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## FIRST AID

proaches 96°F, it starts to fall more rapidly. As the temperature continues to fall, signs of pain, tiredness, poor coordination, numbness, poor speech and mental confusion appear. As the internal temperature decreases into the 80s, unconsciousness may result, as well as a bluishness of the skin, collapse of the veins in the skin, enlargement of the pupils, muscle stiffness, irregular heart rate and a weak, barely detectable pulse. Death may occur when the core temperature range is between 80° to 85°F but it is more likely to occur when the body core temperature drops below 80°F.

If you are involved in a boat casualty and are forced to abandon, your survival procedure should be preplanned.

1. Locate and wear a personal flotation device as quickly as possible. This is probably the single most important item of survival equipment, and it may increase a person's survival time (but unless assistance is available, death may occur ultimately due to loss of body heat. When a person is forced to exert energy to stay afloat, i.e., treading water, swimming, heat loss increases and survival time decreases).

2. Try to enter the water in a lifeboat or raft. By doing so, you will avoid wetting your insulation and losing your valuable body heat to the water.

3. Wear several layers of clothing. If you are fortunate enough to stay dry and enter the water in a lifeboat or raft, the trapped air within your layers of clothing will provide excellent insulation. (It has been shown that body areas that are wet can lose heat over 200 times faster than if the same area were dry and exposed to the same temperatures.) However, if you become wet in abandoning your boat, the layers of clothing, although wet will slow down the rate of body heat loss. Clothing having thickness such as waffle-weave underwear, wooleys and pile lined garments are excellent for building up layers. An ideal outer layer of clothing would be a waterproof or coated fabric windbreaker or foul weather garment. Should you be afloat in the water, a waterproof outer garment having close fitting wristlets, anklets and collar reduces the passage of water through those openings and helps to cut down body heat loss.

4. Protect your head, neck, groin and the sides of your chest; for these are areas of rapid heat loss to cold water. In addition, waterproof or water-repellent insulation gloves or mittens with a snug fit at the wrists reduce the water exchange at the hands,

preserve body heat and prolong the usefulness of the hands in performing helpful maneuvers. Insulated boots and layers of socks impact the same protection to the feet. A great deal of body heat can also be conserved by covering the head with an effective hood (An unprotected head could lose up to 1/3 of the body's total heat production at 40°F, up to 3/4 at 5°F. This loss is even greater at lower temperatures, especially when the head is wet). Useful head covers include woolen hats, foam rubber scuba-type hoods, ski-hats or foul weather hoods. The neck can be protected with a towel, scarf or other cover.

5. You must enter the water directly, try to minimize the shock of sudden cold immersion. A sudden plunge into the cold water can cause rapid death or an uncontrollable rise in breathing rate resulting in an intake of water into the lungs. If jumping is necessary, try to hold your breath, pinch your nose and, in general, avoid swallowing water during the plunge.

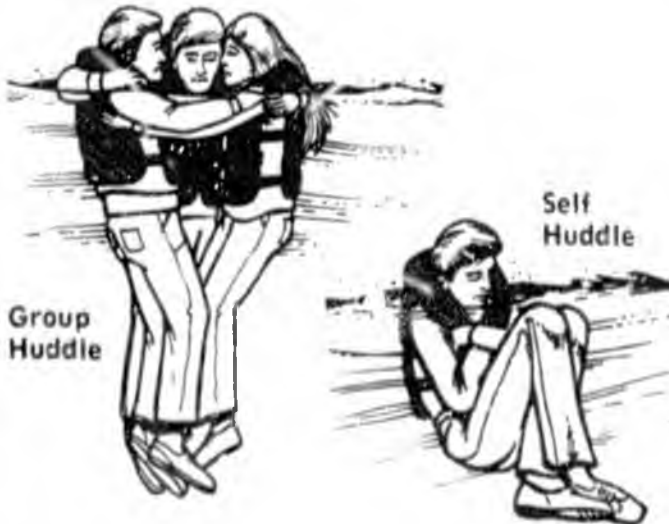
6. Once in the water, orient yourself and try to locate the boat, lifeboats, liferafts or other floating objects. If you were unable to prepare yourself, button up now as much as possible. In cold water you may experience violent shivering and great pain in the limbs. These are natural body reflexes that are not dangerous.

7. While afloat in the water, do not attempt to swim unless it is to reach a nearby craft, a fellow survivor or a floating object on which you can lean or climb (but remember, distances on water are deceptive, your goal may appear closer than it actually is). Unnecessary swimming motion will "pump" out the warmed water between your body and the clothing layers and increase the rate of body heat loss. In addition, unnecessary movements of your arms and legs send warm blood from your body's inner core to its cold outer layer. This results in a very rapid heat loss. Remain as still as possible in the water, however painful it may be. Remember pain will not kill you but heat loss will.

8. The body position you assume in the water is very important in conserving your body heat. Tests show that the best body position is the HELP position (Heat Escape Lessening Position) wherein you hold your knees up to your chest in a "doubled up" fashion with your arms tight against the side of your chest. This position minimizes the exposure to the cold water of your groin and chest sides, both areas of high heat loss. Try to keep your head and neck out of the water.

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Another heat conserving position is to huddle closely to one or two others afloat, making as much body contact as possible.



### The HELP Position

9. Try to board a lifeboat, raft or other floating platform or object as soon as possible. Remember, you lose body heat about 25 times faster in water than in air. Since the effectiveness of your insulation has been seriously reduced by water soaking, you must now try to shield yourself from wind to avoid a wind-chill effect. If you manage to climb aboard a lifeboat, shielding can be accomplished with the aid of a canvas cover or tarpaulin or an unused garment. Huddling close to the other occupants of the lifeboat or raft will also conserve body heat.

10. Keep a positive attitude about your survival and rescue. This will improve your chances of extending your survival time until rescue comes. Your will-to-live does make a difference.

The treatment of hypothermia will of course depend on both the condition of the survivor and the facilities available. Generally speaking, survivors who are rational and capable of recounting their experiences, although shivering dramatically, merely require removal of all wet clothes and replacement with dry clothes or blankets. Hot sweet drinks and rest in a warm environment are also recommended.

In more serious cases, where the victim is semiconscious, unconscious or apparently dead, contact should be made immediately with a ship or shore medical facility. While awaiting medical in-

structions, administer the following first aid care to the survivor immediately:

1. After removing the victim from the cold water, gently transfer him to a warm environment.
2. Remove his clothes only if it can be done with a minimum of movement of the victim's body. Do not massage him.
3. Lay the unconscious or semiconscious victim in a face up and slightly head down position, unless vomiting occurs.
4. If available, administer warm, humidified oxygen by face mask. The oxygen will not only assist victims if they are having difficulty breathing or have a low respiratory rate but it will also provide core re-warming. Of course, mouth-to-mouth resuscitation is always advisable if the victim is having problems breathing and no other form of assistance is available.

5. Begin to rewarm the victim actively. Do not delay! Even conscious hypothermia victims have died following apparently successful rescues because re-warming attempts were delayed or were inadequate. Any of the following warming methods are recommended preferably in the order given:

- a. Place the survivor in a bath of stirred hot water at a temperature of 105°-110°F or a temperature in which an observer can comfortably leave his arm. Keep the arms and legs out of the bath, to delay the return of blood circulation to the extremities.
- b. Apply hot, wet towels or blankets at 115°F to the victim's head, neck, groin, chest and abdomen. Again, do not attempt to warm his arms and legs.
- c. Apply your own body warmth by direct body-to-body contact with the victim. A blanket should then be wrapped around you and the victim to conserve the heat you are supplying. Just wrapping a hypothermia victim in a blanket without a heat source is ineffective because he is not generating sufficient heat to rewarm himself.

6. In no case should the victim be given alcohol. Alcohol dilates the "peripheral" blood vessels and also depresses mental ability. A person who drinks to increase their survival time will probably die happier, but sooner.

7. Unconscious victims should be given nothing to eat or drink.

### Cold Water Drowning

Every year approximately 75 people drown in Alaska making drowning the second leading cause of

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accidental death. This statistic is made even more tragic because many of those deaths may have been avoided. Recent medical research has indicated that victims, who in the past have been considered beyond help, may be saved despite long submergence and the absence of any sign of life. This is particularly true if the water is cold (as it is in Alaska) and the victim is young.

Sudden face contact with cold water (below 70 degrees F) sometimes touches off a primitive response called the "mammalian diving reflex". This complex series of body responses shuts off blood circulation to most parts of the body except the heart, lungs and brain. Thus, what little oxygen remains in the blood gets transported to the brain where it is needed the most. Even though there may be very little oxygen in the blood, it can be enough since the cooled brain requires much less oxygen than normal.

Procedures for revival of drowning victims are similar to regular hypothermia procedures; however, there are several important differences. These procedures follow:

1. Clear the air passage and begin mouth to mouth rescue breathing and external heart massage (CPR) IMMEDIATELY. DO NOT worry about getting water out of the victim's lungs...the body will absorb it quickly.

2. Prevent the victim from losing more body heat, but DO NOT rewarm the victim. Improper rewarming may harm the victim.

3. Get the victim to the nearest medical facility QUICKLY. CPR must be continued uninterrupted until the victim is under the care of competent medical personnel.

4. Do not give up. DROWNING VICTIMS LOOK DEAD. Their skin is blue and cold to the touch. There is no detectable heart beat or breathing. The eyes are fixed and dilated, and there is no other sign of life. However, if the water was cold there is still a good chance of survival.

5. Children and young people are the most frequent drowning victims. However, they are also good candidates for resuscitation since they have a more pronounced "Diving Reflex". In research at the University of Michigan Hospital, two thirds of the cold water drowning victims that were successfully resuscitated were 3 1/2 years old and younger. The colder the water and the younger the victim, the better the chance for survival.

Mouth to mouth resuscitation should begin immediately.

## Wind Chill Factor

As we have noted, your body is continually producing and losing heat. Wind increases heat loss by reducing the thin layer of warm air next to your skin. This heat loss increases as wind speed increases. When air temperature is below freezing and the wind takes away heat faster than your body can replace it, you get frostbite. The danger of frostbite to exposed skin increases as the air temperature goes down or the wind speed goes up. The combined effect of wind and temperature is expressed in the wind chill chart as an equivalent temperature. This expresses the effective temperature acting upon exposed flesh.

Any movement of air past your body, such as that produced by walking, running, skiing or riding in an open vehicle, has the same cooling effect as wind. You should consider this in addition to natural wind when you use the windchill chart.

Any clothing or material which reduces or stops the effect of wind will give protection to the area covered but don't try to estimate this protection when you use the windchill chart. Of course wet clothing or footgear has a much reduced insulating value and will result in body heat loss nearly equal to that of exposed flesh.

Here's how you use the chart: find the estimated or actual wind speed in the left-hand column, and the actual temperature in degrees F across the top. Come across and down. The intersection on the chart is the equivalent temperature — the effective temperature acting upon exposed flesh. Precautions should be taken accordingly.

Estimated Wind Speed in MPH		Actual Thermometer Reading (F)										
		60	40	20	10	0	10	20	30	40	50	60
Calm		60	40	20	10	0	10	20	30	40	50	60
5	60	37	27	16	6	6	16	26	36	47	57	68
10	40	28	16	4	0	21	30	39	49	59	70	80
15	20	22	9	1	16	26	36	46	56	67	77	87
20	10	16	4	10	20	30	40	50	60	70	80	90
25	20	16	0	10	20	30	40	50	60	70	80	90
30	20	13	2	10	20	30	40	50	60	70	80	90
35	27	11	4	20	30	40	50	60	70	80	90	100
40	26	10	6	21	31	41	51	61	71	81	91	101
Wind speeds greater than 40 mph have little additional effect		DANGER FROM PROTECT OF EXPOSED FLESH										

# SAILOR'S WORKSHEET IO

1. All boats should have a marine \_\_\_\_\_ kit on board.
2. First aid courses are offered by the American \_\_\_\_\_.
3. Blowing air into a person through his mouth or nose and then letting the air come out is called \_\_\_\_\_ resuscitation.
4. Applying a pad of clean cloth directly over a wound is one method of stopping \_\_\_\_\_.
5. Symptoms of dizziness, ringing in ears, headache, nausea and unconsciousness indicate \_\_\_\_\_ poisoning.
6. Hypothermia is the \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. Pretend you have the following emergencies on board your boat. Read the list of injuries and write the letter indicating the right treatment in the space provided.

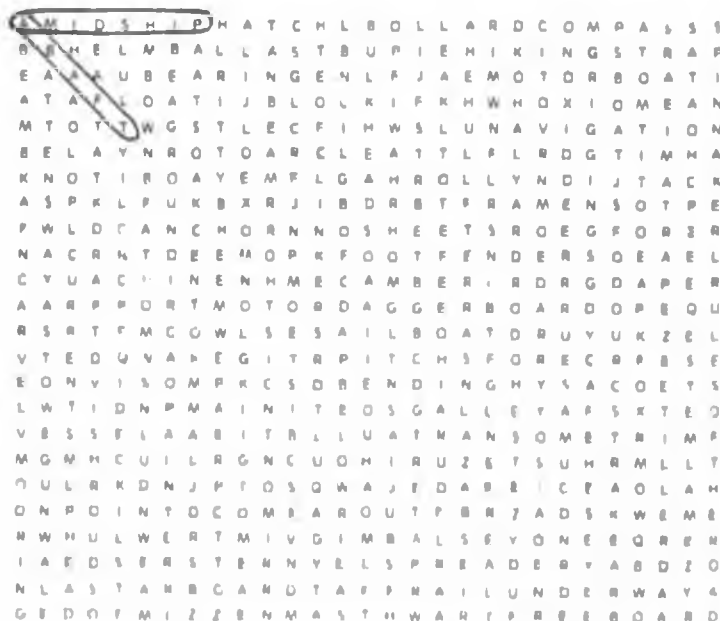
INJURY		TREATMENT
_____ Unconsciousness	A.	Immobilize broken ends and adjacent joints. Control bleeding with direct pressure. Keep still and treat for shock.
_____ Sunburn	B.	Burned area should immediately be immersed in cold water. 70° Add ice to cool water but do not apply to burned surface. Apply a cold pack to difficult areas. 3rd degree — apply a thick, dry, sterile dressing to keep air out.
_____ Poisoning	C.	Send for help immediately. Loosen collar. Assist to a sitting or reclining position which ever makes breathing easier. Help with prescribed medicine. For convulsions do not restrain victim.
_____ Shock	D.	Eye: Don't rub. Lift particles out with corner of clean handkerchief. If unsuccessful or particle embedded, cover both eyes and get medical attention. Ear and nose: Get medical attention, don't try to remove.
_____ Broken Bones	E.	Get medical attention immediately. Check for antidote on poison container. If none available, have person drink lots of water or milk. Do not induce vomiting. Contact poison control center immediately for further instructions.
_____ Burns	F.	If breathing is regular and no chest injuries exist, raise hips and legs. If conscious and unnauseated, give liquids, but never alcohol. Never force fluids on unconscious person. Keep victim comfortable.
_____ Objects in Eyes	G.	Apply cold compress to sunburned area. Get medical help for severe sunburns. Prevention: Use sunscreen lotion before and during timed exposures to sun. Stop exposure when burn is first noticed.
_____ Heart Failure	H.	Keep victim lying down. Cover to keep warm. Turn head to side in case of vomiting. Get medical attention. Stand by to give artificial respiration if breathing stops. Liquids or foods should never be given to an unconscious person.

# GLOSSARY

Can you find all 112 nautical terms hidden in the puzzle?

Words can be found across, down and diagonally on the page. Some terms are easy. If you can't find them all, look in the glossary for words marked with a square.

- **Abaft** — Toward the stern
- **Abeam** — Amidship, at a right angle to the keel.
- **Aboard** — On, in or into a boat.
- **Afloat** — On the water.
- **Aft** — Describing the after section of a vessel, or things to the rear of amidship and near the stern.
- **Aground** — Touching bottom.  
Ahead—Forward on a line with the boat's keel.  
Alee—To the leeward side.
- **Amidship** — Describing the mid-section of a vessel, either with reference to length or width.
- **Anchor** — A forging or casting shaped to grip the sea bottom and, by means of a cable or rope, hold a boat in a desired position.
- **Astern** — Toward the stern. An object that is aft of a boat is said to be *astern of the boat*.
- **Athwart** — Across.  
Athwartship—At right angle to the boat's keel.  
Awash—At the level of the water.
- **Aye**—Yes while aboard a boat or ship.
- **Bail**—To remove water from a boat.  
Come About—To change course or tack in a sailboat.
- **Ballast** — Heavy material such as iron, lead or stone placed in the bottom of the hold to keep a vessel steady.
- **Battens** — Thin strips of wood, plastic or other material set in pockets and sewed into the sail to hold or improve the set of a sail. On some racing boats the battens extend from leech to mast.
- **Beacon** — A post or buoy placed over a shoal or bank to warn vessels, also a signal mark on land.
- **Beam** — Imaginary line amidship at right angles to keel of vessel. Also vessel's width amidship.
- **Bearing** — The direction or point of the compass in which an object is seen.  
Bight—A loop in any part of a line except the end, also a cove.
- **Belay** — To make fast to a cleat or belaying pin, also to cancel an order.
- **Below** — Beneath or under the deck. *One goes below* when going down into the cabin.
- **Bend** — To fasten by means of a bend or knot.
- **Bilge** — The lower internal part of a boat's hull, adjacent to the keelson.
- **Block** — A device with sheaves or pulleys through which the direction of a sheet or line can be controlled and by which extra leverage can be obtained.
- **Bollard** — A strong post for holding lines fast.
- **Boom** — A spar used to extend the foot of the sail.
- **Bow** — The forward part or front of the boat.  
Bridle—A span of line with the ends secured and another line secured at its center for towing or lifting.  
Bulkhead — Vertical partition in a boat



- Buoy — A floating, anchored navigational aid.
- Burdened Vessel — One which must stay clear of vessels having right-of-way. The give-way vessel.
- **Caulking; Calking** — Forcing a quantity of filler material into the seams of the planks in a boat's deck or hull to make them watertight.
- Camber — The arch of a deck, sloping downward from the center toward the sides.
- Capacity Plate — Must be in full view of the operator's station. Gives maximum weight capacity and horsepower rating.
- **Capsize** — To turn over.
- Carburetor Backfire Flame Attenuator — Required equipment on all motorboats except outboards and diesels. Reduces chance of backfire in internal combustion engines.
- **Cardinal Points** — The four main points of a compass.
- **Carvel** — A system of planking in which the outside planking of a boat is flush. The edges meet, giving the she a smooth surface.
- Cast Off — To let go or untie a line.
- Catamaran — Sailboat with two narrow hulls connected by a deck, plus two rudders.
- **Centerboard** — A pivoting board or metal plate, housed in a slotted trunk, which can be raised or lowered. When lowered it reduces a sailboat's tendency to sideslip when tacking.
- **Chart** — A map of a body of water that contains necessary piloting information.
- **Chine** — The intersection of sides and bottom of flat

