

U.S. Department of
Homeland Security

United States
Coast Guard



Commandant
United States Coast Guard

U.S. Coast Guard (CG-5214)
2100 Second Street, S.W.
Washington, DC 20593-0001
Phone: (202) 372-1392
Fax: (202) 372-1825
Email: Kurt.J.Heinz@uscg.mil
<http://www.uscg.mil/hq/cg5/cg5214/>

16714/160.076/General
16714/25.25/UCV
16752
January 6, 2011

Mr. Brian J. Klawitter
2089 Quant Ave. S
Lakeland, MN 55043

Dear Mr. Klawitter:

Thank you for your letter of November 9, 2010, forwarding a Petition for Rulemaking proposing that the Coast Guard establish a regulatory alternative to 46 CFR 25.25-1. The current regulation requires uninspected commercial vessels to carry an approved Type I lifejacket for each passenger for hire. The only exceptions, currently, are if the vessel carries an approved Type I commercial hybrid personal flotation device (PFD) for each passenger for hire, or if the vessel's passengers for hire actually wear a Type V commercial hybrid PFD whenever the vessel is underway. Your petition suggests that we should also allow vessels, on inland waters other than the Great Lakes, to comply with 46 CFR 25.25-1 by having their passengers wear a Type V recreational inflatable PFD, similar to Float-Tech's Model FT-HRA-R5. Your petition and the Coast Guard's response are kept in a public file open for inspection. Your petition has been assigned docket number USCG-2010-1065.

As you indicated, no manufacturer is currently producing a hybrid inflatable PFD in accordance with 46 CFR 160.077-21 for use on a commercial vessel, nor has any manufacturer continued with approval under 46 CFR 160.176 supplying an inflatable PFD with Type I performance. Either of these devices would provide safety equivalent to that of an inherently buoyant Type I lifejacket. However, absent an approved Type I commercial hybrid PFD, Type V commercial hybrid PFD, or a Type I inflatable lifejacket, the only currently manufactured device that satisfies the current passenger-for-hire requirements of 46 CFR 25.25-1 remains the inherently buoyant Type I.

We fully understand and appreciate the argument you make about Type I lifejackets on the deck versus the value of a lower-performing PFD that is actually worn; however, given that the current absence of available alternatives does not appear to have led to any significant number of mishaps or casualties on uninspected passenger vessels, we do not believe that allowing the carriage of lower-performing PFDs on these vessels is justified. Therefore, we see no compelling reason to initiate a rulemaking to change the passenger-for-hire PFD requirements of 46 CFR 25.25-1, and we decline to do so at this time.

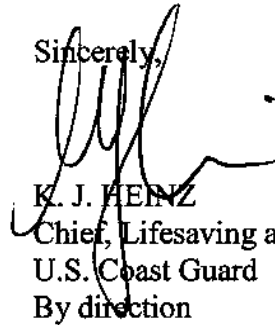
Although we are not undertaking a rulemaking at this time, we appreciate your concern with the limited range of products now being manufactured for use by the uninspected small passenger vessel industry. Your request, and this response, will be docketed on the [Regulations.gov](http://www.Regulations.gov)

16714/160.076/General
16714/25.25/UCV
16752
January 6, 2011

Subj: Uninspected passenger vessel lifejacket Petition for Rulemaking

website, where it can be accessed using docket number USCG-2010-1065. We will also inform the PFD Manufacturers Association of this petition so they are aware there is an apparent unfilled need for alternatives to inherently buoyant Type I PFDs for use on uninspected passenger vessels. If visitors to the website provide significant comments that justify a potential regulatory change, we can then consider initiation of a regulatory development project to address the established need. Until such time, the Coast Guard does not have resources to develop an alternative regulation or new standard for a device that the public may use but manufacturers may not produce.

Sincerely,



K. J. HEINZ
Chief, Lifesaving and Fire Safety Division
U.S. Coast Guard
By direction