



BOATING SAFETY CIRCULAR

INSIDE THIS ISSUE:

My Boat is Defective...

or is it?	
Grant of Exemption: An Overview	5

Conducting Drills For 7
Your Kids

8

Is a gasoline outboard kicker too much horse-power?

Notices of Defects or Non-Compliances

Boating Safety Circular

The Boating Safety
Circular is a product of the
United States Coast Guard's
Office of Auxiliary and Boating Safety — Boating Safety
Division — Recreational
Boating Product Assurance
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Commandant (BSX-23),
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The Boating Safety Circular is for information only. No Federal Statutes or Regulations are established or changed in this circular.

www.uscgboating.org

My Boat is Defective...or is it?

n many occasions, the Coast Guard's Boating Safety Division receives notifications from boat owners that their boat is defective. Most of these notifications are received through our Consumer Safety Defect Report located on our website at http://www.uscgboating.org/php-contact-form/consumer-safety-defect-report.php. While we are responsible for recalls of recreational boats with safety defects, many cases reported to us do not meet the criteria of a substantial risk defect (safety defect).

For the Coast Guard to take action on the information provided in a "Consumer Safety Defect Report" the reported problem must relate to a boat or associated equipment less than ten years old, it must be a violation of Federal Safety Regulations, or it must be "a defect that creates a substantial risk of personal injury to the public." Our regulations and recall authority only extend to issues directly related to safety and do not include nonsafety issues resulting from the use of inferior materials or inadequate construction practices. The Coast Guard evaluates each consumer complaint

on a case-by-case basis. If we determine the problem described constitutes a violation of the Federal Regulations or is a substantial risk defect, we then contact the manufacturer of the boat or associated equipment and notify them of our preliminary findings. The Coast Guard does not intervene on behalf of a consumer in a dispute with a manufacturer.

The Coast Guard's determinations of a defect that creates a substantial risk of personal injury to the public (safety defect) are based on three distinct criteria: 1) The hazard must occur virtually without warning - an obvious risk or normal wear and tear do not normally create the basis for a defect; 2) The defect must occur with some frequency - one isolated occurrence usually does not constitute the basis for a finding of defect; and 3) The defect must clearly present the risk of death or serious injury. These criteria are not absolute but they provide a framework for being consistent in the application of our authority for initiating recalls of unsafe boats and associated equipment.

A boat may have a defect, but it may

Page 2 Boating Safety Circular

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ВО			ENT OF HOMELA U.S. Coast Gu PORT - POSS	ard		DEFECT	OMB No. 1625-0071 Exp. 04/30/2019
		O	WNER INFORMA	TION			
Last Name	First N	lame & M	fiddle Initial		Work Phon	e Number	Home Phone Number
Street Address		C	City			State	ZipCode
		BOATA	ND ENGINE INF	ORMA	TION		
Boat Manufacturer	Mod	lel Year	Model Name		Hu	II Identifica	tion Number *
* Twelve character manu	ufacturer serial n	umber on a	outboard starboard sid	e of trans	som also show	on State reg	distration certificate.
Boat Length B	loat Type (Ex	. bowride	r, cuddy cabin, ru	nabout	, personal w	atercraft, e	etc.)
Date Purchased D	ealer's Name	and Add	dress				
New Used		Recreatio	nal Use Com	mercial	Use Ot	ner" »	
Engine and Drive Manufacturer			Model Year	Mode	el Name or N	lo.	
Gas Diesel Inboard	d Outboar	d St	emDrive Jet	Sail [Manual	Other* *	
	Al	PPLICAB	BLE ACCIDENT II	NFORM	MATION	2000	
Accident Yes No		No. In	njuries	No. F	atalities	Estim	nated Property Damage
Description of Accident			Privacy Act Statem				

not meet the criteria as a safety defect per the Federal Regulations. Here are a few examples of defects that we have received and a brief understanding of why we made our decisions.

We received a report of a 36' center console with a loose, shaking, and/or

vibrating console and also subsequent cracking in the gel coat of the deck. The owner is the second purchaser of this vessel. A marine surveyor reported that an aftermarket "buggy hard top" was added to the fly bridge or tuna tower above the factory installed hard T top. The surveyor concluded

Continued from page 2

that the forces while underway acted upon the T tops as leverage, applying force to the deck. While this assessment seems accurate, the manufacturer cannot be held accountable for aftermarket additions to a vessel that has contributed to a defect. Secondly, as a second purchaser, there is no way to take into account how the first purchaser used the boat. Did he/she operate it at a high rate of speed through heavy sea conditions? And lastly, and most importantly, there are no regulations (laws) associated with how a console is mounted to a deck. In this case, there is most likely a defect, but not a safety defect. The actions of the current owner are between the previous owner and/or their insurance company.