- or V-bottom boats.
- **Cleat** — A piece of wood or metal with projecting ends to which lines are made fast.
  - **Clew** — The rear lower corner of a sail.
  - **Clinker** — A method of planking in which the lower edge of each strake overlaps the upper edge of the strake next below. (also called lapstrake.)
  - **Cockpit** — A well or sunken space in the afterdeck of a small boat for the use of the helmsman and crew. Forward cockpits are common in motor cruisers.
  - **Come About** — To change course or tack in a sailboat.
  - **Compass** — The instrument which shows the course of a vessel.
    - **Course** — The point of the compass toward which the boat is being steered.
  - **Cowls** — Hooded openings used for ventilation.
  - **Current** — The movement of the water in a horizontal direction.
  - **Daggerboard** — A vertical sliding centerboard on a sailboat.
    - **Dead Ahead** — Directly forward of a boat, on a line extending from the keel.
  - **Deck** — Any permanent covering over a compartment, hull or any part thereof.
  - **Dinghy** — A small open boat.
    - **Displacement Hull** — Type of hull that plows through the water even when more power is added.
    - **Documented Vessel** — Vessel registered with the U.S. Coast Guard.
    - **Draft** — The depth of the vessel below the water line, measured vertically to the lowest part of the hull.
    - **Drift** — The amount a boat is pushed off course by the current.
    - **Dry Rot** — A fungus decay which causes wood to become brittle and to fall apart.
      - **Ease Off** — To slack off.
    - **Ebb** — The reflex of the tide.
    - **Estuary** — An inlet or arm of the sea.
    - **Fathom** — Six feet.
      - **Fend Off** — To hold off when making a landing or coming along side.
    - **Fenders** — Objects placed along the side of the boat to protect the hull from chafing.
    - **Flare** — The outward spread of the boat's sides from the waterline to the rail at the bow.
    - **Foot** — The lower edge of a sail.
    - **Fore** — Used to distinguish the forward part of a boat or things forward of amidships.
      - **Forward** — Toward the bow.
    - **Frame** — Ribs of the hull, extending from the keel to the highest continuous deck.
      - **Freeboard** — Vertical distance measured on a boat's side amidships from the waterline to the gunwale.
      - **Galley** — The kitchen area of a boat.
      - **Gimbals** — The brass ring in which a compass sets to keep it level.
      - **Give-Way [Burdened] Vessel** — One which must stay clear of vessels having the right-of-way.
    - **Gunwale** — The upper edge of a boat's side. (Pronounced gun-nel.)
    - **Halyard** — A wire and/or line used to hoist and lower a sail or the line to hoist a flag or signal.
    - **Hatch** — An opening in a boat's deck to allow persons or cargo to go below.
    - **Head** — A marine toilet.
      - **Headway** — moving ahead or speed through the water.
      - **Heave** — To throw.
      - **Heel** — To lean or tip but not capsize.
    - **Helm** — The wheel or tiller by which a ship is steered.
    - **Hiking Strap** — A strap attached to floorboards or a centerboard trunk under which a crewman can hook his foot allowing him to hike his body out over the side of the boat.
    - **Hull** — The body of a boat.
      - **Hypothermia** — A physical condition when the body loses heat faster than it can produce it.
      - **Inboard** — Toward the center of the boat.
    - **Jib** — A triangular sail set on a stay, forward. A genoa jib is larger in size and is used for more speed.
    - **Jibe** — To tack before the wind in a sailboat.
    - **Keel** — A permanently positioned, principal fore-and-aft backbone member of a boat's hull used for stability and/or ballast.
    - **Knot** — To bend a line. Also, a unit of speed equal to one nautical mile (6,076.10 feet) an hour.
    - **Lee** — The opposite side from which the wind blows.
      - **Leech** — The after edge of a fore-and-aft sail.
    - **Leeward** — Situated on the side turned away from the wind. (Opposite of windward.)
      - **Leeway** — The amount a boat is carried leeward by the wind's force.
      - **Line** — Rope that is aboard or around a boat.
    - **List** — Leaning or inclining of vessel toward the side.
      - **Log** — A record or diary of a vessel's journey.
      - **Lubber Line** — A mark or permanent line on a compass that shows the center line of the boat.
    - **Luff** — The forward edge of a fore-and-aft sail. Also to cause the sail to flutter.
    - **Main** — The principal mast and sail.
    - **Mainsail** — The largest sail hoisted on the mast.
      - **Mast** — A spar set upright to support rigging and sails.
      - **Mizzen Mast** — The aftermost mast of a ship.
    - **Mooring** — Commonly, the anchor, chain, buoy, pennant, etcetera by which a boat is permanently anchored in one location.
      - **Mooring Buoy** — A buoy you may legally moor to instead of an anchor.
      - **Motorboat** — Any watercraft propelled by machinery, whether or not such machinery is the principal source of propulsion. For numbering purposes, the term shall not include a vessel which has a valid marine document issued by the U.S. Coast Guard or any federal agency successor thereto.

- **Navigation**—Directing a ship from port to port.
- **Nun Buoy** — A conical red buoy bearing an even number and marking the starboard side of a channel from seaward.
- **Oar** — A long wooden instrument with a flat blade at one end, used for propelling boats.
- **Outboard**—Away from the center or toward the outside of the boat.
- **Painter** — A line attached to the bow of a boat used for making it fast.
- **PFD** — Personal flotation device.
- **Pitch** — The fore or aft movement as the bow and stern rise and fall due to wave action.
- **Planing Hull** — Type of hull that is shaped to glide easily across the water at high speeds.
- **Point**—One of 32 points of the compass equal to 11¼ degrees. There are 10, 12, 20 and 32 point lights indicating the arc of the compass through which they are visible. A 32 point light is one visible from every point in the compass or all around the horizon. A sailboat's ability to sail close to the wind.
- **Port** — The left side of a boat when you are facing toward the bow, also a destination.
- **Privileged Vessel**—The vessel with the right-of-way. Also called the stand-on vessel.
- **Propeller** — Equipment piece connected to lowest part of drive shaft on all motors. It spins to move boat.
- **Rib** — An athwartship frame on a boat.
- **Rigging**—The general term for all the lines or ropes.
- **Roach**—The curved stern edge of a sail.
- **Roll** — The sideward motion of a boat caused by wind and waves.
- **Rudder** — A device used for steering and maneuvering, attached to a stern or rudder post — not necessary on outboards because the unit can be moved to change direction of thrust.
- **Rules of the Road** — The international regulations for preventing collisions at sea.
- **Sailboat** — A boat powered by wind and sails which may or may not have an auxiliary engine.
- **Scope** — The length of the anchor line or chain. 6 to 1 scope means that the length of the anchor line from the boat to the anchor is 6 times the depth of the water.
- **Scupper** — A hole allowing water to run off the deck.
- **Sea Anchor**—A drag thrown over the bow to keep a boat pointed into the wind or sea.
- **Sheets**—Lines used to trim a sail.
- **Shrouds** — Those wires or lines that run down from a mast to the sides of the boat and serve as bracing.
- **Spar** — General term for masts, yards, booms, etc.
- **Spar Buoy** — (or black can, Buoy) — A channel marker bearing an uneven number and showing the port side of a channel from seaward.
- **Spinnaker** — A light sail, usually of considerable spread, roughly triangular and fully cut, which is hoisted forward of the mast and used for increased speed when reaching or running.
- **Splice**—To join two lines together permanently by weaving them together.
- **Spreader** — A bar or strut that projects from a mast in order to spread shrouds or stays and give better support to a mast.
- **Squall**—A brief storm that arrives suddenly.
- **Stand-On (Privileged) Vessel** — The vessel with the right-of-way.
- **Starboard** — The right side of a boat when you are facing toward the bow.
- **Stay**— A line or wire to support a mast in a fore-and-aft direction.
- **Stern** — The after end or back of a boat.
- **Stem**—The upright post or bar of the bow.
- **Stow**—To pack the cargo.
- **Strake** — Planks running fore and aft on the outside of a vessel.
- **Tack** — To come about, so that the wind from one side is brought around to other.
- **Taffrail**—The rail around a boat's stern.
- **Thwart**—A seat extending horizontally on a boat.
- **Tide** — The alternate rise and fall of waters caused by the gravitational attraction of moon and sun.
- **Tiller** — A bar or handle for turning a boat's rudder or an outboard motor.
- **Transom** — The planking which forms the after end of a small square-stern boat. (Outboard motors are mounted here.)
- **Trapeze** — A wire secured near the top of the mast, with a seat or sling on its lower end. In strong breezes a crewman can support himself in the trapeze and extend himself far out over the water to counteract the heeling force of the wind.
- **Trim** — To arrange weights in a vessel in such manner as to obtain desired draft at bow and stern.
- **Trimaran** — Sailboat with three hulls, the center one being the largest.
- **Unbend** — To cast off or untie.
- **Underway** — Vessel in motion, i.e., when not moored, at anchor or aground.
- **Vessel**—Watercraft, other than seaplanes, capable of being used as transportation on the water.
- **Wake** — Moving waves, track or path that a boat leaves behind it, when moving across the waters.
- **Waterline**—A line on a boat's hull which indicates proper trim.
- **Way** — Movement of a vessel through the water. Technically it is *under way* when not at anchor, aground or made fast to the shore. The common usage is interpreted as progress through the water: *Headway* when going forward and *Sternway* when it is going backwards or astern.
- **Well** — Area at the rear of a boat in which the motor is sometimes installed.
- **Whipping** — A method of preventing the ends of a line from unraveling.
- **Windward**—Toward the wind.

# WHAT MAKES A GOOD SKIPPER?

- 1. The first duty of a good skipper is the safety of the boat and its passengers.*
- 2. A good skipper is always in control of the craft and the situation.*
- 3. A good skipper knows the laws and rules and obeys them.*
- 4. A good skipper does not stretch his ability or that of the boat.*
- 5. A good skipper knows the job, the boat and its equipment.*
- 6. A good skipper studies boating and updates knowledge.*
- 7. A good skipper keeps a checklist on safety equipment and goes over it each time before casting off.*
- 8. A good skipper takes all necessary supplies aboard.*
- 9. A good skipper does not waste fuel supplies or energy.*
- 10. A good skipper always plots the safest course and stays on it.*
- 11. A good skipper is thoughtful of other boats and people.*
- 12. A good skipper is always alert to danger.*
- 13. A good skipper aids others in danger or distress.*
- 14. A good skipper does not take chances.*
- 15. A good skipper thinks before acting.*
- 16. A good skipper keeps the craft clean and shipshape.*
- 17. A good skipper keeps a log.*



***Are you a good skipper?***

**THIS WON'T  
SAVE YOUR LIFE**



**UNLESS YOU'RE  
WEARING IT**

DEPARTMENT OF TRANSPORTATION  
UNITED STATES COAST GUARD

Revenue to state if boating bill passes

@ \$5/boat \$ 450,000 /yr on registration or more  
~ 200,000 on titling

250,000 if fed. law passes

+ penalties  

---

200,000

Coast Guard budget  
200,000

Registration can be done by 1 person  
in Juneau

Public Safety may try to budget  
offices all over state

Motor Vehicle Field offices could handle  
it all - little added expense

Do State Police & Troopers have boats now

June 270

David Illuminate

SSHB 390

586-7300

Testifying

Sec. for Harbor Masters Ass.

George V. McCorkle

Harbor Master

Rodiak

Box 1397

99615

486-5438

3682

Notify when  
78390 is scheduled

~~George V. McCorkle~~

Find letter  
from Harbor Master  
Assoc.

3:00  
Mon 25<sup>th</sup>  
& Public  
Safety

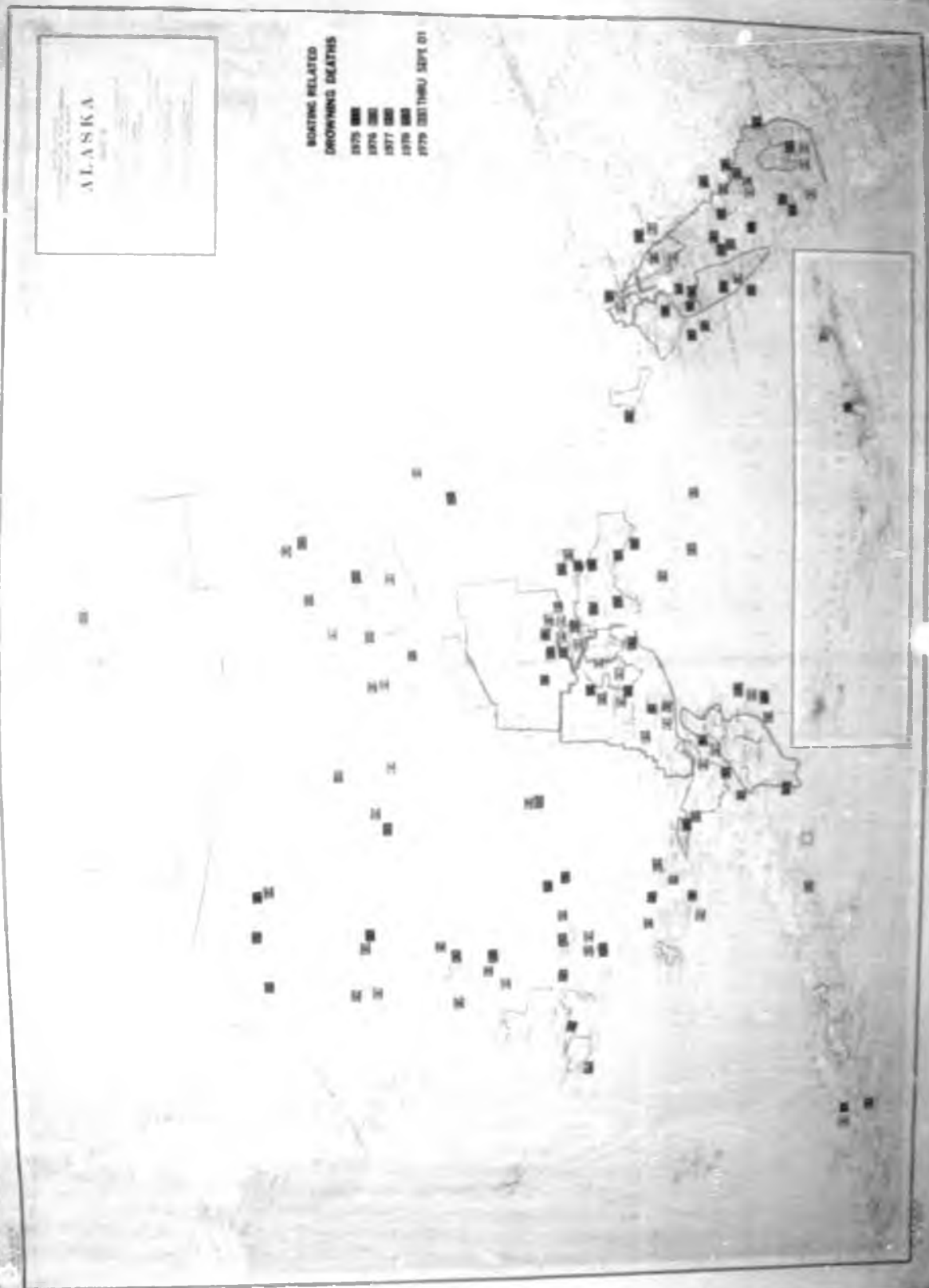
4322



THE FOLLOWING DOCUMENT(S) MAY NOT FILM  
LEGIBLY BECAUSE OF POOR QUALITY OF THE  
ORIGINAL.

ALASKA

BOATING RELATED  
DROWNING DEATHS  
1975 ■■■  
1976 ■■■  
1977 ■■■  
1978 ■■■  
1979 (JULY) ■■■



THE PRECEDING DOCUMENT(S) MAY NOT FILM  
LEGIBLY BECAUSE OF POOR QUALITY OF THE  
ORIGINAL.



## An Act

To provide for a coordinated national boating safety program.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Boat Safety Act of 1971".

Federal Boat  
Safety Act of  
1971.

### DECLARATION OF POLICY AND PURPOSE

Sec. 2. It is hereby declared to be the policy of Congress and the purpose of this Act to improve boating safety and to foster greater development, use, and enjoyment of all the waters of the United States by encouraging and assisting participation by the several States, the boating industry, and the boating public in development of more comprehensive boating safety programs; by authorizing the establishment of national construction and performance standards for boats and associated equipment; and by creating more flexible regulatory authority concerning the use of boats and equipment. It is further declared to be the policy of Congress to encourage greater and continuing uniformity of boating laws and regulations as among the several States and the Federal Government, a higher degree of reciprocity and comity among the several jurisdictions, and closer cooperation and assistance between the Federal Government and the several States in developing, administering, and enforcing Federal and State laws and regulations pertaining to boating safety.

85 STAT. 213  
85 STAT. 214

### DEFINITIONS

Sec. 3. As used in this Act, and unless the context otherwise requires—

(1) "Boat" means any vessel—

(A) manufactured or used primarily for noncommercial use;

or

(B) leased, rented, or chartered to another for the latter's non-commercial use; or

(C) engaged in the carrying of six or fewer passengers.

(2) "Vessel" includes every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on the water.

(3) "Undocumented vessel" means a vessel which does not have and is not required to have a valid marine document as a vessel of the United States.

(4) "Use" means operate, navigate, or employ.

(5) "Passenger" means every person carried on board a vessel other than—

(A) the owner or his representative;

(B) the operator;

(C) bona fide members of the crew engaged in the business of the vessel who have contributed no consideration for their carriage and who are paid for their services; or

(D) any guest on board a vessel which is being used exclusively for pleasure purposes who has not contributed any consideration, directly, or indirectly, for his carriage.

(6) "Owner" means a person who claims lawful possession of a vessel by virtue of legal title or equitable interest therein which entitles him to such possession.

(This Act  
is 16 pages  
long)

- (7) "Manufacturer" means any person engaged in—  
 (A) the manufacture, construction, or assembly of boats or associated equipment; or  
 (B) the manufacture or construction of components for boats and associated equipment to be sold for subsequent assembly; or  
 (C) the importation into the United States for sale of boats, associated equipment, or components thereof.
- (8) "Associated equipment" means—  
 (A) any system, part, or component of a boat as originally manufactured or any similar part or component manufactured or sold for replacement, repair, or improvement of such system, part, or component;  
 (B) any accessory or equipment for, or appurtenance to, a boat; and  
 (C) any marine safety article, accessory, or equipment intended for use by a person on board a boat; but  
 (D) excluding radio equipment.
- (9) "Secretary" means the Secretary of the Department in which the Coast Guard is operating.
- (10) "State" means a State of the United States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the District of Columbia.
- (11) "Eligible State" means one that has a State boating safety program which has been accepted by the Secretary.

#### APPLICABILITY

SEC. 4. (a) This Act applies to vessels and associated equipment used, to be used, or carried in vessels used, on waters subject to the jurisdiction of the United States and on the high seas beyond the territorial seas for vessels owned in the United States.

(b) Sections 5 through 11 and subsections 12(a) and 12(b) of this Act are applicable also to boats moving or intended to be moved in interstate commerce.

(c) This Act, except those sections where the content expressly indicates otherwise, does not apply to—

- (1) foreign vessels temporarily using waters subject to United States jurisdiction;
- (2) military or public vessels of the United States, except recreational-type public vessels;
- (3) a vessel whose owner is a State or subdivision thereof, which is used principally for governmental purposes, and which is clearly identifiable as such;
- (4) ships' lifeboats.

#### BOAT AND ASSOCIATED EQUIPMENT STANDARDS AND USE

##### SAFETY REGULATIONS AND STANDARDS

SEC. 5. (a) The Secretary may issue regulations—

- (1) establishing minimum safety standards for boats and associated equipment, and establishing procedures and tests required to measure conformance with such standards. Each standard shall be reasonable, shall meet the need for boating safety, and shall be stated, insofar as practicable, in terms of performance;
- (2) requiring the installation, carrying, or using of associated equipment on boats and classes of boats subject to this Act; and prohibiting the installation, carrying, or using of associated equipment which does not conform with safety standards established

under this section. Equipment contemplated by this clause includes, but is not limited to, fuel systems, ventilation systems, electrical systems, navigational lights, sound producing devices, fire fighting equipment, lifesaving devices, signaling devices, ground tackle, life and grab rails, and navigational equipment.

(b) A regulation or standard issued under this section—

(1) shall specify an effective date which is not earlier than one hundred and eighty days from the date of issuance, except that this period shall be increased in the discretion of the Secretary to not more than eighteen months in any case involving major product design, retooling, or major changes in the manufacturing process, unless the Secretary finds that there exists a boating safety hazard so critical as to require an earlier effective date; what constitutes major product redesign, retooling, or major changes shall be determined by the Secretary;

(2) may not compel substantial alteration of a boat or item of associated equipment which is in existence, or the construction or manufacture of which is commenced before the effective date of the regulation; but subject to that limitation may require compliance or performance to avoid a substantial risk of personal injury to the public that the Secretary considers appropriate in relation to the degree of hazard that the compliance will correct; and

(3) shall be consistent with laws and regulations governing the installation and maintenance of sanitation equipment.

#### PREScribing REGULATIONS AND STANDARDS

SEC. 6. In establishing a need for formulating and prescribing regulations and standards under section 5 of this Act, the Secretary shall, among other things—

(1) consider the need for and the extent to which the regulations or standards will contribute to boating safety;

(2) consider relevant available boat safety standards, statistics and data, including public and private research, development, testing, and evaluation;

(3) consider whether any proposed regulation or standard is reasonable and appropriate for the particular type of boat or associated equipment for which it is prescribed;

(4) consult with the Boating Safety Advisory Council established pursuant to section 33 of this Act regarding all of the foregoing considerations.

