

SAFETY EQUIPMENT CARRIAGE REQUIREMENTS: STAND UP PADDLEBOARDS & OTHER VESSELS

BACKGROUND:

In 2008, the Oregon State Marine Board asked the U.S. Coast Guard (USCG) for a determination on Stand Up Paddleboards (SUP). That determination was provided in an October 3, 2008 letter, "...Based on the information available, the Coast Guard has determined that, when beyond the narrow limits of a swimming, surfing or bathing area, the device known as a 'paddleboard' is a vessel under 46 U.S.C. § 2101 and therefore subject to applicable regulations...". As SUP participation, which has roots in ocean surfing, grew both recreationally and competitively across the country, confusion in regards to lifejacket wear or leash wear continued to arise nationwide at the local level. At the 90th Meeting of the National Boating Safety Advisory Council (NBSAC) in Watsonville, CA on November 9-12, 2012, Mr. Jeff Hoedt, Chief – Boating Safety CG-BSX-2, challenged NBSAC to provide recommendations and guidance on the issues of lifejacket exemption requirements for stand up paddleboards and other sail and manually propelled vessels. Since then, the Prevention through People (PtP) Subcommittee has added this task to their agenda.

PROBLEM STATEMENT:

The current Code of Federal Regulations (CFR) has inconsistent carriage requirements. The CFR does not adequately define certain types of vessels and the corresponding exemption requirements for personal flotation devices (PFDs). For example, some similar types of vessels have the requirement while others are exempt. With new recreational vessel types appearing on the market, the current regulatory language does not appropriately describe them nor is unable to adapt or change efficiently enough to provide concise guidance to both law enforcement and the public. The USCG and state officers are confused, as is the paddling public. There is a definite need for clarification of certain sections of the CFR as they pertain to PFDs and exemption requirements for recreational vessels under sail and human power.

APPLICABLE CODE of FEDERAL REGUALTIONS:

Title 33: Navigation and Navigable Waters

Part 175 – Equipment Requirements

Subpart A – General

175.3 – Definitions

175.5 Exemption from preemption

Subpart B – Personal Flotation Devices

175.17 - Exemptions

175.3 Definitions

...Racing shell, rowing scull, racing canoe, and racing kayak means a manually propelled vessel that is recognized by national or international racing associations for use in competitive racing and

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one in which all occupants row, scull, or paddle, with the exception of a coxswain, if one is provided, and is not designed to carry and does not carry any equipment not solely for competitive racing.

Recreational vessel means any vessel being manufactured or operated primarily for pleasure, or leased, rented, or chartered to another for the latter's pleasure. It does not include a vessel engaged in the carriage of passengers for hire as defined in 46 CFR chapter I, subchapter C, or in other subchapters of this title.

Sailboard means a sail propelled vessel with no freeboard and equipped with a swivel mounted mast not secured to a hull by guys or stays...

... *Use* means operate, navigate, or employ.

Vessel includes every description of watercraft used or capable of being used as a means of transportation on the water.

175.5 Exemption from preemption

The States are exempted from preemption by Federal regulations when establishing, continuing in effect, or enforcing State laws and regulations on the wearing or the carriage of personal flotation devices directly related to the following subject areas within the jurisdictional boundaries of the State:

- (a) Children on board any vessel;
- (b) Operating a canoe or kayak;
- (c) Operating a sailboard; and
- (d) Operating a personal watercraft.

175.17 - Exemptions

(b) Canoes and kayaks 16 feet in length and over are exempted from the requirements for carriage of the additional Type IV PFD required under § 175.15(b).

(c) Racing shells, rowing sculls, racing canoes and racing kayaks are exempted from the requirements for carriage of any Type PFD required under § 175.15.

(d) Sailboards are exempted from the requirements for carriage of any Type PFD required under § 175.15.

(e) Vessels of the United States used by foreign competitors while practicing for or racing in competition are exempted from the carriage of any PFD required under § 175.15, provided the vessel carries one of the sponsoring foreign country's acceptable flotation devices for each foreign competitor on board.

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EXAMPLES of the COMPLEXITY of the ISSUE:

SUPs

- According to the ‘letter of the law,’ a SUP outside of a swimming, bathing or surfing area must meet carriage requirements, but due to the nature of SUP, a large percentage of people either do not wear their PFD, or attach it to the board to meet the carriage requirement.
- There are some SUPs over 16 feet, but they are not exempt from the Type IV carriage requirement as are canoes and kayaks according to 175.17 3.b.
- For SUPs, lifejackets have the ability to save lives; wearing either an inflatable or inherently buoyant lifejacket is usually a good idea, however:
 - Unless you can’t swim, lifejackets are generally not appropriate in the surf zone
 - Wear an inherently buoyant lifejacket when on moving water rivers or whitewater
- Leashes are another crucial piece of equipment in numerous situations, know which style to wear and in what venue, and know when not to wear a leash
 - Wear an appropriate leash in the surf zone
 - Know when to wear a leash and when not to when paddling in moving or whitewater
 - Know the difference when to wear a:
 - straight leash that attaches to your ankle
 - a coiled leash that attaches to your ankle
 - a quick-release leash that attaches to your PFD

Prone Paddling

- Primarily in Hawaii and the west coast, using your hands to paddle a SUP/Surf board style of vessel is prominent

‘Racing Canoes & Kayaks’ – currently exempt in 175.17 3.c.

- Are their specific racing canoes and kayaks? – Yes
- But, is any canoe or kayak used in a race considered a ‘racing canoe or racing kayak’?

Float Tubes for fishing

- Propelled with fins only – PFDs are not required
- Propelled with paddles or oars – PFDs are required

Dragon Boats or Outrigger Canoes

- Are they exempt from the PFD requirements when they are ‘practicing’; or at the end of a paddle when they do a ‘friendly competition’?

Hybrid vessels (Kayak/SUP)

- When you sit down and paddle with a double bladed paddle, is it a kayak? When you stand up and paddle with a single bladed paddle, is it a SUP? What if you do both on the same trip, if the CFR isn’t clear, or has a different regulation for a SUP vs. a kayak, that will be challenging to educate / enforce.

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IDEAS / SUGGESTIONS:

- Consider providing guidance on lifejacket use based on means of propulsion
- Structure the future wording of the CFR so that the USCG has flexibility and doesn't have to conduct a new rulemaking for every new recreational vessel that comes on the market
- Consider making a new definition – "Racing Paddlecraft"
 - A PFD exemption could then be written for vessels fitting this description
- Address a 'racing SUP' separately from all other SUPs
- Simply insert SUP into the CFR next to canoe and kayak references
- Consider PFD wear, not carriage, for all recreational vessels
- Others???

NEXT STEPS:

Insert after 4/2/2014 PtP Conference Call

TENTATIVE TIMELINE:

- Have a close to final version of this draft document for the May 2014 NBSAC Meeting for the entire Council to review
- Work on suggestions and improvements from the Council and the public and present a formal resolution at the fall/winter 2014 NBSAC Meeting