

**SUPPORTING STATEMENT
BOAT OWNER'S REPORT, POSSIBLE SAFETY DEFECT
OMB 1625-0071
COLLECTION INSTRUMENTS: Instruction, CG-5578**

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 41 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 has actually decreased over the past four years to an average of 41 for the last nine 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 nine 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 2014, for example, 11,804,002 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 **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.

In **2009** we received a total of **39 responses** to the Boat Owner's Report - Possible Safety Defect – two of which were hard copies of the form and 37 were filed electronically on the Boating Safety website. $37/39 = 95$ percent.

In **2010** we received a total of **49 responses** to the Boat Owner's Report - Possible Safety Defect – two of which were hard copies of the form and 35 were filed electronically on the Boating Safety website. $47/49 = 95$ percent.

In **2011** we received a total of **36 responses** to the Boat Owner's Report - Possible Safety Defect – one of which was a hard copy of the form and 35 were filed electronically on the Boating Safety website. $35/36 = 97$ percent.

In 2012 we received a total of **26 responses** to the Boat Owner's Report - Possible Safety Defect – all 26 were filed electronically on the Boating Safety website. $26/26 = 100$ percent.

In 2013 we received a total of **31 responses** to the Boat Owner's Report - Possible Safety Defect – all 31 were filed electronically on the Boating Safety website. $31/31 = 100$ percent.

In 2014 we received a total of **26 responses** to the Boat Owner's Report - Possible Safety Defect – all 26 were filed electronically on the Boating Safety website. $26/26 = 100$ percent.

$92 + 94 + 89 + 95 + 95 + 97 + 100 + 100 + 100 = 862/9 = 96$ percent of the responses to the Boat Owner's Report - Possible Safety Defect **were filed electronically during the period 2006 through 2014.**

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

This information is not collected in any other 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:

There are no special circumstances applicable to this information collection

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

A 60-Day Notice (See [USCG-2015-0635], October 2, 2015, 80 FR 59801) and 30-Day Notice (March 18, 2016, 81 FR 14868) were published in the Federal Register to obtain public comment on this collection. The Coast Guard has not received any comments on this information collection.

The CG-5578 form contains statements in accordance with the OMB regulations in 5 CFR 1320 about where respondents may submit comments about the accuracy of the burden estimates and their suggestions for reducing the burden. No comments have been received since OMB last approved this information collection in 2012.

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. Information concerning consumer complaints and how to file them appears on the Boating Safety website.

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:

2006	55 via website	5 forms	60 Total
2007	78 via website	5 forms	83 Total
2008	42 via website	5 forms	47 Total
2009	37 via website	2 forms	39 Total
2010	47 via website	2 forms	49 Total
2011	42 via website	1 form	47 Total
2012	26 via website	0 forms	26 Total
2013	31 via website	0 forms	31 Total
2014	26 via website	0 forms	26 Total

$60 + 83 + 47 + 39 + 49 + 47 + 26 + 31 + 26 = 408/9 = 41.3$ **avg number of respondents annually**

The Coast Guard Recreational Boating Product Assurance Branch receives an average of 41.3 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 (24 minutes) to complete the Boat Owner's Report - Possible Safety Defect report.

$41.3 \times .4 = 16.52$ **The total annual burden is estimated to be 16.5 hours.**

As a practical matter, there is no established number of respondents annually. The number of potential respondents is in the millions (in 2014, for example, 11,804,002 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

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\$12.29 per information collection. We estimate 41.3 reports will be submitted annually. The overall cost to the Federal Government is estimated to be \$507.58 annually.

15. EXPLAIN REASONS FOR ANY PROGRAM CHANGES OR ADJUSTMENTS:

The existing burden estimate for the Boat Owner's Report - Possible Safety Defect is 20.5 hours annually. The requested burden is for 16.5 hours annually – an adjustment decrease of 4 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:

The Coast Guard 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:

The Boat Owners Report – Possible Safety Defect displays the expiration date. The Recreational Boating Product Assurance Branch will revise the collection to reflect the revised expiration date once the collection is re-approved.

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.

TITLE 46, U.S. CODE

Sec. 4310. - Repair and replacement of defects

(a) In this section, “associated equipment” includes only items or classes of associated equipment that the Secretary shall prescribe by regulation after deciding that the application of the requirements of this section to those items or classes of associated equipment is reasonable and in furtherance of this chapter.

(b) If a recreational vessel or associated equipment has left the place of manufacture and the recreational vessel manufacturer discovers or acquires information that the manufacturer decides, in the exercise of reasonable and prudent judgment, indicates that a recreational vessel or associated equipment subject to an applicable regulation prescribed under section [4302](#) of this title either fails to comply with the regulation, or contains a defect that creates a substantial risk of personal injury to the public, the manufacturer shall provide notification of the defect or failure of compliance as provided by subsections (c) and (d) of this section within a reasonable time after the manufacturer has discovered the defect.