#### DISPLAY OF LABELS EVIDENCING COMPLIANCE

SEC. 7. The Secretary may require or permit the display of seals, labels, plates, insignia, or other devices for the purpose of certifying or evidencing compliance with Federal safety regulations and standards for boats and associated equipment.

#### DELEGATION OF INSPECTION FUNCTION

SEC. 8. The Secretary may, subject to such regulations, supervision, and review as he may prescribe, delegate to any person, or private or public agency, or to any employee under the supervision of such person or agency, any work, business, or function respecting the examination, inspection, and testing necessary for compliance enforcement or for the development of data to enable the Secretary to prescribe and to issue regulations and standards, under sections 5 and 6 of this Act.

## EXEMPTIONS

SEC. 9. The Secretary may, if he considers that boating safety will not be adversely affected, issue exemptions from any provision of this Act or regulations and standards established thereunder, on terms and conditions as he considers appropriate.

## FEDERAL PREEMPTION

SEC. 10. Unless permitted by the Secretary under section 9 of this Act, no State or political subdivision thereof may establish, continue in effect, or enforce any provision of law or regulation which establishes any boat or associated equipment performance or other safety standard, or which imposes any requirement for associated equipment, except, unless disapproved by the Secretary, the carrying or using of marine safety articles to meet uniquely hazardous conditions or circumstances within the State, which is not identical to a Federal regulation issued under section 5 of this Act.

## ADMISSION OF NONCONFORMING FOREIGN-MADE BOATS

SEC. 11. The Secretary of the Treasury and the Secretary may, by joint regulations, authorize the importation of a nonconforming boat or associated equipment upon terms and conditions, including the furnishing of bond, which will assure that the boat or associated equipment will be brought into conformity with the applicable Federal safety regulations and standards before it is used on waters subject to the jurisdiction of the United States.

## PROHIBITED ACTS

SEC. 12. (a) No person shall—

(1) manufacture, construct, assemble, introduce, or deliver for introduction in interstate commerce, or import into the United States, or if engaged in the business of selling or distributing boats or associated equipment, sell or offer for sale, any boat, associated equipment, or component thereof to be sold for subsequent assembly, unless—

(A) it conforms with regulations and standards prescribed under this Act, or

(B) it is intended solely for export, and so labeled, tagged, or marked on the boat or equipment and on the outside of the container, if any, which is exported.

(2) fix, attach, or display a seal, label, plate, insignia, or other device indicating or suggesting compliance with Federal safety standards, on, in, or with a boat or item of associated equipment, which is false or misleading;

(3) fail to furnish a notification as required by section 15(a) or exercise reasonable diligence in fulfilling the undertaking given pursuant to section 15(c) of this Act.

(b) No person shall be subject to any penalty contained in this section if he establishes that he did not have reason to know in the exercise of due care that a boat or associated equipment does not conform with applicable Federal boat safety standards, or who holds a certificate issued by the manufacturer of the boat or associated equipment to the effect that such boat or associated equipment conforms to all applicable Federal boat safety standards, unless such person knows or reasonably should have known that such boat or associated equipment does not so conform.

(c) No person may use a vessel in violation of this Act or regulations issued thereunder.

(d) No person may use a vessel, including one otherwise exempted by section 4(c) of this Act, in a negligent manner so as to endanger the life, limb, or property of any person. Violations of this subsection involving use which is grossly negligent, subject the violator, in addition to any other penalties prescribed in this Act, to the criminal penalties prescribed in section 34.

(e) No vessel equipped with propulsion machinery of any type and not subject to the manning requirements of the vessel inspection laws administered by the Coast Guard, may while carrying passengers for hire, be used except in the charge of a person licensed for such service under regulations, prescribed by the Secretary, which pertain to qualifications, issuance, revocation, or suspension, and related matters.

(f) Section 12(e) of this Act shall not apply to any vessel being used for bona fide dealer demonstrations furnished without fee to business invitees. However, if on the basis of substantial evidence the Secretary determines, pursuant to section 6 hereof, that requiring vessels so used to be under the control of licensed persons is necessary to meet the need for boating safety, then the Secretary may promulgate regulations requiring the licensing of persons controlling such vessels in the same manner as provided in section 12(e) of this Act for persons in control of vessels carrying passengers for hire.

#### TERMINATION OF UNSAFE USE

Sec. 13. If a Coast Guard boarding officer observes a boat being used without sufficient lifesaving or firefighting devices or in an overloaded or other unsafe condition as defined in regulations of the Secretary, and in his judgment such use creates an especially hazardous condition, he may direct the operator to take whatever immediate and reasonable steps would be necessary for the safety of those aboard the vessel, including directing the operator to return to mooring and to remain there until the situation creating the hazard is corrected or ended.

#### INSPECTION, INVESTIGATION, REPORTING

Sec. 14. (a) Every manufacturer subject to the provisions of this Act shall establish and maintain records, make reports, and provide information as the Secretary may reasonably require to enable him to determine whether the manufacturer has acted or is acting in compliance with this Act and the regulations issued thereunder. A manufacturer shall, upon request of an officer, employee, or agent authorized by the Secretary, permit the officer, employee, or agent to inspect at reasonable times factories or other facilities, books, papers, records, and documents relevant to determining whether the manufacturer has acted or is acting in compliance with this Act and the regulations issued thereunder.

(b) All information reported to or otherwise obtained by the Secretary or his representative pursuant to subsection (a) of this section containing or relating to a trade secret or other matter referred to in section 1005 of title 18 of the United States Code or authorized to be exempted from public disclosure by subsection 552(b) of title 5, United States Code, shall be considered confidential for the purpose of that section of title 18, except that, upon approval by the Secretary, such information may be disclosed to other officers, employees, or agents concerned with carrying out this Act or when relevant in any proceeding under this Act.

## NOTIFICATION OF DEFECTS; REPAIR OR REPLACEMENT

SEC. 15. (a) Every manufacturer who discovers or acquires information which he determines, in the exercise of reasonable and prudent judgment, indicates that a boat or associated equipment subject to an applicable standard or regulation prescribed pursuant to section 5 of this Act either fails to comply with such standard or regulation, or contains a defect which creates a substantial risk of personal injury to the public, shall, if such boat or associated equipment has left the place of manufacture, furnish notification of such defect or failure of compliance as provided in subsections (b) and (c) of this section, within a reasonable time after the manufacturer has discovered the defect.

Notification,  
recipients.

(b) The notification required by subsection (a) of this section shall be given to the following persons in the following manner—

(1) by certified mail to the first purchaser for purposes other than resale: *Provided*, That the requirement for notification of such first purchaser shall be satisfied if the manufacturer exercises reasonable diligence in creating and maintaining a list of such purchasers and their current addresses and sends the required notice to each person on said list at the address appearing thereon;

(2) by certified mail to subsequent purchasers, if known to the manufacturer;

(3) by certified mail or other more expeditious means to the dealers or distributors of such manufacturer to whom such boat or associated equipment was delivered.

Contents.

(c) The notification required by subsection (a) of this section shall contain a clear description of such defect or failure to comply, an evaluation of the hazard reasonably related thereto, a statement of the measures to be taken to correct such defect or failure to comply, and an undertaking by the manufacturer to take such measures at his sole cost and expense.

(d) Every manufacturer shall furnish to the Secretary a true or representative copy of all notices, bulletins, and other communications to dealers or distributors of such manufacturer or to purchasers or subsequent purchasers, of boats or associated equipment of such manufacturer, regarding any defect relating to safety in such boats or associated equipment or any failure to comply with a standard, regulation, or order applicable to such boat or associated equipment. The Secretary may publish or otherwise disclose to the public so much of the information contained in such notice or other information in his possession as he deems will assist in carrying out the purposes of this Act, but shall not disclose any information which contain or relates to a trade secret unless he determines that it is necessary to carry out the purposes of this Act.

DISCLOSURE  
- 1 -

(e) If through testing, inspection, investigation, research, or examination of reports carried out pursuant to this Act the Secretary determines that any boat or associated equipment subject to this Act—

(1) fails to comply with an applicable standard or regulation prescribed pursuant to section 5; or

(2) contains a defect which relates to safety,

and if the Secretary determines that notification provided under this section is appropriate, he shall notify the manufacturer of the boat or associated equipment of such defect or failure to comply. The notice shall contain the findings of the Secretary and shall include a synopsis of the information upon which the findings are based. Upon receipt of such notice, the manufacturer shall furnish the notification described in subsection (c) to the persons designated in subsection (b), unless the manufacturer disputes the Secretary's determination, in

which case the Secretary shall afford such manufacturer an opportunity to present his views to establish that there is no failure of compliance or defect relating to safety. Where the Secretary determines it is in the public interest, he may publish notice of such proceeding in the Federal Register and afford interested persons, including the Boating Safety Advisory Council, an opportunity to comment thereon. If after such presentation by the manufacturer the Secretary determines that such boat or associated equipment does not comply with an applicable standard or regulation, or that it contains a defect related to safety, the Secretary may direct the manufacturer to furnish the notification specified in subsection (c) of this section to the persons specified in subsection (b) of this section.

Notice; publication in Federal Register.

(f) For purposes of section 15, the term "associated equipment" includes only such items or classes of associated equipment as the Secretary shall by regulation or order prescribe after determining that the application of the requirements of this section to such items or classes of associated equipment is reasonable, appropriate, and in furtherance of the purposes of this Act.

"Associated equipment."

(g) The Secretary is authorized to promulgate regulations defining and establishing procedures and otherwise furthering the purposes of this section.

Rule making powers.

RENDERING OF ASSISTANCE IN CASUALTIES

SEC. 16. (a) The operator of a vessel, including one otherwise exempted by subsection 4(c) of this Act, involved in a collision, accident, or other casualty, to the extent he can do so without serious danger to his own vessel, or persons aboard, shall render all practical and necessary assistance to persons affected by the collision, accident, or casualty to save them from danger caused by the collision, accident, or casualty. He shall also give his name, address, and the identification of his vessel to any person injured and to the owner of any property damaged. The duties imposed by this subsection are in addition to any duties otherwise imposed by law.

Vessel operator, duties.

(b) Any person who complies with subsection (a) of this section or who gratuitously and in good faith renders assistance at the scene of a vessel collision, accident, or other casualty without objection of any person assisting, shall not be held liable for any civil damages as a result of the rendering of assistance or for any act or omission in providing or arranging salvage, towage, medical treatment, or other assistance where the assisting person acts as an ordinary, reasonably prudent man would have acted under the same or similar circumstances.

Liability exemption.

NUMBERING OF CERTAIN VESSELS

VESSELS REQUIRING NUMBERING

SEC. 17. An undocumented vessel equipped with propulsion machinery of any type shall have a number issued by the proper issuing authority in the State in which the vessel is principally used.

STANDARD NUMBERING

SEC. 18. (a) The Secretary shall establish by regulation a standard numbering system for vessels. Upon application by a State the Secretary shall approve a State numbering system which is in accord with the standard numbering system and the provisions of this Act relating to numbering and casualty reporting. A State with an approved system is the issuing authority under the Act. The Secretary is the issuing authority in States where a State numbering system has not been approved.

44 USC 507  
note.

(b) If a State has a numbering system approved by the Secretary under the Act of September 2, 1958 (72 Stat. 1754), as amended, prior to enactment hereof, the system need not be immediately revised to conform with this Act and may continue in effect without change for a period not to exceed three years from the date of enactment of this Act.

(c) When a vessel is actually numbered in the State of principal use, it shall be considered as in compliance with the numbering system requirements of any State in which it is temporarily used.

(d) When a vessel is removed to a new State of principal use, the issuing authority of that State shall recognize the validity of a number awarded by any other issuing authority for a period of at least sixty days before requiring numbering in the new State.

(e) If a State has a numbering system approved after the effective date of this Act, that State must accept and recognize any certificate of number issued by the Secretary, as the previous issuing authority in that State, for one year from the date that State's system is approved, or until its expiration date, at the option of the State.

(f) Whenever the Secretary determines that a State is not administering its approved numbering system in accordance with the standard numbering system, or has altered its system without his approval, he may withdraw his approval after giving notice to the State, in writing, setting forth specifically wherein the State has failed to meet the standards required, and the State has not corrected such failures within a reasonable time after being notified by the Secretary.

#### EXEMPTIONS

Sec. 19. (a) The Secretary, when he is the issuing authority, may exempt a vessel or class of vessels from the numbering provisions of this Act under such conditions as he may prescribe.

(b) When a State is the issuing authority, it may exempt from the numbering provisions of this Act any vessel or class of vessels that has been exempted under subsection (a) of this section or otherwise as permitted by the Secretary.

#### DESCRIPTION OF CERTIFICATE OF NUMBER

Sec. 20. (a) A certificate of number granted under this Act shall be pocket size, shall be at all times available for inspection on the vessel for which issued when the vessel is in use, and may not be valid for more than three years. The certificate of number for vessels less than twenty-six feet in length and leased or rented to another for the latter's noncommercial use of less than twenty-four hours may be retained on shore by the vessel's owner or his representative at the place from which the vessel departs or returns to the possession of the owner or his representative. A vessel which does not have the certificate of number on board shall be identified while in use, and comply with such other requirements, as the issuing authority prescribes.

(b) The owner of a vessel numbered under this Act shall furnish to the issuing authority notice of the transfer of all or part of his interest in the vessel, or of the destruction or abandonment of the vessel, within a reasonable time thereof, and shall furnish notice of any change of address within a reasonable time of the change, in accordance with prescribed regulations.

#### DISPLAY OF NUMBER

Sec. 21. A number required by this Act shall be painted on, or attached to, each side of the forward hull of the vessel for which it was

issued, and shall be of the size, color, and type as may be prescribed by the Secretary. No other number may be carried on the forward half of the vessel.

#### SAFETY CERTIFICATES

Sec. 22. When a State is the issuing authority it may require that the operator of a numbered vessel hold a valid safety certificate issued under terms and conditions set by the issuing authority.

#### REGULATIONS

Sec. 23. The issuing authority may prescribe regulations and establish fees to carry out the intent of sections 17 through 24 and section 37 of this Act. A State issuing authority may impose only terms and conditions for vessel numbering (1) which are prescribed by this Act or the regulations of the Secretary concerning the standard numbering system, or (2) which relate to proof of payment of State or local taxes.

#### FURNISHING OF INFORMATION

Sec. 24. Any person may request from an issuing authority vessel numbering and registration information which is retrievable from vessel numbering system records of the issuing authority. When the issuing authority is satisfied that the request is reasonable and related to a boating safety purpose, the information shall be furnished upon payment by such person of the cost of retrieval and furnishing of the information requested.

#### STATE BOATING SAFETY PROGRAMS

##### ESTABLISHMENT AND ACCEPTANCE

Sec. 25. In order to encourage greater State participation and consistency in boating safety efforts, and particularly greater safety patrol and enforcement activities, the Secretary may accept State boating safety programs directed at implementing and supplementing this Act. Acceptance is necessary for a State to receive full rather than partial Federal financial assistance under this Act. The Secretary may also make Federal funds available to an extent permitted by subsection 27(d) of this Act to national nonprofit public service organizations for national boating safety programs and activities which he considers to be in the public interest.

##### BOATING SAFETY PROGRAM CONTENT

Sec. 26. (a) The Secretary shall accept a State boating safety program which—

(1) incorporates a State vessel numbering system previously approved under this Act or includes such a numbering system as part of the proposed boating safety program;

(2) includes generally the other substantive content of the Model State Boat Act as approved by the National Association of State Boating Law Administrators in conjunction with the Council of State Governments, or is in substantial conformity therewith, or conforms sufficiently to insure uniformity and promote comity among the several jurisdictions;

(3) provides for patrol and other activity to assure enforcement of the State boating safety laws and regulations;

(4) provides for boating safety education programs;

(5) designates the State authority or agency which will administer the boating safety program and the allocated Federal funds; and

(6) provides that the designated State authority or agency will submit reports in the form prescribed by the Secretary.

(b) The requirements of subparagraph (a) (2) of this section shall be liberally construed to permit acceptance where the general intent and purpose of such requirements are met and nothing contained therein is in any way intended to discourage a State program which is more extensive or comprehensive than suggested herein, particularly with the regard to safety patrol and enforcement activity commensurate with the amount and type of boating activity within the State, and with regard to public boat safety education, and experimental programs which could enhance boating safety.

#### ALLOCATION OF FEDERAL FUNDS

Sec. 27. (a) The Secretary shall allocate the amount appropriated to the several States as soon as practicable after July 1 of each fiscal year for which the funds are appropriated.

(b) In order to encourage and assist the States in the development of boating safety programs during the first three fiscal years for which funds are available under this Act, the funds shall be allocated among applying States having a boating safety program, or which indicate to the Secretary their intention to establish boating safety programs in accordance with section 25 of this Act. One-half of the funds shall be allocated equally among the applying States. The other half shall be allocated to each applying State in the same ratio as the number of vessels propelled by machinery numbered in that State bears to the number of such vessels numbered in all applying States.

(c) In fiscal years after the third fiscal year for which funds are available under this Act the moneys appropriated shall be allocated among applying States. Of the total available funds one-third shall be allocated each year equally among applying States. One-third shall be allocated so that the amount each year to each applying eligible State will be in the same ratio as the number of vessels numbered in that State, under a numbering system approved under this Act, bears to the number of such vessels numbered in all applying eligible States. The remaining one-third shall be allocated so that the amount each year to each applying eligible State shall be in the same ratio as the State funds expended or obligated for the State boating safety program during the previous fiscal year by a State bears to the total State funds expended or obligated for that fiscal year by all the applying eligible States.

(d) The Secretary may allocate not more than 5 per centum of funds appropriated in any fiscal year for national boating safety activities of one or more national nonprofit-public service organizations.

#### ALLOCATION LIMITATIONS; UNOBLIGATED OR UNALLOCATED FUNDS

Sec. 28. (a) Notwithstanding the allocation ratios prescribed in section 27 of this Act, the Federal share of the total annual cost of a State's boating safety program may not exceed 75 per centum in fiscal year 1972, 66 $\frac{2}{3}$  per centum in fiscal year 1973, 50 per centum in fiscal year 1974, 40 per centum in fiscal year 1975, and 33 $\frac{1}{3}$  per centum in fiscal year 1976. No State may receive more than 5 per centum of the Federal funds appropriated or available for allocation in any fiscal year.

Limitation.

(b) Amounts allocated to a State shall be available for obligation by that State for a period of three years following the date of allocation. Funds unobligated by the State at the expiration of the three-year period shall be withdrawn by the Secretary and shall be available with other funds to be allocated by the Secretary during that fiscal year.

(c) Funds available to the Secretary which have not been allocated at the end of a fiscal year shall be carried forward as part of the total allocation funds for the next fiscal year for which appropriations are authorized by this Act.

#### DETERMINATION OF STATE FUNDS EXPENDED

Sec. 29. In accordance with regulations prescribed by the Secretary computation by a State of funds expended or obligated for the boating safety program shall include the acquisition, maintenance, and operating costs of facilities, equipment, and supplies; personnel salaries and reimbursable expenses; the costs of training personnel; public boat safety education; the costs of administering the program; and other expenses which the Secretary considers appropriate. The Secretary shall determine any issues which arise in connection with such computation.

#### AUTHORIZATION FOR APPROPRIATIONS FOR STATE BOATING SAFETY PROGRAMS

Sec. 30. For the purpose of providing financial assistance for State boating safety programs there is authorized to be appropriated \$7,500,000 for the fiscal year ending June 30, 1972, and \$7,500,000 for each of the four succeeding fiscal years, such appropriations to remain available until expended.

#### PAYMENTS

Sec. 31. (a) Amounts allocated under section 27 of this Act shall be computed and paid to the States as follows:

(1) During the first three fiscal years that funds are available the Secretary shall schedule the initial payment to each State at the earliest possible time after application and compliance with subsection 27 (b) of this Act.

(2) For fiscal years after the third fiscal year for which funds are available, the Secretary shall determine during the last quarter of a fiscal year, on the basis of computations made pursuant to section 29 of this Act and submitted by the States, the percentage of the funds available for the next fiscal year to which each eligible State shall be entitled. Notice of the percentage and of the dollar amount, if it can then be determined, for each State shall be furnished to the States at the earliest practicable time. If the Secretary finds that an amount made available to a State for a prior year is greater or less than the amount which should have been made available to that State for the prior year, because of later or more accurate State expenditure information, the amount for the current fiscal year may be increased or decreased by the appropriate amount.