We frequently receive calls and emails about delaminated hull material. Again, while this is a defect, it is not directly related to safety or to a regulation that can be acted upon. In one particular case, the owner of the boat was storing his boat while not in use within a dry storage building in south Florida. The boat was lifted to the top rack of the building for storage. was later determined that temperatures toward the top of the metal building were exceeding over 200 degrees. If you experienced a problem like this, and you were the first purchaser or within the agreement of the warranty, then your line of action is with the manufacturer, not the Coast Guard. If the manufacturer declines service or you have issues with their service, then you will have a civil matter to be handled through the legal system.

Knowing the details of the law can be complicated, which is why we sometimes receive push back as to why and how we make our decisions. We routinely receive complaints about non-certified fuel tanks and fuel lines for outboard powered boats. Federal law 33 CFR Subpart J (Fuel Systems); 33 CFR 183.501 "Applicability" states: "This subpart applies to all boats that have gasoline engines, EXCEPT outboard engines..." The Coast Guard does not have regulatory authority over fuel systems on outboard boats.

We also take into consideration items that may warrant routine maintenance. Some hoses or components may need routine replacement or care over time. With the exception of some lakes, most

"Defect Report located on our website at http://www.uscgboating.org/php-contact-form/consumer-safety-defect-report.php."

Page 4 Boating Safety Circular

"After review, the Coast Guard may decide that the issue may be a possible safety defect and will contact the manufacturer ..."

Continued from page 3

boats operate within salt water; a corrosive environment. A person who does not frequently wash down or flush an outboard could be considered to have a failure due to lack of maintenance.

Make sure that you consult your user manual and heed all preventative maintenance guidelines.

If you think you have a safety defect, by all means, please send it to us using the Consumer Safety Defect Report form on our website and one of our engineers will review the case.

However, understand that you may or

may not have a safety defect. After review, the Coast Guard may decide that the issue may be a possible safety defect and will contact the manufacturer via letter and request a response to the issue or may dismiss the issue as not meeting the criteria for a safety defect. In many circumstances, the Coast Guard may not have regulatory authority over remediating an issue, but you may have the means to pursue a civil case through the legal system. In these instances, consult with an attorney.



Grant of **Exemption: An Overview**

erriam-Webster's Dictionary defines exemption as, "freedom from being required to do



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GRANT OF EXEMPTION, 46 U.S.C. 4305, DHS Delegation No. 170.1(92) CGB 17-000: BOATS USA (123 Main Street, Any Town, USA: POC: John Boater).

Date of request for exemption: email dated 01 JAN 2017.

something that others are required to do." The U.S. Coast Guard's Office of Auxiliary and Boating Safety, Recreational Boating Product Assurance Branch (CG-BSX-23) is responsible for the issuance of the Grants of Exemption to recreational boating manufacturers who seek, and can fully justify, relief from portions/sections of the Code of Federal Regulations, Part 183 – Boats and Associated Equipment.

It is the responsibility of each recreational boat manufacturer to build their boat(s) to meet the requirements of the Code of Federal Regulations (CFR), Part 183-Boats and Associated Equipment, which pertain to their particular type of boat. The purpose of these regulations is to require manufacturers to build boat(s) to a specific minimum level of safety. As boat design, equipment, and building techniques progress, a manufacturer may find it impossible or unreasonable to comply with certain portions of the regulations which pertain to their boat type but they can still maintain safety as the regulations specify.

Boats normally considered for exemption because of their unique design or use are drift boats, mud/swamp boats, personal watercraft, and hovercraft. Other boat types can be considered for exemption if the need is justified. It is the responsibility of the manufacturer to develop and build their boat(s) to meet the regulations. Only upon trying to meet the regulations and finding that it is impossible or unreasonable to comply with them, can an exemption be considered.

