

Committee on Resources

Subcommittee on Fisheries Conservation, Wildlife and Oceans

Statement/Testimony

TESTIMONY OF HOWARD PARK, CONSULTANT

SUBCOMMITTEE ON FISHERIES CONSERVATION, WILDLIFE AND OCEANS

FEBRUARY 25, 1999

Thank you for the opportunity to address the subcommittee today. My name is Howard Park and I represent the Personal Watercraft Industry Association. PWIA represents the five major manufacturers of personal watercraft (PWC), Arctic Cat Inc. based in Thief River Falls, Minnesota, Bombardier Motor Corp. of America, based in Melbourne, Florida, Kawasaki Motors Corp.- USA, based in Irvine, California, Polaris Industries, Inc., based in Minneapolis, Minnesota and Yamaha Motor Corp.- USA of Cypress, California. PWC are often referred to as "Jet Skis", Kawasaki's brand name and a trademark of that company. Three PWIA member companies also make motors for larger types of boats.

This is the first time that I have ever testified before Congress. My colleagues and I have, however, testified in numerous states on countless occasions. We believe that regulation of PWC and other forms of boating belongs at the state and local level. Apparently, the concerns that led to inclusion of PWC regulation in this legislation before the subcommittee originated with concerns about PWC operation in Barnegat Bay, in New Jersey. Prior to seeing the language of the bill before you, we were (and still are) in support of state legislation, Assembly Bill 653, to keep PWC out of shallow areas of Barnegat Bay. It is early in the legislative session in New Jersey, regardless of the outcome of the legislation before this subcommittee, we would welcome the opportunity to work with those who are concerned with the issue in New Jersey.

It has always been our position that PWC (and other motorized boats) should not operate in shallow waters less than two feet in depth. We have never opposed -- and in fact support -- legislation that prohibits such operation. Our safety materials reflect this position. There is no basis to suggest that PWC should be singled out for such prohibitions. No motorized boat should operate in such shallow waters. Some say that only PWC should be prohibited from operating in shallow waters because only PWC can access such areas. That is simply false. Many types of jet-propelled boats and hovercraft, not defined as PWC, can access waters of two feet or less in depth.

There has been considerable research into the effects of PWC, boating and other human activities on wildlife and aquatic vegetation. Probably the most extensive studies of this subject were conducted for the Florida Department of Environmental Protection and Oregon Ocean Policy Advisory Council. Neither study found any basis to single out PWC for special regulations.

In addition, according to Dr. James Rodgers, a biologist with the Florida Game and Freshwater Fish Commission, who has conducted extensive research into this issue, "A PWC moving at idle speed obliquely to the birds should produce the same flushing response as an outboard motorboat. Similarly, a fast moving motorboat heading directly at the birds with a deep V bow throwing white spray should produce a flushing response similar to that of a PWC being operated in a similar manner."

I will leave copies of several studies related to wildlife disturbance with committee staff and I have a limited number of copies for members. In any case, our recent progress with noise reduction technology promises to reduce any disturbance that PWC operation may cause.

Our most serious concern is that the bill would require that personal watercraft (PWC) be operated at no-wake speed or less in "sensitive" areas, defined as "any area in the coastal zone that contains living marine resources and birds that may be impacted during the operation of a PWC." PWC should not be operated in areas where they have a negative

impact on the resource -- where good science supports such a conclusion -- we have no problem with that. We believe that all boats should always be operated in an environmentally responsible manner.

We do have a serious concern, however, with the extremely broad definition of "sensitive area" in this bill which can be interpreted to include any area with any marine life, even microscopic organisms. Thus, this bill could cover the entire coastal zone and all the waters within it. We are especially concerned that this would be interpreted by the media and the public as a "ban" on PWC operation. This would have a chilling effect on our industry and the rights of over 5 million PWC owners and operators.

We believe that the approach of segregating one type of vessel is unreasonable and not supported by good science.

We know there are sincere concerns about PWC operation. The steps we are taking to meet these concerns include:

- new technology introduced in the past year which reduces sound emissions from PWC by 50 percent;
- our support of mandatory education for PWC operators, several states have adopted legislation based on our model;
- tough model legislation, at the state level, to regulate businesses that rent PWC;
- under a voluntary agreement reached with the EPA, spending at least tens of millions of dollars (so far) to develop cleaner engines that meet or exceed EPA targets;
- lending, free of charge, over 1,500 PWC each year to law enforcement agencies to assist them in on-water enforcement and rescue efforts;
- supplying free print and video safety materials with each PWC that is sold and many thousands of these materials to law enforcement and education institutions;
- supporting a minimum age of 16 for PWC operation.

Our model legislation for regulation of PWC is tougher than all but a small handful of states.

Thank you. I would like to submit several written materials for the record and I would be pleased to answer questions.

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