(b) Notwithstanding any other provision of law, the Secretary shall schedule the payment of funds consistent with the program purposes and applicable Treasury regulations, so as to minimize the time elapsing between the transfer of funds from the United States Treasury and the subsequent disbursement thereof by a State.

Failure to comply, payments termination.

(c) Whenever the Secretary, after reasonable notice to the designated State authority or agency, finds that—

(1) the boating safety program submitted by the State and accepted by the Secretary has been so changed that it no longer complies with this Act or standards established by regulations thereunder; or

(2) in the administration of the boating safety program, there has been a failure to comply substantially with the standards established by the regulations;

the Secretary shall notify the State authority or agency that no further payments will be made to the State until the program conforms to the established standards or the failure is corrected.

Records, availability for audit.

(d) The Secretary shall, by regulation, provide for such accounting, budgeting, and other fiscal procedures as are necessary and reasonable for the proper and efficient administration of this section. The Secretary and the Comptroller General of the United States shall have access for the purpose of audit and examination, to any books, documents, papers, and records that are pertinent to Federal funds allocated under this Act.

#### CONSULTATION AND COOPERATION

SEC. 32. (a) In carrying out his responsibilities under this Act the Secretary may consult with State and local governments, public and private agencies, organizations and committees, private industry, and other persons having an interest in boating and boating safety.

Coast Guard, jurisdiction.

43 Stat. 105.

14 USC 521.

(b) The Secretary may advise, assist, and cooperate with the States and other interested public and private agencies, in the planning, development, and execution of boating safety programs. Acting under the authority of section 141 of title 14, United States Code, and consonant with the policy defined in section 2 of this Act, the Secretary shall insure the fullest cooperation between the State and Federal authorities in promoting boating safety by entering into agreements and other arrangements with the State whenever possible. Subject to the provisions of chapter 23, title 14, he may make available, upon request from a State, the services of members of the Coast Guard Auxiliary to assist the State in the promotion of boating safety on State waters.

#### BOATING SAFETY ADVISORY COUNCIL

SEC. 33. (a) The Secretary shall establish a National Boating Safety Advisory Council (hereinafter referred to as "the Council"), which shall not exceed twenty-one members, whom the Secretary considers to have a particular expertise, knowledge, and experience in boating safety. Insofar as practical, to assure balanced representation, members shall be drawn equally from (1) State officials responsible for State boating safety programs, (2) boat and associated equipment manufacturers, and (3) boating organizations and members of the general public. Additional persons from those sources may be appointed to panels to the Council which will assist the Council in the performance of its functions.

Membership.

(b) In addition to the consultation required by section 6 of this Act the Secretary shall consult with the Council on any other major boat safety matters related to this Act.

(c) Members of the Council or panels may be compensated at a rate not to exceed the rate provided for Federal classified employees of grade GS-15 when engaged in the duties of the Council Members, while away from their homes or regular places of business, may be allowed travel expenses, including a per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently. Payments under this section shall not render members of the Council employees or officials of the United States for any purposes.

Compensation.

5 USC 5332 note.

80 Stat. 499;

83 Stat. 190.

## CRIMINAL PENALTIES

Sec. 34. Any person who willfully violates section 12(c) of this Act or the regulations issued thereunder shall be fined not more than \$1,000 for each violation or imprisoned not more than one year, or both.

## CIVIL PENALTIES

Sec. 35. (a) In addition to any other penalty prescribed by law any person who violates subsection 12(a) of this Act shall be liable to a civil penalty of not more than \$2,000 for each violation, except that the maximum civil penalty shall not exceed \$100,000 for any related series of violations. Whenever any corporation violates section 12(a) of this Act, any director, officer, or executive employee of such corporation who knowingly and willfully ordered or knowingly and willfully authorized such violation shall be individually liable to the civil penalties contained herein, in addition to the corporation: *Provided, however*, That no such director, officer, or executive employee shall be individually liable under this subsection if he can demonstrate, by a preponderance of the evidence, (1) that said order or authorization was issued on the basis of a determination, in the exercise of reasonable and prudent judgment, that the nonconformity with standards and regulations constituting such violation would not cause or constitute a substantial risk of personal injury to the public, and (2) that at the time of said order or authorization he advised the Secretary in writing of his action under this proviso.

(b) In addition to any other penalty prescribed by law any person who violates any other provision of this Act or the regulations issued thereunder shall be liable to a civil penalty of not more than \$500 for each violation. If the violation involves the use of a vessel, the vessel, except as exempted by subsection 4(c) of this Act, shall be liable and may be proceeded against in the district court of any district in which the vessel may be found.

(c) The Secretary may assess and collect any civil penalty incurred under this Act and, in his discretion, remit, mitigate, or compromise any penalty prior to referral to the Attorney General. Subject to approval by the Attorney General, the Secretary may engage in any proceeding in court for that purpose, including a proceeding under subsection (d) of this section. In determining the amount of any penalty to be assessed hereunder, or the amount agreed upon in any compromise, consideration shall be given to the appropriateness of such penalty in light of the size of the business of the person charged, the gravity of the violation and the extent to which the person charged has complied with the provisions of section 15 of this Act or has otherwise attempted to remedy the consequences of the said violation.

Secretary dis-

cretionary

PART 1

Collection, re-  
ferral.

(d) When a civil penalty of not more than \$200 has been assessed under this Act, the Secretary may refer the matter for collection of the penalty directly to the Federal magistrate of the jurisdiction wherein the person liable may be found for collection procedures under supervision of the district court and pursuant to order issued by the court delegating such authority under section 636(b) of title 28, United States Code.

42 Stat. 1113.

#### INJUNCTIVE PROCEEDINGS

Boats or equip-  
ment, U. S.  
Jurisdiction.

SEC. 36. The United States district courts shall have jurisdiction to restrain violations of this Act, or to restrain the sale, offer for sale, or the introduction or delivery for introduction, in interstate commerce, or the importation into the United States, of any boat or associated equipment which is determined not to conform to Federal boat safety standards, upon petition by the Attorney General on behalf of the United States. Whenever practicable, the Secretary shall give notice to any person against whom an action for injunctive relief is contemplated and afford him an opportunity to present his views, and except in the case of knowing and willful violation, shall afford him a reasonable opportunity to achieve compliance. The failure to give notice and afford such opportunity does not preclude the granting of appropriate relief.

Notice, hearing  
opportunity.

#### CASUALTY REPORTING SYSTEMS

SEC. 37. (a) The Secretary shall prescribe a uniform vessel casualty reporting system for vessels subject to this Act, including those otherwise exempted by paragraphs (1), (3), and (4) of section 4(c).

State reports  
to Secretary.

(b) A State vessel numbering system and boating safety program approved under this Act shall provide for the reporting of casualties and accidents involving vessels. A State shall compile and transmit to the Secretary reports, information, and statistics on casualties and accidents reported to it.

Fatal casual-  
ties.

(c) A vessel casualty reporting system shall provide for the reporting of all marine casualties involving vessels indicated in subsection (a) of this section and resulting in the death of any person. Marine casualties which do not result in loss of life shall be classified according to the gravity thereof, giving consideration to the extent of the injuries to persons, the extent of property damage, the dangers which casualties create, and the size, occupation or use, and the means of propulsion of the boat involved. Regulations shall prescribe the casualties to be reported and the manner of reporting.

(d) The owner or operator of a boat or vessel indicated in subsection (a) of this section and involved in a casualty or accident shall report the casualty or accident to the Secretary in accordance with regulations prescribed under this section unless he is required to report to a State under a State system approved under this Act.

(e) The Secretary shall collect, analyze, and publish reports, information, or statistics together with such findings and recommendations as he considers appropriate. If a State accident reporting system provides that information derived from accident reports, other than statistical, shall be unavailable for public disclosure, or otherwise prohibits use by the State or any person in any action or proceeding against an individual, the Secretary may utilize the information or material furnished by a State only in like manner.

Reports and recommendations, publication.

APPROPRIATIONS AUTHORIZATION

Sec. 38. There is authorized to be appropriated amounts as may be necessary to administer the provisions of this Act.

85 STAT. 227

GENERAL REGULATIONS

85 STAT. 228

Sec. 39. The Secretary may issue regulations necessary or appropriate to carry out the purposes of this Act.

SAVINGS PROVISION

Sec. 40. Compliance with this Act or standards, regulations, or orders promulgated hereunder shall not relieve any person from liability at common law or under State law.

MISCELLANEOUS PROVISIONS

Sec. 41. (a) The following are repealed:

Repeals.

(1) Section 7, as amended, and sections 13 and 14 of the Motorboat Act of 1940, Public Law 76-484, April 25, 1940 (54 Stat. 165);

76 Stat. 154;

(2) The Federal Boating Act of 1958, Public Law 85-911, September 2, 1958 (72 Stat. 1734), except subsections 6(b) and 6(t) thereof;

72 Stat. 1734;

46 USC 526f,

526i, 526m,

46 CFR 527 note;

(3) The Act of March 25, 1960, Public Law 86-396 (74 Stat. 10); and

74 Stat. 526a,

(4) The Act of August 30, 1961, Public Law 87-171 (75 Stat. 408).

75 Stat. 127,

127a, 127c,

127d,

(b) Subsection (c) of section 6 of the Federal Boating Act of 1958, September 2, 1958 (72 Stat. 1734), is amended to read as follows:

"(c) Such Act of April 25, 1940 (46 U.S.C. 526-526t), is further amended by adding at the end thereof the following new section:

46 USC 526a.

"Sec. 22. (a) This Act applies to every motorboat or vessel on the navigable waters of the United States, Guam, the Virgin Islands, the Commonwealth of Puerto Rico, and the District of Columbia, and every motorboat or vessel owned in a State and using the high seas, except that the provisions of this Act other than sections 12, 18, and 19 do not apply to boats as defined in and subject to the Federal Boat Safety Act of 1971.

"(b) As used in this Act—

"The term 'State' means a State of the United States, Guam, the Virgin Islands, the Commonwealth of Puerto Rico, and the District of Columbia."

"State."

46 USC 390 et seq.

(c) Any vessel, to the extent that it is subject to the Small Passenger Carrying Vessel Act, May 10, 1958 (70 Stat. 151), or to any other Federal inspection statute of the United States, is exempt from the provisions of this Act.

(d) Nothing contained in this Act shall be deemed to exempt from the antitrust laws of the United States any conduct that would be unlawful under such laws, or to prohibit under the antitrust laws of the United States any conduct that would be lawful under such laws.

(e) Regulations previously issued under statutory provisions repealed, modified, or amended by this Act continue in effect as though promulgated under the authority of this Act until expressly abrogated, modified, or amended by the Secretary under the regulatory authority of this Act.

(f) Any criminal or civil penalty proceeding under the Motorboat Act of 1940, as amended, or the Federal Boating Act of 1958, as amended, for a violation which occurred before the effective date of this Act may be initiated and continue to conclusion as though the former Acts had not been amended or repealed hereby.

Approved August 10, 1971.

54 Stat. 163.  
46 USC 526.  
72 Stat. 1734.  
46 USC 527  
note.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 42-124 (Comm. on Merchant Marine and Fisheries).  
SENATE REPORT No. 10-24 (and accompanying bill) (Comm. on Commerce).  
CONGRESSIONAL RECORD, Vol. 117 (1971):  
July 8, considered and passed House.  
July 12, considered and passed Senate, amended, in lieu of  
bill.  
July 22, bill concurred in Senate amendments.

AN ALASKAN TRAGEDY

WE'RE #1 WITHOUT EVEN TRYING

Since the turn of the century, boating has steadily grown to become one of the nations's most popular pastimes. Correspondingly, the boating accident statistics have also grown. As the years went by the Congress enacted several pieces of legislation to deal with the growing problem. Finally, on August 10, 1971, the Federal Boat Safety Act was signed into law establishing minimum standards which would provide the public with reasonably safe boats and equipment. At the same time the Act stressed the need for the individual states to enact equivalent legislation of their own, thus motivating the public to boating safety awareness through public education and operator and equipment requirements.

With the enactment of the Federal Boat Safety Act of 1971, the vast majority of states have recognized the inherent dangers associated with boating and during the ensuing years 47 states have enacted boating safety legislation which squarely faced the problems head on. Their actions and subsequent programs have significantly turned the tide of rising boating accidents and deaths within their states. These programs have received national acclaim for the advancements that have been made in the field of boating safety education and public protection.

To better coordinate their activities among themselves, the National Association of State Boating Law Administrators (NASBLA) was formed to serve as a viable public forum for reviewing and improving upon the federally approved state boating programs. In those states where there is no Federally approved state boating program, such as Alaska, the Coast Guard acts as the boating law administrator for areas that fall under Federal jurisdiction. Consequently, as one of only three states with this very limited federal boating safety program, Alaska's boaters are paying dearly through personal injury, loss of life and loss of property.

HERE IS JUST AN EXAMPLE.....

Alaska has more than 3 million lakes that comprise about 5.2 million acres. They may range in size from the small Arctic ponds to the 1,000 square mile Iliamna Lake. In 1978, the tragedy of boating deaths struck eight times on Alaska's lakes.

However, many more deaths occur each year on our inland rivers and in particular along Alaska's largest, the Yukon. Last year nearly a third of Alaska's boating deaths occurred on these inland rivers.

The most boating deaths occurred along Alaska's 34,000 miles of coastline. In 1978, seventy-one deaths were reported on Alaska's coastal waterways and in addition to these fatalities over \$2 million dollars in personal property was lost in boating accidents. In all, ninety-eight boating fatalities occurred on Alaskan waters last year, second only to motor vehicle fatalities as the largest category of accidental deaths. When this figure is compared with the rest of the United States, Alaska has by far the worst boating record—over 7 times the National average and 2 times more fatalities than the next leading state. (Depicted in Tables 1 and 3).

The three states with largest boating population, California, Texas, and Minnesota, rank 22nd, 35th, and 45th respectively, in the number of boating fatalities. Yet, each state alone has over 500,000 registered boats, more than 15 times the number of boats registered in Alaska. It is interesting to note that Alaska, New Hampshire, and Washington (the only three states without a state boating safety act) rank 1st, 3rd, and 8th in number of boating fatalities.

Another thing to be remembered in the case of California and Texas, is that the boating season in many areas of these states last year round, unlike Alaska, which has a boating season of 6 months or less.

It is evident from these statistics that Alaska has a severe boating problem when compared to the rest of the United States. What can we do to solve this problem or at least bring it under control?

The most effective and proven means for dealing with this problem would be to legislate a comprehensive state boating safety program.

How is a state boating safety program going to change Alaska's unenviable record of boating activity?

First of all, it will identify and charge a state agency with the responsibility for implementing a coordinated boating safety program. Not just another law enforcement program of the Department of Public Safety, but more importantly a means to implement a comprehensive public education program.

Why an education program?

With a state as vast as Alaska the emphasis needs to be focused on public education with public protection programs as a companion when necessary. The resources and expertise of the Department of Education would be utilized to assist in the development and operation of a public education program. In addition, the Coast Guard can be called upon for assistance, training and advice for program development in order to establish effective programs.

How would public protection be handled with the new law?

In addition to the education program, incorporation of the Federal boating regulations into the state boating law, as proposed, would provide procedures and policies for dealing with violators, as well as provide for the minimum operator requirements for safety equipment and boat operation. Specific sections of the act will empower state law enforcement officials with the necessary authority to carry out its provisions. Existing manpower from the Department of Public Safety could be utilized for public protection purposes without the necessity of recruiting more personnel to enforce boating laws.

Doesn't Alaska currently have state boating laws?

The existing state boating statutes cover only minimum operator requirements, which in many cases are inaccurate. This vagueness leaves the law ineffective and consequently, rarely enforced.

What about the Coast Guard, don't they enforce the federal boating laws in Alaska?

Yes, they do, but the key word here to remember is Federal. In the Federal Boat Safety Act of 1971, the Congress designated the Coast Guard as the administrator of the federal boating program and in the following year the Coast Guard inaugurated a nationwide public boating safety program. In Alaska a full time staff of ten was assembled solely to carry out the federal boating safety program, however, because of this limited manpower the program was restricted to only coastal waters. Well, needless to say, in those seven years Alaska's boating population has almost doubled, but the Coast Guard's program hasn't expanded, even in the coastal areas. In the beginning there was an initial drop in the number of fatalities, but the number of boating deaths has soared with the growing boating population. In addition to that, almost half of the boating deaths in Alaska occur on inland rivers and lakes, places that are inaccessible to the Coast Guard or in many cases out of their jurisdiction. Each year the number of complaints received by the Alaska State Troopers, the Coast Guard and other state and federal agencies concerning the negligent operation of boats continues to mount, especially along the inland rivers. Sure the Coast Guard does a good job with the resources they have available, but this growth in boating activity has reduced their effectiveness to that of a token program, with no change in sight.

Won't a new boating law create more regulations for the boater?

No! Only existing regulations will continue to be enforced. What a boating law will do is enable the state to administer and pursue a boating program with little or no federal interference thereby shifting boating control from the federal government to the state.

With the passage of a state boating safety act, where will the revenues come from to administer these programs?

Current federal funding assistance for state boating programs is scheduled to run out in Fiscal Year 1980. Other proposals have also included the establishment of Federal marine fuel taxes which would then be dispersed to only those states with Federally approved boating laws, such as this one being proposed for Alaska. The state could expect to receive somewhere in the neighborhood of \$250,000 from the proposed marine fuel tax bill.

One in-state source of revenue, but a fairly small one, would be a boat and outboard motor titling program. With the existing Coast Guard registration system, a Certificate of Numbers is not unequivocal proof of ownership. A titling program is sorely needed, both to protect the owner and any lienholders on a boat or outboard motor.

Another source of in-state revenue available and by far the largest, would be monies generated by a state operated boating registration program. At the present time this program is administered on behalf of the Federal government by the Coast Guard in Juneau, with all the revenues from this program being deposited in the U. S. Treasury. None of the revenues remain in Alaska! The program, administered on a yearly basis utilizing the fee structure as proposed, will generate approximately \$500,000 per year to directly support the state boating programs, an amount commensurate with the cost to administer the programs to be undertaken by this law.

What advantages are there to numbering boats?

Most importantly, boats need to be numbered to aid in search and rescue. For example, if a boat is found adrift or capsized, in just a matter of minutes the boat owner can be identified through the numbers on the hull and a check can be made with owner, relatives or neighbors to determine if there was anyone on board or if the boat was just adrift.

The boat registration program also provides an added benefit for the prospective boat buyer. Financial institutions will more readily lend money for the purchase of boats if some form of previous ownership can be provided.

For commercial fishermen who are applying to the Limited Entry Commission to fish in Alaskan waters, boat registration lends to the proof of vessel ownership, both past and present, as required by the Commission.

With the future development of the bottom fisheries industry, the registration of boats will be essential to facilitate effective management of those fisheries.

Boat numbers also fulfill other useful purposes. Among them law enforcement, educational contact, accident reporting and consumer defect notification.. Whether used for tracing a person for the negligent operation of a boat, to provide boating safety materials, or to notify a consumer of a possible product defect, all protect and serve the public welfare.

With the passage of a comprehensive state boating safety program won't the Coast Guard reduce its effort in boating safety in Alaska?

Quite the contrary, the Coast Guard has a dedicated commitment to boating safety in Alaska. The presence of a state boating safety program would lend a new dimension to the Coast Guard's role in this area. Specifically, the Coast Guard would assist the State in establishing its own program, provide training to educators and peace officers, and work hand and hand with state and local agencies.

But what if the legislature fails to enact a state boating safety law, what will the consequences be?

With no possibility of the Coast Guard expanding their boating program, the number of boating accidents and fatalities will continue to soar as the boating population grows.

Without a doubt the proposed state boating law will provide the boaters of Alaska with a program designed to meet their special needs without burdening the non-boater.

#### STATISTICS

1. Alaska has the highest fatality rate in the United States — over 7 times the National average.
2. Next to motor vehicle fatalities, boating deaths represent the largest category of accidental deaths in Alaska.
3. Of the 98 deaths that occurred on Alaskan waters in 1978, approximately 50% occurred inland — in areas presently inaccessible to the Coast Guard or out of their jurisdiction.

## PRESENT STATE LAW

1. The present state boating laws are contained in Title 5, Amusements and Sports, of the Alaska State Statutes; Chapter 25, Watercraft.
2. The present law in many cases is obsolete. Being passed in 1961, the Federal laws have superseded much of the Alaska State law.
3. The remaining sections represent only a skelton law enforcement program, which is rarely enforced.

