

Rulemaking Package
Department of Parks and Recreation
Division of Boating and Waterways California
Personal Flotation Device Regulations

A. The Department of Parks and Recreation's Rulemaking Record

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DEPARTMENT OF PARKS AND RECREATION
DIVISION OF BOATING AND WATERWAYS
Personal Flotation Device Regulations

RULEMAKING FILE
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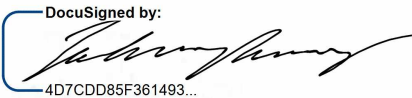
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CERTIFICATION

The foregoing table of contents constitutes the Department of Parks and Recreation’s rulemaking file for the subject regulations. The rulemaking file as submitted is complete. The rulemaking record for the subject regulations was closed on April 15, 2025 and opened and closed again on June 16, 2025.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Sacramento, California, on June 16, 2025.

Signed:

DocuSigned by:

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Zachary Mundy
Chief Boating Safety Unit, Division of Boating and Waterways

PART B

NOTICE OF PROPOSED RULEMAKING

NOTICE OF PROPOSED RULEMAKING

The California Department of Parks and Recreation, Division of Boating and Waterways (“Division”) proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

No public hearing on this matter has been scheduled. Anyone wishing a public hearing must submit a request in writing, pursuant to Section 11346.8 of the Government Code, to the California Department of Parks and Recreation (“the Department”) at least 15 days before the end of the written comment period. Such request should be addressed to the Department contact person identified in this Notice and should specify the California Boater Card regulations for which the hearing is being requested.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments, relevant to the proposed regulatory action before the public comment period closes. The deadline to submit comments is **March 17, 2025**. (45-day Notice).

Comments must satisfy the following requirements:

- Comment must be in writing, which includes email.
- Comment must identify the proposed regulatory action being addressed.
- Comments must be sent to the rulemaking agency’s contact person for the proposed regulatory action.

Submit comments to:

Charley Hesse, Regulations Analyst

California State Parks
Division of Boating and Waterways
P.O. Box 942896, Floor 12
Sacramento, CA 94296

Email: charley.hesse@parks.ca.gov

Phone: 916-204-0639

Back-up to Charley Hesse: Jedidiah Anderson, Supervisor

Email: jedidiah.anderson@parks.ca.gov

Phone: 916-708-7948

AUTHORITY AND REFERENCE

Harbors and Navigation Code, Division 3, Chapter 5, Article 1, Section 652 authorizes the Division to adopt these proposed regulations. The proposed regulation language clean-up aligns Cal. Code Regs. Tit. 14, § 6565.5, § 6565.6 and § 6565.7 with Federal Register 79 FR 56491, Published by the United States Coast Guard (USCG) in 2014.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

On April 6, 2023, the United States Coast Guard Boating Safety Division (CG-BSX-2) completed a compliance review of the California State Parks, Division of Boating and Waterways (Division) Recreational Boating Safety (RBS) grant program. This compliance review is used to monitor if a state is in compliance with specific elements of applicable federal laws and regulations, including Title 46 U.S.C. Chapter 131 which specifies requirements for the State's RBS grant program. As a result of the April 6, 2023 review, it was identified that language terminology found in Title 14 CCR §6565.5 was out of compliance with 79 FR 56491, which addresses the federal life jacket type code, issued by USCG in 2014.

USCG issued 79 FR 56491 in 2014 to remove references to type codes in its regulations on the carriage and labeling of USCG-approved personal flotation devices (PFDs). As a result, DBW must update Title 14 CCR §§ 6565.5, 6565.6, and 6565.7 to align with federal regulations.

ANTICIPATED BENEFITS OF THE PROPOSED REGULATION:

Removing references to type codes found in Title 14 CCR §§ 6565.5, 6565.6, and 6565.7 will align state regulations with the Code of Federal Regulations.

Per Federal Register 79 FR 56491 issued by USCG (2014), removing references to type codes found on PFD's 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 USCG regulations with PFD requirements in Canada and in other countries. Specifically, this final rule will enable the Standards Technical Panel (Panel), the panel 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 lifejackets." Additionally, by

updating Title 14 CCR §§ 6565.5, 6565.6, and 6565.7, California will be in alignment with federal requirements found in 79 FR 56491 issued by USCG in 2014.

