

**COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA FISH AND BOAT COMMISSION**

**MINUTES FOR
THE BOATING ADVISORY BOARD MEETING**

**Monday, June 10, 2024
9:00 a.m.
Harrisburg, Pennsylvania**

Members

Chair Rocco Ali
Vice Chair Steven Ketterer
Scott Ballantyne
Loren Lustig
Elizabeth Winand

Members Ex Officio

Timothy D. Schaeffer, Executive Director
Paul W. Littman, Director of Boating, Secretary to the Board
Ryan Dysinger for Cindy Adams Dunn, Secretary for the
Department of Conservation and Natural Resources

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I. Call to Order, Welcome, and Roll Call

The meeting was called to order by Chair Rocco Ali at 9:00 a.m. at the Pennsylvania Fish and Boat Commission's (Commission) Harrisburg Headquarters. Board members in attendance included Chair Rocco Ali, Vice Chair Steven Ketterer, Loren Lustig, Elizabeth Winand, Timothy Schaeffer, Paul Littman, and Ryan Dysinger. A quorum was present.

In addition to the members of the Board, the following Commission staff were present: Renae Kluk Kiehl, Chief Counsel; Laurel Anders, Senior Executive Advisor; Mark McLaughlin, Chief of Waterways and Marina Management; Mark Morrison, Statewide Public Access Program Manager; Mike Parker, Director of Communications; Tanyan Carnes, Administrative Officer for Bureau of Boating; Adam Spangler, Boating Safety Education Specialist; Jeff Sabo, Colonel for Bureau of Law Enforcement; Tom Edwards, Lieutenant Colonel for Bureau of Law Enforcement; Bob Caccese, Director of Policy, Planning and Communications; Sean Gimble, Executive Policy Specialist; Janelle Howard, Digital Director; Maria Flynn, Administrative Officer for Office of Chief Counsel.

II. Introduction of Guests

Guests included: Rick Taylor, U.S. Coast Guard (USCG) Auxiliary State Liaison Officer; and Louise Lustig, private citizen.

III. Review and Approval of Minutes from February 2024 Meeting

A motion was made to approve the February 2024 meeting minutes by Steven Ketterer and seconded by Loren Lustig. The motion carried.

IV. Public Comment

No public comment.

V. Old Business

No old business.

VI. New Business

A. Amendments to 58 Pa. Code Chapter 95 (Manufacturer Installed Equipment).

Commentary:

The engine cut-off switch (ECOS) is an important tool to prevent unnecessary death and disfigurement caused by a recreational boat operator being unexpectedly displaced from the boat and then struck by the boat's propeller. The ECOS lanyard connects the vessel operator to a switch that shuts off the engine if the operator is displaced from the boat. The lanyard can be looped around the operator's wrist or clipped to a life jacket or clothing. Wireless versions are also available, doing away with the physical tether and

allowing the operator a little more flexibility to roam. 58 Pa. Code § 109.3(c) (relating to personal watercraft) currently requires a person operating a personal watercraft equipped by the manufacturer with a lanyard type ECOS to attach it to their person, clothing or personal flotation device.

Effective April 1, 2021, [46 U.S. Code § 4312](#) requires operators of certain motorized recreational vessels to use an engine cut-off switch when operating at greater than displacement speed. The federal law, enforced by the U.S. Coast Guard (USCG), applies to operators of all personal watercraft and recreational boats less than 26 feet with motors capable of developing 115 pounds or more of static thrust (approximately 3 horsepower). Boats not equipped by the manufacturer with an engine cut-off switch are exempt, but federal regulations require all boats manufactured beginning January 1, 2020, to have an engine cut-off switch installed. The federal regulation also does not apply to operators of vessels with a main helm inside an enclosed cabin. The law does not require operators to have the lanyard attached when the vessel is idling or performing docking maneuvers.

The Pennsylvania Fish and Boat Commission is encouraged to align its laws, rules and regulations to federal law, to the fullest extent practicable, per the Cooperative Agreement for Recreational Boating Safety with the USCG.

Therefore, staff propose adding to 58 Pa. Code Chapter 95:

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§ 95.10. Engine Cut-Off Switch

The operator of a boat less than 26 feet in length equipped with an engine cut-off switch shall use the engine cut-off switch when the boat is operated at greater than slow no-wake speed. The use of an engine cut-off switch shall not be required when the operator is in a fully enclosed cabin of a boat.