## PROPOSED STATE LAW

1. Establishes a coordinated boating education program utilizing the Department of Education and other state agencies as needed..
2. Incorporates the Federal boating statutes into the state law.
3. Will establish a more effective state "public protection" program.

## PROGRAM FUNDING

1. Federal Assistance
  - a. State Boating Funds -- These are due to expire in FY 80.
  - b. Proposed Marine Fuel Taxes -- Being considered by Congress to fund Federally approved state boating programs. The state could expect to receive approximately \$250,000 from this proposal.
2. State Revenues -- approximately \$500,000 will be generated from a boat registration program, based on the proposed fee schedule contained in the law. (Additional revenues may be raised from a Titling program as proposed).

## COAST GUARD ASSISTANCE

1. Training and assistance will be provided by the Coast Guard for initial development of educational programs.
2. Initial training of law enforcement officers to assist in the development of an effective public protection program.
3. The Coast Guard will continue its coastal boarding program for enforcement of boating safety laws.
4. The Coast Guard will continue with present educational programs -- in relation to the Coast Guard Auxiliary.

5. The Coast Guard will remain a viable support agency for state assistance.

#### ADVANTAGES TO STATE IN ESTABLISHING A BOATING SAFETY PROGRAM

1. The State will assume management, administration and control versus the present Federal intervention.

2. Revenues will remain in Alaska, available for state usage, instead of being deposited with the Federal government.

3. Offers programs and protection to the entire state, not just coastal areas.

4. Expand the benefits to more than ten times the present level.

TABLE 1 TEN LEADING STATES  
IN BOATING FATALITIES FOR 1977\*

1. Alaska	120.00	6. North Carolina	29.94
2. W. Virginia	48.60	7. Louisiana	27.94
3. Mississippi	46.47	8. New Jersey	26.44
4. Montana	40.00	9. Virginia	26.27
5. Connecticut	30.97	10. Washington	25.69

\*Number of deaths per 100,000 boats  
U. S. National Average equals 16.49

TABLE 2 ACCIDENTAL DEATHS IN ALASKA FOR 1977\*

1. Motor Vehicles	32.3
2. Water Transportation	14.5
3. Aircraft	10.2
4. Drownings	8.8
5. Falls	5.8
6. Fire	5.4
7. Environmental Factors	3.9

8. Poisoning	2.7
9. Firearms	2.4
10. Suffocation	0.5

\*Number per 100,000 people

TABLE 3 TEN LEADING STATE  
IN RECREATION BOATING FATALITIES FOR 1978\*

1. ALASKA	196.8*	6. KENTUCKY	30.4
2. HAWAII	87.6	7. MISSISSIPPI	27.2
3. NEW HAMPSHIRE	43.4	8. WASHINGTON	26.0
4. W.VIRGINIA	32.0	9. LOUISIANA	25.2
5. WYOMING	31.5	10. MARYLAND	25.2

Number of deaths per  
100,000 boats

U.S. National Average  
equals 21.9

\*Number of deaths per  
100,000 with  
commercial boating deaths  
equals 272.2

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SSIB 390  
 Title An Act relating to boating safety  
 Requested by \_\_\_\_\_ Date 2/15/80

II. FISCAL DETAIL

Agency Affected Public Safety  
 Program Category Affected Public Protection  
 BRU, Program, or Subprogram(s) Affected Boating Safety  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	1Y 84	FY 85
100 PERSONAL SERVICES		300.0	1,087.5	1,087.5		
200 TRAVEL		50.0	120.0	120.0		
300 CONTRACTUAL		250.0	627.0	627.0		
400 COMMODITIES		35.0	74.0	74.0		
500 EQUIPMENT		400.0	223.2	25.0		
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		<b>1,035.0</b>	<b>2,131.7</b>	<b>1,933.5</b>		

FUNDING (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	1Y 84	FY 85
GENERAL FUND		1,035.0	2,131.7	1,933.5		
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 80	FY 81	FY 82	FY 83	1Y 84	FY 85
FULL TIME		10	21	21		
PART TIME		5	27	27		
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

1982 would be the first year of full program operation. 1981 estimates contain most of the \$623.2 initial equipment budget, which includes 18 vehicles, \$252.0; 18 boats, \$217.0; and radios, \$46.7. Salary and benefit costs for 1982 staff are summarized: Director, Information Officer, and Secretary, \$120.6; 3 regional supervisors, \$121.5; 8 journeyman Boating Safety Officer IIs, \$293.6; 7 BSOIs, \$239.5; 15 summer aides, \$161.2; and the equivalent of 6 full-time clerical positions, \$126.1. Computer hardware and software is estimated at \$100.0. To fund interagency needs, \$100.0 is budgeted.

Costs are based upon mid 1980 prices, no inflation is added. Space, utility, communications, travel, commodities, office equipment, etc. needs are estimated for each position. More detail is available.

IV. DATE February 15, 1980 PREPARED BY Mike Clemens  
 AGENCY Public Safety  
 PHONE 465-4336  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SSHB 390  
 Title "An Act relating to boating safety".  
 Requested by \_\_\_\_\_ Date 2/15/80

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Agency Affected Public Safety  
 Program Category Affected Public Protection  
 BRU, Program, or Subprogram(s) Affected Boating Safety

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		(70.0)	(140.0)	(280.0)		

FUNDING (Thousands of Dollars)

GENERAL FUND		(70.0)	(140.0)	(280.0)		
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Sec. on III)

The purpose of this fiscal note is to explain that revenue would be collected under the proposed Certificate of Number and Certificate of Title Fees. Estimating 25,000 boats in Alaska, about \$250,000 would be collected annually for certificates of number (\$10 per boat) assuming full compliance. Certificates of title would generate \$25,000 (\$5,000 x 5) assuming 20% of the boats were sold each year. Outboard motors (25 hp & up) are estimated to be on 20% of all boats; title transfer fees would generate \$5,000 per year (25,000 x 20% = 5,000 x 20% = 1,000 x \$5 = 5,000). \$250,000 + \$25,000 + \$5,000 = \$280,000.

Revenue would increase gradually, but would not approach its full potential until at least the third year of the program. Original certificates of title would account for a larger proportion of overall revenue at first, but would later be substantially reduced. No estimate is included for cash penalties for violation of the statutes or regulations on boating safety.

IV. DATE February 15, 1980 PREPARED BY Mike Clemens  
 AGENCY Public Safety  
 PHONE 465-4330  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

tion of devices extends to a point five miles outside the territorial limits of the political subdivision if no other political subdivision of the state is exercising similar authority over the same devices (§ 6 ch 109 SLA 1960)

Sec. 05.20.110. Exclusion of transportation devices under jurisdiction of other agencies from chapter. This chapter does not extend to the department or to political subdivisions authority to prescribe regulations pertaining to transportation facilities or devices subject to the regulatory jurisdiction of other state or local agencies. (§ 9 ch 109 SLA 1960)

Sec. 05.20.120. Definitions. In this chapter, unless the context otherwise requires:

- (1) "department" means the Department of Public Safety;
- (2) "device" means a device which is designed and operated for the conveyance or movement of persons and which is used as a source of or aids in the promoting of entertainment, pleasure, play, relaxation or instruction, including but not limited to ski tows, roller coasters, merry-go-rounds and Ferris wheels. (§§ 1, 2 ch 109 SLA 1960)

Chapter 25. Watercraft.

Article

- 1. Safety Requirements (§§ 05.25.010—05.25.020)
- 2. Accidents and Liability (§§ 05.25.030—05.25.040)
- 3. General Provisions (§§ 05.25.050—05.25.100)

Article 1. Safety Requirements.

Section

- 10. Safety requirement
- 20. Water skis and surfboards

Sec. 05.25.010. Safety requirement. (a) Every watercraft operated on inland waters shall carry and exhibit between sunset and sunrise at least one white light to show all around the horizon.

(b) Every watercraft operated on inland waters shall carry at least one life preserver, or lifebelt, or ring buoy, or other device of the sort approved by the United States Coast Guard for each person on board, so placed as to be readily accessible. Every watercraft carrying passengers for hire shall carry, so placed as to be readily accessible, at least one life preserver of the sort approved by the United States Coast Guard for passenger-carrying watercraft for each person on board.

(c) Every motor-driven watercraft operated for hire shall carry a fire extinguisher capable of promptly and effectually extinguishing burning gasoline. (§ 4 ch 63 SLA 1961)

Legislative committee report.—For final bill, see House Journal (1961) legislative committee report on original page 106.

Sec. 05.25.020. Water skis and surfboards. No person may operate a watercraft on the inland waters of this state for towing

person on watercraft. The watercraft operator shall give to the person being towed a person of 12 years of age a position to observe. (5 ch 63 SLA 1961)

Section 30. Collisions, accidents

Sec. 05.25.030. operator of a watercraft shall give to the person being towed a position to observe. (5 ch 63 SLA 1961)

(b) In the case of a collision between watercraft, the operator of the watercraft at fault shall give to the other operator a full description of the accident or casualty, and to give to the other operator a full description of the damage to property in the accident, and to give to the other operator a full description of the information as to the property damaged. (5 ch 63 SLA 1961)

Sec. 05.25.040. is liable for injury to his watercraft or to a state statute, or to the operation of the watercraft. The owner is not liable with his express consent if the watercraft is being operated by the owner, if at the time of the accident the operator of his spouse or other member of the household does not relieve any other person from liability to incur, and does not incur any liability for injury or damage to

Section 50. Declaration of 60. Prohibited operation 70. Exemptions

person on water skis, or a surfboard, or similar devices unless (1) the watercraft is equipped with a rearview mirror in which the person being towed can be viewed, (2) or there is in the watercraft a person of 12 years of age or older in addition to the operator, in a position to observe the progress of the person being towed. (§ 5 ch 63 SLA 1961)

Article 2. Accidents and Liability.

Section	Section
30. Collisions, accidents and casualties	40. Owner's civil liability

Sec. 05.25.030. Collisions, accidents and casualties. (a) The operator of a watercraft involved in a collision, accident or casualty shall give to other persons affected by the collision, accident or casualty such assistance as may be necessary to save them from or minimize any danger caused by the collision, accident or casualty, and to give his name, address and identification of his watercraft in writing to any person injured and to the owner of any property damaged in the collision, accident or casualty.

(b) In the case of collision, accident, or casualty involving a watercraft, the operator of the watercraft, if the collision, accident or casualty results in death or injury to a person or damage to property in excess of \$100, shall file with the department a full description of the collision, accident or casualty, including such information as the department, by regulation, requires. (§ 6 ch 63 SLA 1961)

Sec. 05.25.040. Owner's civil liability. The owner of a watercraft is liable for injury or damage caused by the negligent operation of his watercraft whether the negligence consists of a violation of a state statute, or neglecting to observe ordinary care in the operation of the watercraft as the rules of the common law require. The owner is not liable, however, unless his watercraft is used with his express or implied consent. It is presumed that his watercraft is being operated with the knowledge and consent of the owner, if at the time of the injury or damage, it is under the control of his spouse, father, mother, brother, sister, son, daughter, or other member of his immediate family. This chapter does not relieve any other person from a liability which he would otherwise incur, and does not authorize or permit recovery in excess of injury or damage actually incurred. (§ 8 ch 63 SLA 1961)

Article 3. General Provisions.

Section	Section
50. Declaration of policy	80. Enforcement
60. Prohibited operation	90. Penalties
70. Exemptions	100. Definitions

Supplement

**Sec. 05.25.050. Declaration of policy.** It is the policy of this state to promote safety for persons and property in and connected with the use, operation and equipment of vessels in recreational pursuits in inland waters and to promote uniformity of laws relating thereto. (§ 1 ch 63 SLA 1961)

**Sec. 05.25.060. Prohibited operation.** (a) No person shall operate a watercraft whether for recreational purposes or any other purpose or manipulate water skis, surfboard, or similar device on inland waters in a reckless or negligent manner so as to endanger the life or property of another person.

(b) No person shall operate a watercraft whether for recreational purposes or any other purpose or manipulate water skis, surfboard, or similar device on inland waters while under the influence of any intoxicating liquor, narcotic drug, barbiturate or marijuana. (§ 3 ch 63 SLA 1961)

**Sec. 05.25.070. Exemptions.** Watercraft and persons operating watercraft are exempt from this chapter except § 60(b) of this chapter when participating in the area set aside for a public regatta, race, marine parade, tournament or exhibition on inland waters. (§ 7 ch 23 SLA 1961)

**Sec. 05.25.080. Enforcement.** Every peace officer may enforce this chapter and in the exercise of enforcement may stop and board watercraft subject to this chapter. (§ 9 ch 63 SLA 1961)

**Sec. 05.25.090. Penalties.** A person who violates any provision of this chapter is guilty of a misdemeanor and is punishable by a fine of not more than \$500, or by imprisonment of not more than six months, or by both, for each violation. (§ 10 ch 63 SLA 1961)

**Sec. 05.25.100. Definitions.** As used in this chapter, unless the content otherwise requires,

- (1) "department" means the Department of Public Safety;
- (2) "inland waters" means the water in a lake or river or stream within the territorial limits of the state;
- (3) "operate" means to navigate or otherwise use a watercraft for recreational purposes as opposed to business, subsistence or commercial purposes;
- (4) "watercraft" means every description of vessel, other than a seaplane on the water, used or capable of being used as a means of transportation on water and devoted to recreational pursuits unless otherwise expressly provided in this chapter; and excepting vessels having a valid marine document issued by the United States or foreign governments. (§ 2 ch 63 SLA 1961)

tion of devices extends to a point five miles outside the territorial limits of the political subdivision if no other political subdivision of the state is exercising similar authority over the same devices (§ 6 ch 109 SLA 1960)

Sec. 05.20.110. Exclusion of transportation devices under jurisdiction of other agencies from chapter. This chapter does not extend to the department or to political subdivisions authority to prescribe regulations pertaining to transportation facilities or devices subject to the regulatory jurisdiction of other state or local agencies. (§ 9 ch 109 SLA 1960)

Sec. 05.20.120. Definitions. In this chapter, unless the context otherwise requires:

- (1) "department" means the Department of Public Safety.
- (2) "device" means a device which is designed and operated for the conveyance or movement of persons and which is used as a source of or aids in the promoting of entertainment, pleasure, play, relaxation or instruction, including but not limited to ski tows, roller coasters, merry-go-rounds and Ferris wheels. (§§ 1, 2 ch 109 SLA 1960)

Chapter 25. Watercraft.

Article

- 1. Safety Requirements (§§ 05.25.010—05.25.020)
- 2. Accidents and Liability (§§ 05.25.030—05.25.040)
- 3. General Provisions (§§ 05.25.050—05.25.100)

Article 1. Safety Requirements.

Section

- 10. Safety requirement
- 20. Water skis and surfboards

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person on watercraft. The watercraft operator shall be liable for injury or damage to a person of 12 years of age or older in a position to be injured by the watercraft. (5 ch 63 SLA 1961)

Section 30. Collisions, accidents and liability

Sec. 05.25.030. Liability of operator of a watercraft. The operator of a watercraft shall give priority to avoid or minimize any liability, and to give priority to the watercraft in writing property damage claims.

(b) In the event of a collision or accident involving a watercraft, the operator shall file a report with the Department of Public Safety containing a full description of the accident and the information as to the damage to the watercraft. (SLA 1961)

Sec. 05.25.040. Liability for injury or damage. A person who is liable for injury or damage to a person of 12 years of age or older in a position to be injured by the watercraft is being operated by the owner, if at the time of the accident the owner has control of his spouse or other member of the household, shall not be liable for any other injury or damage to a person of 12 years of age or older in a position to be injured by the watercraft.

Section 50. Declaration of emergency 60. Prohibited operations 70. Exemptions

person on water skis, or a surfboard, or similar devices unless (1) the watercraft is equipped with a rearview mirror in which the person being towed can be viewed, (2) or there is in the watercraft a person of 12 years of age or older in addition to the operator, in a position to observe the progress of the person being towed. (§ 5 ch 63 SLA 1961)

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(b) In the case of collision, accident, or casualty involving a watercraft, the operator of the watercraft, if the collision, accident or casualty results in death or injury to a person or damage to property in excess of \$100, shall file with the department a full description of the collision, accident or casualty, including such information as the department, by regulation, requires. (§ 6 ch 63 SLA 1961)

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Article 3. General Provisions.

Section	Section
50. Declaration of policy	80. Enforcement
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(b) No person shall operate a watercraft whether for recreational purposes or any other purpose or manipulate water skis, surfboard, or similar device on inland waters while under the influence of any intoxicating liquor, narcotic drug, barbiturate or marijuana. (§ 3 ch 63 SLA 1961)

Sec. 05.25.070. Exemptions. Watercraft and persons operating watercraft are exempt from this chapter except § 60(b) of this chapter when participating in the area set aside for a public regatta, race, marine parade, tournament or exhibition on inland waters. (§ 7 ch 28 SLA 1961)

Sec. 05.25.080. Enforcement. Every peace officer may enforce this chapter and in the exercise of enforcement may stop and board watercraft subject to this chapter. (§ 9 ch 63 SLA 1961)

Sec. 05.25.090. Penalties. A person who violates any provision of this chapter is guilty of a misdemeanor and is punishable by a fine of not more than \$500, or by imprisonment of not more than six months, or by both, for each violation. (§ 10 ch 63 SLA 1961)

Sec. 05.25.100. Definitions. As used in this chapter, unless the content otherwise requires,

(1) "department" means the Department of Public Safety;

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(3) "operate" means to navigate or otherwise use a watercraft for recreational purposes as opposed to business, subsistence or commercial purposes;

(4) "watercraft" means every description of vessel, other than a seaplane on the water, used or capable of being used as a means of transportation on water and devoted to recreational pursuits unless otherwise expressly provided in this chapter; and excepting vessels having a valid marine document issued by the United States or foreign governments. (§ 2 ch 63 SLA 1961)

# ALASKA FEDERATION OF NATIVES, INC.



1577 'C' Street, Suite 304 . Anchorage, Alaska 99501 . Phone 907-274-3611

## 1979 ANNUAL CONVENTION

### Resolution 79-32

WHEREAS, an amendment to the Federal Boating Safety Act of 1971 was recently introduced in Congress (H.R. 4310) by Representative Biaggi of Pennsylvania, and

WHEREAS, the primary purpose of this amendment is to "improve recreational boating safety and facilities through the development, administration, and financing of a national recreational boating safety and facilities improvement program," and

WHEREAS, for the State of Alaska to become eligible for this Federal funding, Alaska must institute a Boating Safety Act, and

WHEREAS, in 1978 and 1979, 170 individuals died in water-related accidents, and 19 others as a result of drowning, and

WHEREAS, the act will enable the State of Alaska to provide statewide boating safety sessions,

NOW THEREFORE BE IT RESOLVED, that the Alaska Federation of Natives urges the enactment of a "Recreational Boating Safety and Facilities Improvement Act".

RESOLUTION COMMITTEE RECOMMENDATION Do Pass

CONVENTION RECOMMENDATION Do Pass

## STATISTICS

1. Alaska has the highest fatality rate in the United States --- over 7 times the National average.
2. Next to motor vehicle fatalities, boating deaths represent the largest category of accidental deaths in Alaska.
3. Of the 75 deaths that occurred on Alaskan waters in 1978, approximately 50% occurred inland --- in areas presently inaccessible to the Coast Guard or out of our jurisdiction.

## PRESENT STATE LAW

1. The present state boating laws are contained in Title 5, Amusements and Sports, of the Alaska State Statutes; Chapter 25, Watercraft.
2. The present law in many cases is obsolete. Being passed in 1961, the Federal laws have superseded much of the Alaska State law.
3. The remaining sections represent only a skelton law enforcement program, which is rarely enforced.

## PROPOSED STATE LAW

1. Establishes a coordinated boating education program utilizing the Department of Education and other state agencies as needed.
2. Incorporates the Federal boating statutes into the state law.

3. Will establish a more effective state "public protection" program.

#### PROGRAM FUNDING

1. Federal Assistance

a. State Boating Funds -- These are due to expire in FY 80, however they will most likely be extended for one more year.

b. Proposed Marine Fuel Taxes -- Being considered by Congress to fund Federal'y approved state boating programs.

