

SUPPORTING STATEMENT FOR
Coast Guard Boating Accident Report Form
OMB Control No.: 1625-0003
COLLECTION INSTRUMENT(S): CG-3865

A. Justification

1) Circumstances which make the collection of information necessary.

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) Purpose of the information collection.

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 quarterly performance reports; 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, primary injury, cause of death, and accident type. An example a non-regulatory study include a focus on out-of-state boating which took into account the accident location and operator's state of residences.

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 Program Analysis and Evaluation. 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 Program Analysis and Evaluation uses this information to fulfill DHS reporting requirements, 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, 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. Examples of abstracted information include the number of accidents, injuries, and deaths by state. 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, 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 usually transmitted via a large file transfer website.

3) Considerations of the use of improved technology.

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 or email using CG-3685. 100% of the States report to the Coast Guard using an internet based system called the Boating Accident Report Database (BARD).

BARD 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 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 is located at <https://bard.knightpoint.systems/bard/> 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.

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 used to minimize the burdens to small business if involved.

There are no small businesses or other small entities involved in the collection of Federal Boating Accident Report forms. 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) Consequences to the Federal program or policy if collection were conducted less frequently.

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) Special collection circumstances.

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) Consultation.

A 60-day Notice was published in the Federal Register to obtain public comment on this collection (See [USCG-2021-0629]; August 30, 2021, 86 FR 48434) and 30-Day Notice (December 6, 2021, 86 FR 69064) 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.

9) Provide any payment or gift to respondents.

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

10) Assurances of confidentiality provided to respondents.

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 sensitive questions in the current information collection.

12) Burden Hour and Annualized Cost Estimates.

There are two burdens associated with this collection of information.

The first burden is on the public to report the accident to the State. The estimated number of respondents from the public is 700 annually, which is based on the number of reports sourced from a boating accident report form, as identified in the Coast Guard's BARD system. Please note that this number is an estimate, as the source of information is not a required data field in the BARD system.

There is an estimated 30-minute burden to a respondent for each report filed for an annual estimated burden of 350 hours.

$700 \text{ reports} * .5 \text{ hours} = 350 \text{ hours}$

The average hourly wage rate is \$27.07, which reflects the average hourly wage of all occupations in the May 2020 edition of the U.S. Bureau of Labor Statistics' National Occupational Employment and Wage Estimates, [https://www.bls.gov/oes/current/oes_nat.htm#\(4\)](https://www.bls.gov/oes/current/oes_nat.htm#(4))

The total annual cost of this data collection on the public therefore is \$9,474.50.

$350 \text{ hours} * \$27.07 \text{ per hour} = \$9,474.50$

The second burden is on the State to report the accident to the Coast Guard using the Coast Guard's BARD system. The estimated number of respondents is 56, which represent the 50 States, District of Columbia, and five territories (American Samoa, Puerto Rico, U.S. Virgin Islands, Guam, and Northern Mariana Islands) that report to the Coast Guard.

The average number of responses per respondent is 90 reports. Please note that the number of responses varies by jurisdiction; in any given year, one jurisdiction could have 500 reports and another could have 0; 90 is an average.

The average burden per response is 2 hours. Please note that this number varies by severity of accident; it is expected that a fatal accident will require more follow-up than an accident that solely involves property damage.

The hourly burden is 10,080 hours.

$56 \text{ respondents} * 90 \text{ reports per respondent} * 2 \text{ hours per response} = 10,080 \text{ hours}$

The average hourly wage rate of a Fish and Game Warden is \$27.79, according to the May 2020 edition of the U.S. Bureau of Labor Statistics' National Occupational Employment and Wage Estimates, [https://www.bls.gov/oes/current/oes_nat.htm#\(4\)](https://www.bls.gov/oes/current/oes_nat.htm#(4))

The total annual cost of this data collection on the State therefore is \$280,123.20.

10,080 hours * \$27.79 per hour = \$280,123.20

Type of Respondent	Form Name / Form Number	No. of Respondents	No. of Responses per Respondent	Avg. Burden per Response (in hours)	Total Annual Burden (in hours)	Avg. Hourly Wage Rate	Total Annual Respondent Cost
Public	CGHQ-3865	700	1	.50	350	\$27.07	\$9,474.50
State	BARD	56	90	2	10,080	\$27.79	\$280,123.20
Total		5,740			10,430		\$289,597.70

- 13) Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. (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 2021 is \$.58. On an annual basis, the approximate cost to the general public to mail 700 forms to the appropriate State reporting authority as prescribed in Title 33 CFR 173 is \$406.00 (700 * \$.58).

- 14) Estimates of annualized cost to the Federal Government.

The estimated annualized cost to the Federal government to administer and maintain the fully implemented electronic Boating Accident Report Database (BARD) System for the fifty (50) States, five (5) U.S. Territories and the District of Columbia is approximately \$300,000. These costs include providing BARD System maintenance and help desk support for the fifty-six (56) reporting jurisdictions.

The estimated cost for Coast Guard staff members to review State responses is \$29,200. The calculation is based on the number of responses (5,040), the time taken to review each response (estimation of 7.5 minutes), and the average wage of a statistician according to the May 2020 edition of the U.S. Bureau of Labor Statistics' National Occupational Employment and Wage Estimates, [\(4\)](https://www.bls.gov/oes/current/oes_nat.htm#(4))

5,040 responses x 0.125 hrs to review each response x \$46.72 average wage of a Statistician = \$29,433.60.

- 15) Reasons for change in the burden.

There are a number of changes in the burden with respect to respondent type, number of respondents, wage calculation, and postage calculation.

The previous burden only focused on the public burden, while this renewal provides burden estimates for both the public and the State.

The public burden estimate reflects changes with regards to the number of respondents, wage calculation, and postage calculation. The number of respondents has been reduced from 5,000 to 700. The wage has been added, and the cost of postage has increased.

The previous cost burden to the public was \$2,450 which only took into account the cost of postage to mail the form; with these revisions, the cost burden to the public is \$9,880.50 which takes into account a reduced number of respondents, the respondent's cost to fill out the form, and the postage to mail the form.

The Coast Guard has added an estimated burden on the State to collect information on boating accidents. The burden for the State had not been previously reported; it is \$280,123.20.

16) Plans for tabulation, statistical analysis and publication.

Reports are reviewed on an ongoing basis. Prior to summer, the Coast Guard's annual Recreational 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) Approval for not explaining the expiration date for OMB approval.

It is appropriate to display the expiration date for OMB approval for this recurring information collection.

18) Explain each exception to the certification statement.

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