

**REPORT OF THE
STANDING COMMITTEE ON RECREATIONAL BOATING**

Agenda

1. Opening Remarks (John Murray, TC and John Gullick, CPS).
2. Adoption of Minutes.
3. Introduction of Agenda (John Murray, TC).
4. Working Group Reports:
 - Working Group on Navigable Waters Protection Program (Al Robertson, TC).
 - Working Group on Pyrotechnics (John Murray, TC).
 - Working Group on Pleasure Craft Construction (Luc Tremblay, TC).
5. Update on the Operator Competency Program (Krista Kendall, TC).
6. Update on the Vessel Operation Restriction Regulations (Michele Rae, TC).
7. Update on the Office of Boating Safety (John Murray, TC):
 - Pleasure Craft Licensing.
 - Boating Safety Class Contribution Program.
 - Website.
8. Regional OBS Update.
9. Tentative agenda items for the next CMAC meeting.
10. Other Business.

The meeting of the Standing Committee co-chaired by John Murray, Transport Canada and John Gullick, Canadian Power and Sails Squadrons, was held on Tuesday, November 2, 2010.

1. OPENING REMARKS

The Co-Chairs opened the meeting by welcoming the participants and asked that everyone introduce himself or herself.

2. ADOPTION OF MINUTES

The Committee approved the Minutes of the Standing Committee for the April 27, 2010 meeting.

3. INTRODUCTION OF AGENDA

The Agenda was introduced and accepted with the addition of an update on the Canadian Safe Boating Council's 2010 Symposium, new structure for the Standing Committee on Recreational Boating, and the process to vote a new Co-Chair.

4. WORKING GROUP REPORTS

Working Group on Navigable Waters Protection Program

See Annex A for summary.

Working Group on Pyrotechnics

See Annex B for summary.

Working Group on Pleasure Craft Construction

See Annex C for summary.

5. UPDATE ON THE OPERATOR COMPETENCY PROGRAM

Krista Kendall provided an update on the Pleasure Craft Operator Competency Program. Feedback from their 2008 consultations revealed that the accreditation framework required major revisions and that the program needed to focus more on the original vision of education. They have developed a new test syllabus (TP 14932) which is now available online. To date, they have received and reviewed a number of Course Provider's Boating Safety Course Manuals. A new databank of test questions has been developed and is currently being tested; full implementation is expected by April 2011. In an effort to improve course provider accountability, 26 monitoring sessions have been conducted. Five were found with having minor non-compliances and only four with major non-compliances. New Internet Standards for testing over the Internet was developed in September 2010. These standards are expected to be fully implemented by April 15, 2011. A process and policy was established for Seafarers of Transport Canada issued Pleasure Craft Operator Cards. Communication materials were developed and program information on Transport Canada's website was updated. They will continue to work with Course Providers to upload cardholder information and will begin a program assessment project. The new quality management system requirements will be finalized, the boating safety test questions will be reviewed, the revisions to the rental boat safety checklist standards will be completed, the drafting instructions for the amendments to the *Competency of Operators of Pleasure Craft Regulations* will be finalized and competency requirement for pleasure craft over 24 metres will be developed.

6. UPDATE ON THE VESSEL OPERATION RESTRICTION REGULATIONS

An update on the status of the *Vessel Operation Restriction Regulations* was provided. The 2009 submission is anticipated to receive final approval and be published in Part II of the *Canada Gazette* in November. No new applications were received for the 2010 submission. This submission contains various corrections to a number of waters in Quebec and two clarifying notes; one respecting seaplanes indicating that they apply, as seaplanes are used for navigation while on the water and the second is a proposed amplification to the Safe Operation provision under section 15(1) as subsection 1.1 to read: "If informed of the presence of a danger in a specific location, the operator of a vessel shall unless the information regarding the danger is incorrect, avoid navigating in the proximity of that danger".

7. UPDATE ON THE OFFICE OF BOATING SAFETY (OBS)

Pleasure Craft Licensing

As of November 1st to obtain a pleasure craft licence, Canadians must mail their completed application form and supporting documentation directly to the pleasure craft licensing center located in New Brunswick. While Service Canada will no longer issue Pleasure Craft Licences on behalf of Transport Canada, they will remain a valuable partner in communicating general boating safety information.