2. State Revenues --- approximately \$500,000 will be generated from a boat registration program, based on the proposed fee schedule contained in the law. ( Additional revenues may be raised from a Titling program as proposed)

#### COAST GUARD ASSISTANCE

1. Training and assistance will be provided by the Coast Guard for initial development of educational programs.

2. Initial training of law enforcement officers to assist in the development of an effective public protection program.

3. The Coast Guard will continue its coastal boarding program for enforcement of boating safety laws.

4. The Coast Guard will continue with present educational programs --- in relation to the Coast Guard Auxiliary.

5. The Coast Guard will remain a viable support agency for state assistance.

#### ADVANTAGES TO STATE IN ESTABLISHING A BOATING SAFETY PROGRAM

1. The State will assume management, administration and control versus the present Federal intervention.

2. Revenues will remain in Alaska, available for state usage, instead being deposited with the Federal government.

3. Offers programs and protection to the entire state, not just coastal areas.

4. Expand the benefits to more than ten times the present level.

HB

416

# COMMITTEE REPORT

## HOUSE

FURTHER:

March 20, 1979

Date: 4/15/79

Mr. Speaker:

The Committee on RESOURCES has had HB 416

"An Act allowing the sale of unpasteurized milk."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for \_\_\_\_\_  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

**MEMBERS SIGNING  
DO PASS**

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**MEMBERS HAVING  
OTHER RECOMMENDATIONS:**

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CHAIRMAN

NOTE: Sale of  
Unpasteurized Milk

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AGO 125388

Hearing 4/15/80 - Passed 4/15/80 as CS



# Alaska State Legislature

## House

HOUSE RESOURCES COMMITTEE

FISH & GAME ISSUES

Alvin Osterback, Chairman

Pouch V, State Capitol  
Juneau, Alaska 99811  
(907) 465-3715

### HEARING NOTIFICATIONS

*Re: Sale of Unpasteurized Milk*

BILL	DATE INFORME	LETTER/PHONE	INFORMED	HEARING DATE
CS HB 416	4/10		Special Agriculture Committee, Rep. Carney, Chair	4/15
	4/11		Division of Agriculture, DNR Nick Carney	4/15
	4/11		Matanuska-Maid Dairy - Jack Flint	4/15
	4/11		Rep. Duncan, Rep. Rogers	4/15
	4/11		Sealand Lou Kiddle	4/15



# Matanuska Maid, Inc.

814 W. Northern Lights Blvd.  
Anchorage, Alaska 99503  
(907) 277 - 2446

January 31, 1980

The Honorable Patrick J. Carney  
Alaska State Legislature  
House of Representatives  
Pouch V  
Juneau, Alaska 99811


Dear Pat:

Pursuant to your call yesterday regarding the dating of fresh milk in our market place, I find that dairy plants outside the state are coding their milk with 15 to 20 day "pull dates" after bottling. If the stores have milk from outside and it has reached the "pull date" or is getting within a day or two of that date, they usually "special" this product until it is disposed of.

Various other states regulate "pull dates"; for instance, Maryland 7 days, Florida 10 days, New Jersey 5 days. Some of the states have not yet adopted a regulation concerning this matter; as you are well aware this is a relatively new objective.

A recent article in Hoard's Dairyman by noted milk experts in Wisconsin indicated it was evident that after six days milk started to deteriorate in quality, flavor, etc.

Very truly yours,

  
Jack Flint  
General Manager

# Matanuska Maid, Inc.

814 NORTHERN LIGHTS BLVD. ANCHORAGE, ALASKA 99503  
(907) 277-2446

—A FARMER OWNED COOPERATIVE—

December 7, 1978

Mr. Allen Lynn, Director  
Department of Agriculture  
State of Alaska  
510 South Alaska  
Palmer, AK 99645

For distribution to the  
Milk Advisory Board  
December 12, 1978

Dear Mr. Lynn:

Matanuska Maid has been engaged in the production and processing of dairy products in the State of Alaska since 1940. Since that time, the members of Matanuska Maid have successfully competed in the market place with their locally produced products and have assured the Alaskan consumer of a wholesome and adequate supply of fresh milk. Even during times of great disastrous acts of God, shipping strikes, and other such interruptions in the normal flow of commerce, the Alaskan milk producer has contributed greatly to the health and welfare of the State of Alaska. During these last three decades, the dairy farmer has surmounted many, many problems including surpluses, being a victim of reduced markets because of Class 3 milk products being shipped into the area and sold at lesser prices, and unfair trade practices creating chaotic conditions within the industry.

Milk production in Alaska as reported in the "Alaska Farm Reporter" declined by 15% in September of this year compared to the same month a year ago. This really is no surprise with the decline in raw milk price and the adverse milk feed/price ratio.

I believe the dairy industry should be favorably compared to the "Delta Barley" project by the State administration. With the present amount of fluid milk that is being shipped into Alaska (except Southeastern) there is room for at least 30 more dairy farms of an average size that is present today. It is necessary to consider that the market for this milk is already here. It is not necessary to export this product from the United States with its international complications. From the time the milk is produced by the farmer, the processing plants are already established and the distribution system is in place and working.

Milk control programs have been operating in the other states since the early 1930s. The regulation of fluid milk markets did not originate in this country. These regulations started in Holland, spread to France and England, then to Canada, Australia, New Zealand and the United States.

In 1962 the legislature for the State of Alaska recognized the importance of some type of needed regulation concerning the marketing of milk and passed the necessary enabling legislation entitled "The Marketing of Milk" that we are discussing. This statute creates a milk advisory board and determines the duties of the Director of Agriculture of the State of Alaska regarding dairy products. This statute is not unlike laws created by legislatures in many other states. The objectives of milk control legislation are laid down in various ways in the individual state laws. A major objective of practically all states is the assurance of an adequate supply of wholesome milk at fair and reasonable prices to the farmers as well as the consumer. All state control advisory agencies have authority to require licensing of distributors and have the power to investigate, inspect and audit, as well as require reports from processors. Other objectives noted in about one-third of the state laws are orderly marketing and the regulation of fair trade practices. Benefits to farmers through establishing fair prices and fostering intelligently directed production is another aim. It should be noted that 95% of all fluid milk is priced under state control laws or federal marketing orders. A total of 37 states have state milk control programs.

Some of the major characteristics of state milk control programs are: 17 states and Puerto Rico were establishing producer prices in 1976, 15 states were authorized to set wholesale prices and 14 states were authorized to set retail prices. The widening of market areas, as well as the price cutting activities and known competition associated with such extensions, has led a number of other states to enact laws regulating trade practices and sales below cost for fluid milk. In 1976 trade practices extended to 28 states and Puerto Rico. Eleven states without authority to set prices had laws prohibiting sales of milk below cost. All but 3 states that set retail prices also prohibited sales below cost.

Because milk is an essential food, it is especially vulnerable to predatory trade practices. It is a commodity which must be produced, processed, distributed and consumed in less than three weeks. Because of the short life of the product, a dairy farmer or a processor can be put out of business in a short time if predatory practices develop which make it impossible to market the product. In prior years, Alaska was somewhat immune from the milk markets in the lower 48 because processing techniques and transportation difficulties did not make it feasible to move milk from these markets to Alaska. However, with improved processing techniques and transportation, it has now become economically feasible to move milk from the lower 48 into the larger population centers of Alaska. This pressure being applied to the Alaskan dairy industry is very severe and the only way that the

Alaskan Dairy industry will survive is to implement the Statute that was established in 1962.

It is apparent that the present state administration and the legislature desires to encourage the entire agricultural industry in Alaska. This is recognized by the fact that the state has recently sold acreage in the Big Delta area for the so-called Barley Project with a budget this year of some \$5,000,000 and with an anticipated projected budget of approximately \$20,000,000. To continue this effort of encouraging agriculture within the State, I believe that it is necessary to develop a milk control program. I believe it is necessary to provide the Alaskan farmer with a level of income commensurate with that received by other segments of our economy and to enable farmers to maintain a progressive industry in the face of ever-increasing costs. It is also necessary to insure the consumer an adequate supply of milk for our growing population and to provide for sense of uses within the State. It is interesting to note that on Thursday, June 19, 1958, Mr. James Wilson, Commissioner of Agriculture stated that there were approximately 100 families engaged in dairying throughout the State that year. Now there are 10. That figure has declined by about 90%.

Milk is one of the best buys in the grocery store today at \$.34 per pound. No other high protein, high mineral and vitamin food can match that price per pound and it is 100% edible.

Some of the existing problems that presently plague the dairy industry are:

1. Sales below cost
  - a. Even though these sales may account for only 10 to 12% of the entire market they cause major disruption.
2. Unrealistic pull dates on the products
  - a. 18 days to 25 days
  - b. A recent article in Hoard's Dairyman dated October 10, 1978, reported on a study done by Lester Hankin, Walter Dillman, and George Stephens.

They state in part "age of samples in retail stores and schools varied from 0 to 16 days. Average age was 4.3 days in 1970-71 and 4.7 days in 1974 and 1975. In 1975 the average age of samples with unsatisfactory flavor score was 6.2 days."

Many states have regulations concerning "pull dates" on dairy products and they are controlled in various ways. They seem to range from 5 to 7 days from the date of production

# Alaska State Legislature



PATRICK M. O'CONNELL  
REPRESENTATIVE  
DISTRICT 13

ROUTE 2, BOX 743  
SOLOOTNA, ALASKA 99669  
(907) 262-4218

WHILE IN JUNEAU  
POUCH V  
JUNEAU, ALASKA 99811

## House of Representatives

February 28, 1979

Mrs. Carolyn Nicholas  
Box 177  
Kenai, Alaska 99611

Dear Mrs. Nicholas:

It was with a good deal of interest that I received today your letter inquiring about legislation that would allow the sale of raw milk in the state of Alaska. I suppose the letter particularly caught my eye because I myself was raised on a dairy farm in Wisconsin.

Upon doing a bit of preliminary checking I understand that several years ago it was legal to sell raw milk but that such provisions in the law were repealed some ten or twelve years ago.

I have forwarded a copy of your letter and the accompanying information to Representative Patrick Carney of Wasilla who, prior to coming into the Legislature, operated a dairy farm for several years in the Matanuska Valley. He has indicated an interest in helping to develop some legislation along the lines you request.

It will undoubtedly take a bit of time and a considerable amount of research to try to come up with a workable piece of legislation which will not only make it possible to sell raw milk but which would protect the legitimate public health interests of Alaskan citizens.

As you suggest there would need to be accompanying legislation of some sort that would provide for a state testing program.

Again, my initial reaction to your bill is one of interest. Perhaps upon digging into the subject further I may conclude that there are more problems than immediately meets the eye. However, there is only one way to find out and therefore I intend to research the subject further.

Very respectfully,

Patrick M. O'Connell  
Representative

POC:mcrs  
Cc. P. Carney

Kenai, Alaska  
February 16, 1979

Representative Pat O'Connell,  
House of Representatives  
Juneau, Alaska

Dear Mr. O'Connell:

I am enclosing the pages from the Oregon laws and regulations pertaining to fluid milk. I am most interested in seeing that Alaska have one like it or similar.

Laws and regulations applicable to raw milk will be found under ORS 621.072, 621.077, 621.117, 621.124 and ORS Chapter 603, sections 24-600.5, 24-602.5, 24-603.5, 24-624.5, 24-650.6, 24-656.01 and 24-658.5.

There are other states that have a raw milk bill but I singled out Oregon because it was closest to Alaska. I know that the Matanuska Maid company and other companies like that would be opposed to selling raw milk in Alaska.

I am sure that you are aware that many small farmers and homesteaders in Alaska do sell raw milk even though it is illegal to do so. These people are few at this time but hopefully with the passage of such a bill there would be others that would build up a large herd and sell on a larger scale. Right now to do such a thing would mean some capital behind you because of the pasturizing plant that would have to be set up.

There would be an expense by the State to put something like this together but I feel that the additional people that they would need to test the cows would be off-set by the revenue gained from the farmers and the income they would derive from it.

I would be very interested to know your feelings on the subject and I will be sending copies to both Hugh and Clem.

Sincerely,

*Carolyn Nicholas*

Carolyn Nicholas

Box 177

Kenai, Alaska

chapter, may approve by regulation the procedures, processes, practices, methods and the use of the Ring Test or the Whey Test. 1957 c.346 §6]

### GRADES AND STANDARDS OF QUALITY FOR FLUID MILK

621.055 Definitions for ORS 621.055 to 621.124. As used in ORS 621.055 to 621.124, unless the context requires otherwise:

(1) "Distributor" means a person purchasing, only, unpasteurized fluid milk and causing it to be processed, including pasteurization, and bottled for distribution and sale for human consumption.

(2) "Fluid milk" includes milk and any other product made by the addition of any substance to milk or to any milk product which is produced, processed, distributed, sold, offered for sale or exposed for sale for human consumption in liquid form and shall include the fluid milk products for which a standard of identity has been established by the department.

(3) "Milk" means the lacteal secretion of cows and goats.

(4) "Nonprocessing distributor" means a person who sells fluid milk in consumer sized units under his own brand or trade name, which fluid milk has been processed and packaged for such person by a distributor or producer-distributor.

(5) "Person" means and includes any individual, partnership, association or corporation and his or its agents.

(6) "Producer" means a person engaged in the production on a dairy farm of unpasteurized fluid milk, but who does not bottle fluid milk for distribution and sale for human consumption.

(7) "Producer-distributor" means a person producing unpasteurized fluid milk on a dairy farm and bottling such milk, either pasteurized or unpasteurized, on the premises where produced for distribution and sale for human consumption; but a producer-distributor may purchase unpasteurized milk from a producer and distribute such milk after pasteurization.

[Amended by 1953 c.714 §11; 1959 c.346 §2]

621.060 Establishing standards of quality and identity. (1) Official state standards of quality shall be established by the department for fluid milk, both pasteurized and unpasteurized, in the manner prescribed by ORS 632.900 to 632.935.

(2) The standards of quality established shall be based upon:

(a) The health of the cows and goats;

(b) The physical facilities of dairies and milk processing plants;

(c) The standard of sanitary maintenance of dairies and milk processing plants including equipment used therein, the cleanliness of operating personnel, and the cleanliness of adjacent land areas;

(d) The physical facilities for the transportation of fluid milk, and the methods and standards of sanitary maintenance of such facilities;

(e) The quality of the fluid milk as shown by an examination by means suitable to the determination of its quality, and also, the factors affecting the nutritional value of fluid milk as a human food; and

(f) Any other factor found by the department, upon hearing, to affect the quality, odor, flavor or wholesomeness of fluid milk.

(3) Definitions and standards of identity for fluid milk may be established by the department.

[Amended by 1971 c.789 §1]

621.062 Deviation from standard of identity prohibited. No person shall process, distribute, sell, offer for sale or expose for sale fluid milk which does not conform to a standard of identity established by the department.

[1959 c.346 §3]

621.065 Designation of grades. There shall be two standards of quality established for fluid milk. The highest standard of quality established for fluid milk shall be designated as "grade A." The other standard of quality shall be designated as "grade B" [Amended by 1955 c.714 §12]

621.070 License required to use grade designation. No person shall use any grade designation on bottle caps, in advertising, on labels or in any other manner connected with the sale of fluid milk, unless the person has obtained from the department a license to use the grade designation.

621.072 Licensing to use grade designation; determination of fees. (1) The department shall issue a license to use the grade designation "grade A" or "grade B" to any person who:

(a) Makes written application for a license; and

(b) Is engaged in the business of producing or distributing, or both, fluid milk; and

(c) Meets the requirements of the particular grade designation for which application is made.

(2) If a person carries on both the activities of a producer and of a producer-distributor such person shall obtain a separate license for each such activity.

(3) Before and after issuing a license under ORS chapter 621 the department shall as it deems necessary inspect the physical facilities of the applicant's dairy or plant and such other factors as may relate to the production or distribution of fluid milk. The physical facilities must conform to the requirements created by regulation for the production and distribution of fluid milk meeting the standards of quality for which the license to use the particular grade designation is sought.

(4) Each license issued under this section expires one year from the date of its issuance unless sooner revoked and may be renewed upon application of the licensee. Each application for a license or annual renewal thereof shall be accompanied by a license fee. The fees for the several types of licenses shall in so far as reasonable and practical be based upon the cost of inspection. If a business under one entity or ownership is required to obtain more than one type of license under ORS 621.055 to 621.291, the fees shall be adjusted by the department in order that an owner is not required to pay more than a total of \$120 during each license period.

(5) The fees which shall be established by the department, shall not exceed the following for each annual license:

Producer .....	\$55
Producer-distributor .....	\$80
Distributor .....	\$80
Nonprocessing distributor .....	\$50

(6) The department may refuse to issue or renew, or may suspend or revoke a license for any violation of ORS 621.055 to 621.120 or rule thereunder.

[Formerly 621.075; 1967 c.254 §1; 1971 c.773 §8]

621.076 [Formerly 621.050; repealed by 1963 c.48 §3]

621.075 [Amended by 1955 c.714 §13; renumbered 621.072]

621.077 Bacterial standards. All fluid milk shall conform to the same bacterial standards.

[Formerly 621.082]

621.079 Milk sampler's licenses required for certain operations. (1) Each person who operates or drives a farm pickup milk tank truck for the purpose of transporting milk in bulk from a farm, other than a farm owned or controlled wholly or in part by such person, to any receiving point shall obtain a license from the department as provided by subsections (1) to (3) of ORS 621.081 authorizing such person to take samples of milk for bacteriological analysis by the department.

(2) Each distributor who receives milk in producer containers shall designate at least one plant employe who shall obtain a license as provided by subsections (1) to (3) of ORS 621.081 from the department authorizing such person to take samples of milk for bacteriological analysis by the department.

[1959 c.145 §§2, 3]

621.080 [Amended by 1959 c.145 §9; renumbered 621.074]

621.081 Milk sampler's license; fee. (1) Each applicant for a milk sampler's license shall be required to demonstrate satisfactorily by written examination given by the department an adequate knowledge of milk sanitation as it relates to the sampling and handling of fluid milk and cream for bacteriological analysis. Each application for a license shall be accompanied by a fee of \$10. The fee shall not be refunded for any reason.

(2) Examinations for licenses shall be given by the department at least once annually in Salem, and at such other places as appears by the volume of applications to be necessary and practical.

(3) The department shall issue licenses to the applicants it finds to be qualified. Each license shall be valid for so long as the licensee is employed in a position where milk sampling is necessary, unless revoked or suspended by the department.

(4) The department may revoke or suspend or refuse to reissue the license of any person licensed to take milk samples as provided by ORS 621.079 who fails to take such samples as are required by the department or who does not or has not complied with the provisions of ORS 621.079 to 621.083 or regulations promulgated under the authority of ORS 561.190 or 621.079 to 621.083.

[1959 c.145 §§4, 5, 6, 8; 1963 c.48 §3; 1971 c.773 §9]

621.082 [1955 c.714 §16; renumbered 621.077]

(b) Which is not labeled on the container or container cap with the name and address of the producer, distributor, nonprocessing distributor or producer-distributor of the milk and the applicable state grade; except that containers of unpasteurized fluid milk shipped by producers to a milk plant for pasteurization and which are identified by shipper name or number shall not be required to be so labeled.

(2) No person shall bottle unpasteurized fluid milk except on the premises where it is produced.

(3) No producer or a producer-distributor shall sell or offer for sale fluid milk during the period while such producer's or producer-distributor's license to use a grade designation on fluid milk has been suspended under ORS 621.120.

(4) No distributor shall knowingly purchase fluid milk from any person whose license to use a grade designation has been suspended under ORS 621.120.

(5) No distributor shall knowingly purchase fluid milk from any person who has not received a license under ORS 621.072.

(6) Each container of fluid milk sold, exposed for sale, or offered for sale, by a nonprocessing distributor shall be labeled on the container or on the container cap with either the name and address of the distributor or producer-distributor processing and bottling the fluid milk or with a code number, assigned by the department, identifying such distributor or producer-distributor.

[Amended by 1955 c.714 §14]

621.117 Distributor or producer-distributor may sell only milk that is pasteurized or from disease-free herd; exception. No distributor or producer-distributor shall sell, offer or expose for sale any fluid milk for human consumption which has not been pasteurized or produced by a disease-free herd, except that when not more than one reactor animal appears when the herd is tested for brucellosis, milk may still be sold if the animal is slaughtered as provided in ORS chapter 597 and the herd is retested twice at 30- to 60-day intervals and no reactors appear. If one or more reactors appear at either of such tests the herd must regain a disease-free status.