DETERMINATION OF INCONSISTENCY/INCOMPATIBILITY WITH EXISTING STATE REGULATIONS:

The Division has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Division has concluded that these are the only regulations that concern the improper use of PFD Type Codes.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Division has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500-17630: None.

Other non-discretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Cost impacts on a representative private person or businesses: The Division is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Statewide adverse economic impact directly affecting businesses and individuals: The Division has initially determined that the proposed action will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Significant effect on housing costs: None.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The Division concludes that it is: (1) unlikely the proposed action will eliminate any jobs, (2) unlikely the proposed action may create an unknown number of jobs, (3) unlikely the proposal will create new businesses, (4) unlikely that the proposal will eliminate any existing businesses, and (5) unlikely that the proposal will expand existing businesses.

Benefits of the Proposed Action: The administrative and technical updates and alignment of PFD labelling with federal standards will ultimately benefit the health and welfare of California residents, as well as affect worker safety, for individuals who are required to wear PFDs in their sailing and boating activities. The proposed regulations are not expected to affect the state's environment.

SMALL BUSINESS DETERMINATION:

The Division has determined that the proposed regulations may affect small businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code 11346.5, subdivision (a)(13), the Division must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

There are no alternatives to aligning the proposed regulations with federal requirements.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Charley Hesse, Regulations Analyst
California State Parks
Division of Boating and Waterways
P.O. Box 942896, Floor 12
Sacramento, CA 94296

Email: charley.hesse@parks.ca.gov
Phone: 916-204-0639

Back-up to Charley Hesse: Jedidiah Anderson, Supervisor
Email: jedidiah.anderson@parks.ca.gov
Phone: 916-708-7948

Please direct requests for copies of the Proposed Text (the “express terms”) of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based, to Charley Hesse at the above address.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The Division will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office located at 715 P Street, 12th Floor, Sacramento, CA 95814. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Proposed Text of the Regulations, the Economic and Fiscal Impact Statement (STD 399) and the Initial Statement of Reasons. Copies may be obtained by contacting Charley Hesse at the address or phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Division may adopt the proposed regulations substantially as described in this Notice. If the Division makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated)

available to the public for at least 15 days before the Division adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Charley Hesse at the address indicated above. The Division will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Charley Hesse at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at www.dbw.ca.gov.

PART C

TEXT OF REGULATIONS ORIGINALLY NOTICED TO THE PUBLIC

Original Text: Cal. Code Regs. Tit. 14 § 6565.5

Except as provided in Section 6565.6:

(a) Effective January 1, 1998, no person may use a recreational boat unless at least one PFD of the following types is on board for each person:

- (1) Type I PFD,
- (2) Type II PFD, or
- (3) Type III PFD.

(b) Prior to January 1, 1998, a Type IV may be carried in lieu of any Type I, II, or III PFD, for each person on board a recreational boat less than 16 feet in length or any canoe or kayak of any length.

(c) No person may use a recreational boat 16 feet or more in length, except a canoe or kayak, unless

- (1) One Type IV PFD is on board, and
- (2) At least one PFD of the following types is on board for each person:
 - (i) Type I PFD;
 - (ii) Type II PFD; or
 - (iii) Type III PFD.

Original Text: Cal. Code Regs. Tit. 14 § 6565.6. Exceptions.

A Type V PFD may be carried in lieu of any PFD required under Section 6565.5 provided:

(a) The approval label on the Type V PFD indicates that the device is approved:

- (1) For the activity in which the boat is being used; or
- (2) As a substitute for a PFD of the Type required on the boat in use;
- (b) The PFD is used in accordance with any requirements on the approval label; and
- (c) The PFD is used in accordance with requirements in its owner's manual, if the approval label makes reference to such a manual.

Original Text: Cal. Code Regs. Tit. 14 §§ 6565.7. Stowage

(a) No person may use a recreational boat unless each Type I, II or III PFD required by Section 6565.5 or equivalent type allowed by 6565.6 is readily accessible.

(b) No person may use a recreational boat unless each Type IV PFD required by Section 6565.5 or equivalent type allowed by 6565.6 is immediately available.

Issue #1, Life jacket terminology change

Action needed

- Pursuant to Corrective Action Plan (CAP) letter #16755, dated October 31, 2023, Deficiencies in the Law Enforcement element require corrective legislative action, and all corrective legislative action must be signed into law by the Governor prior to December 1, 2024.

