

January 15, 2021

Julie Gascon
Director General, Marine Safety and Security
Transport Canada

Sent via email: julie.gascon@tc.gc.ca

Dear Ms. Gascon,

On behalf of the National Marine Manufacturers Canada (NMMA Canada) and the Marine Trade associations across Canada, representing the entire recreational boating industry, we write to give feedback on Transport Canada's regulatory proposals to modernize the Pleasure Craft Licensing (PCL) and Pleasure Craft Operator Competency (PCOC) programs.

Together, NMMA Canada and the marine trade associations represent an industry that generates \$10 billion in revenues and \$5.6 billion in GDP and sustains over 75,000 jobs across the country. An estimated 12.4 million adult Canadians go boating each year, with most boat owners earning a household income of less than \$100,000. In short, recreational boating is a popular pastime enjoyed by millions of middle-class families that returns huge economic benefits to Canada.

Boating has also seen remarkable growth during the COVID-19 pandemic, with record numbers of first-time boaters taking to the water. Safety is a top priority for our industry. We are fully behind Transport Canada's efforts to ensure recreational boaters have an enjoyable and safe experience on the water, including sensible reforms to the pleasure craft licensing and competency standards.

On the consultation process, we regret that Transport Canada has chosen to put this proposal to the public – in the middle of a pandemic – with no advance notice to our industry, which lives and breathes recreational boating every day. Despite this, we are pleased to share our views in the spirit of ongoing constructive dialogue.

Pleasure craft licensing

The Canadian boating industry supports the intent behind Transport Canada's proposed updates to the PCL program. We agree that government programs that exclusively serve a specific population, such as recreational boaters, should be financed by user fees as opposed to the general tax base. We also applaud changes that enhance the accuracy of pleasure craft licensing data without adding red tape and undue burden onto boaters. However, we are concerned that a nominal fee of \$15 every five years will not collect enough revenue to improve the PCL system, which has major limitations and data flaws in the PCL database.

Accurate, timely and robust data on pleasure craft licensing is vital to the recreational boating industry. It helps our members understand trends in boat sales and track the usage of various vessel types across the country; it also gives Canadian marine manufacturers and dealers an edge against our global competitors. For Transport Canada and other government bodies, a solid and reliable dataset provides for better public policy and more responsive regulations and rules which would support boating safety. With a proposed user fee that barely covers the costs of the existing (flawed) PCL program, we strongly recommend that Transport Canada explore ways to permanently increase the funding base to fix it.

There is a wider opportunity for Transport Canada to rethink how the PCL program is structured and administered. For example, we would point to the feedback from discussions with two Ontario marine businesses (Crate's Lake Country Boats/Jason Crate and Pride Marine Group/Kevin Marinelli) on ways to enhance vessel registration and titling. As well, the government should look at the possibility of partnering with the marine trade associations to administer the PCL program, akin to the successful model used for snowmobile permitting in Ontario. Such an arrangement could be more efficient and affordable and put much-needed funding back into revitalizing marine infrastructure across the country.

Pleasure Craft Operator Competency (PCOC) Program

There are aspects of the PCOC system that impose a burden on course providers. In speaking with one course provider, they described an ongoing struggle with database uptime and ill-timed PCOC database outages on peak days during peak season. The course provider stated that new fees could be justified if course providers receive clear, defined, and published service-level standards from Transport Canada. Without clear deliverables, we believe the proposed fees would be widely perceived by industry and consumers as a 'cash grab' by the government.

Rental Boat Safety Checklist

As a rule, government regulations for recreational boating should be evidence-based and proportionate to actual risk. The proposed solution should also be a clear, logical response to the perceived problem. With this in mind, we believe that scrapping the Rental Boat Safety Checklist (RBSC) as proof of competency would be a big mistake. The RBSC is a critical safety tool that Transport Canada has invested in over the years – for example, the recent SARNIF project to create the Rentalboatsafety.ca website. While we support the PCOC, we do not believe it is superior to a well-run rental checklist. Since the PCOC does not require any on-water experience, the RBSC may be the only hands-on introduction that a new boater gets.

At the same time, we agree that Transport Canada and the industry must work together to 'up the game' on boat rental safety. Most boat rental companies are already showing strong leadership through long-established safety practices that are attested to by their excellent track record. Examples include:

- Sewell's Marina (Horseshoe Bay, West Vancouver). 40-50 staff from April to September to run boat rentals. A big part of their corporate business is 'self-drive scavenger hunts'. A few years ago, Sewell's was able to attract a major global automaker to hold an event at their marina over a competing American destination. As operator Megan Sewell states, boat rentals are "much bigger than your odd tourist coming into town".
- Le Boat (Ottawa, Ontario), which offers boat rentals on the Rideau Canal: "Our boaters are required to attend a mandatory in-depth on-board training program. If all renters would be required to have (PCOC) this could stop our plans for future development, foreign investment in tourism in Canada".
- In Quebec, Aventures Wet Set MTL in the Old Port of Montreal delivers boating safety training to all customers before going out on the water. As well, a \$2.6 million sustainable development project – "ALO Richelieu" – on the Richelieu River would be put in jeopardy by repealing the RBSC as a central piece involves offering electric boat rentals; the project, which will be launched in spring 2021, would include training for boaters.

We recognize that a handful of boat rental companies may not be following the proper safety protocols. However, the presence of a few bad actors does not justify getting rid of an otherwise effective tool in the RBSC. To date, we have not seen any hard data showing that boat rentals are disproportionately to blame for a rise in on-water accidents or fatalities.

The expected economic damage of repealing the checklist is backed by hard data. Many boat rental companies and fishing lodges have just weathered the worst season on record with catastrophically low tourism numbers. The impact of removing a vital revenue stream from already-beleaguered firms is frightening. Indeed, some marinas have invested hundreds of thousands of dollars into rental boat inventory. Requiring a PCOC of every renter would decimate both the casual domestic customer and foreign visitors who do not have equivalent proof of competency from their home country.

Instead of repealing the RBSC, we propose a more targeted approach: strengthen the RBSC standard and go after bad actors with more targeted enforcement and tougher penalties. Transport Canada should leverage existing resources such as the Rentalboatsafety.ca website. There is a need for clearer communications with boat rental companies and the public on the value of this tool and the importance of proper on-water training for new boaters. We also recommend Transport Canada require more detailed records and incident reporting by boat rental companies to ensure that good safety practices are being followed. For rental companies located near busy or hazardous waterways, Transport Canada may need to explore regional solutions to promote safety.

In the medium term, we are eager to partner with Transport Canada to add more on-water training opportunities for new boaters to supplement the PCOC and RBSC. Transport Canada could take a lead role in this, supported by NMMA Canada, Marine Trade associations, and industry players who all share an interest in promoting safe boating.

Thank you for the chance to share our views on this initial proposal. We look forward to continuing the conversation as Transport Canada carefully weighs these major reforms.

Sincerely,

Sara Anghel, President
NMMA Canada

Rick Layzell, CEO
Boating Ontario

Bruce Hayne, Executive Director
Boating BC

Sylvain Deschênes, Executive Director
Nautisme Québec

Patricia Nelder, Executive Director
Boating Atlantic

Adrian Labarre, Director
Mid-Canada Marine Dealers Association (MMPDA)