect is not available from other sources.

5. IF THE COLLECTION OF INFORMATION INVOLVES SMALL BUSINESSES OR OTHER SMALL ENTITIES, WHAT METHODS USED TO MINIMIZE THE BURDEN?

Recreational boat owners are not small businesses.

6. WHAT ARE THE CONSEQUENCES TO THE FEDERAL PROGRAM OR POLICY ACTIVITIES IF THE INFORMATION COLLECTION IS NOT CONDUCTED, OR CONDUCTED LESS FREQUENTLY AND ARE THERE ANY TECHNICAL OR LEGAL OBSTACLES TO REDUCING THE BURDEN?

As a practical matter, the information would be collected even in the absence of approval of the Boat Owner's Report - Possible Safety Defect. If the Coast Guard declined to take information from consumers (boat owners) concerning problems they believe could cause injuries or fatalities, the Coast Guard would be derelict in its duty to protect the boating public.

If the collection of information were not conducted, the Coast Guard would be unable to adequately investigate consumer complaints without additional correspondence or telephone requests seeking the necessary information. The Coast Guard could be subject to criticism by Congress, boating interest groups and the public for failure to carry out statutory responsibilities for assuring the safety of the boating public.

7. EXPLAIN ANY SPECIAL CIRCUMSTANCES THAT WOULD CAUSE AN INFORMATION COLLECTION TO BE CONDUCTED IN A MANNER:

a. Requiring respondent to report information to the Coast Guard more often than quarterly. Response to the Boat Owner's Report – Possible Safety Defect is voluntary and is a single response.

b. Requiring respondents to respond to a written response to a collection of information in fewer than 30 days after receipt. Response to the Boat Owner's Report – Possible Safety Defect is voluntary, is a single response and can be submitted whenever the consumer desires.

c. Requiring respondents to submit more than an original and two copies of any document. Response to the Boat Owner's Report – Possible Safety Defect is voluntary and recently the preferred method is to send it electronically which requires only a single response.

d. Requiring respondents to retain records for more than three years. Response to the Boat Owner's Report – Possible Safety Defect survey is voluntary and does not impose any recordkeeping requirements.

e. In a manner in connection with a statistical survey that is not designed to produce valid and reliable results that can be generalized to the universe of study. Response to the Boat Owner's Report – Possible Safety Defect is used to investigate defects in boats and associated equipment and does not involve surveys.

f. Requiring the use of statistical data classification that has not been reviewed or approved by OMB. Response to the Boat Owner's Report – Possible Safety Defect is used to investigate defects in boats and associated equipment and does not involve statistical data classifications

g. That include a pledge of confidentiality that is not supported by authority established in statute or regulation. There is no pledge of confidentiality associated with response to the Boat Owner's Report – Possible Safety Defect.

h. Requiring respondents to submit proprietary trade secret or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law. Respondents are owners and operators of recreational boats. Response to the Boat Owner's Report – Possible Safety Defect does not involve proprietary trade secret or other confidential information.

8. DESCRIBE EFFORTS TO CONSULT WITH PERSONS OUTSIDE THE AGENCY:

A request for comment was published in the Federal Register on March 17, 2006, in Volume 71, Number 52, page 13859, no comments were received.

Also, the Coast Guard conducts two meetings of the National Boating Safety Advisory Council (NBSAC) each year on boating safety matters. The Council is made up of a total of 21 members appointed by the Secretary of the Department in which the Coast Guard operates; seven are representatives from the boating industry, seven are State boating authorities, and seven are representatives of the boating public.

A NBSAC subcommittee recommended that the Coast Guard find improved ways to analyze data and identify the existence of safety defects, and undertake efforts to make boaters more aware of the Coast Guard safety defect correction program by publicizing the existence of the Coast Guard Infoline as a fast and convenient way to communicate potential safety defect information to the Coast Guard. Advertisements about the Infoline appear regularly in most recreational boating publications. Information concerning consumer complaints and how to file them appears on the Office of Boating Safety website. <http://www.uscgboating.org/opb3/SafetyReportOverview.html>.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur once every three years -- even if the collection of information activity is the same as in prior periods. There may be circumstances that preclude consultation in a specific situation. These circumstances should be explained:

Every purchaser of a recreational boats or item of associated equipment (inboard engines, outboard motors and sterndrive units) who believes the products they purchased either contains a defect which creates a substantial risk of personal injury to the public or fails to comply with an applicable Coast Guard safety standard, may submit a Boat Owner's Report – Possible Safety Defect and ask the Coast Guard to investigate. The Coast Guard does not receive the same number of consumer complaints each year, nor do we receive complaints from the same consumers every year, nor can we anticipate which consumers will respond. The information the Coast Guard collects with a Boat Owner's Report – Possible Safety Defect is the minimum we consider necessary to conduct an adequate investigation of a reported problem.

9. EXPLAIN ANY DECISION TO PROVIDE ANY PAYMENT OR GIFT TO RESPONDENTS, OTHER THAN REMUNERATION OF CONTRACTORS OR GRANTEES.

There is no payment or gift to respondents.