Transport Canada has developed a Pleasure Craft Licensing Application kit to support the new service delivery model on direct mail-in of the application forms to the Service New Brunswick processing centre. These kits have been distributed to 329 Service Canada Centres and will also be available on the OBS' website.

The *Small Vessel Regulations* were amended to allow purchasers of used boats 90 days to transfer an existing licence into their name.

In May 2010, a pilot project was launched to enable a group of boat dealers to apply for a new pleasure craft licence on behalf of their clients through electronic means. This system issues a transaction number allowing boat dealers to mark their customer's new boats before they leave the showroom. Supporting documentation is then faxed into the pleasure craft licensing centre, who issue the paper copy of the licence and mail it directly to the customer. Feedback received from the marine trades and dealers has been extremely positive.

The program will be expanded to allow other dealers to participate by April 2011. Information on how to participate will be posted on the OBS' website this fall.

In an effort to provide efficient access to law enforcement, we are working with the RCMP and Service New Brunswick to establish a direct link between the pleasure craft database and Canadian Police Information Centre (CPIC). The goal is to have all enforcement officers connected by the May 24th long weekend.

A public notice announcing the changes in applying for a pleasure craft will appear in a variety of magazines during the months of September, October, and November, as well as many dailies and weeklies during the month of October.

Boating Safety Class Contribution Program

The deadline for submitting project proposals was November 1, 2010. This year, proposals for a total of approximately \$900 K were received. Proposals will be reviewed throughout the months of November and December. A mid-year program review was completed and we will begin working on the program renewal process.

Website

The OBS Website was updated to reflect all program changes. An analysis of queries received from the 1-800 boating safety info line will be conducted to ensure that information on those queries is available on the OBS' website.

8. REGIONAL OBS UPDATE

Regional Office of Boating Safety Managers gave an update on issues surrounding their Region and one common theme throughout the country for this boating season is that there seems to be an increase in boating related fatalities.

9. TENTATIVE AGENDA ITEMS FOR THE NEXT CMAC MEETING

- Disposal of Flares.

10. OTHER BUSINESS

Jean Murray provided the Committee with an update of the 2010 Canadian Safe Boating Council's Symposium that was held in Montreal. She stated that this year's Symposium was a huge success, the best ever in fact and informed the participants that next year's Symposium will be held from September 22 to 24, 2010 in St. John's, Newfoundland. A full day was dedicated to an open forum to discuss stakeholders' positions regarding the possibility of legislating the mandatory wear of lifejackets by recreational boaters. They also had a number of International Speakers, copies of their presentations can be found at www.csbc.ca. The participants were encouraged to visit www.smartboater.ca.

The Committee was asked to provide their views on whether or not to go back to a full day meeting structure or continue with this new approach of break out Working Groups in the morning. It was decided that the full day meeting was the preferred option. The group was advised that if they had items that required more time to discuss at future meetings, to ensure that they let the CMAC Secretariat know when they submit the item. The participants were then asked to give some thought to the voting process for the nomination of a new Co-Chair at the next meeting.

Approved by:

John Murray, Marine Safety, TC, Standing Committee Co-Chair
John Gullick, Canadian Power and Sail Squadrons

ANNEX A
REPORT ON THE WORKING GROUP ON
NAVIGABLE WATERS PROTECTION PROGRAM

Participants were advised that while it was hoped to engage in consultations on a draft of the *Minor Works and Waters Regulations*, such would not be possible as they are still being drafted.

The Chair provided a brief on the Navigable Waters Protection Program Modernization: the generic regional organization structures, generic job descriptions, development of Standard Operating Procedures and Business Rules including publication of the procedures, ultimately leading to the development of published Service Standards via Service Timeline Regulations:

- Standard Operating Procedures (application for approvals) to be completed December 2010 along with Services Standards.
- Service standards to be implemented on a pilot basis through 2011, reevaluated in early 2012, and included in regulations by December 2012.

The new organizational restructuring and generic job descriptions will provide greater flexibility in use of staff to respond to emergency situations and industry needs (cross-utilization between jurisdictions). The new regulations will provide certainty for the timing of the approval process for applicants. The overall objective is better service to clients.

