

Highlights

Final rule: Personal Flotation Devices Labeling and Standards September 22, 2014

From the Final Rule

SUMMARY: The Coast Guard is issuing this final rule to remove references to type codes in its regulations on the carriage and labeling of Coast Guard-approved personal flotation devices (PFDs). Removing these type codes from our regulations will facilitate future incorporation by reference of new industry consensus standards for PFD labeling that more effectively convey safety information, and is a step toward harmonization of our regulations with PFD requirements in Canada and in other countries.

DATES: This final rule is effective October 22, 2014.

FOR FURTHER INFORMATION, CONTACT: For information about this document, call or email Ms. Brandi Baldwin, Lifesaving and Fire Safety Division, Coast Guard; telephone 202-372-1394, email brandi.a.baldwin@uscg.mil.

What does the final rule do?

The final rule removes references to type codes in USCG regulations on the carriage and labeling of Coast Guard-approved PFDs.

This final rule removes type code language from USCG carriage requirements and from USCG regulations for labeling of new PFDs, but it does not make any changes to the number of wearable or throwable PFDs required. It also does not require any changes to any existing approved PFDs already purchased and in use. In the final rule, the Coast Guard acknowledges that PFDs are typically carried on boats for several years and reaffirms that approved PFDs marked with type codes will still meet carriage requirements as wearable or throwable PFDs, as appropriate, as long as they remain in serviceable condition.

Why did the USCG do this?

The Coast Guard issued the Rule to facilitate future adoption of new industry consensus standards for PFD labeling that more effectively convey safety information to boaters and law enforcement officers, and to help harmonize U.S. regulations with PFD requirements in Canada and in other countries.

Specifically, this final rule should enable the Underwriters Laboratory (UL) Personal Flotation Devices Standards Technical Panel (Panel), the group charged with the new industry consensus standards, to complete development of a standard for wearable PFDs without including unnecessary references to type codes. By paving the way for the Panel to develop a new standard, this final rule supports the efforts of the U.S.-Canada Regulatory Cooperation Council, a bilateral effort coordinated by the Office of Management and Budget (OMB) to develop a "North American Standard for life jackets."

Yes, but what does this change do for a state program and boater?

The final rule is intended to promote maritime safety by eliminating confusion associated with type codes and by improving the understanding of PFD performance and use.

The rule also is intended to improve the relevance of markings on PFDs. The Coast Guard believes that removing irrelevant information increases the likelihood that the user will read and understand the label, and thus select the proper PFD and be able to use it correctly.

It also is expected to reduce confusion among enforcement officers and the boating public over whether a particular PFD is approved and meets the relevant carriage requirements.

What are the new definitions for PFDs?

Personal flotation device or PFD means a device that is approved by the Commandant under 46 CFR part 160.

Throwable PFD means a PFD that is intended to be thrown to a person in the water. A PFD marked as Type IV or Type V with Type IV performance is considered a throwable PFD. Unless specifically marked otherwise, a wearable PFD is not a throwable PFD.

Wearable PFD means a PFD that is intended to be worn or otherwise attached to the body. A PFD marked as Type I, Type II, Type III, or Type V with Type (I, II or III) performance is considered a wearable PFD.

What does this Final Rule do to carriage requirements?

Other than terminology, the final rule does not make any changes to current carriage requirements.

No person may use a recreational vessel unless--

“At least one *wearable* PFD is on board for each person”;

“No person may use a recreational vessel 16 feet or more in length unless one *throwable* PFD is onboard in addition to the total number of wearable PFDs required...”

How long do States and other entities have to comply with the new rule?

The Coast Guard has indicated that it expects a prolonged transition to a new label format, during which time both label formats would be present in the market. Likewise, the **Coast Guard anticipates that it will take time for States and other entities to update their outreach and education materials, which will result in an overlap period.** States may choose not to update their training materials immediately since existing PFDs, with type codes on them, may still be used. This final rule will become effective October 22, 2014, and the Coast Guard encourages all affected agencies to update their outreach materials as the market transitions over the next few years.

Suggested Next Steps for States:

- States will need to review their laws and regulations to assure conformity with the change.
- Some States may want to initiate rulemakings or legislation to update their regulations or statutes to remove unnecessary references to type codes.
- States should plan to communicate to law enforcement personnel the changes of the final rule.
- Most states will need to update their boating safety training materials to reflect the changes.

NOTE: The revised regulatory text includes the relevant type codes in the definitions of "wearable PFD" and "throwable PFD." Therefore, language that references type codes would still be considered not inconsistent with these regulations at this time.

- Review current boater education materials and plan appropriate language changes for the next update.
- Review current law enforcement officer training materials and plan appropriate language changes for the next update.

NOTE: The Coast Guard does not intend for State law enforcement officers (LEOs) to issue citations based on this final rule's changes. Existing PFDs may continue to be used.

No action is required by the recreational boater.

Where can I read the final rule?

<http://www.gpo.gov/fdsys/pkg/FR-2014-09-22/pdf/2014-22373.pdf>