

U.S. Department of
Homeland Security

United States
Coast Guard



Commandant
U.S. Coast Guard

2703 Martin Luther King Jr. Ave SE
Washington, DC 20593-7509
Staff Symbol: CG-BSX
Phone: (202) 372-1062
E-mail: rbsinfo@uscg.mil

16721
CG-BSX
Policy Letter 22-02, CH-1
October 5, 2022

From: /T. P. Glendye/, CAPT
COMMANDANT (CG-BSX)

To: Distribution

Subj: CHANGE 1 TO REQUIREMENTS FOR MECHANICALLY PROPELLED
PERSONAL HYDROFOILS (EFOILS) AND MECHANICALLY PROPELLED
SURFBOARDS (JETBOARDS)

Ref: a. Requirements for Mechanically Propelled Personal Hydrofoils and Motorized
Surfboards, CG-BSX Policy Letter 01-22
b. COMMANDANT (CG-BSX-2), Vessel Determination Letter, dtd 9/23/21
c. 46 U.S.C. Chapter 43
d. 46 U.S.C. Chapter 123
e. 33 CFR Subchapter S

1. Purpose. This policy letter cancels reference (a), which was incorrectly numbered, and it also updates the content of the original letter with the renaming of Mechanically Propelled Surfboards, which were Motorized Surfboards in reference (a). This letter provides guidance on requirements for Mechanically Propelled Personal Hydrofoils, (MPPH, which are also known as eFoils and electric hydrofoils) and Mechanically Propelled Surfboards (MPS, which are also known as jetboards).

2. Background. Per reference (b), MPPH and MPS have been determined to be vessels and are therefore subject to all laws and regulations pertaining to recreational vessels propelled by machinery. However, these vessels are not of the traditional recreational vessel design as they do not have a steering system or gunwales and have limited freeboard. The design is that of a flat board that is mechanically propelled by an internal combustion engine or electric motor; the vast majority of MPPH and MPS are electric powered.

These vessels can reach speeds in excess of 35 miles per hour. Based on the unique design and operation of these vessels, applying typical prescriptive vessel requirements may create unsafe conditions. Accordingly, this policy letter was developed to facilitate safe and enjoyable operation of these vessels. The National State Boating Law Administrator's (NASBLA) Vessel Identification Registration and Titling (VIRT) committee provided input on these policies.

3. Definitions.

- a. Mechanically Propelled Personal Hydrofoil (MPPH), also known as an efoil, is a vessel that consists of a board fitted with a mast extending below the board that is attached to a fuselage with a forward wing, rear stabilizer and electric motor or gasoline engine. Non-motorized hydrofoils also exist, and while they are vessels, they are not subject to the Certificate of Numbering (CON) requirements but may be registered by the state.
- b. Mechanically Propelled Surfboard (MPS), also known as a jetboard, is a vessel that consists of a board using a surfboard-type design fitted with propulsion machinery (either electric or internal combustion). The operator controls the speed using a handheld remote control and uses body weight transfer to maneuver the board.
- c. Personal Watercraft (PWC), as defined in 33 CFR 174.3, means a vessel propelled by a water-jet pump or other machinery as its primary source of motive power and designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than sitting or standing within the vessel's hull.

4. Action.

- a. Vessel Numbering
 - i. Per reference (d), a Hull Identification Number (HIN) is required and must be validated prior to issuing a CON. If no HIN has been assigned by the manufacturer, the state issuing authority should contact the Recreational Boating Product Assurance Branch (CG-BSX-23) via email at RBSCCompliance@uscg.mil. No further numbering action shall be taken until a valid HIN for the vessel can be verified.
 - ii. MPPH and MPS will be issued a certificate of number by the State of principle operation in accordance with 33 CFR 174.17 and 174.19. States may indicate these vessels as either "Personal Watercraft" or as "Other" with the appropriate propulsion and engine drive type.
 - iii. Each number is required by 33 CFR 173.27 to:
 1. Be painted on or permanently attached to the forward half of the vessel's deck or freeboard;
 2. Be in plain vertical block characters of not less than 3 inches in height;
 3. Contrast with the color of the background to be distinctly visible and legible;
 4. Have spaces or hyphens that are equal to the width of a letter other than "I" or a number other than "1" between the letter and number groupings (Example: DC 5678 EF or DC-5678-EF); and
 5. Read from left to right.
- b. Incident Reporting
 - i. To facilitate data collection and analysis, the States and the U.S. Coast Guard should record these vessels as shown on the vessel's certificate or number when

submitting reportable incidents as per 33 CFR 173 Subpart C – Casualty and Accident Reporting.

- ii. When reporting an incident to the Coast Guard, states should make a comment in the incident narrative reported to the Coast Guard that the vessel is either a mechanically propelled personal hydrofoil or motorized surfboard.
- c. Equipment Requirement Variance
 - i. The unique hull configuration and operation of these vessels can make the carriage of a fire extinguisher unsafe for the operator. Carrying a fire extinguisher may create the potential for injury to the operator (e.g., a tripping hazard) and a degradation of the extinguisher due to environmental exposure. In the event of a fire, the best course of action is for the operator to turn off the engine or motor if feasible and abandon the craft. Therefore, under the authority granted in 46 U.S.C. 4305, the Coast Guard considers that safety will not be adversely affected. A fire extinguisher is not required on a gasoline powered MPPH or MPS when the operator and any other person on board are wearing a U.S. Coast Guard approved Personal Flotation Device (PFD) suitable for the activity.
- d. Manufacturer Compliance
 - i. Manufacturers of MPPH and MPS must comply with all requirements found in references (b) and (d), including installation of an ABYC A-33 compliant engine cut-off switch (ECOS), or receive a written exemption from COMMANDANT (CG-BSX). Manufactures may contact RBSInfo@uscg.mil for a copy of A-33.
- e. Owner/Operator Compliance. Owners and operators of MPPH and MPS shall, in accordance with 33 CFR Subchapter S, Parts 173 - 175:
 - i. Comply with State numbering requirements, including Hull Identification Number verification;
 - ii. Comply with the numbering requirements as amended by this policy;
 - iii. Carry the Certificate of Number when underway;
 - iv. Carry and/or wear a PFD in accordance with state and federal regulations;
 - v. Carry a fire extinguisher if required, unless the all persons onboard the vessel are wearing a USCG-approved personal flotation device;
 - vi. Carry a sound producing device;
 - vii. Comply with 33 CFR 83 Inland Navigation Rules, which includes proper lighting if operated during periods of reduced visibility or between sunset and sunrise following both state and federal law; and
 - viii. Comply with ECOS requirements. If the MPPH or MSB has an installed Engine Cutoff System, the operator must comply with engine cut-off switch use requirements.

5. Disclaimer. The guidance in this policy letter is not a substitute for applicable federal or state legal requirements and is not a rule. The guidance in this policy letter is not intended to impose legally-binding requirements on any party. This guidance represents the Coast Guard's current thinking on this topic and may assist States, the general public and the Coast Guard, in applying statutory and regulatory requirements.

6. Questions. Questions from the public concerning incident reporting should be directed to Commandant (CG-BSX-2), Boating Safety Division, Office of Auxiliary and Boating Safety at RBSInfo@uscg.mil.

#

Dist: Coast Guard Headquarters (CG-MLE)
 Coast Guard District Prevention Divisions
 State Boating Law Administrators
 State Boat Titling and Registration Managers