Concerns Brought Forward

An issue was raised regarding the regulating of floating objects – the particular case cited involves a floating marina in Quebec. Who regulates and under what legislation?

It was agreed that the specific file information would be forwarded to the Navigable Waters Protection Program in Headquarters and that they would consult with the Navigable Waters Protection Program in the Quebec Region to resolve this issue. The Chair advised that a Working Group has been established within Transport Canada to review such matters.

A participant queried as to whether or not they would receive advance notice of the pre-publication in the *Canada Gazette* Part I of the proposed *Minor Works and Waters Regulations*.

The Chair indicated that while he was not familiar with the details or restrictions surrounding the regulatory process, it was doubtful that advance notice would be possible. The Chair agreed that once publication had taken place, a notice would be possible and he committed to advise stakeholders accordingly.

ANNEX B
REPORT ON THE WORKING GROUP ON PYROTECHNICS

The Chair, John Murray, thanked everyone for attending the Working Group. The disposal of expired flares has been a problem for the recreational boating community for many years now. Some enforcement partners across the country have programs in place for the collection and disposal of expired flares, however, many areas do not have a location to bring them. Faced with limited resources, it has become difficult for these partners to continue offering this program. Transportation and shipping of expired flares are also of concern. Possible solutions to resolve this issue need to be explored.

OBS is looking at developing an R&D proposal to look at concrete alternatives and will also be meeting with Canadian Industry Limited and the Canadian Power and Sail Squadrons to discuss a proposal to reduce the quantity of flares required based on the vessel size. It is felt that the development of a flare training program using expired flares in a safe environment would be a viable way to dispose of some of the expired flares. We also need to focus on alternatives rather than life expectancy. It was also suggested that manufacturers should be responsible for the collection and disposal of expired flares, even if it means including a fee in the purchase price.

Of all the items discussed only the Cradle to Grave solution seemed to achieve a level of consensus.

Below is a resume of the key points that were raised in the working group:

The Canadian Power and Sail Squadrons have a vast interest in eliminating expired flares/pyrotechnics.

Five (5) years ago, with the assistance of the Canadian Coast Guard, the Canadian Power and Sail Squadrons produced a DVD on the use of flares. Despite being a very good theoretical tool, concern remains due to the fact that people do not have the hands-on experience with flares.

The Pacific Region has an agreement with a private company that is in charge of properly disposing expired flares (although there are fees associated with it). The Canadian Coast Guard Auxiliary has an arrangement with the local police department, where they accept expired flares.

There is a storage issue. Police departments do not have a storage facility for that kind of activity. Some police departments stopped accepting flares for this reason, while others still accept expired flares, however, they don't have the facilities to do it on a long-term basis.

We should verify if the Canadian standards on the disposal of expired flares and the carriage requirements are on par with the International standards. The main issue is the cost - someone has to pay for the transportation/storage and disposal of expired marine flares.

We may not be able to increase the life limit of flares to 5 years (or over) because of a chemical degradation issue.

In the past, the Department of National Defense supported the disposal of flares, we should explore if we could partner with them again.

The Working Group on Pyrotechnics agreed that the major challenge they must face is the disposal of expired marine flares. Presently, the majority of the expired flares are collected by the enforcement agencies. However, this responsibility is gradually being left aside for various reasons:

- Related costs linked to the shipping and handling of the flares is high.
- Lack of facilities for the storage of the flares.
- Issues related to safety and security.
- Environmental concerns.

Suggestions raised:

- Part of the responsibility could be shared with the manufacturers/retailers.
- Establishing partnerships with other organisations such as the Department of National Defence.
- Looking for international expertise in order to identify best practices.
- On the legal side, it was suggested to review the current carriage requirements for recreational vessels, as well as find an alternative to marine flares.

Action: A timetable on concrete solutions will be presented at the next National CMAC meeting in April.

ANNEX C
REPORT ON THE WORKING GROUP ON PLEASURE CRAFT CONSTRUCTION

The Working Group on Pleasure Craft Construction was chaired by Luc Tremblay, Transport Canada, and was held on Tuesday, November 2, 2010 with approximately 18 persons in attendance.

