

**Supporting Statement
for**

BOATING ACCIDENT REPORT

OMB CONTROL NO.: 1625-0003

COLLECTION INSTRUMENTS: INSTRUCTION, CG-3865 and CG-3865SP

A. Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

Title 46 USC 6102(a) requires a uniform marine casualty reporting system, with regulations prescribing casualties to be reported and the manner of reporting. The statute requires a State to compile and submit to the Secretary (delegated to the Coast Guard) reports, information, and statistics on casualties reported to the State. Implementing regulations are contained in Title 33, Code of Federal Regulations, Subchapter S - Boating Safety, Part 173 - Vessel Numbering And Casualty And Accident Reporting, Subpart C - Casualty and Accident Reporting, and Part 174 - State Numbering And Casualty Reporting Systems, Subpart C - Casualty Reporting System Requirements, and Subpart D - State reports.

The Federal regulations (33 CFR 173.55) require the operator of any vessel that is numbered or used for recreational purposes to submit an accident report to the State authority when:

- (1) A person dies; or
- (2) A person is injured and requires medical treatment beyond first aid; or
- (3) Damage to the vessel and other property totals \$2,000 or more, or there is a complete loss of the vessel; or
- (4) A person disappears from the vessel under circumstances that indicate death or injury.

The Coast Guard Boating Accident Report form (CG-3865, OMB control number 1625-0003) is the data collection instrument that ensures compliance with the implementing regulations and Title 46 USC 6102(b) that requires the Secretary to collect, analyze and publish reports, information, and statistics on marine casualties.

States are required to forward copies of the reports or electronically transmit accident report data to the Coast Guard within 30 days of their receipt of the report as prescribed by 33 CFR § 174.121 (Forwarding of casualty or accident reports). The accident report

data and statistical information obtained from the reports submitted by the State reporting authorities are used by the Coast Guard in the compilation of national recreational boating accident statistics.

2. By whom, how, and for what purpose the information is to be used.

Accident data and statistical information received from the current collection are used by the Coast Guard to: establish National Recreational Boating Safety (RBS) Program goals, objectives, strategies and performance measures; report RBS Program performance to Congress in the USCG FY Performance Report and Budget in Brief; identify possible manufacturer defects in boats or equipment; develop boat manufacturing standards; develop safe boating education and accident prevention programs; and to publish accident statistics in accordance with Title 46 USC 6102. Non-receipt of the data and information from the public would require unnecessary additional investigation by the Coast Guard and communications with the persons who are required to file accident reports in compliance with Title 33 CFR 173.55. Further, many accidents would remain unreported with potential safety hazards going undetected. This would not be in the best interest of the public, State boating authorities or the Coast Guard.

The Coast Guard uses the information collected for four main purposes: regulatory studies, non-regulatory studies, USCG Annual Report publication, and FOIA requests.

Examples of regulatory studies include a study to determine how many deaths and injuries could be prevented had the operator of a vessel worn a wireless lanyard. For this study, the Coast Guard focused on fields to determine the effectiveness of a lanyard including: accident description, prop strike, primary injury, cause of death, and accident type. Examples of non-regulatory studies include regional studies focused on topics such as nighttime boating or PFD wear rate on boat types, the latter of which required fields such as time of accident, day/night, accident type, type of boat, life jackets onboard, and life jackets accessible.

Every year the Boating Safety Division releases a statistics report on the prior year's accident data. The report presents abstracted data gathered from boating accident reports on four broad topics: causes of accidents, accident types, casualty information, and operator/passenger information.

Information is shared internally in the Coast Guard. The two most frequent requestors of data are the Boating Safety Division and the Office of Performance Measurement and Assessment. Both of these offices request abstracted data, usually the number of accidents, deaths, and injuries during a specific time period. The Boating Safety Division uses this information to assess our progress with the program. The Office of Performance Measurement and Assessment uses this information for Coast Guard publications, often in the form of quarterly reports or forecasts.

There are other offices within the Coast Guard that have requested abstracted data on a number of topics including the number of incidents where flares cause fires on

recreational boats, the number of accidents on salt vs. non-salt waters, and the number of accidents and casualties by Coast Guard District. These offices generally request data when prompted by a conference, publication, or media spotlight on a subject.

There are also requests from Coast Guard Auxiliarists for abstracted information or for a database of accident report data. Examples of abstracted information include the number of accidents, injuries, and deaths by state. Examples of a database request would be all accident data for the states in that Auxiliarist's region. In general, Auxiliarists request information in preparation for a media interview.