A manufacturer may petition the Coast Guard for an exemption by contacting Kerry L. Freese at kerry.l.freese@uscg.mil. Contact Mr. Freese if you feel you can justify an exemption from the regulations. He will discuss your need for an exemption and, if worthy of consideration, will send information to aid you in submitting a petition for exemption. What is required is a letter, on company letterhead, stating that you seek an exemption for your craft. In the letter, you must state which portion(s) of the Code of Federal Regulations you seek relief from and explain why

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Page 6 Boating Safety Circular

"The exemption process is not a means to bypass the regulations or a loophole for manufacturers to skirt around the regulations ..."

Continued from page 5

such relief is needed and a justification for the exemption that clearly describes why the exemption will not adversely affect the safety of the boat. Along with the letter, submit photos, drawings, schematics or anything else the petitioner believes will support their exemption request.

All petition for exemption letters will be reviewed, however, there is no requirement or guarantee that an exemption request will be approved or granted; this will be based on the determination of whether the exemption is properly justified. CG-BSX-23 will do its best to work with a petitioner to help the manufacturer through the exemption process, but we do have the final determination to grant or not grant the petitioner's request.

The exemption process is not a means to bypass the regulations or a loophole for manufacturers to skirt around the regulations simply because the manufacturer does not want to comply with them. If a manufacturer has a legitimate reason as to why they are unable to comply with, or it is unrea-

sonable for them to comply with, the regulations, and they can properly justify such, then an exemption will be considered. The boating public relies on compliance with the safety regulations by the manufacturer and it is the manufacturer's responsibility to do so.





Conducting Drills For Your Kids

onsider this; you are out on your boat in open water and it's just you and your two young children on a beautiful summer day. Then the unthinkable happens, after losing your footing, you fall over the side. The boat's throttle is still clutch ahead. Now, treading water, you watch as your two children motor away from you and you are wondering if they know what to do.

board, what action would my kids take? Even at their age, I would routinely keep a Type IV throwable PFD available within arm's reach. I would have my kids drive the boat under my supervision and in an area with no boat traffic and I would toss the Type IV overboard. Then I would tell my daughters, "Daddy just fell overboard, what are you going to do?" After many trips which included spontane-



ous man overboard drills, my kids were taught to at a minimum to bring the boat to neutral and to call the U.S. Coast Guard on VHF channel 16. They were also taught the basics of reading the GPS to a level

Having served with the U.S. Coast Guard for nearly 22 years and working on the water for most of that time, I have seen similar cases such as this. I too have taken my personal boat out off of the Florida Keys on many occasions with my 10 and 8 year old daughters onboard. As a father and a professional mariner, I was always concerned that if I were to fall over-

whereby they could get to the latitude and longitude screen. Later they were competent enough to drive the boat back to the location of the man overboard (please ensure that you check with your local and state boating laws to ensure that you have appropriately met any requirements for your children driving a boat as needed. In most cases, you as the adult are the respon-

"Daddy just fell overboard, what are you going to do?" Page 8 Boating Safety Circular

Continued from page 7

sible master of the vessel, but certain laws may regulate who is behind the wheel of the boat).

These drills gave me a certain comfort level that when I took my kids out on a boat that they would be able to react to emergency situations. Consider discussing or practicing other drills as well such as you becoming incapacitated or a medical injury.

Having your children knowing what to do during an emergency could mean the difference between saving your life and theirs. Lastly, consider enrolling your children in boating safety classes held by the Coast Guard Auxiliary, Power Squadrons or local and state officials.

Article by CWO William Hillyer

Is a gasoline outboard kicker too much horsepower?

It is not unusual to get a call into the Coast Guard Office of Boating Safety from any of the state boating law enforcement officials asking if a kicker can be too big or too much as determined by the capacity plate. What they observed to prompt such a call is an arrangement like the one shown in the photo (found on next page) with a capacity label like this.

The capacity label suggests that safe powering is 150 HP. The labels

on the outboard engines suggest 158 HP combined. Is this vessel out of compliance with the capacity label? The short answer is "no", but several things need to be understood for the operator to be safe as well as legal.

First "Safe Powering" is determined more by engine weight versus the size and configuration of the transom. The smaller the back end of one's boat the less HP as determined by engine weight is allowed. That is

why remote steering allows for additional HP. The weight of the operator is moved away from the transom area which allows for higher engine weight.