Authority to Act

14 CCR § 6565.5 & 14 CCR § 6565.6

46 CFR 160

79 FR 56491 publication removing terminology Federal Register: [Here](#)

USCG letter 16755, CAP/Desk Review, dated 05.04.2023

HNC Code: 652

In response to USCG desk review, it was noted that our state regulation was out of compliance with life jacket or personal flotation device standards terminology.

CHANGE NEEDED:

14 CCR § 6565.5

Cal. Code Regs. Tit. 14 § 6565.5

Section 6565.5 – Personal Flotation Devices Required

(a) Effective January 1, 1998, no person may use a recreational boat unless: ~~- at least one PFD of the following types is on board for each person:~~

(1) ~~Type I PFD,~~ **At least one wearable United States Coast Guard approved PFD of an appropriate size and type for the person for whom it is intended is on board and readily accessible for each person;**

(2) ~~Type II PFD, or~~ **Each PFD is used in accordance with any requirements on the approval label; and**

~~(3) Type III PFD~~ Each PFD is used in accordance with any requirements in its owner's manual, if the approval label makes reference to such a manual.

(4) A personal flotation device required by this paragraph is readily accessible for use in an emergency if:

(A) It is being worn; or

(B) It is stowed in close proximity to the operator of the vessel and in a position to be quickly thrown to a person overboard by either the operator or a passenger.

(C) Out of its original packaging; and

(D) Not under lock and key.

(b) Prior to January 1, 1998, a ~~Type IV~~ throwable may be carried in lieu of any ~~Type I, II, or III~~ PFD, for each person on board a recreational boat less than 16 feet in length or any canoe or kayak of any length.

(c) No person may use a recreational vessel ~~boat~~ 16 feet or more in length, except a canoe or kayak, unless one United States Coast Guard approved throwable PFD, such as a ring life buoy or buoyant cushion, is onboard, so placed as to be readily accessible for use in an emergency, in addition to the total number of wearable PFDs required in paragraph (a) of this section. A throwable PFD required by this paragraph is readily accessible for use in an emergency if:

(1) It is stowed in close proximity to the operator of the vessel and in a position to be quickly thrown to a person overboard by either the operator or a passenger; and

(2) Out of its original packaging; and

(3) Not under lock and key.

~~(1) One Type IV PFD is on board, and~~

~~(2) At least one PFD of the following types is on board for each person:~~

~~(i) Type I PFD;~~

~~(ii) Type II PFD; or~~

~~(iii) Type III PFD~~

Cal. Code Regs. Tit. 14, § 6565.5

Note: Authority cited: Sections 652, 658.3 and 669, Harbors and Navigation Code.

Reference: Section 652, Harbors and Navigation Code.

1. New section filed 8-26-77; effective thirtieth day thereafter (Register 77, No. 35).
2. Editorial correction of NOTE filed 10-11-85 (Register 85, No. 41).
3. Change without regulatory effect amending subsections (a)(1)-(a)(3) filed 7-2-92 pursuant to section 100, title 1, California Code of Regulations (Register 92, No. 28).
4. Editorial correction of printing errors (Register 92, No. 28).
5. Amendment of section and Note filed 7-24-96; operative 8-23-96 (Register 96, No. 30).

14 CCR § 6565.6

§ 6565.6. Exceptions.

A ~~Type V~~ **Special Use**, PFD may be carried in lieu of any PFD required under Section 6565.5 provided:

(a) The approval label on the ~~Type V~~ **Special Use** PFD indicates that the device is approved:

- (1) For the activity in which the boat is being used; or
 - (2) As a substitute for a PFD of the Type required on the boat in use;
- (b) The PFD is used in accordance with any requirements on the approval label; and
- (c) The PFD is used in accordance with requirements in its owner's manual, if the approval label makes reference to such a manual.

~~14 CCR § 6565.7~~

~~§ 6565.7. Stowage.~~

~~(a) No person may use a recreational boat unless each Type I, II or III PFD required by Section 6565.5 or equivalent type allowed by 6565.6 is readily accessible.~~

~~(b) No person may use a recreational boat unless each ~~Type IV~~ PFD required by Section 6565.5 or equivalent type allowed by 6565.6 is immediately available.~~

Credits

~~NOTE: Authority cited: Sections 652 and 669, Harbors and Navigation Code. Reference: Section 652, Harbors and Navigation Code.~~

HISTORY

1. New section filed 8-26-77; effective thirtieth day thereafter (Register 77, No. 35).

2. Editorial correction of NOTE filed 10-11-85 (Register 85, No. 41).
3. Amendment filed 10-17-92; operative 11-18-91 (Register 92, No. 30).
4. Amendment of NOTE filed 7-24-96; operative 8-23-96 (Register 96, No. 30).