Briefer:

Paul Littman, Director of Boating

Action:

A motion was made by Steven Ketterer and seconded by Elizabeth Winand to recommend this amendment to the Commission. The motion carried.

B. Amendments to 58 Pa. code Chapter 99a (Capacity Plates).

Commentary:

Prior to January 1, 2013, the Pennsylvania Fish and Boat Commission (Commission) issued capacity plates, upon request, for certain boats that were operated or offered for sale within the Commonwealth. During an audit of the Commission's Recreational Boating Safety Program in 2011, the U.S. Coast Guard (USCG) identified this practice as a violation of federal regulations and directed the Commission to stop issuing the plates.

In response to this direction, the Commission removed the entirety of Chapter 99 of its regulations pertaining to capacity plates. At the time, this decision was thought to be the best way to handle the issue. However, in August 2018, it was determined that the best change would have been to remove only those sections dealing with the Commission's issuance of capacity plates and not to remove other sections that extended the federal standard to Commonwealth waters. The Commission reinstated and amended certain sections of the former regulation.

Commission staff have again consulted with the USCG and have been advised that federal capacity plate requirements apply to manufacturers and are enforced by the USCG. It is unnecessary for the Commission to promulgate regulations regarding capacity plate requirements, therefore §99a (relating to capacity plates) can be deleted.

Commission staff propose that Chapter 99a be amended as follows:

[§ 99a.1. Boats requiring capacity plates.

(a) A capacity plate must be permanently affixed to a monohull boat less than 20 feet in length designed to carry two or more persons and propelled by machinery or oars as its principal source of power if one of the following applies:

(1) The boat is manufactured, transferred, sold, or offered for sale in this Commonwealth.

(2) The boat is operated on waters in this Commonwealth.

(b) Sailboats, canoes, kayaks, and inflatable boats are exempt from this chapter.

(c) As used in this chapter, "manufacture" means to construct or assemble a boat or alter a boat in a manner that changes its weight carrying capacity.

§ 99a.2. Information required.

The capacity plate must contain the following information:

(1) For boats designed for or represented by the manufacturer as being suitable for use with outboard motors, all of the following:

(i) The total weight of persons, motor, gear, and other articles placed aboard which the boat is capable of carrying safely under normal conditions.

(ii) The recommended number of persons consistent with the weight capacity of the boat and the presumed weight in pounds of those persons. The presumed weight per person may not be less than 150 pounds.

(iii) The maximum horsepower of the motor that the boat is designed or intended to accommodate.

(2) For other boats to which the requirement applies, all of the following:

(i) The total weight of persons, gear, and other articles placed aboard which the boat is capable of carrying safely under normal conditions.

(ii) The recommended number of persons consistent with the weight capacity of the boat and the presumed weight in pounds of those persons. The presumed weight per person may not be less than 150 pounds.

§ 99a.3. Replacement plates.

If the manufacturer did not affix a plate, a plate is damaged to the point of being not discernable or a plate is removed, the owner of the boat shall make application to the manufacturer for a replacement.

§ 99a.4. Prohibited acts.

(a) A person may not tamper with or remove a capacity plate or any of the information shown.

(b) A person may not sell or otherwise transfer ownership of a boat subject to this chapter that does not comply with this chapter.

(c) A person may not operate a boat displaying an illegible capacity plate. Owners of these boats shall apply for a replacement plate as provided in § 99a.3 (relating to replacement plates).

(d) A person may not operate a boat for which a capacity plate is required unless the boat displays the capacity plate.

- (e) A manufacturer, dealer or other person may not offer a boat for sale for which a capacity plate is required unless a capacity plate is properly affixed.]**

Briefer:

Paul Littman, Director of Boating

Action:

A motion was made by Loren Lustig and seconded by Steven Ketterer to recommend this amendment to the Commission. The motion carried.

VII. Other Business

Bob Caccese provided an update regarding Senate Bill 976, sponsored by Senator Lindsey Williams. This bill would amend Title 30 Pa.C.S. § 5103 and is focused on boating safety education for more modern watercraft coming on the market. Currently, boating safety education and the carriage of certificates are required for certain boaters. Within the section, there are exemptions where a boating safety education certificate is not required, such as the operators of boats powered by electric motors or by internal combustion motors of 25 horsepower or less. In today's market, more watercraft are becoming available that use electric motors, some of which are high speed. This bill would remove the electric motor exemption, allowing the Commission to promulgate regulations for those newer watercrafts, like efoils and jetboards, to be considered personal watercraft and ensure boating safety requirements are in place. This would include boating safety education, lifejacket wear requirement, no operation at night, etc. This bill will also update language relating to how boating safety education materials are distributed, including more modern use of digital and online options. The Senate Game and Fisheries Committee is holding a meeting on June 11, 2024, to vote on this bill. If it passes out of committee, it will require two more days of consideration in the Senate, including a final vote. If passed, it would go to the House for the same process, and eventually the Governor's desk.