10. DESCRIBE ANY ASSURANCE OF CONFIDENTIALITY PROVIDED TO RESPONDENTS:

Boat owners filing consumer complaints about products they own and which they believe are defective do not request confidentiality. Most consumers have already tried to get the manufacturer of their boat or engine, or the dealer who sold them the product to effect repair or replacement. Both the website and the form contain a Privacy Act Statement informing the respondent of the uses and further disclosure of information collected.

11. PROVIDE ADDITIONAL JUSTIFICATION FOR ANY QUESTIONS OF A SENSITIVE NATURE:

No questions of a sensitive nature are involved with the Boat Owner's Report - Possible Safety Defect. In addition, both the website and the form contain a Privacy Act Statement informing the respondent of the uses and further disclosure of information collected.

12. PROVIDE ESTIMATES OF THE BURDEN OF COLLECTION OF INFORMATION:

| | | | |
|------|----------------|----------|----------|
| 2001 | 3 via website | 4 forms | 7 Total |
| 2002 | 14 via website | 10 forms | 24 Total |
| 2003 | 24 via website | 3 forms | 27 Total |
| 2004 | 28 via website | 1 form | 29 Total |
| 2005 | 80 via website | 0 form | 80 Total |

$80 + 29 + 27 + 24 + 7 = 164/5 = 32.8 = 33$ **average number of respondents annually**

The Coast Guard Recreational Boating Product Assurance Division receives an average of 33 consumer complaints by means of The Boat Owner's Report - Possible Safety Defect annually. The form is patterned after the Motor Vehicle Questionnaire used by the National Highway Traffic Safety Administration (NHTSA) in their program. Based on NHTSA's experience, the Coast Guard estimates that it takes 0.4 hours to complete the Boat Owner's Report - Possible Safety Defect report.

$33 \times .4 = 13.2$ **The total annual burden is estimated to be 13.2 hours.**

Nearly all of the Boat Owner's Report - Possible Safety Defect reports the Coast Guard received for the years 2003 through 2005 were filed electronically on the Office of Boating Safety website: www.uscgboating.org. The respondents are owners of recreational boats and associated equipment. There are no appropriate wage rate categories for boat owners. No recordkeeping is associated with this information collection.

13. PROVIDE AN ESTIMATE OF THE TOTAL ANNUAL COST BURDEN TO RESPONDENTS OR RECORDKEEPERS RESULTING FROM THE COLLECTION OF INFORMATION:

None.

14. TOTAL ANNUAL ESTIMATED COST TO GOVERNMENT:

The estimated cost to the Federal Government is associated with generating the form letters, printing of report forms, envelopes, postage to and from consumers and administrative staff time spent analyzing responses and preparing reports. The National Highway Traffic Safety Administration (NHTSA) conducts a similar information collection associated with their Auto Safety Hotline. NHTSA uses an estimated cost of \$12.29 per information collection. We estimate 33 reports will be submitted annually. The overall cost to the Federal Government is estimated to be \$405.00 annually

15. EXPLAIN REASONS FOR ANY PROGRAM CHANGES OR ADJUSTMENTS:

The existing burden estimate for the Boat Owner's Report - Possible Safety Defect is 10 hours annually. The requested burden is for 13.2 hours annually – an adjustment increase of 3.2 hours.

A NBSAC subcommittee recommended that the Coast Guard find improved ways to analyze data and identify the existence of safety defects, and undertake efforts to make boaters more aware of the Coast Guard safety defect correction program by publicizing the existence of the Coast Guard Infoline as a fast and convenient way to communicate potential safety defect information to the Coast Guard. Advertisements about the Infoline appear regularly in most recreational boating publications. Information concerning consumer complaints and how to file them appears on the Office of Boating Safety website. <http://www.uscgboating.org/opb3/SafetyReportOverview.html>.

| | | | |
|------|----------------|----------|----------|
| 2001 | 3 via website | 4 forms | 7 Total |
| 2002 | 14 via website | 10 forms | 24 Total |
| 2003 | 24 via website | 3 forms | 27 Total |
| 2004 | 28 via website | 1 form | 29 Total |
| 2005 | 80 via website | 0 form | 80 Total |

In any calendar year, we have no idea as to how many boat owners will choose to file reports of possible safety defects in their boats or engines. The Coast Guard does not receive the same number of consumer complaints each year, nor do we receive complaints from the same consumers every year, nor can we anticipate which consumers will respond. However, the public has obviously learned how easy it is to report defects in boats and associated equipment to the Coast Guard electronically.

16. OUTLINE PLANS FOR TABULATION, STATISTICAL ANALYSIS AND PUBLICATION:

The collection of this information does not involve statistical evaluation or publication.

17. IF SEEKING APPROVAL TO NOT DISPLAY THE EXPIRATION DATE OR OMB APPROVAL OF THE INFORMATION COLLECTION, EXPLAIN THE REASONS THAT DISPLAY WOULD BE INAPPROPRIATE: N/A.

18. EXPLAIN EACH EXCEPTION TO THE CERTIFICATION STATEMENT IDENTIFIED IN ITEM 19.

There are no exceptions to the certification statement.