This database is current through 3/15/24 Register 2024, No. 11.

Cal. Admin. Code tit. 14, § 6565.7, 14 CA ADC § 6565.7

§ 6565.2. Definitions.

As used in sections 6565.2 through 6565.8:

(a) “Boat” means any vessel manufactured or used primarily for noncommercial use; leased, rented, or chartered to another for the latter's noncommercial use; or engaged in the carrying of six or fewer passengers.

(~~e~~b) “Passenger” means every person carried on board a vessel other than:

(1) The owner or his representative;

(2) The operator;

(3) Bona fide members of the crew engaged in the business of the vessel who have contributed no consideration for their carriage and who are paid for their services; or

(4) Any guest on board a vessel which is being used exclusively for pleasure purposes who has not contributed any consideration, directly or indirectly, for his carriage.

(c) “Personal Flotation Device” or PFD means a device that is approved by the Commandant under 46 CFR part 160.

(~~e~~d) “Racing shell, rowing scull, racing canoes and racing kayak,” means a manually-propelled boat that is recognized by national or international racing associations for use in competitive racing and 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.

(~~b~~e) “Recreational boat” means any vessel manufactured or used primarily for noncommercial use; or leased, rented, or chartered to another for the latter's noncommercial use. It does not include a vessel engaged in the carrying of six or fewer passengers.

(f) “Throwable PFD” means a PFD that is intended to be quickly thrown to a person overboard by either the operator or a passenger. 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.

(~~e~~g) “Use” means operate, navigate, or employ.

(~~e~~h) “Vessel” includes every description of watercraft other than a seaplane on the water, used or capable of being used as a means of transportation on the water.

(i) “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.

~~§ 6565.4. Definitions.~~

Currentness

~~As used in sections 6565.2 through 6565.8:~~

~~(a) “Personal flotation device” means a device that is approved by the Commandant under 46 CFR Part 160.~~

~~(b) “PFD” means “personal flotation device.”~~

PART D

INITIAL STATEMENT OF REASONS

TITLE 14. NATURAL RESOURCES RECREATIONAL BOATING SAFETY REGULATIONS

INITIAL STATEMENT OF REASONS

Subject Matter of Proposed Regulations: Personal Flotation Device Required

Sections Affected: Amend the California Code of Regulations, Title 14, Division 4, Chapter 1 (CCR) Sections 6565.5, 6565.6, and 6565.7 and definitions in 6565.2 and 6565.4

BACKGROUND AND PROBLEM STATEMENT

Public Resources Code Section 6565.5, also known as the Personal Flotation Device Required.

The Program is administered by the Division of Boating and Waters (Division) within the California Department of Parks and Recreation (Department).

The purpose of the proposed action is to make changes to life jacket type code terminology found within Title 14, CCR § 6565.5. In 2014, United States Coast Guard (USCG) issued 79 FR 56491 to remove references to type codes in its regulations on the carriage and labeling of approved personal flotation devices (PFD). Labeling of PFDs is an important safety matter, as it is the primary means by which the manufacturer communicates to the end user how to select the right PFD and use and maintain it properly. Based on the volume of queries to the USCG in recent years, including questions from National Boating Safety Advisory Council members, the USCG believes the current labels on USCG-approved PFDs are confusing to the boating public and do not effectively communicate important safety and regulatory information to users and law enforcement personnel.

Per Federal Register 79 FR 56491 issued by USCG, removing references to type codes found on PFDs 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 USCG regulations with PFD requirements in Canada and in other countries. Specifically, this final rule will enable the Standards Technical Panel (Panel), the panel 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 lifejackets."

