



**CONSORTIUM FOR CITIZENS  
WITH DISABILITIES**

November 26, 2013

Representative Duncan Hunter  
Chair, House Subcommittee on Coast  
Guard and Maritime Transportation  
223 Cannon House Office Building  
Washington, DC 20515

Representative John Garamendi  
Ranking Member, House Subcommittee on  
Coast Guard and Maritime Transportation  
2438 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Hunter and Ranking Member Garamendi:

The undersigned member organizations of the Consortium for Citizens with Disabilities (CCD) Transportation Task Force are writing to express our support for retaining the requirement in section 609 of the Coast Guard Authorization Act of 2010, Pub. L. 111-281 ("Section 609"), that the Coast Guard only approve survival craft for use as a safety device if the survival craft ensure that no part of an individual is immersed in water. CCD is a coalition of national disability organizations working together to advocate for national public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society. CCD has worked to achieve federal legislation and regulations that assure that the 56.7 million children and adults with disabilities are fully integrated into the mainstream of society. The Transportation Task Force focuses on ensuring that national policy regarding transportation, including both disability-specific programs and broader transportation programs and policies, ensure equal access to transportation for the purposes of employment, housing and recreation for all people with disabilities.

Reports and reviews from the National Transportation Safety Board (NTSB) and the Coast Guard itself have consistently recommended that, in order to be truly effective and save the lives of people with disabilities and the elderly, survival craft must keep all parts of a passenger's body out of water.<sup>1</sup> Out-of-water flotation also helps protect all passengers, more generally, from risk of hypothermia. In March 2009, the NTSB concluded in an accident report<sup>2</sup> that when an emergency evacuation was necessary for the passenger vessels involved, the absence of out-of-water flotation would have

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<sup>1</sup> See Mark Rosekind, "Testimony before the Subcommittee on Coast Guard and Maritime Transportation, Hearing on Coast Guard and Maritime Transportation Authorization Issues," October 29, 2013, available at <<http://www.nts.gov/news/speeches/rosekind/rosekind131029.html>>.

<sup>2</sup> NTSB/MAR-09/04/SUM, which can be found at <<http://www.nts.gov>>.

subjected both passengers and crew to high risk of injury and death from exposure to cold water temperatures. In the NTSB's investigation of the September 8, 2011, Trinity II lifeboat accident in the Bay of Campeche, Gulf of Mexico, the NTSB found that the presence of out-of-water survival craft would have saved lives. In that case, the crew was partially submerged in the warm water of the Gulf of Mexico after abandoning their ship in a storm. The length of their immersion slowly lowered the crew's body temperatures, and four died as a result of hypothermia, drowning or complications from prolonged exposures.<sup>3</sup>

Supporting 100% of passenger and crew members with out-of-water flotation equipment on passenger vessels is particularly important for people with disabilities. In order to be truly accessible, a survival craft must provide sufficient support to hold a person out of the water independently, and not rely on the strength of a person's limbs or body to hold onto a floating item. The United States Access Board's Draft Passenger Vessel Accessibility Guidelines and Supplementary Information<sup>4</sup> recommend that passenger vessels provide an accessible means of escape for people with disabilities. In order to be fully accessible, not just the means of egress, but also the avenues for evacuation and rescue, should be accessible. The lives of people with disabilities on passenger vessels depend on this.

The August 26, 2013, Coast Guard Report to Congress included a flawed cost-benefit analysis that ignored basic civil rights considerations and also distorted the costs and benefits of the requirement of out-of-water survival craft. Without basis or further analysis, the study discounted 2/3 of the 160 lives lost in passenger vessel incidents between 2002 and 2011, even though the report itself found that out-of-water survival craft decrease the fatality rate for passengers in incidents when they are available for use by 73.74%. Moreover, the cost-benefit analysis undervalued the lives of people who died as a result of these incidents, using a value of statistical life (VSL) that was significantly lower than the VSL used in other government studies.<sup>5</sup>

Congress recognized by the passage of Section 609 that the elderly, children, and people with disabilities, including veterans, should not be put at greater risk due to lack of survival craft that are able to protect them from immersion in water and hypothermia. The federal government has long recognized, especially through the Rehabilitation Act and the Americans with Disabilities Act, that providing access to basic

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<sup>3</sup> Personnel Abandonment of Weather-Damaged US Liftboat Trinity II with Loss of Life, Bay of Campeche, Gulf of Mexico, September 8, 2011, Marine Accident Report NTSB/MAR-13/01 (Washington, DC: National Transportation Safety Board, 2013).

<sup>4</sup> <http://www.access-board.gov/pvaac/guidelines.htm>

<sup>5</sup> For more information, please see Patrick L. Wojahn, Testimony Before Subcommittee on Coast Guard and Maritime Transportation on "Maritime Transportation Regulations: Impacts on Safety, Security, Jobs and the Environment, Part 1," September 10, 2012, available at <http://transportation.house.gov/UploadedFiles/documents/2013-09-10-Wojahn.pdf>.

accommodations for people with disabilities in all aspects of daily life is a fundamental tenet of our country. Any survival craft that leaves a portion of a person's body immersed in water places the elderly, children, and people with disabilities at greater risk. We ask that Congress not remove this basic protection, as a matter of life and death for the elderly, children, and people with disabilities.

We appreciate the opportunity to provide comment. If you have further questions, please feel free to contact Patrick Wojahn at the National Disability Rights Network at (202) 408-9514, x102, or Jennifer Dexter of Easter Seals at (202) 347-3066, x8329.

Sincerely,

Patrick Wojahn  
National Disability Rights Network

Jennifer Dexter  
Easter Seals

Co-chairs  
Transportation Task Force