

**SUPPORTING STATEMENT
BOAT OWNER’S REPORT, POSSIBLE SAFETY DEFECT
OMB 1625-0071**

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.

One of the methods for 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.

Complaints from the public are received by various Coast Guard Headquarters and field units. 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 Boating Safety website (www.uscgboating.org); (2) sending a complaint via e-mail; or (3) sending a written complaint to the Recreational Boating Product Assurance Branch for investigation.

The Boat Owner's Report - Possible Safety Defect collects the minimum amount of information necessary for Coast Guard investigators to make an initial decision concerning the validity of a consumer complaint.

2. PURPOSE OF USE OF THE INFORMATION COLLECTION

The Coast Guard Recreational Boating Product Assurance Branch 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 44 for the last eight years.

The Boat Owner's Report - Possible Safety Defect collects information necessary to:

- (1) identify the boat or associated equipment owner making the complaint;
- (2) identify the boat or associated equipment about which the complaint is being made;
- (3) determine whether the complaint is the result of a boating accident experienced by the consumer; and
- (4) determine the nature of the complaint.

The information is not collected for statistical purposes. Usually, the information is not shared with other individuals or agencies other than the manufacturers of the products involved. However, should the Coast Guard Recreational Boating Product Assurance Branch receive a Freedom of Information Act request, for example, our usual practice is to ask senders of FOIAs to permit redaction of information tending to disclose the names, addresses, email addresses, and phone numbers of individuals.

Upon receipt of a report about defects or failures to comply with manufacturer safety standards, the Coast Guard Recreational Boating Product Assurance Branch begins an investigation to determine whether continued use of 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, are warranty problems, installation problems, normal wear and tear, etc. The Boat Owner's Report - Possible Safety Defect enables Coast Guard personnel investigating a complaint to make an initial determination concerning the likelihood that a defect related to safety exists.

The Boat Owner's Report - Possible Safety Defect is completed a single time via electronic means on the website (www.uscgboating.org/recalls/owners_report.aspx) or on the paper form (CG –5578) by consumers forwarding complaints about their boats or engines to the Recreational Boating Product Assurance Branch.

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:

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 greatly exceeded the numbers of responses received by means of a hard copy of the form over the last eight years:

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 2007, for example, 12,875,568 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 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 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 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 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 Boating Safety website. $80/80 = 100$ percent.

In **2006** we received a total of **60 responses** to the Boat Owner's Report - Possible Safety Defect – five of which were hard copies of the form and 55 were filed electronically on the Boating Safety website. $55/60 = 92$ percent.

In **2007** we received a total of **83 responses** to the Boat Owner's Report - Possible Safety Defect – five of which were hard copies of the form and 78 were filed electronically on the Boating Safety website. $78/83 = 94$ percent.

In **2008** we received a total of **47 responses** to the Boat Owner's Report - Possible Safety Defect – five of which were hard copies of the form and 42 were filed electronically on the Boating Safety website. $42/47 = 89$ percent.

$43 + 58 + 88 + 96 + 100 + 92 + 94 + 89 = 660/8 = 82.5$ or **83 percent of the responses** to the Boat Owner's Report - Possible Safety Defect **were filed electronically during the period 2001 through 2008.**

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

This information is not collected in any form and therefore is not duplicated elsewhere.

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

This information collection does not have an impact on small businesses or other small entities.

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?

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:

This information collection is conducted in manner consistent with the guidelines in 5CFR 1320.5(d)(2).

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

A 60-day (See [USCG-2009-0086], March 12, 2009, 74 FR 10751) and 30-day (See [USCG-2009-0086], July 20, 2009, 74 FR 35200) Notice were published in the Federal

Register requesting comments from the public. The USCG has not received any comments for these collections.

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

There is no offer of monetary or material value for this information collection.

10. DESCRIBE ANY ASSURANCE OF CONFIDENTIALITY PROVIDED TO RESPONDENTS:

There are no assurances of confidentiality provided to the respondents for this information collection. 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:

There are no questions of a sensitive nature.

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

TABLE 1: NUMBER OF RESPONDENTS AND RESPONSES			
YEAR	ONLINE	PAPER	TOTAL
2001	3	4	7
2002	14	40	24
2003	24	3	27
2004	28	1	29
2005	80	0	80
2006	55	5	60
2007	78	5	83
2008	42	5	47
SUMMARY			357

$47 + 83 + 60 + 80 + 29 + 27 + 24 + 7 = 357/8 = 44.62$ or **45 avg number of respondents annually**

The Coast Guard Recreational Boating Product Assurance Branch receives an average of 45 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.

$45 \times .4 = 22.5$ **The total annual burden is estimated to be 23 hours.**

As a practical matter, there is no established number of respondents annually. The number of potential respondents is in the millions (in 2007, for example, 12,875,568 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.

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

There are no record keeping, capital, start-up or maintenance costs associated with this information collection.

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 45 reports will be submitted annually. The overall cost to the Federal Government is estimated to be \$553.05 annually

15. EXPLAIN REASONS FOR ANY PROGRAM CHANGES OR ADJUSTMENTS:

The existing burden estimate for the Boat Owner's Report - Possible Safety Defect is 13.2 hours annually. The requested burden is for 23 hours annually – an adjustment increase of 9.8 hours.

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:

USCG does not intend to employ the use of statistics or the publication thereof for this information collection.

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:

USCG will display the expiration date for OMB approval of this information collection.

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

The Coast Guard does not request an exception to the certification of this information collection.