SPECIFIC PURPOSE, ANTICIPATED BENEFIT, AND NECESSITY

CCR Section 6565.5:

Cal. Code Regs. Tit. 14 § 6565.5

Section 6565.5 – Personal Flotation Devices Required

(a) Effective January 1, 1998, no person may use a recreational boat unless: - ~~at least one PFD of the following types is on board for each person:~~

(1) ~~Type I PFD,~~ At least one wearable United States Coast Guard approved personal flotation device (“PFD”) of an appropriate size and type for the person for whom it is intended is on board and readily accessible for each person;

(2) ~~Type II PFD, or~~ Each PFD is used in accordance with any requirements on the approval label; and

(3) ~~Type III PFD~~ Each PFD is used in accordance with any requirements in its owner’s manual, if the approval label makes reference to such a manual.

Specific Purpose:

The specific purpose of this amendment is to remove references to type codes found on PFDs which in turn will facilitate future incorporation by reference of new industry consensus standards for PFD labeling that more effectively convey safety information to boaters and is a step toward harmonization of USCG regulations with PFD requirements in Canada and in other countries. These regulatory changes will align CCR with federal statute and provide consistency throughout the state on use of PFD terminology.

Benefits:

As of 2014, vessel manufacturers have ceased referencing type codes on PFDs, so by aligning CCR with the new federal labeling standards, there will be consistency in both standards. Additionally, changing PFD Type code language will keep safety information at the forefront for all individuals using PFDs. Further, by aligning CCR with the new federal labeling standards, there will be consistency in both standards and much less confusion to individuals using life jackets to ensure they are using the appropriate PFD for the respective activity, thus saving lives.

Necessity:

The proposed amendment is necessary to reduce confusion with federal statute PFD terminology with inconsistent or outdated PFD language found in the CCR. Additionally, changing PFD Type code language will keep safety information at the forefront for all individuals using PFDs. As of 2014, vessel manufacturers have ceased referencing type code on PFDs, so by aligning CCR with the new federal labeling standards, there will be consistency in both standards and much less confusion to individuals using PFDs to ensure they are using the appropriate PFD for the activity they are involved in, thus saving lives.

(4) A personal flotation device required by this paragraph is readily accessible for use in an emergency if:

(A) It is being worn; or

(B) It is stowed in close proximity to the operator of the vessel and in a position to be quickly thrown to a person overboard by either the operator or a passenger.

(C) Out of its original packaging; and

(D) Not under lock and key.

Specific Purpose:

The specific purpose of this amendment is to move the requirements found in Title 14 CCR 6567.7 (a) Stowage, which we are proposing to repeal, to this section (6565.5) to ensure boaters understand what “readily accessible” means if they are over 13 years of age and choose not to wear a PFD. It is our intent to more clearly define what “readily accessible” means.

Benefits:

Incorporating this language into Section 6565.5 and more clearly defining what “readily accessible” means will make it easier for the public to understand the stowage requirements for PFDs and will help to save lives when seconds matter in a drowning situation. For example, if a vessel starts taking on water and everyone is advised to put a life jacket/PFD on, it is critical that PFD be readily accessible for use and not stowed deep in the cargo bays, behind lock and key, and in its original packaging that can take time to open.

Necessity:

The proposed amendment is necessary to ensure the public understands what it means for PFDs to be kept readily available in case of emergencies and when seconds matter in a drowning situation.

~~Cal. Code Regs. Tit. 14 § 6565.5~~

~~Section 6565.5 — Personal Flotation Devices Required~~

~~(b) Prior to January 1, 1998, a Type IV throwable may be carried in lieu of any Type I, II, or III PFD, for each person on board a recreational boat vessel less than 16 feet in length or any canoe or kayak of any length.~~

Specific Purpose:

The specific purpose of this amendment is to remove this section of regs since the regulation is outdated and no longer applicable.

Benefits:

Removing this regulation section will focus reader on applicable laws and may cause less confusion to the public who may try to understand how it is applicable.

Necessity:

The proposed amendment is necessary as it is no longer applicable and would not have any known negative impacts to the public with its removal.

(eb) No person may use a recreational boat 16 feet or more in length, except a canoe or kayak, unless one United States Coast Guard approved throwable PFD, such as a ring life buoy or buoyant cushion, is onboard, so placed as to be readily accessible for use in an emergency, in addition to the total number of wearable PFDs required in paragraph (a) of this section. A throwable PFD required by this paragraph is readily accessible for use in an emergency if:

(1) It is stowed in close proximity to the operator of the vessel and in a position to be quickly thrown to a person overboard by either the operator or a passenger; and

(2) Out of its original packaging; and

(3) Not under lock and key.