VIII. Discussion Items

A. Boating Facility Grant Program Status Update (Mark Morrison)

Mark Morrison presented an update on the 2024 grant awards. The Commission received 2024 grant applications from September 6, 2023, through December 30, 2023. The Commission received a total of 19 applications. The review team, consisting of staff from the bureaus of Boating, Engineering, Law Enforcement, Fisheries, and the Executive Office, scored the applications in January and February and recommended 13 of the applications for funding. Eight of the recommended projects requested \$100,000 or less, and were reviewed and approved by the Executive Director. The remaining five projects requested more than \$100,000 and were presented at the April Commission meeting and received board approval. The cooperative agreements circulate for internal and external signatures from approximately May through August. The fully executed cooperative agreements and award letters are typically

sent to the grant recipients in August and September. The 2024 grant project completion deadline is December 31, 2026. The projects are reimbursed after the work is completed. The construction projects have a 23-year maintenance and operation term after completion.

The total project costs for the 13 grants this year is \$11,351,984, and the total portion awarded through the Boating Facility Grant program for these projects is \$1,693,600. In the Delaware River Watershed, the Commission is administering a \$1,000,000 grant from the National Fish and Wildlife Foundation for this grant round. The Commission is grateful for this financial support which allowed the Commission to fund a greater number of projects in the Delaware River Watershed

B. National Safe Boating Week Update (Mike Parker)

Mike Parker presented the Commission's marketing, communications and outreach efforts surrounding National Safe Boating Week (NSBW), May 18 through May 24, 2024. Commissioners and staff from across the agency participate in NSBW, making it a team effort. This year, NSBW was front and center on the Commission's website, fishandboat.com, showing events happening statewide. This information was also published in the *Angler and Boater* magazine. Staff launched a digital media campaign to reach people through social media where safe boating ads populated FaceBook, Reels, TikTok, and Instagram feeds promoting boating safety awareness and life jacket wear. Emails were sent to our boating customers notifying them of events during NSBW and general boating safety information.

The day before NSBW, Commission staff participated in the Pennsylvania Outdoor Writers Association (POWA) annual spring conference at Frances Slocum State Park in Luzerne County. Tim Schaeffer (Executive Director), Paul Littman (Boating Director), Mike Parker (Communications Director), Brian Bendock (Northeast Sergeant), and Jeremy Yohe (Waterways Conservation Officer) held a question-and-answer session with approximately 25 outdoor writers. Commission staff demonstrated how inflatable life jackets work, talked about detecting impaired boaters, and displayed a new patrol boat. The Commission is a longtime member of POWA and appreciates how the association helps to get the word out about the Commission's programs and initiatives throughout the year.

The Commission held a news conference on May 20, 2024, at the Fort Hunter Access along the Susquehanna River near Harrisburg. Mark Sweppenhiser (Waterways Conservation Officer) and Paul Littman spoke about boating safety. Video and soundbites were shared from this news conference with media statewide. Along with paid media advertisements through the Bureau of Outreach, Education, and Marketing (BOEM), the Communications office works with media statewide to distribute safe boating information and seek story placements on TV, radio, and newspapers in all media markets in PA. Rachael Hersh (Regional Outreach and Education Coordinator) appeared on ABC 27's "Good Day PA" on Monday, May 20.

Kailee Glock (Legislative Liaison) assisted with scheduling public service announcement video recordings with 30 state legislators. These videos were produced and provided to the legislators as content to use on their social media platforms and e-newsletters to constituents.