[1955 c.714 §9(3); 1957 c.346 §3; 1969 c.162 §5]

621.118 Pasteurization equipment; supervision by licensed pasteurizer operator.

(1) Where pasteurization equipment is used by a distributor or producer-distributor, the pasteurization process shall be under the direct supervision of a pasteurizer operator licensed under ORS 621.266, and the provisions of ORS 621.261, 621.266 and 621.276 apply to such pasteurizer operator and the pasteurization process. If the pasteurizer operator fails to comply with the regulations promulgated by the department under ORS 621.261, his license may be revoked or suspended or otherwise limited.

(2) No distributor or producer-distributor shall operate or permit the operation of any pasteurization equipment except under the direct personal supervision of a person licensed as a pasteurizer operator under ORS 621.266.

[1955 c.714 §9(1), (2)]

621.119 Falsely representing milk pasteurized prohibited. No person shall falsely represent by word, design, device or by any other means that any fluid milk has been pasteurized.

[1955 c.714 §9(4)]

621.120 Suspension of grade use privilege. (1) In addition to the powers conferred on the department pursuant to ORS 621.055 to 621.115, the department may suspend the privilege of any person to use a grade designation on containers of fluid milk produced or distributed by him. The power of suspension may be exercised by the department for any violation of ORS 621.055 to 621.120, or of the regulations promulgated under the authority of those sections.

(2) No suspension shall be for a period longer than 10 days; except that in all cases the department shall assure itself that the violation for which the suspension was imposed has been corrected by the person against whom it was imposed before the suspension is lifted.

(3) No suspension shall be imposed unless the department has, within the three months immediately preceding the violation for which the suspension is to be imposed, first notified in writing the person to be suspended that a further violation of the same character will be grounds for suspension by the department. The notice of suspension shall be in writing and shall state length of the suspension and the reason for the suspension.

(4) The provisions of ORS chapter 183 do not apply to suspensions imposed under

authority of this section, however, appeal shall be in the manner provided by ORS 183.480 and 183.500. Nothing in this subsection shall be construed to deprive any person of the right to present any defense he may have to a criminal prosecution instituted for violation of ORS 621.035 to 621.115, nor shall it deprive him of the right to a declaratory judgment in a proper case.

[Amended by 1961 c.425 §14]

**621.124 Milk not to be sold if from diseased animals or from animals that have not been tested or retested for brucellosis.** (1) As used in this section "test" means a test for brucellosis performed by a veterinarian in a manner approved by the department.

(2) The tests required by this section shall only be made by state, assistant state or deputy state veterinarians employed or appointed by the department, or veterinarians employed by the United States Department of Agriculture.

(3) No person shall sell, offer or expose for sale any fluid milk with knowledge that such milk has been produced from a herd of cows or goats one or more of which are infected with brucellosis at the time the milk was produced, or with knowledge that all animals in such herd have not been tested or retested for brucellosis.

[1957 c.348 §5 (enacted in lieu of ORS 621.125)]

**621.125** [Amended by 1955 c.14 §1; repealed by 1957 c.346 §4 (ORS 621.124 enacted in lieu of ORS 621.125)]

### DAIRY PRODUCTS PLANTS

**621.151 Title of ORS 621.151 to 621.291.** ORS 621.151 to 621.291 shall be known and may be cited as the Oregon Dairy Products Plant Act.

[1953 c.686 §30]

**621.152 Definitions for ORS 621.151 to 621.291.** As used in ORS 621.151 to 621.291, unless the context requires otherwise:

(1) "Contract milk hauler" means a person who, under the terms of a contract or agreement for hire or pay, accepts and transports bulk milk from the premises of milk producers, receiving or transfer stations to milk or other dairy products plants.

(2) "Cream" means that portion of milk which consists of milk fat.

(3) "Dairy products" means butter, all known varieties of cheese, frozen desserts and frozen dessert mixes containing milk,

cream or nonfat milk solids; and evaporated, condensed, sterilized, concentrated, powdered, dried or fermented milk, whey, cream or skimmed milk processed for human consumption.

(4) "Dairy products plant" means:

(a) Any establishment in which milk is received, processed or used in manufacturing dairy products for human consumption

(b) Any place or premises in or at which milk is received or collected.

(c) Any contract milk hauler, or person having mobile equipment, including bulk tank truck, used in the transportation of milk or cream.

(d) Any nonprocessing cooperative, corporation, association or person serving as a marketing agent for producers.

(5) "Department" means the State Department of Agriculture.

(6) "Disease-free herd" shall mean a herd of cows or goats which is not an infected herd as defined in this subsection. "Infected herd" shall mean a herd of cows or goats in which a reactor animal has been discovered by any of the tests authorized by law, and which has not regained its disease-free status following such slaughter of reactor animals and retesting of the herd as may be prescribed by the department pursuant to ORS chapter 596 or other applicable law.

(7) "Licensee" means a person licensed to operate a dairy products plant pursuant to the provisions of ORS 621.151 to 621.291.

(8) "Milk" means the lacteal secretion of cows or goats.

(9) "Milk hauler or receiver" means a person who, in the course of his employment, accepts bulk milk or milk products from a producer, milk plant, receiving or transfer station, and transports such commodity to a milk or dairy products plant.

(10) "Pasteurize" means the process established by the department pursuant to ORS 621.261, by which each particle of milk, cream or any dairy product is treated, usually by heat, for the purpose of destroying or rendering harmless bacterial organisms, including pathogenic organisms and viruses.

(11) "Producer" means a person who produces milk to be sold to a dairy products plant.

(12) "Unreasonable amount of sediment" means milk or cream which contains more

## FLUID MILK AND CREAM

### Definitions

[ED. NOTE: Unless otherwise specified, sections 24-600.5 through 24-679.5 were adopted by the Department of Agriculture January 18, 1960 and filed with the Secretary of State January 19, 1960 as Administrative Order AD 630.]

24-600 [Repealed 1-19-60 by AD 630.]

24-600.5 DEFINITIONS. As used in this order and sections 24-600.5 to 24-678.5, unless the context otherwise requires:

(1) "Distributor" means a person purchasing, only, unpasteurized fluid milk and causing it to be processed, including pasteurization, and bottled for distribution and sale for human consumption.

(2) "Fluid milk" includes milk and any other product made by the addition of any substance to milk or to any milk product which is produced, processed, distributed, sold, offered for sale or exposed for sale for human consumption in liquid form and shall include the fluid milk products for which a standard of identity has been established by the department.

(3) "Milk" means the lacteal secretion of cows and goats.

(4) "Nonprocessing distributor" means a person who sells fluid milk in consumer sized units under his own brand or trade name, which fluid milk has been processed and packaged for such person by a distributor or producer-distributor.

(5) "Person" means and includes any individual, partnership, association or corporation and his or its agents.

(6) "Producer" means a person engaged in the production on a dairy farm of unpasteurized fluid milk, but who does not bottle fluid milk for distribution and sale for human consumption.

(7) "Producer-distributor" means a person producing unpasteurized fluid milk on a dairy farm and bottling such milk, either pasteurized or unpasteurized, on

the premises where produced for distribution and sale for human consumption; but a producer-distributor may purchase unpasteurized milk from a producer and distribute such milk after pasteurization.

(8) "Contract milk hauler" means a person who, under the terms of a contract or agreement for hire or pay, accepts and transports bulk milk from the premises of milk producers, receiving or transfer stations to milk or other dairy products plants.

(9) "Milk hauler or receiver" means a person who, in the course of his employment, accepts bulk milk or milk products from a producer, milk plant, receiving or transfer station, and transports such commodity to a milk or dairy products plant.

(10) "Certified laboratory" is an industry or commercial laboratory which has been certified by the department's chief laboratory officer or his official representative for tests specified in these fluid milk regulations and may be limited to a specific test, to a specific method, and to specific products.

Hist: Subsections 8, 9, 10 filed 9-27-71  
as AD 951 (18-71)

### Standard of Identity

24-602 [Repealed 1-19-60 by AD 630.]

24-602.5 STANDARD OF IDENTITY. The following standards of identity for fluid milk and the products of fluid milk are hereby established:

(1) "RAW MILK" is unpasteurized milk the milkfat content of which is not less than 3.25 percent and the solids-not-fat content is not less than 8.25 percent.

(2) "PASTEURIZED MILK" is milk which has been pasteurized and the milkfat content of which is not less than 3.25 percent and the solids-not-fat content of which is not less than 8.25 percent.

(3) "HOMOGENIZED MILK" is pasteurized milk which has been homogenized, the milkfat content of which is not less than 3.25 percent and the solids-not-fat

least 1.0 percent egg yolk solids, sugars, and flavoring (spices). A maximum of 0.6 percent stabilizer and emulsifiers may be added. [See paragraph (c) of this subsection.]

(c) All egg-nogs and egg-nog products shall be pasteurized in approved and properly operated equipment so that every particle is heated and continuously held for the following minimum specified times and temperatures:

(A) 155° F. and held at or above this temperature for at least 30 minutes or

(B) 175° F. and held at or above this temperature for at least 30 seconds.

(26) OPTIONAL INGREDIENTS. The following safe and suitable ingredients may be used:

(a) Carriers for vitamins A and D may be added.

(b) Concentrated skim milk, nonfat dry milk, refined lactose, or other milk derived ingredients to increase the nonfat solids content of food may be added; provided, that the ratio of protein to total nonfat solids of the food, and the protein efficiency ratio of all protein present shall not be decreased as a result of adding such ingredients.

(c) When one or more of the optional milk derived ingredients in (b) of this subsection are used, emulsifiers, stabilizers, or both, may be added in an amount not more than 2 percent by weight of the solids in such ingredients. Emulsifiers, stabilizers, and nutritive sweeteners may be added to half and half and to cream products.

(d) Nonfat dry milk solids used in recombined or reconstituted milk or milk products, as defined in subsection (12) of this section, or added to pasteurized fluid milk products to increase the milk-solids-not-fat (S.N.F.) content shall meet the sanitation standards contained in the 1971 edition of the "Recommended Sanitation Ordinance for Condensed or Dry Milk Products Used in Grade A Pasteurized Milk Products".

(e) Food grade acids.

(27) "PROTEIN FORTIFIED" fluid milk products are fluid milk products to which nonfat milk solids or other approved milk derived protein have been added to at least a total of 10 percent milk derived

nonfat solids. The ratio of protein to total nonfat solids of the product and the protein efficiency ratio of all protein present, shall not be decreased as a result of adding such ingredients. The phrase "Protein Fortified" preceding the product name, or the phrase "Fortified with Protein" following the name shall be the standardized name.

(28) "ACIDIFIED MILK AND MILK PRODUCTS" are milk and milk products obtained by the addition of food grade acid(s) to pasteurized milk, lowfat milk, skim milk (nonfat milk), resulting in a product acidity of not less than 0.50 percent expressed as lactic acid.

Hist: Filed 7-18-61 as AD 677

Filed 3-20-63 as AD 720

Filed 5-31-63 as AD 723

Filed 6-30-67 as AD 844(16-67)

Effective 6-30-67

Filed 7-1-68 as AD 883(13-68)

Effective 7-1-68

Amended 5-21-69 by AD 899(5-60)

Effective 6-1-69 (Section 30)

Effective 10-1-69

Amended 6-8-70 by AD 921(7-70)

Effective 7-1-70

Amended 9-27-71 by AD 952(19-71)

Effective 1-1-72 (Section 30)

Amended 9-5-74 by AD 1044(34-74)

Effective 10-1-74

#### LABELING, ADVERTISING, AND DISPLAY

24-603.5 LABELING. All final delivery containers used for the sale of fluid milk or any product of fluid milk for which a standard of identity has been established shall be plainly labeled and marked with:

(1) Standard of identity NAME as set forth in OAR 603-24-602.5.

(2) GRADE of the contents.

(3) The word "pasteurized" if the products have been pasteurized or the word "ultra-pasteurized" if they are thermally processed at or above 280° F. for at least 2 seconds. In the standards of identity the words "pasteurized" and "ultra-pasteurized" are interchangeable de-

pending upon heat treatment during processing.

(4) The word "raw" if the contents are raw.

(5) The word "homogenized" if the contents have been homogenized.

(6) The name and post office address including zip code of the distributor, producer-distributor, or nonprocessing distributor. This shall be the legal business name and in the case of a corporation, only by the actual corporate name, which may be preceded or followed by the name of the particular division of corporation. In the case of an individual, partnership, or association, the name under which the business is conducted shall be used.

(7) The phrase "within the limits of good manufacturing practice" refers to a reasonable deviation from the declared standard or label claim.

(8) The quantity of contents shall be declared and only in units of half pint, 10 fl. oz., pint, quart, half gallon, gallon, 2-1/2 gallons, or multiples of gallons. The term "net" or "net contents" are optional; however, qualifying words such as "liquid" and "fluid" are prohibited. For containers less than half pints the quantity declaration shall be expressed in fluid ounces (Fl. oz.). In case of sour cream, cultured sour cream, cultured half and half, yogurt and yogurt products the quantity statement may be in net weight (net wt.), avoirdupois, but only in units of 8, 16, and 32 ounces. Net weight of 16, 32, and for wholesale containers greater than 32 oz., dual quantity statement is required, e.g., net wt., 16 oz. (1 lb.) or net wt. 32 oz. (2 lbs.).

(9) Identity of the milk plant at which the contents are pasteurized and bottled. In case of a nonprocessing distributor a code number assigned by the department may be used in lieu of the name and address of the milk plant at which the milk is pasteurized and bottled.

(10) The label shall show the list of ingredients including the common name of edible stabilizers or emulsifiers if stabilizers or emulsifiers have been added. When modified starch is added as an optional ingredient, the product name on the principal display panel shall be im-

mediately followed by the terms "with starch" or "with starch added". The following product grouping may be listed by their common name:

(a) Skim milk, concentrated skim milk, and nonfat dry milk may be declared as "skim milk".

(b) Milk, concentrated milk, and dried milk may be declared as "milk".

(c) Bacterial cultures may be declared by the word "cultured" followed by the name of the substrate, e.g., "made from cultured skim milk or cultured buttermilk".

(d) Sweetcream buttermilk, concentrated sweetcream buttermilk, and dried sweetcream buttermilk may be declared as "buttermilk".

(e) Cheese whey, concentrated cheese whey, and dried cheese whey may be declared as "whey".

(f) Cream, dried cream, and plastic cream (sometimes known as concentrated milkfat) may be declared as "cream".

(g) Butteroil and anhydrous butterfat may be declared as "butter".

(h) Dried whole eggs, frozen whole eggs, and liquid whole eggs may be declared as "eggs".

(i) Dried egg whites, frozen egg whites, and liquid egg whites may be declared as "egg whites".

(j) Dried egg yolks, frozen egg yolks, and liquid egg yolks may be declared as "egg yolks".

(k) Sugar (sucrose) shall be declared as "sugar"; and invert sugar may be declared as "sugar".

(l) Sweeteners derived from corn may be declared as "corn sweeteners".

(ll) Labeled grade of milk product shall not be higher than the lowest grade of any one constituent of fluid milk of which it is composed.

(12) The words "selected", "select", "premium", "special", "superior", "better", or similar terms either specifying or implying that the contents of the enclosure are select, selected, or of higher quality than ordinary grade A milk or grade B, as the case may be, shall not be permitted, unless there is prominently displayed in close connection with the above-mentioned terms a qualifying statement subject to approval by the depart-

shown on the No. 2 standard sediment chart disc.

Hist: Amended 9-27-71 by AD 951(18-71)

**24-619.5 HOMOGENIZATION TEST STANDARD.** Compliance with homogenization standard shall be deemed to be met providing the sample of milk or fluid milk products labeled "homogenized", when examined after 48 hours of quiescent storage, shows no visible cream separation occurs in the milk and the milkfat percentage of the milk in the top 100 ml. of milk in a quart bottle, or of proportionate volumes in containers of other sizes, does not differ by more than 10 percent from the milkfat percentage of the remaining milk as determined after thorough mixing.

Hist: Amended 9-5-74 by AD 1044(34-74)  
Effective 10-1-74

24-620 [Repealed 1-19-60 by AD 630.]

**24-620.5 PHOSPHATASE TEST STANDARD.** The phosphatase test standard shall be deemed to be met providing the sample of milk and milk products labeled "pasteurized" when examined shows a negative reaction as determined by the modified Sanders-Sager Method, contained in the latest edition of "Standard Methods for Examination of Dairy Products" published by American Public Health Association or an equivalent method. Four samples of pasteurized milk and two samples of milk products shall be examined each sampling period.

Hist: Amended 9-5-74 by AD 1044(34-74)  
Effective 10-1-74

**24-621.5 ABNORMAL MILK STANDARD.** Compliance with the abnormal milk standards for retail raw milk and raw milk for pasteurization shall be determined by examination or testing for total somatic cells of at least four samples of milk from each producer or producer-

distributor every six-month period. The somatic cell count shall be determined by the Wisconsin mastitis test (W.M.T.), the direct microscopic somatic cell count (D.M.S.C.C.), or any other test giving comparable results and approved by the department.

Hist: Filed 7-1-68 as AD 883(13-68)  
Effective 7-1-68  
Amended 9-5-74 by AD 1044(34-74)  
Effective 10-1-74

24-622 [Repealed 1-19-60 by AD 630.]

**24-622.5 SAMPLING PERIOD STANDARD** means the examination or testing of at least four samples of milk and milk products during any consecutive six-month period for compliance with the standards set forth in OAR 603-24-614.5 to 24-621.5, inclusive.

Hist: Filed 7-1-68 as AD 883(13-68)  
Effective 7-1-68  
Amended 9-5-74 by AD 1044(34-74)  
Effective 10-1-74

**24-623.5 ACCEPTABLE QUALITY OF FLUID MILK.** "Acceptable quality of fluid milk" is that which is free of objectionable flavors and odors and is normal in appearance. Flavors and odors, including those of obnoxious weeds which are not removed by plant processing, are objectionable for grade A use, but slight or moderate feed flavors and odors which are normally removed during the processing are not objectionable. The blend temperature of the milk in farm tank shall not rise above 50° F. at any time during the second or subsequent milkings.

Hist: Filed 9-27-71 as AD 951(18-71)  
Amended 9-5-74 by AD 1044(34-74)  
Effective 10-1-74

24-624 [Repealed 1-19-60 by AD 630.]

**24-624.5 INSPECTION STANDARD** means the sanitary inspection of each

licensed producer dairy at least once and each distributor and producer-distributor at least twice every six months period for compliance with the sanitary regulations established for the various grades of milk as contained herein.

24-626 [Repealed 1-19-60 by AD 630.]

24-626.5 OTHER METHODS OF TESTING. Nothing contained in 24-614.5 to 24-621.5 shall be construed as preventing the use of any other method of examining or testing milk and milk products for compliance with the standards contained in these sections which have been demonstrated to be accurate and are approved by the department.

Hist: Filed 7-1-68 as AD 883(13-68)  
Effective 7-1-68

PROCEDURES FOR THE  
EXAMINATION AND TESTING OF  
MILK AND MILK PRODUCTS;  
ENFORCEMENT

24-630 [Repealed 1-19-60 by AD 630.]

24-630.5 THE COLLECTION, TRANSPORTATION, AND ANALYSES OF MILK SAMPLES. Sampling, bacterial plate counts, coliform counts, temperature tests, phosphatase tests, sediment tests, and other laboratory tests used in the examination of milk and milk products to determine standards of quality shall conform to the procedures as contained in the thirteenth edition of "Standard Methods for the Examination of Dairy Products" published in 1972 by the American Public Health Association or to any other method approved by the department. Such examination may include such other chemical and physical analyses as the department may deem necessary.

Hist: Filed 7-1-68 as AD 883(13-68)  
Effective 7-1-68  
Amended 9-5-74 by AD 1044(34-74)  
Effective 10-1-74

24-631.5 STANDARDS FOR LICENSED MILK SAMPLERS. Tank truck drivers and milk plant personnel licensed to officially sample milk for bacterial analysis from farm bulk milk tanks or producer containers at receiving plants shall use the following equipment and sampling procedures:

(1) Milk Sampling: Equipment.

(a) Devices used for taking samples of milk shall be one of the following as designated by the department:

(A) Metal pipette constructed of stainless steel or aluminum seamless tube 18 to 24 inches long and having a diameter of not less than 1/4 inch or more than 1/2 inch.

(B) Metal dipper made of stainless steel or its equivalent, smooth joints, with at least a 12-inch handle and having a capacity of not less than 10 milliliters.