Specific Purpose:

The specific purpose of this amendment is to move the requirements found in Title 14 CCR 6567.7 (b) Stowage, which we are proposing to repeal, to this Section (6565.5), to ensure boaters better understand what “readily accessible” means. The specific purpose of this amendment is to ensure boaters understand what a “Throwable PFD” is through providing examples, and to better outline what it means to have a throwable PFD kept “readily accessible”.

Benefits:

The benefit of this amendment is that boaters will see examples of the types of throwable PFDs that are available to the public. Additionally, the amendment ensures a throwable PFD will be readily accessible to be used in an emergency, and not buried or stowed in a compartment, behind lock and key, or in its original packaging. Having throwable PFDs readily accessible to be thrown in emergencies will save lives when seconds matter in a drowning situation.

Necessity:

The proposed amendment is necessary to ensure throwable PFDs are kept readily available in case of emergencies. Incorporating the language found in Section 6567.7 (b) into Section 6565.5 and more clearly defining what “readily accessible” means, will make it easier for the public to understand the stowage requirements for PFDs and will help to save lives when seconds matter in an emergency drowning situation.

CCR § 6565.6. Exceptions

A ~~Type V~~ **Special Use**, PFD may be carried in lieu of any PFD required under Section 6565.5 provided:

(a) The approval label on the ~~Type V~~ **Special Use** PFD indicates that the device is approved:

(1) For the **intended boating** activity in which the boat is being used; or

(2) As a substitute for a PFD of the Type required on the boat in use;

(b) The PFD is used in accordance with any requirements on the approval label; and

(c) The PFD is used in accordance with requirements in its owner's manual, if the approval label makes reference to such a manual.

Specific Purpose:

The specific purpose of this amendment is to remove references to type codes found on Special Use PFDs which in turn will facilitate future incorporation by reference of new industry consensus standards for PFD labeling that more effectively convey safety information to boaters and is a step toward harmonization of USCG regulations with PFD requirements in Canada and in other countries. These regulatory changes will align CCR with federal statute and provide consistency throughout the state on use of PFD terminology.

Benefits:

The Division of Boating and Waterways will be able to incorporate by reference any and all changes in standards for PFDs. This will keep safety information at the forefront for all individuals using PFDs. As of 2014, vessel manufacturers have ceased referencing type codes on PFDs. By aligning CCR with the new federal labeling standards, there will be consistency in both standards, which includes no longer referencing the type codes of PFDs as vessel manufacturers have done since 2014.

Necessity:

The proposed amendment is necessary to reduce confusion with federal statute PFD terminology with inconsistent or outdated PFD language found in the CCR. Additionally, changing PFD Type code language will keep safety information at the forefront for all individuals using PFDs. As of 2014, vessel manufacturers have ceased referencing type code on PFDs, so by aligning CCR with the new federal labeling standards, there will be consistency in both standards and much less confusion to individuals who use PFDs to ensure they are using the appropriate PFD for the activity they are involved in, thus saving lives.

~~14 CCR § 6565.7~~

~~§ 6565.7. Stowage.~~

~~(a) No person may use a recreational boat unless each Type I, II or III PFD required by Section 6565.5 or equivalent type allowed by 6565.6 is readily accessible.~~

~~(b) No person may use a recreational boat unless each Type IV PFD required by Section 6565.5 or equivalent type allowed by 6565.6 is immediately available.~~

Specific Purpose:

The purpose of repealing CCR Section 6565.7 (a) and (b) is to incorporate the language into CCR Section 6565.5 (a) and (b) respectively.

Benefits:

The benefits of combining the language into 6565.5 (a) and (b) is to ensure boaters can easily find the information in one place. It also clarifies the requirements for boaters and law enforcement to more easily understand the requirements.

Necessity:

The necessity of repealing CCR Section 6565.7 (a) and (b) is to incorporate the language into CCR Section 6565.5 (a) and (b) respectively to ensure boaters and law enforcement can better understand the stowage requirements for PFDs.

CCR § 6565.2. Definitions “Personal Flotation Device”

(c) “Personal Flotation Device” or PFD means a device that is approved by the Commandant under 46 CFR part 160.