C. DICK'S Sporting Goods Outdoor University Engagement (Paul Littman)

The Commission is spearheading a national effort to improve the quality of the education that retailers give to purchasers of paddlecraft (e.g. kayaks, canoes, standup paddleboards, etc.). As paddlesports have grown in popularity in recent years, so has the fatality rate of those using paddlecraft. Nationally, the percentage of canoe/kayak-related deaths has grown from 18% in 2009 to 24% in 2023. That's an increase of 33%. By comparison, most other types of boats have seen their proportion of total deaths remain the same or decrease. In 2023, 83% of fatalities in the Commonwealth were on paddlecraft. The safe use of paddlecraft takes practice and experience. New and inexperienced paddlers are at the greatest risk. The largest single contributing factor while using paddlecraft is operator inexperience. Nationally, 75% of all reported paddlecraft incidents involve paddlers with less than 100 hours of experience and 45% of all reported paddlecraft incidents involve paddlers with less than 10 hours of experience. The Commission and other boating safety agencies from across the nation have an interest in getting safety information to new paddlecraft purchasers.

Kayaking participation in the United States grew 87% between 2010 and 2021. Currently, over 1 million new kayaks are placed into service annually and nearly 20 million Americans went kayaking at least once in 2023. Recreational kayaking is by far the most popular form of kayaking, making up just over 71% of all participants surveyed in 2021. It has nearly equal participation among men (51%) and women (49%). Only 23% of recreational kayaking participants have considered formal training to further their skills.

Generally, paddlecraft are purchased at local kayaking specialty shops (e.g., Blue Mountain Outfitters), large sporting-oriented retailers (e.g., DICK'S, Bass Pro, Cabela's), convenience retailers (e.g., Wal-Mart, Costco, local gas stations), online, or private purchases.

National boating safety organizations have been approaching large retailers for years. For example, the National Association of State Boating Law Administrators (NASBLA), American Canoe Association (ACA), Life Jacket Association, BoatU.S. Foundation, and Water Sports Foundation coordinated on a letter sent in 2020 to more than 40 corporate employees and board members of the largest sporting goods and big box retailers. This included safety information and an offer to train managers. It received no response.

Since DICK'S Sporting Goods is headquartered in Pennsylvania, the Commission reached out to a contact we were given in March of 2024. After breaking the ice with our initial conversation, the Commission was referred to the Operations/Training staff who indicated that DICK'S is interested in establishing itself as an expert retailer, where sales staff get experience with the gear they sell. Commission staff stressed the value of providing information and expertise both to their sales staff, and to management. DICK'S invited the Commission to have a booth at their staff-only Outdoor University, where staff are trained in the sports that they sell and get experience using a variety of equipment. The event was held from May 13 - 14, 2024, at Seven Springs Resort in southwestern Pennsylvania. We invited representatives of the Water Sports Foundation, NASBLA, Paddlesports Trade Coalition, ACA, and the National Safe Boating Council to participate in the event. The common goal among these organizations is to help retail managers and salespeople to better understand and communicate state laws and regulations,

equipment and permit requirements, value of completing a boating safety education course, recommended practices (e.g., wearing a life jacket, having a float plan, way to communicate, etc.), and how to operate the equipment.

NASBLA has a dashboard with boating requirements and other information organized by state. The Commission initiated contact with NASBLA to facilitate DICK'S Sporting Goods access to this dashboard. Now, they will be able to offer this information to their salespeople and to online customers within their website. We also distributed a flyer with the QR code for the NASBLA Dashboard. The Water Sports Foundation provided significant logistical support, including sourcing and layout of materials, video clips for display, incentives, and communications. Through the American Canoe Association (ACA), we offered a paddlecraft safety course to all staff members. The ACA also offered to provide a custom online, evidence-based paddling safety course to DICK'S Sporting Goods employees via Zoom, and to make a supporting handbook, PowerPoint, and instructor guide available to their staff. They also provided promotional and educational materials. Through the U.S. Coast Guard, we offered the *Be Smart, Be Safe, Have Fun* safety pamphlet. We encourage placing this on every paddlecraft sold. U.S. Coast Guard also printed reflective "If Found" decals for lost or missing paddlecraft. Through the National Safe Boating Council, we offered several safety decals. They also provided supplies for future events. The Commission offered whistles which comply with state requirements.

This engagement is a significant development, but it is a first step. We are appreciative of the openness that DICK'S Sporting Goods has shown. The Commission, with our national partners, is continuing to develop material for future events or for events with other large retailers that ultimately provide value to their customers. We are collaborating on a template to engage with more paddlecraft retailers. The Commission and the boating safety community believe this cooperation will reduce fatality rates and increase user satisfaction.

IX. Adjourn

A motion to adjourn was made by Loren Lustig and seconded by Steven Ketterer. The motion carried and the meeting was adjourned at 11:09 A.M.