The Boating Safety Division shares information with a number of external organizations including the National Association of State Boating Law Administrators, an association of state marine authorities, the National Boating Safety Advisory Council, is the Congressionally-mandated council that oversees the Boating Safety Division's work, members from the marine and insurance industries, researchers, lawyers, recipients of non-profit grants, and the media.

If the Boating Safety Division receives permission to release data, information can be released in a number of ways depending on the scope of the request. Often times, databases, spreadsheets and documents are emailed. If they are too large, they are copied to a CD-ROM and mailed.

3. **Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection.**

There are two parts to the collection of data. Federal regulations are set up so that the public reports to the State and the State reports to the Coast Guard. The public can report by mail using CG-3685. 100% of the States report to the Coast Guard using an internet based system called the Boating Accident Report Database (BARD-Web).

BARD-Web supports the Coast Guard's implementation of a uniform vessel accident reporting system as required under Title 46 U.S.C, § 6102. Fully implementing BARD-Web reflects the Coast Guard's commitment to data sharing by enabling local / State / Territory law enforcement officers to collect and electronically transfer accident report data to one central location via an Internet connection and a Web browser. BARD-Web is located at <https://bard.cns-inc.com/> and enables: (1) State / local personnel to input casualty data at the accident scene; and (2) casualty data to be transformed into statistical information that is used to enhance the safety and security of the public using our nation's waterways.

4. **Efforts to identify duplication. Why similar information cannot be used.**

Under the authority of Title 46 U.S.C, the U.S. Coast Guard is the only federal agency that has been delegated the responsibility to collect, analyze, and annually publish statistical information obtained from recreational boat numbering and casualty reporting

systems. The accident report data and information captured by accident report forms are electronically submitted from State Boating Law Administrators in the fifty (50) States, five (5) U.S. Territories and the District of Columbia to the U.S. Coast Guard.

There are some land management agencies such as the National Park Service, U.S. Forest Service and Army Corps of Engineers that have their own accident reporting systems. The Coast Guard works with these agencies to share data.

5. **Methods to minimize the burden to small businesses if involved.**

This information collection does not have an impact on small businesses or other small entities. Form CG-3865 has been structured to require the minimum amount of information needed to accomplish statutory obligations and is filled out by individuals and/or State and local law enforcement officers.

6. **Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

If the accident data and statistical information is not collected using Coast Guard form CG-3865, the mandated statutory requirement and implementing Federal regulations will not be met resulting in an unacceptable level of risk to the boating public. Thus, national RBS Program effectiveness would be significantly diminished in our ability to mitigate the risks associated with recreational boating activity.

7. **Explain any special circumstances that would cause the information collection to be conducted in a manner inconsistent with 5 CFR 1320.5(d)(2):**

This information collection is conducted in a manner consistent with the guidelines in 5 CFR 1320.5(d)(2). The Coast Guard Boating Accident Report form is only filed upon the occurrence of a recreational boating accident that satisfies the Federal reporting requirements contained in Title 33 CFR 173.55.

8. **Outside consultation for this collection effort.**

A 60-Day Notice (See [USCG-2015-0629], July 31, 2015, 80 FR 45670) and 30-Day Notice (December 28, 2015, 80 FR 80785) were published in the Federal Register to obtain public comment on this collection. The Coast Guard has received five comments on this information collection.

Comment #1: Mark Brown: Mr. Brown is the Boating Law Administrator in Oklahoma. He suggests that before the Boating Accident Report (BAR) is updated, items incorporated in the proposed rulemaking on Accident Reporting be included. The BAR form is approved by OMB on a triennial basis, and that approval expires soon. We are seeking to renew the approval of the BAR form based on the current accident reporting requirements. The proposed rulemaking to which the commenter refers will likely

change the requirements for accident reporting if it is adopted. However, since the proposed rulemaking on Accident Reporting is still being developed and no final resolution has been determined, we cannot use any potential changes that the accident reporting rulemaking may propose. Therefore the BAR will remain as is. If the accident reporting rulemaking proposes changes to accident reporting requirements that will necessitate changes to the BAR form, those changes will be incorporated in the rulemaking and will be submitted to OMB for its approval.

Comment #2: Clifford Inn: Mr. Inn represents a State and enters data into the Boating Accident Report Database (BARD). He's suggesting adding an additional field under the existing ACCIDENT DETAILS to allow a field for the registration number of another vessel (the 2nd in an accident involving two vessels). Although, a good suggestion, it is our feeling that the BAR need not be changed at this time as there are other means when inserting into BARD to do what Mr. Inn suggests.