The agenda was reviewed and accepted as presented.

NOISE EMISSION

A presentation was made by Luc Tremblay regarding noise emission of pleasure craft. The objective of the presentation was to generate discussions following the modifications introduced in the *Small Vessel Regulations* in April 2010.

The current regulatory requirements were reviewed. Past issues and issues raised since the introduction of the modified requirement were also presented.

The current regulations and supporting technical standards regarding noise emission in the United States and in Europe were presented. These regulations and standards include set decibels limits, for both the manufacturer and for when the pleasure craft is in use.

Finally, the following options for the future were presented:

- Status quo.
- Improvement of the current regulatory text.
- Introduction of standards to set maximum decibels limits.

Following the presentation, the floor was open to discussion.

It was mentioned that the exemption for stern-drive vessels with regards to the silent choice option should be reviewed.

A representative from an enforcement agency indicated that with respect to the introduction of standards for decibels limits, this might not be the preferred option given the associated costs for material and training and the potential difficulty in the application of these standards.

Support was expressed regarding the introduction of decibels limits for manufacturer. The representative of the National Marine Manufacturer Association expressed that they will not be opposed to this type of measure provided that they are involved in the development of these requirements and ensure that the technical and cost impact are minimal.

One stakeholder expressed concern over making the regulations any more stringent and that operating in an acceptable manner should be the responsibility of the operator.

CAPACITY AND FLOTATION STANDARDS FOR NON-POWERED VESSELS

Stéphane Chevalier, Transport Canada, gave a presentation. The objective of this presentation was to generate discussion regarding the capacity and flotation standards for non-powered vessels (better defined as human powered vessels).

An overview of the *Small Vessel Regulations* was presented, mainly Parts 6, 7 and 8. It was clearly mentioned that the regulations do not currently contain any pertinent provisions relating to human powered vessels.

As of existing standards, the USA has ABYC H-29 (Buoyancy and Capacity Standards for Canoes and Kayaks), in Europe the Recreational Craft Directive does not apply to canoes and kayaks though some European countries have national standards. ISO does not have standards on human powered vessels. There are no such standards in Canada.

The options presented ranged from status quo to voluntary standards all the way to regulatory requirements that would require amendments to Parts 6, 7 & 8 of the *Small Vessel Regulations*.

The discussion was limited, however, the comments received from the participants were in support of establishing some sort of standard.

SAFETY RECALLS FOR MARINE PRODUCTS

Luc Tremblay gave a presentation on safety defects and recalls for pleasure craft and associated equipment. The intent of this presentation was to generate a discussion to explore possible options for the future. The presentation reviewed the existing authorities and tools in Part 10 of the *Canada Shipping Act, 2001* and the *Small Vessel Regulations* in the case of non-compliance.

During the presentation the benefits to a Safety Defects & Recalls Program were provided. It was mentioned that one of the main benefits is that a recall program focuses on resolving the issue rather than penalizing the manufacturer or the boat owner.

A brief highlight of the existing program in Transport Canada Road Safety was given. The USCG Recalls and Safety Defects Program was also presented, including some statistics on the number and type of recalls. It was indicated that there is on average more than 50 recalls for pleasure craft every year in the United States.

Health Canada's proposed *Consumer Product Safety Act* was also presented. It was explained that, as proposed, this Act excludes pleasure craft, but does not exclude other equipments such as engine of life saving equipment.

Some possible options for the future were presented, including status quo, development of a voluntary recall program, collaboration with Health Canada and a Transport Canada regulated Safety Defects and Recall Program.

The floor was open for discussion. The National Marine Manufacturers Association representative mentioned that they have written to Health Canada to request an exemption for marine engines, similar to the exemption that was given for ATVs. Concerns was expressed that Health Canada may not be the appropriate organisation to deal with marine issues and if there is to be a system, it should preferably be administered by Transport Canada and modeled on the United States system already known by manufacturers.

TENTATIVE AGENDA ITEMS FOR THE NEXT CMAC MEETING AND CLOSING REMARKS

The Chair explained the process for submitting agenda items to the CMAC Secretariat, including the normal timeline.

The participants were encouraged to continue discussions on the presented agenda items and invited to send in their comments for consideration.