



16781
CG-BSX
Policy Letter 23-03
23 May 2023

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

To: Distribution

Subj: EXEMPTION FROM PREEMPTION FOR PERSONAL FLOTATION DEVICE
WEAR ON PADDLECRAFT

Ref: a. 46 USC §4306
b. Recreational Boating Safety Equipment Requirements; Notice of Proposed Rulemaking, 57 Fed. Reg. 53410 (Nov. 9, 1992)
c. Recreational Boating Safety Equipment Requirements; Final Rule, 58 Fed. Reg. 41602 (Aug. 4, 1993)
d. 33 CFR §175.5
e. 33 CFR §173.3

1. Purpose. This policy clarifies exemption from preemption regarding State laws and regulations about personal flotation device (PFD) wear while onboard or operating paddlecraft.
2. Background. Reference (a) provides Federal preemption authority regarding recreational vessels. References (b) and (c) implemented a limited exemption from preemption for the wear of PFDs for canoes and kayaks (reference (d)). However, references (b) and (c) treat canoes and kayaks as broad categories of vessels for which States should be able to set PFD requirements. Nothing in the regulatory intent indicates either term was intended to be limiting or applied in anything other than the broadest sense (i.e., all paddlecraft).
3. Action. Exemption from preemption by Federal regulations when establishing or enforcing State laws and regulations on the wearing of PFDs as per reference (d) is considered to include all paddlecraft as defined in reference (e).
4. Disclaimer. This guidance is not a substitute for applicable legal requirements, nor is it itself a rule. It is not intended to, nor does it impose legally binding requirements on any party. It represents the Coast Guard's current thinking on this topic and may assist industry, mariners, the general public, and the Coast Guard, as well as other federal and state regulators, in applying statutory and regulatory requirements. You can use an alternative approach for complying with these requirements if the approach satisfies the requirements of the

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applicable statutes and regulations. If you want to discuss an alternative approach (you are not required to do so), or you require information regarding the requirement to report a vessel incident (death, injury, etc.), you may contact Commandant (CG-BSX-2), Boating Safety Division, Office of Auxiliary and Boating Safety, who is responsible for implementing this guidance, at RBSInfo@uscg.mil.

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Dist: Coast Guard Headquarters (CG-MLE)
Coast Guard District Prevention Divisions
State Boating Law Administrators