Specific Purpose:

“Personal Flotation Device” was not defined in CCR. Added the definition as defined in 33CFR Subpart B—Personal Flotation Devices § 175.13. Definitions, to ensure regulatory language found in CCR is consistent throughout the state on use of PFD terminology.

Benefits:

Having PFD clearly defined will help the public understand what may be considered a PFD and also keep safety information at the forefront for all using PFDs.

Necessity:

Necessary to ensure members of the public know and understand what a personal flotation device is when cited in regulations.

CCR § 6565.2. Definitions “Throwable PFD”

(f) “Throwable PFD” means a PFD that is intended to be quickly thrown to a person overboard by either the operator or a passenger. 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.

Specific Purpose:

“Throwable PFD” was not defined in CCR. Added the definition as defined in 33CFR Subpart B—Personal Flotation Devices § 175.13 Applicability, to ensure regulatory language found in CCR is consistent throughout the state on use of PFD terminology.

Benefits:

Having “Throwable PFD” clearly defined will help the public understand what may be considered a throwable PFD, distinguishing it from the general PFD, and also keep safety information at the forefront for all using PFDs.

Necessity:

Necessary to define “throwable PFD” to distinguish a throwable PFD from other floatation devices.

CCR § 6565.2. Definitions “Wearable PFD”

(i) “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.

Specific Purpose:

“Wearable PFD” was not defined in CCR. Added the definition as defined in 33CFR Subpart B—Personal Flotation Devices § 175.13 Definitions, to ensure regulatory language found in CCR is consistent throughout the state on use of PFD terminology.

Benefits:

Having PFD clearly defined in CCR will help the public understand what may be considered a wearable PFD and also keep safety information at the forefront for all using PFDs.

Necessity:

Necessary to define “wearable PFD” to differentiate the wearable PFDs from other types of floatation devices.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

The proposed amendments do not impose any mandates on agencies or organizations. Participation in the Program is voluntary and does not mandate the use of specific technologies or equipment.

UNDERLYING DATA / DOCUMENTS RELIED UPON

There were no underlying data or documents relied upon.

ECONOMIC IMPACT ASSESSMENT / ANALYSIS

The Division concludes that the proposed regulation actions are: (1) unlikely to eliminate any jobs, (2) unlikely to create an unknown number of jobs, (3) unlikely to create new businesses, and (4) unlikely to eliminate any existing businesses.

CONSIDERATION OF ALTERNATIVES

No reasonable alternative to the regulatory proposal would be more effective in carrying out the purpose for which the action is proposed. No reasonable alternative would be as effective or less burdensome to affected private persons and would be equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

BUSINESS IMPACT

There would not be an adverse economic impact on businesses. The Department has found that the manufacturing industry is already complying with Federal Register 79 FR 56491 issued by USCG since 2014.

DUPLICATION / CONFLICT WITH FEDEREL REGULATIONS

The Department has determined that the proposed rulemaking action does not unnecessarily duplicate or conflict with federal regulations contained in the Code of Federal Regulations. Participation in the Program is voluntary and is not addressed in the Federal Code of Regulations.

PART E

WRITTEN COMMENTS SUBMITTED DURING 45-DAY COMMENT PERIOD

45 Day Comment Period Comments Index

Comment Letter #1

Regulatory Analyst -
State Net Regulatory,
Reed Elsevier Philippines,
Roanne Dominique A. Galano,
02/07/2025

Comment:

1.1 Page 32

Comment Letter #2

Private Citizen,
Douglas Powell,
03/14/2025

Comment:

2.1 Page 35

Comment Letter #3

RBOC,
President,
William J.(Bill) Gargan,
03/17/2025

Comment:

3.1 Page 39



Outlook

RE: [CA] Inquiry: File # Z2025-0115-01

From Galano, Roanne Dominique (REPH-MNL) <roannedominique.galano@reedelsevier.com>**Date** Fri 2/7/2025 11:42 AM**To** Hesse, Charley@Parks <Charley.Hesse@parks.ca.gov>**Cc** Anderson, Jedidiah@Parks <Jedidiah.Anderson@parks.ca.gov>

Some people who received this message don't often get email from roannedominique.galano@reedelsevier.com. [Learn why this is important](#)

Hello,

I would like to get a follow up on this query.