(c)

(1) The notification required by subsection (b) of this section shall be given to the following persons in the following manner:

(A) by first class mail or by certified mail to the first purchaser for other than resale, except that the requirement for notification of the first purchaser shall be satisfied if the recreational vessel manufacturer exercises reasonable diligence in establishing and maintaining a list of those purchasers and their current addresses, and sends the required notice to each person on that list at the address appearing on the list.

(B) by first class mail or by certified mail to subsequent purchasers if known to the manufacturer.

(C) by first class mail or by certified mail or other more expeditious means to the dealers and distributors of the recreational vessels or associated equipment.

(2) The notification required by subsection (b) of this section is required to be given only for a defect or failure of compliance discovered by the recreational vessel manufacturer within a reasonable time after the manufacturer has discovered the defect or failure, except that the manufacturer’s duty of notification under paragraph (1)(A) and (B) of this subsection applies only to a defect or failure of compliance discovered by the manufacturer within one of the following appropriate periods:

(A) if a recreational vessel or associated equipment required by regulation to have a date of certification affixed, 10 years from the date of certification.

(B) if a recreational vessel or associated equipment not required by regulation to have a date of certification affixed, 10 years from the date of manufacture.

(d) The notification required by subsection (b) of this section shall contain a clear description of the defect or failure to comply, an evaluation of the hazard reasonably related to the defect or failure, a statement of the measures to correct the defect or failure, and an undertaking by the recreational vessel manufacturer to take those measures only at the manufacturer’s cost and expense.

(e) Each recreational vessel manufacturer shall provide the Secretary with a copy of all notices, bulletins, and other communications to dealers and distributors of that manufacturer, and to purchasers of recreational vessels or associated equipment of that manufacturer, about a defect related to safety in the recreational vessels or associated equipment, and any failure to comply with the regulation or order applicable to the recreational vessels or associated equipment. The Secretary may publish or otherwise disclose to the public information in the notices or other information the Secretary has that the Secretary considers will assist in carrying out this chapter. However, the Secretary may disclose any information that contains or relates to a trade secret only if the Secretary decides that the information is necessary to carry out this chapter.

(f) If, through testing, inspection, investigation, or examination of reports, the Secretary decides that a recreational vessel or associated equipment to which this chapter applies contains a defect related to safety or fails to comply with an applicable regulation prescribed under this chapter and notification under this chapter is appropriate, the Secretary shall notify the recreational vessel manufacturer of the defect or failure. The notice shall contain the findings of the Secretary and shall include a synopsis of the information on which they are based. The manufacturer may then provide the notification required by this chapter to the persons designated in this chapter or dispute the Secretary’s decision. If disputed, the Secretary shall provide the manufacturer with an opportunity to present views and establish that there is no such defect or failure. When the Secretary considers it to be in the public interest, the Secretary may publish notice of the proceeding in the Federal Register and provide interested persons, including the National Boating Safety Advisory Council, with an opportunity to comment. If, after presentation by the manufacturer, the Secretary decides that the recreational vessel or associated equipment contains a defect related to safety or fails to comply with an applicable regulation, the Secretary may direct the manufacturer to provide the notifications specified in this chapter.

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(g) The Secretary may prescribe regulations to carry out this section, including the establishment of procedures that require dealers and distributors to assist manufacturers in obtaining information required by this section. A regulation prescribed under this subsection does not relieve a manufacturer of any obligation imposed by this section.

The screenshot shows a web browser window titled "Consumer Safety Defect Report - Windows Internet Explorer provided by U.S. Coast Guard". The address bar shows the URL "http://uscgboating.org/php-contact-form/consumer-safety-defect-report.php". The page header includes the "BOAT Responsibly" logo and the text "MANUFACTURERS | RECREATIONAL BOATERS | BOATING SAFETY PARTNERS". A navigation menu contains links for ABOUT, REGULATIONS, SAFETY, RECALLS & SAFETY DEFECTS, MULTIMEDIA, STATISTICS, NBSAC, and GRANTS. The main heading is "CONSUMER SAFETY DEFECT REPORT".

Below the heading, a text block states: "You may use this online form to report a possible safety defect for a boat or related equipment that is less than 10 years old." The form is divided into three main sections:

- Owner Information:** Includes fields for First Name, Middle Initial, Last Name, Phone, Office Phone, Address 1, Address 2, City, State (a dropdown menu), Zip Code, and Email.
- Boat Information:** Includes a field for Manufacturer Name.
- Media & Marketing Materials:** A section for press and advocates with a search button.
- Photo Library:** A section for a photo resource tool with a search button.
- Video Library:** A section for a video resource tool with a search button.

The Windows taskbar at the bottom shows the Start button, several application icons, and the system tray with the date and time: 11:34 AM, 5/27/2015.