

Private Markers (Buoys) Update 2010

FOCA conducted a meeting of members in November 2008 which featured a speaker from Transport Canada (TC), Wayne Atkins, who included in his remarks a reference to the TC “An Owners’ Guide to Private Buoys”, one of the regulations under the Canada Shipping Act, 2001. This remark and the related legal standard appears to have been developed completely without input from the very users that are affected, which has resulted in a situation where compliance is problematic in practical terms.

In the instances on inland waters where there is no prevailing nor regular marking of navigational hazards by Transport Canada or any other responsible agency, a number of FOCA member associations (and a good number of responsible and well-intentioned private citizens and water-based businesses) have undertaken to make local boaters safer by marking hazards (shoals or underwater hazards) with some form of floating marker. This has been done using locally adopted devices and common sense with the intent that marking (vs. NOT marking) a known hazard is a positive contribution to a safer boating experience. Approximately 20% of our members who currently carry liability insurance through the FOCA program declare that they mark shoals as an association activity.

FOCA took a leadership role and for over a year worked with the limited number of North American marker suppliers to develop a buoy design which would comply with the TC standard. Previous to this effort, there was no buoy available for purchase in Canada that local associations could use to meet the legal standard. The specific challenge (in addition to the general lack of availability of such devices in Ontario) remains the requirement to have the markers include the contact information for the person(s) responsible for the buoy.

On behalf of the FOCA membership, FOCA worked with Go Deep International in New Brunswick to develop a buoy that met the TC standard. As a risk management initiative, it was recommended that the use of the “FOCA Private Hazard Buoy” should be guided by the risk management advice related to FOCA buoys, found on the Risk Management Toolkit page of the FOCA website.

According to FOCA’s insurance broker (May, 2010) insurance coverage for shoal marking through the FOCA / Aviva insurance program is not and will not for the foreseeable future be contingent on the association using only buoys that comply with the Guide standards.



FOCA sought out an approval for the Go Deep prototype from TC, so that we could have assurance from TC that it indeed fully met the standard in their applicable regulations. TC provided a qualified opinion that the proposed buoy was compliant with the regulations.

This buoy is available directly from Go Deep International (\$39 plus freight) or other suppliers. Note that FOCA advises that anyone purchasing buoys for their private use ensures that the buoy meets all legal standards and regulations. Members are reminded that TC requires the name of the buoy owner and their contact information to be affixed to the buoy.

FYI, the Go Deep contact is below. FOCA neither warrants nor recommends this supplier nor their products.

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