In the case above, the back end of the boat allows for 150 HP sized engine. What about the ad-

"... law
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Boating Safety Circular Page 9

Continued from page 8



ditional 8 HP kicker? The label shows 720 lbs persons weight and 1500 lbs persons, motor, and gear weight. The weight of engine (with controls and battery) from Table 4 in the Boat Builder's Handbook has 575 lbs for 150 HP. That leaves 205 lbs gear weight, and only 160 lbs are prescribed for 8 HP on Table 4. The arrangement depicted above should have no trouble. Note that this arrangement falls into compliance with remote steering and even has the kicker and primary unit linked for directional control. Using a kicker that is remotely steered results in the boat having a more even weight distribution. Furthermore, having a kicker that is not linked to the primary may result in cross control issues.

Although capacity labels are required by the Coast Guard on recreational boats under 20 feet in length, they are only required to be applied by

the manufacturers prior to sale. These labels provide guidance to the buyers as to what size outboard they should have and how many people should be onboard. The labels are not required by the Coast Guard after the sale of the boat. With that said, however, it is strongly advised that the owner comply with the label and maintain it within the boat. Some states require the label and most state marine enforcement officers use the capacity labels to determine whether the boat is overpowered or overloaded.

In conclusion it is legal, by Coast Guard regulation. for an operator of a recreational boat to hang a kicker on his boat. It is the safest if the kicker's arrangement falls within the "gear" weight allotment. Finally, it is the best practice to have a kicker linked to the primary outboard for remote steering control.

"In conclusion it is legal by Coast Guard regulation for an operator of a recreational boat to hang a kicker on his boat."

Notices of Defects or Non-Compliances

Model Year 2017

YAMAHA MOTOR CORP USA

(Cypress, CA) Year: 2017

Model(s): XBT1800A/B/C

Units: 10

Problem: Electrical System

Model Year 2016

YAMAHA MOTOR CORP USA

(Cypress, CA) Year: 2016 Model(s): FSH 190 Units: 147

Problem: Navigation Lights.

EXCEL BOAT COLLC

(Mountain View, AR) Year: 2016 Model(s): 175SWV4

Units:

Problem: Capacity label and HIN.

LOWE BOATS

(Lebanon, MO)
Year: 2016
Model(s): 20 Bay Boat

Units: 1 Problem:

YAMAHA MOTOR CORP USA

(Cypress, CA) Year: 2016 Model(s): SJ700B

Units:

Problem: Steering Grip Detachment.

YAMAHA MOTOR CORP USA

(Cypress, CA) Year: 2016

Model(s): Various Models

Units:

Problem: Fuel System.

Model Year 2015

PLEASURECRAFT ENGINE GROUP

(Little Mountain, SC) Year: 2015 Model(s): H5/H^ Units: 828

Problem: Electrical System and Start in Gear.

SEA RAY BOATS INC

(Knoxville, TN)
Year: 2015-16
Model(s): 290SB 290OB

Units: 25

Problem: Ignition Protection Issue.

BRP

(Benton, IL)

Year: 2015

Model(s): ICON and ICON II

Units: 36

Problem: Shift and Throttle.

COBALT BOAT

(Neodesha, KS)

Year: 2015

Model(s): 296 & 302: 336 & 273

Units: 156

Problem: Fuel System.

MOMARSH INC

(Defiance m, MO) Year: 2015

Model(s): 12 FG Duck

Units:

Problem: Level Flotation

POTTER BUILT WELDING SERVICE

(Bristol, FL)

Year: 2015

Model(s): 1654 Outboard Powered Boat

Units: 1

Problem: Safe Loading Maximum Weight and All

Round Lights.

RHINO ROTO MOLDING

(Maple Lake, MN) Year: 2015 Model(s): Beavertail Stealth 2000

Units: 4684

Problem: Hull Identification Number.

Model Year 2014

SEA RAY BOATS

(Knoxville, TN)

Year: 2014

Model(s): 270 SD & 270 OB

Units: 114

Problem: Ventilation.

BRP US INC.

(Benton, IL)

Year: 2014

Model(s): SeaDoo Spark

Units: 6221

Problem: Steering Column.

CAROLINA SKIFF LLC

(Waycross, GA)

Year: 2014

Model(s): Carolina Skiff 17 DLX

Units: 351

Problem: Safe Loading Maximum Weight.

G3 BOATS

(Lebanon, MO)

Year: 2014 Model(s): Deep Vee

Units: 50

Problem: Deck Hinge Failure.

