

**SUPPORTING STATEMENT
BOAT OWNER'S REPORT, POSSIBLE SAFETY DEFECT
OMB 1625-0071
COLLECTION INSTRUMENTS: CG Form-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 (<http://uscgboating.org/php-contact-form/consumer-safety-defect-report.php>); (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 30.1 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://uscgboating.org/php-contact-form/consumer-safety-defect-report.php>)) or a hard copy paper form -- no hard copy forms have been received in the past five years for an average of 99 percent submitted digital forms over 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 (<http://uscgboating.org/php-contact-form/consumer-safety-defect-report.php>) 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 2016, for example, 11,900,000 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.

Over the last nine years, 2009 – 2017, on average the analyst receives 30.1 Boat Owner's Report - Possible Safety Defect forms. These forms are electronically placed in an electronic folder in chronological order. Any manually completed/submitted form(s) is scanned and downloaded to the Boat Owner's Report - Possible Safety Defect electronic file folder. These forms are easily accessible and are searchable through keyword search, i.e. manufacturer, boat model, and identified defect.

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.

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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.

In **2015** we received a total of **22 responses** to the Boat Owner's Report - Possible Safety Defect – all 22 were filed electronically on the Boating Safety website. 22/22 = 100 percent.

In **2016** we received a total of **20 responses** to the Boat Owner's Report - Possible Safety Defect – all 20 were filed electronically on the Boating Safety website. 20/20 = 100 percent.

In **2017** we received a total of **22 responses** to the Boat Owner's Report - Possible Safety Defect – all 22 were filed electronically on the Boating Safety website. 22/22 = 100 percent.

$95 + 95 + 97 + 100 + 100 + 100 + 100 + 100 + 100 = 887/9 = 99$ percent of the **responses** to the Boat Owner's Report - Possible Safety Defect were filed electronically during the period 2009 through 2017.

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-2018-0498], February 21, 2019, 84 FR 5459) and 30-Day Notice (May 3, 2019, 84 FR 19097) were published in the Federal Register to obtain public comment on this collection. The Coast Guard received two comments on this information collection. As a result, a second 30-Day Notice was published (October 11, 2019, 84 FR 54914) to address the public comments that were received and to solicit comments on the changes that were made to the information collection request in response to the comments.

The first commenter noted that there is a workgroup developing recommendations for improving recreational boating incident reporting and opening communication between the Coast Guard and all levels of enforcement. The commenter noted that the current form requires the owner of the vessel to fill out the form and submit it to the Coast Guard, but there is no efficient way for the states to require recreational boat owners who are unwilling or unable to submit the safety defect report to the Coast Guard. The Coast Guard supports allowing additional entities to report safety defects, and proposes to change the name of the report from “Consumer Safety Defect Report” to “Recreational Boat Safety Defect Report”. The respondents for this new form will expand from receiving information from consumers (boat owners) to receiving information from any source, including boat owners, law enforcement, marine investigators, boat manufacturers, and the public. We will change the “who is reporting” section of the form to include places or names, addresses, and contact info for a company or agency and add check boxes for these additional sources to identify themselves as on the report, such as owner, manufacturer, law enforcement officer, investigator, and other. We will also collect vessel type, hull material, propulsion type, engine drive type and fuel using the 33 CFR 173/174 terms for those categories.

The second commenter said that the reporting form should not have negative financial impacts on small business, service providers, or individuals and that someone should compensate these entities for their research. The commenter also noted that associated equipment can be dangerous to owners and operators. We agree that defective equipment is dangerous to vessel owners and operators. The purpose of submitting a safety defect report to the Coast Guard is so that the Coast Guard can look into the accuracy of the report and advise manufacturers in repairing defects in their equipment before they

become catastrophic defects. The Safety Defect Report is not intended to cause negative financial impact on those entities. Safety defect reporting advances our maritime safety missions by asking vessel operators, and other entities, to report any suspected safety defects to the Coast Guard. The commenter did not give any suggestions on how to improve the collection of information or the form. No changes to this collection have been made at this time as a result of the second comment.

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. This information collection request is covered by the Marine Information for Safety and Law Enforcement (MISLE) Privacy Impact Assessment (PIA) and System of Records Notice (SORN). Links to the MISLE PIA and SORN are provided below:

- https://www.dhs.gov/sites/default/files/publications/privacy_pia_uscg_misle.pdf
- <https://www.gpo.gov/fdsys/pkg/FR-2009-06-25/html/E9-14906.htm>

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:

2009	37 via website	2 forms	39 Total
2010	47 via website	2 forms	49 Total
2011	35 via website	1 form	36 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
2015	22 via website	0 forms	22 Total
2016	20 via website	0 forms	20 Total
2017	22 via website	0 forms	22 Total

$39 + 49 + 36 + 26 + 31 + 26 + 22 + 20 + 22 = 271/9 = 30.1$ **avg number of respondents annually**

The Coast Guard Recreational Boating Product Assurance Branch receives an average of 30.1 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.

$30.1 \times .4 = 12.04$ **The total annual burden is estimated to be 12.04 hours.**

As a practical matter, there is no established number of respondents annually. The number of potential respondents is in the millions (in 2016, for example, 11,900,000 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

\$12.50 per information collection. We estimate 30.1 reports will be submitted annually. The overall cost to the Federal Government is estimated to be \$376.25 annually.

15. EXPLAIN REASONS FOR ANY PROGRAM CHANGES OR ADJUSTMENTS:

The existing burden estimate for the Boat Owner's Report - Possible Safety Defect is 17.65 hours annually (2015). The current requested burden is 12.04 hours annually (2018) – an adjustment decrease of 5.61 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.