(C) Single-service approved type paper pipette 18 to 24 inches in length with a diameter not less than 1/4 inch.

(D) Vacuum sampling tube of a type approved by the department having a capacity of not less than 5 milliliters.

(E) Clean sterile metal or single-service pipettes shall be individually wrapped or carried in a clean dust-tight case or cylinder. Where sampling dipper is used, truck sampling or pump compartment shall be provided with a metal cylinder for storage of dipper i., a chlorine sanitizing solution of not less than 200 PPM between samplings.

(F) Sample bottle where used shall be clean and sterile. Bottle shall have a capacity of not less than 2 oz. and be of a wide mouth design at least equivalent to a french square style bottle with metal or plastic screw cap with approved type liner. Pre-sterile plastic bag may be approved as an alternate sample container.

(G) Sample case or compartment.

(i) Tank trucks used in taking delivery of milk from farm bulk milk holding tanks shall be equipped with a metal or plastic dust-tight compartment for storing sample bottles. The compartment shall be so constructed that samples can be iced or temperature otherwise controlled so as to not exceed 40° F. while

shall not prevent the initiation of other enforcement actions as are available.

Hist: Filed 7-1-68 as AD 883(13-68)  
Effective 7-1-68  
Amended 9-5-74 by AD 1044(34-74)  
Effective 10-1-74

24-641.5 GRADING. (1) Each shipment or pick-up of grade A fluid milk shall be graded as to its acceptable quality by a licensed grader. If it is not acceptable and is rejected as unfit for grade A use, a record (forms supplied by the department) is to be made showing:

- (a) Producer's name and number
- (b) Market or pooling agent
- (c) Date and time
- (d) Quantity
- (e) Cause for rejection
- (f) Disposition of the rejected milk.

(2) The original copy of the record is to be forwarded to the department, Dairy and Consumer Services Division, not later than seven days following the rejection.

Hist: Filed 9-27-71 as AD 951(18-71)  
Amended 9-5-74 by AD 1044(34-74)  
Effective 10-1-74

24-642.5 TESTS AND ANALYSES. In addition to official laboratory results, certified laboratories using recognized standard methods may perform tests and analyses for standard plate count, coliform count, phosphatase, growth inhibitors (antibiotics), added water (cryoscope), abnormal milk, and potable water for which they are certified and such results may be acceptable as official. Tests and analyses of finished products performed by the processor of that product are not acceptable as official, unless approved by the department.

Hist: Filed 9-27-71 as AD 951 (18-71)

#### PRODUCER AND PRODUCER-DISTRIBUTOR REQUIREMENTS

24-650 [Repealed 1-19-60 by AD 630.]

24-650.5 [Repealed 9-5-74 by AD 1044  
(34-74).]

24-650.6 RAW MILK AND CREAM STANDARDS. The following standards for raw milk and cream are hereby established:

(1) "GRADE A RAW MILK" is fluid milk bottled on a dairy farm where produced by a disease-free herd, which is in conformance with all the items of sanitation specified in OAR 603-24-656.01 to 24-656.22, and the examination and tests of which, as determined in accordance with OAR 603-24-614.2 to 24-640.5, for each sampling period reveal that the bacteria count does not exceed 20,000 per milliliter, the temperature does not exceed the average of 45° F., the sediment content is not in excess of a No. 2 sediment test, and the somatic cell count does not exceed the limit (See OAR 603-24-639.5), and the bacterial inhibitor test is negative.

(2) "GRADE A RAW CREAM" is cream which conforms to all the requirements of grade A raw milk, as defined in subsection (1) of this section, except that the somatic cell count is not applicable.

(3) "GRADE A RAW MILK FOR PASTEURIZATION" is fluid milk produced by a disease-free herd on a dairy farm in conformance with all the items of sanitation specified in OAR 603-24-656.01 to 24-656.21, except the provisions of OAR 603-24-656.22 (Bottling and Capping) and such portions of other items or sections as are herein indicated, when delivered to the milk plant, and the examination and tests of which, as determined in accordance with OAR 603-24-614.2 to 24-640.5, for each sampling period reveal that the bacteria count does not exceed 80,000 per milliliter, the temperature does not exceed the average of 45° F. nor the blend temperature of milk in a farm tank does not exceed 50° F. at any time during the second or subsequent milkings, and the sediment content is not in excess of a No. 2 sediment test. Provided further, that the milk is defined as acceptable quality under OAR 603-24-623.5, and the bacterial inhibitor test is negative.

Hist: Filed 9-5-74 as AD 1044(34-74)  
Effective 10-1-74

24-652 [Repealed 1-19-60 by AD 630.]

24-652.5 [Repealed 9-5-74 by AD 1044  
(34-74).]

24-654 [Repealed 1-19-60 by AD 630.]

24-654.5 [Repealed 9-5-74 by AD 1044  
(34-74).]

### Producer Regulations

24-656 [Repealed 1-19-60 by AD 630.]

[ED. NOTE: Unless otherwise specified sections 24-656.01 to 24-656.22 were adopted by the Department of Agriculture June 27, 1968 and filed with the Secretary of State July 1, 1968 as AD 883 (13-68). Effective July 1, 1968. Repeals AD 676.]

24-656.01 HEALTH OF COWS AND ABNORMAL MILK. (1) All herds of cows producing milk for human consumption as defined in OAR 603-24-600.5 and for which a standard of identity has been established in OAR 603-24-602.5 shall be in compliance with the laws of the state of Oregon and regulations promulgated thereunder relating to tuberculosis and brucellosis.

(2) No person shall sell, offer or expose for sale any milk with knowledge that such milk has been produced from a herd of cows or goats one or more of which are infected with brucellosis or tuberculosis at the time the milk was produced, or with knowledge that all animals in such herd have not been tested or retested for brucellosis or tuberculosis.

#### (3) Brucellosis:

(a) Raw milk producer-distributor herds

must be officially blood tested at least once every six months. In cases of dairy cattle, three brucellosis ring tests (BRT) at approximately equal intervals on commingled milk may be substituted only for every other routine six-month blood test. All herds with suspicious BRT results must be officially blood tested within twenty-one days. Where not more than one reactor (from official blood test) appears, raw milk may continue to be bottled and sold if animal is removed for slaughter and herd retested twice at thirty to sixty-day intervals and no reactor appears. If one or more reactors appear at either of such tests, no more raw milk may be sold for human consumption until the herd regains a disease-free status by following the retest schedule as shown in subparagraph (D) of paragraph (b) of this subsection.

(b) Herds producing raw milk for pasteurization:

(A) Herds must be officially milk ring tested at least three times per year.

(B) All dairy herds and all eligible cattle in such herd or herds showing a suspicious reaction to the brucellosis ring test (BRT) shall be tested by the official blood test within 21 days from the time the results of the BRT test are forwarded by the department to the owner of such herd or herds.

(C) Reactors to an official blood test in a dairy herd must be removed from the milking herd and all the remaining animals shall be officially blood tested at 30 to 60-day intervals until two successive clean blood tests are obtained, followed by a third blood retest not less than 2 months nor more than 4 months from the date of the second clean 30 to 60-day retest. The first retest shall not be made less than 30 days after removal of the reactor animal or animals. Until the third successive clean retest has been completed, the department shall not again declare the herd to be brucellosis-free or consider removing the herd from quarantine.

(D) Out-of-state producers in a certified brucellosis-free area as determined by USDA-State Cooperative program are deemed to be in compliance with the Oregon brucellosis test requirements.

## (4) Tuberculosis:

(a) Raw milk producer-distributor herds:

(A) Herds must be tested at least once every twelve months.

(B) Raw milk for human consumption cannot be bottled and sold from infected herds until a tuberculosis disease-free status is regained as outlined in subparagraph (B) of paragraph (b) of this section.

(b) Raw milk for pasteurization:

(A) All animals over two years of age must be tested at least once every six years.

(B) If a tuberculosis reactor animal is found in a dairy herd as a result of the test, the entire herd shall be placed under quarantine and all cattle in the herd must be retested in not less than 60 or more than 90 days from the date of removal of reactors. If this test shows no reactors, the herd may then be released from quarantine. If a reactor is found on any retest, the herd shall be retested in the same manner as provided in case reactors are found on an original test. If no tuberculosis lesions are found on the slaughtered reactor animals, the herd thereafter needs only one clean test for release from quarantine. Dairy herds must be tested within 21 days following the time that the owner is notified of the infection. Retesting shall be carried out as required above.

(C) Out-of-state producers in a modified accredited tuberculosis-free area as determined by United States Department of Agriculture-State Cooperative program are deemed to be in compliance with Oregon tuberculosis test requirements.

(5) Cows which show an extensive induration of one or more quarters of the udder upon physical examination and/or secreting abnormal milk shall be temporarily excluded from the milking herd. Cows giving bloody, stringy, or abnormal milk shall be excluded from the herd until re-examination shall show that the milk has become normal.

(6) Milk from quarters of cow's udder treated with antibiotics for udder infection shall not be sold for human consumption for a minimum of 72 hours

after the last treatment or withheld according to manufacturer's recommendation.

(7) For other diseases such tests and examinations as the department may require after consultation with the State Veterinarian shall be made at intervals and according to methods prescribed by him, and any diseased animals or reactors shall be disposed of as he may require.

(8) Most recent brucellosis blood test and tuberculosis test certificates or copies thereof, shall be posted in milk house or placed on file in office of the milk inspection service.

Hist: Amended 9-5-74 by AD 1044(34-74)  
Effective 10-1-74

Milking barn, stable, or parlor -  
construction

24-656.02 CONSTRUCTION AND MAINTENANCE OF MILKING BARN, STABLE, OR PARLOR. A milking barn, stable, or parlor shall be provided on all dairy farms, in which the milking herd shall be housed during the milking time operations, and constructed and maintained in accordance with the following:

(1) Gutters, floors, and feed troughs shall be constructed of good quality concrete or equally impervious material. Floors shall be easily cleaned (brushed surfaces permitted) and shall be graded to drain and maintained in good repair and free of excessive breaks or work areas that may create pools. Water under pressure shall be plumbed to the milking stable and be available for washing floors.

(2) Walls and ceilings shall be finished with smooth surfaced wood, tile, smooth surfaced concrete, cement plaster, brick, or other equivalent materials with light colored surfaces. Walls may be painted a darker color up to 60 inches in height from the floor. Walls, partitions, doors, shelves, windows, and ceilings shall be kept in good repair; and surfaces shall be refinished whenever wear or discoloration is evident. A curb at least 12 inches in height shall be required in all new

containers, equipment, and utensils by insects and rodents and by chemicals used to control such vermin.

(5) Pesticides approved by the department shall be used in accordance with manufacturer's direction and shall be used so as to prevent contamination of milk, milk containers, equipment, utensils, feed, and water.

#### 24-656.22 BOTTLING AND CAPPING.

(1) Raw fluid milk and milk products shall be bottled on the dairy farm where produced by means of an approved bottling machine equipped with a cover and readily cleanable, automatic filler valves. Filler valves shall be equipped with an apron or other approved device to prevent water or condensation from gaining entrance to the final delivery container during filling process. Where automatically operated bottler is used the infeed conveyor from the bottle washer to the filler shall be equipped with an over-head shield. Bottles shall be capped with a mechanical capper which is an integral part of the bottling machine. Hand capping is prohibited. Caps and single service containers shall be purchased in sanitary containers and stored in a clean dry place.

(2) The cap or cover shall protect the pouring lip to at least the largest diameter.

(3) Final delivery containers shall be washed and subjected to an approved bactericidal treatment to reduce bacterial count to less than one per milliliter of capacity and stored in a room where used in an inverted position at a sufficient height above the floor to prevent contamination of containers.

(4) Filling, capping, and labeling of raw fluid milk final delivery containers shall be done by the licensee or under his direct supervision.

#### Grade B Raw Milk and Cream

24-658 [Repealed 1-19-60 by AD 630.]

24-658.5 GRADE B RAW MILK AND

GRADE B RAW CREAM are fluid milk and cream which conform to all the requirements of Grade A Raw Milk and Grade A Raw Cream as found in 24-650.5 and 24-652.5, and which conform to all the sanitation requirements contained in 24-656.01 to 24-656.22 except:

(1) Milking Stable. The floors may be of tongue and groove wood construction but must be smooth, tight, kept clean and in good repair.

(2) Milkhouse. The milkhouse may consist of one room which may open directly into milk stable if cows are not housed therein between milking periods and no roughages are fed in the stable. The milk house shall be equipped with at least a two-compartment wash sink.

(3) Bottling and Capping. Final delivery containers must be filled by an approved mechanical method. A hand operated filling valve may be used if it is equipped with a condensation diverting apron. Final delivery containers may be manually capped if a sanitary parchment covering is placed underneath a plug or disc-type cap. The parchment or similar water-impervious material shall be of sufficient size to extend over the edge of the pouring lip of the final delivery container.

Hist: Filed 5-18-61 as AD 656

Amended by AD 676, filed 7-18-61

Filed 7-1-68 as AD 883 (13-68)

Effective 7-1-68

24-660 [Repealed 1-19-60 by AD 630.]

24-660.5 GRADE B RAW MILK FOR PASTEURIZATION is fluid milk which conforms to all the requirements of Grade A Raw Milk for Pasteurization as found in 24-654.5 and all the sanitation requirements contained in 24-656.01 to 24-656.26 except:

(1) Milking Stable. The floors may be of tongue and groove wood construction but shall be smooth, tight, kept clean and in good repair.

(2) Milkhouse. Floors and walls may be of tongue and groove wood construction, but shall be smooth, tight, kept clean and

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill 416  
 Title Relating to the Sale of Unpasteurized Milk  
 Requested by Representative Carney Date 4/15/80

II. FISCAL DETAIL

Agency Affected Department of Natural Resources  
 Program Category Affected NRMEC  
 BRU, Program, or Subprogram(s) Affected Agricultural Inspection  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						

TOTAL

FUNDING (Thousands of Dollars)

GENERAL FUND	0	307.9	338.7	372.7	409.7	
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME	8	8	8	8	8	
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

See Attachment.

IV. DATE 4/15/80

PREPARED BY *S. Wagner*  
 AGENCY Division of Agriculture  
 PHONE 745-3236

Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

From: Nick

FISCAL REPORT ON THE PROPOSED HOUSE BILL NO. 416

a) Requirement for six field men - Grade 14	
1 - Stationed - Fairbanks	\$25,692.00
1 - Stationed - Glenallen	\$25,692.00
2 - Stationed - Kenai	\$47,664.00
2 - Stationed - Palmer	\$42,552.00
	<u>\$141,600.00</u>
b) One Clerk Typist coordinating results and paperwork - Grade 7	\$15,348.00
c) One Dairy Microbiologist - Grade 14	\$21,276.00
	<u>\$35,624.00</u>
	TOTAL SALARIES
	<u>\$175,224.00</u>
d) State benefits @ 30%	\$53,467.00
e) Transportation - car rental and mileage	\$52,400.00
f) Office space @ \$2 per sq. ft.	\$28,200.00
g) Miscellaneous equipment and costs	\$5,000.00
h) Contractual animal health testing	\$10,000.00
	<u>\$129,067.00</u>
Inflation @ 10% per year	<u>\$36,789.00</u>
	TOTAL ESTIMATED COST
	<u>\$347,680.00</u>
	PER YEAR

HB

516

(9)

# COMMITTEE REPORT

## HOUSE

2/8/80

FURTHER: FINANCE

3/6/80  
*[Handwritten signature]*

Date: \_\_\_\_\_

Mr. Speaker:

The Committee on RESOURCES has had SSUB516

"An Act establishing the office of fisheries development."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for AL-10  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Lette of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

\_\_\_\_\_  
*[Handwritten signature]*  
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\_\_\_\_\_  
CHAIRMAN

2/26/80 - Hearing. Tabled with  
intention of drafting up a  
"purpose" clause to add to bill

3/6/80 - Hearing. Reported out  
as CS SS HB516



# Alaska State Legislature

## House

HOUSE RESOURCES COMMITTEE

FISH & GAME ISSUES  
Alvin Osterback, Chairman

Pouch V, State Capitol  
Juneau, Alaska 99811  
(907) 465-3715

### HEARING NOTIFICATIONS

BILL	DATE INFORMED	LETTER/PHONE	INFORMED	HEARING DATE
SSHB 516	2/21	In person	Dr. Frank Orth	2/26
	2/22	3789	Rep. Jack Fuller	2/26
	2/22	4100	Fish & Game Dept.	2/26
	2/22	2500	Commerce - Commissioner Webber	2/26
	2/26	3500	Governor's Salmonish Coordinator's office Jim Edens, Mia Spear	2/26
	2/26	5500	Keith Specking, Gov.'s spec. assistant	2/26
			Fish & Game	3/6
			Commerce - Fred Muller	3/6
		Mia Spear - Salmonish office	3/6	

Structure of Fisheries Development Office  
Proposed in SSHB516

1. The office will be composed of seven (7) staff members:

Program Director  
(3) Development Specialists (Fisheries)  
Marketing/product Development Specialist  
Management Assistant  
Research Analyst

Support will be provided by the equivalent of one full-time typist.

2. The office will encompass:

- a. Functions assigned to the bottomfish coordinator (special assistant) and research analyst presently operating in the Office of the Governor.
- b. Fisheries development, assistance and support activities of two existing development specialists in the Division of Economic Enterprise.
- c. Four new staff positions will provide better ability to handle marketing and product development issues, to more efficiently acquire, organize and distribute data and information to the public and generally to perform the lead/coordinating role defined in the legislation.

3. The Department of Commerce and Economic Development is presently assessing the organizational structure and operating procedures of the Division of Economic Enterprise. Specifically, how the fisheries development office will be organized within the department or where it will be physically located has not yet been determined. The function of the office is viewed as extremely important and it will be organized in such a manner so as to be as visible and effective as possible. Possible alternatives range from the creation of a new division to the formation of a special unit within the Division of Economic Enterprise.

4. To compliment the creation of an office of fisheries development, two additional administrative actions will be encouraged:

The first is to establish a process to achieve routine public and industry involvement in the shaping of State policies and programs related to fisheries resource/industry development and to provide an opportunity for the monitoring and review of the fisheries development office activities. Active public involvement is also an integral part of the bottomfish development plan.

The second is to encourage the establishment of clear and specific working policies and operating guidelines for every unit of State government whose activities affect commercial interests of the fishing industry. It is felt that the goals of the administration for fisheries resource/industry development clearly communicated to each agency would provide an important influence.

RR/kkk3/3

<u>Personnel Services*</u>	<u>Amount</u>
Program Director	\$ 57,746
Development Specialist III (C&ED - Range 20)	55,809
Development Specialist III (C&ED - Range 20)	45,723
Development Specialist III (New - Range 20)	44,146
Research Analyst II (Governor's Office - Range 16)	36,066
Marketing/Product Development Specialist (New - Range 20)	44,146
Management Analyst II (New - Range 16)	33,798
Typist (New - Range 8)	<u>20,511</u>
	ST \$337,945

Travel

Operation of Policy Group - Bottomfish Plan Development/Monitoring (3 meetings) of 15 people - 45 trips @ \$250 each and 90 days PD @ \$60)	26,650
<u>Staff Travel: 50 trips @ \$250 and 100 days</u> PD at \$60, 15 trips @ \$500 and 60 days PD @ \$50, 2 trips @ \$900 and 28 days PD @ \$100	<u>33,600</u>
	ST \$ 60,250

Contractual

Phone (7 people x \$1,500)	\$ 10,500
Postage (7 people x \$600)	4,200
Printing (2 annual reports & 30 pubs. x 200 pages x 500 copies, plus 10%)	84,000
Space Expense (150 sq. ft. x 7 people x \$15/sq. ft.)	15,750
<u>Studies Mandated in SSHB 516</u>	
1. Types of Private Investment (½ in 1981, ½ in 1982)	\$ 85,000
2. Types of Organizations (½ in 1981, ½ 1982)	15,000
3. Organizational Assistance (½ in 1981, ½ 1982)	45,000
4. Economic Incentives (½ in 1981, ½ in 1982)	25,000
Bottomfish projects submitted in Governor's Budget, plus \$200,000 contingency	2,525,500
Pink Salmon Marketing Project Submitted in C&ED Budget	<u>40,000</u>
	ST \$2,849,950

\*Personnel burden calculated, H.I. \$127/employee, FICA .0665 x gross (\$1,975 max.), variable .1529 x gross