Comment #3: National Association of State Boating Law Administrators (NASBLA): NASBLA represents the recreational boating law officials in the 50 states and six territories. They claim that at this time, two factors limit their ability to respond to this Notice in a more comprehensive and meaningful way. Firstly, they claim that terminology may change depending on the results of a notice of proposed rulemaking on Accident Reporting. However, until the notice of proposed rulemaking is published and finalized, no changes will be made to the BAR as explained under COMMENT #1. The next iteration of the BAR may need changes if the rulemaking, when finalized, makes it appropriate. Secondly, they refer to another Federal Register notice (docket number USCG-2015-0753) dealing with the updating of the Boating Accident Manual (COMDTINST M16782.1). However, this ICR must go on, in spite of any problems the COMDTINST may encounter. They further state that commenting on this particular docket would not be particularly useful and might even be rendered obsolete by the time the Federal Register Notice regarding BAR form changes is issued. As such, no changes will be made to the BAR ICR as a result of these comments.

Comment #4: Connecticut Department of Energy & Environmental Protection: Connecticut supports an extension of the currently approved collection: 1625-0003, Boating Accident Report. However, they also feel the forms may need to be updated to ensure conformity with terminology and other changes to the casualty report content authorized in the final rule and consistent with COMDINST M16782.1. However, as stated in the response to NASBLA, the BAR will not be changed at this time.

Comment #5: Ohio Department of Natural Resources: Ohio's comments are consistent with those of the National Association of State Boating Law Administrators (ID: USCG-2015-0629-0004) and as such the comments above relative to NASBLA's submission apply to Ohio.

After considering all the above comments, no changes have been made to the collection for the reasons explained in the responses to the comments.

9. **Explain any decision to provide any payment or gift to respondents.**

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

10. **Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.**

There are no assurances of confidentiality provided to the respondents for this information collection. The system to store information has gone under the review of a Privacy Impact Assessment and is maintained and managed accordingly. Further, under Title 46, U.S.C. § 6102 (b), if a State marine casualty reporting system provides that information derived from casualty reports (except statistical information) may not be publicly disclosed, or otherwise prohibits use by the State or any person in any action or proceeding against a person, the Secretary may use the information provided by the State only in the same way that the State may use the information.

11. **Additional justification for any questions of a sensitive nature.**

There are no questions of sensitive language.

12. **Estimates of reporting and recordkeeping hour and cost burdens of the collection of information.**

The estimated number of respondents is 5,000. There is an estimated 30-minute burden to a respondent for each report filed for an annual estimated burden of 2,500 hours for the estimated 5,000 reports.

5,000 reports X .5 hours = 2,500 hours

13. **Estimates of annualized capital and start-up costs. (Do not include the cost of any hour burden shown in Items 12 and 14).**

The cost to the general public to mail a Coast Guard CG-3865 form in 2015 is \$.49. On an annual basis, the approximate cost to the general public to mail 5,000 forms to the appropriate State reporting authority as prescribed in Title 33 CFR 173 is \$2,450 (5,000 x \$.49).

14. **Cost to Federal Government.**

The estimated annualized cost to the Federal government to administer and maintain the fully implemented electronic National Boating Accident Report Database (BARD) System for the fifty (50) States, five (5) U.S. Territories and the District of Columbia is

approximately \$350,000. These costs include providing BARD System maintenance, help desk support, and implementing system enhancements in response to evolving/changing user requirements in the fifty (56) reporting jurisdictions.

15. **Explain the reasons for the change in burden.**

The change in burden is an ADJUSTMENT due to a change (i.e., decrease) in the estimated annual number of responses. The reporting and recordkeeping requirements, and methodology for calculating burden, remain unchanged.

16. **For collections of information whose results are planned to be published for statistical use, outline plans for tabulation, statistical analysis and publication.**

Reports are reviewed on an ongoing basis. Within five months of the end of the calendar year, the Coast Guard's annual Boating Statistics report (COMDTPUB P16754) will be published. The Boating Statistics publication is based on accident reports submitted to State reporting authorities that are entered into the BARD System. COMDTPUB P16754 provides general descriptive statistics about the causes and conditions of accidents, the types of accidents, operator/passenger information and casualty information.

17. Explain the reasons for seeking not to display the expiration date for OMB approval of the information collection.

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, "Certification for Paperwork Reduction Act Submission," of OMB 83-I.**

USCG does not request an exception to the certification of this information collection.