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**Statement of Thomas O’Keefe, PhD  
On behalf of American Whitewater**

**Washington State House of Representatives  
Committee on Community & Economic Development  
Cindy Ryu (D), Chair  
Matt Boehnke (R), Ranking Minority Member**

**PUBLIC HEARING ON HOUSE Bill 1018  
January 20th, 2021, 10:00 AM  
Concerning Boater Education  
Sponsors: Lovick, Ryu, Ortiz-Self, Goodman, Orwall**

Chair Ryu, Ranking Member Boehnke, and members of the Committee, my name is Thomas O’Keefe, and I am the Pacific Northwest Stewardship Director for American Whitewater. American Whitewater is opposed to HB 1018.

American Whitewater is a national non-profit 501(c)(3) river conservation organization founded in 1954 with a mission is to protect and restore America’s whitewater rivers and to enhance opportunities to enjoy them safely. The organization is the primary advocate for the preservation and protection of whitewater rivers throughout the United States, and water safety is a central component of our mission.

We appreciate the attention the legislature, and your Committee has placed on boating safety; this is an important discussion. Washington State has been at the forefront of these discussions nationally and I wish to acknowledge and recognize the great work of the Washington State Drowning Prevention Network and the Washington State Parks Boating Safety Program.

Data from the most recent Coast Guard Recreational Boating Statistics Report shows that 79 percent of fatal boating accident victims drowned.<sup>1</sup> Of those drowning victims with reported life jacket usage, 86 percent were not wearing a life jacket and alcohol continued to be the leading known contributing factor accounting for 23 percent of total fatalities. We need to focus on encouraging increased adoption of personal floating device use through active promotion of the Wear It Campaign of the National Safe Boating Council. We need to ensure that the Life Jacket Loaner Program, that was suspended in 2020, is immediately reinstated.

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<sup>1</sup> [https://uscgboating.org/statistics/accident\\_statistics.php](https://uscgboating.org/statistics/accident_statistics.php)

## Key Concerns With Bill As Drafted

- A state-mandated education program is inconsistent with how safety training is provided for human-powered activities in our state and across the nation. Mountain biking, backcountry skiing, rock climbing, and even hiking all have risks and every year accidents in these sports result in fatalities. As with paddlesports, all of these sports require safety training. In contrast driving a car, operating a motor driven boat, or hunting with a firearm require instruction and an exam regulated by the state; largely because these activities are regulated not just for personal safety but for the safety of others.
- The legislation institutes a new requirement, based on those for motor driven boats, that would prohibit those under twelve years of age from operating a human-powered boat. Those under twelve years of age could operate a motor driven boat less than 15hp or a sailboat. The proposed legislation would have a significant impact on youth paddling programs, youth health and fitness, parents teaching their kids to paddle, and manufacturers who design boats for kids in the 30-80 pound range (e.g. Soul Waterman Mini Me or Jackson Fun 1).
- The unique educational requirements of human-powered vessels are not acknowledged in the legislation. If someone currently has a boater education card, would that allow them to also operate human-powered boats or would they need to secure a different card? If someone obtained a boater education card for purposes of operating human-powered boats would they also be permitted to operate a motor driven boat with that card?
- No provisions in the proposed legislation distinguish the substantially different operational requirements between a motor driven boat and human-powered boat.
- The legislation does not include inner tubes, air mattresses, sailboards, and small rafts or flotation devices or toys customarily used by swimmers. Washington State Department of Health data indicate that of Washington State residents who died from unintentional drowning, 10-20% were boating accidents, with a smaller percentage representing those who were engaged in human-powered boating. The legislation does not address the primary issue.
- The legislation raises equity issues with respect to enforcement. As with jaywalking, where the vast majority of tickets are issued to minorities, we are concerned that enforcement will be highest in urban areas close to water and areas where minority populations have a higher likelihood of engaging in human-powered boating. We strongly support education – and specifically education that specifically targets diverse communities – over regulation and enforcement. Additionally, the proposed legislation limits the ability of lower income people to participate in these activities by renting

versus having to purchase a watercraft. Requiring individuals to obtain certification would likely limit opportunities for individuals to gain exposure and learn these activities by all but those most dedicated and with the means to purchase their own watercraft.

Thank you for the opportunity to speak before your Committee today. I would be happy to answer any questions.

Respectfully Submitted.

*Thomas O'Keefe, PhD*

*Pacific Northwest Stewardship Director*

*3537 NE 87<sup>th</sup> St.*

*Seattle, WA 98115*

[okeefe@americanwhitewater.org](mailto:okeefe@americanwhitewater.org)