MAY-CRAFT FIBERGLASS PRODS INC

(Smithfield, NC)

Year: 2014 Model(s): 1800 CC

Units: 28

Problem: Level Flotation.

STARDUST CRUISERS (DBA)

(Monticello, KY) Year: 2014

Model(s): '1508' gasoline powered

Units: 1

Problem: Ventilation, Fuel System and Hull

Identification Number.

Model Year 2013

BRP US INC

(Benton, IL)

Year: 2013

Model(s): ICON Binnacle

Units: 2230

Problem: Throttle and Shift Control.

CUSTOM FIBERGLASS PROD INC

(Bailey, NC)

Year: 2013-15

Model(s): C Hawk 18 CC

Units: 147

Problem: Level Flotation.

ESSEX PERFORMANCE BOATS

(Ontario, CA)

Year: 2013

Model(s): '24 Valor' inboard powered boat

Units: 1

Problem: Ventilation.

TRACKER

(Cypress, CA)

Year: 2013-14

Model(s): Grizzly 1860 CC

Units: 129 Problem: Flotation.

Model Year 2012

MERCURY MARINE

(Miramar, FL)

Year: 2012

Model(s): Mercury Mariner Power Tilt Steer

Units: 2315

Problem: Power Tilt Steering.

APPONAUG HARBOR MARINA

(Warwick, RI)

Year: 2012

Model(s): BF2.3D Motor

Units: 1944

Problem: Fuel System.

CARAVELLE POWERBOATS

(Florence, AL)

Year: 2012

Model(s) 202 BR Inboard Powered Boat

Units: 1

Problem: Electrical.

SHOCKWAVE CUSTOM BOATS

(Corona, CA)

Year: 2012

Model(s): '25 Tremor' Inboard Powered Boat

Units: 1

Problem: Ventilation.

<u>UFLEX USA, INC</u>

(Sarasota, FL) Year: 2012

Model(s): X-66 Tilts Steering Assembly

Units: 1769

Problem: Tilt Steering Assembly.

Model Year 2011

MCBC Hydro Boats LLC (DBA)

(Vonore, TN)

Year: 2011

Model(s): Hydra Sport Boats

Units: 259

Problem: Fuel System.

INNESPACE PRODUCTIONS LLC

(Redding, CA) Year: 2011

Model(s): 'X-Model' IB Powered Submersible

Units: 1

Problem: Electrical System and Ventilation.

MERCURY MARINE

(Miramar, FL)

Year: 2011

Model(s): 40/50/60 Horsepower Four Stroke

Units: 6735

Problem: Fuel System.

MACKIE'S HOUSEBOAT PARTS AND REPAIR

(Redding, CA)

Year: 2011

Model(s): '1556 Custom' IB Houseboat

Units: 7

Problem: Ventilation and Fuel System.

NAUTIQUE BOAT CO INC

(Orlando, FL)

Year: 2011-15

Model(s): Sport Nautique 200 Inboard

Units:

Problem: Navigation Lights.

PERKO INC

(Miami, FL)

Year: 2011

Model(s): 0540 0580 0582 1319

Units: 3548

Problem: Fuel System.

YAMAHA MOTOR CORP USA

(Cypress, CA)

Year: 2011-12

Model(s): VXR and VXS

Units: 5734

Problem: Engine and Gasoline.

Model Year 2010

MERCURY MARINE

(Miramar, FL)

Year: 2010

Model(s): Mercrsr Alpha & Bravo Sterndrive

Units: 12787

Problem: Intermediate Shift Cable Separation.

ALEXANDRIA SEAPORT FOUNDATION

(Alexandria, VA) Year: 2010

Model(s): Challenge Wherry

Units: 1

Problem: Failing boat test, failed max person in

pounds, max weight capacity and flotation test for persons

capacity re-tested.

CUMMINS MERCRUISER DIESEL

Year: 1999-2010 Model(s): QSM 11

Units: 5311

Problem: Diesels with hydraulic oil coolers require

bracket replacement.

ELIMINATOR BOATS INC

(Mira Loma, CA)

Year: 2010

Model(s): '30 Daytona' Inboard Powered

Units: 1

Problem: Fuel System and Ventilation.

Boating Safety Circular Page 13

MALIBU BOATS

(Merced, CA)

Year: 2010

Model(s): Response LX

Units: 31

Problem: Basic Flotation.