Thank you and stay safe.**Roanne Dominique A. Galano****Regulatory Analyst – State Net Regulatory**

Reed Elsevier Philippines

2nd Floor Building H, UP-Ayalaland Technohub,
Commonwealth Avenue, Quezon City, Philippines, 1100

Office: + 63 2 273 2900

Email: roannedominique.galano@reedelsevier.comWebsite: www.reedelsevier.com.ph

From: Galano, Roanne Dominique (REPH-MNL)**Sent:** Friday, February 7, 2025 6:53 AM**To:** charley.hesse@parks.ca.gov**Cc:** jedidiah.anderson@parks.ca.gov**Subject:** [CA] Inquiry: File # Z2025-0115-01**Greetings,**

1.1

I would like to confirm which sections are being amended, adopted, and/or repealed for Notice File Number Z2025-0115-01 (Update of Personal Flotation Device Terminology) as I'm quite confused with the [final text](#) that's provided in the [agency site](#). The sections that were mentioned in the Notice were sections 6565.5, 6565.6, and 6565.7 but the prop text on the site also shows amendments for sections that were never mentioned in the notice. Please see screenshots below.

AGENCY: Department of Parks and Recreation**CITATION and TITLE of RULE:** Title 14 CCR Sections 6565.5, 6565.6, and 6565.7 | Update of Personal Flotation Device Terminology**FILE NUMBER:** Notice File Number Z2025-0115-01**REGISTER:** California Regulatory Notice Register 5-Z | January 31, 2025.**Notice:**

- The notice only listed 3 sections to be updated.

ANTICIPATED BENEFITS OF THE PROPOSED REGULATION:

Removing references to type codes found in Title 14 CCR §§ 6565.5, 6565.6, and 6565.7 will align state regulations with the Code of Federal Regulations.

Per Federal Register 79 FR 56491 issued by USCG (2014), removing references to type codes found on PFDs 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 USCG regulations with PFD requirements in Canada and in other countries. Specifically, this final rule will enable the Standards Technical Panel (Panel), the panel 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 lifejackets.” Additionally, by updating Title 14 CCR §§ 6565.5, 6565.6, and 6565.7, California will be in alignment with federal requirements found in 79 FR 56491 issued by USCG in 2014.

Final Text provided in the Site:

- These sections were not provided in the notice but are included in the text.

§ 6565.2. Definitions.

As used in sections 6565.2 through 6565.8:

(a) "Boat" means any vessel manufactured or used primarily for noncommercial use; leased, rented, or chartered to another for the latter's noncommercial use; or engaged in the carrying of six or fewer passengers.

(eb) "Passenger" means every person carried on board a vessel other than:

(1) The owner or his representative;

(2) The operator;

(3) Bona fide members of the crew engaged in the business of the vessel who have contributed no consideration for their carriage and who are paid for their services; or

(4) Any guest on board a vessel which is being used exclusively for pleasure purposes who has not contributed any consideration, directly or indirectly, for his carriage.

(c) "Personal Flotation Device" or PFD means a device that is approved by the Commandant under 46 CFR part 160.

(ed) "Racing shell, rowing scull, racing canoes and racing kayak," means a manually-

§ 6565.4. Definitions.

Currentness

~~As used in sections 6565.2 through 6565.8:~~

~~(a) "Personal flotation device" means a device that is approved by the Commandant under 46 CFR Part 160.~~

~~(b) "PFD" means "personal flotation device."~~

Any assistance you can provide on this will be greatly appreciated.

Thank you and stay safe.



Roanne Dominique A. Galano

Regulatory Analyst – State Net Regulatory

Reed Elsevier Philippines

2nd Floor Building H, UP-Ayalaland Technohub,
Commonwealth Avenue, Quezon City, Philippines, 1100

Office: + 63 2 273 2900

Email: roannedominique.galano@reedelsevier.com

Website: www.reedelsevier.com.ph



FW: Notice of Regulatory Action by the Division of Boating and Waterways

From Mundy, Zachary@Parks <Zachary.Mundy@parks.ca.gov>

Date Fri 3/14/2025 8:47 AM

To Anderson, Jedidiah@Parks <Jedidiah.Anderson@parks.ca.gov>; Hesse, Charley@Parks <Charley.Hesse@parks.ca.gov>

Good morning,

Can you file this as a comment for the PFD regs?

Thank you,

Zach

From: Douglas Powell <h20.50@live.com>

Sent: Wednesday, March 12, 2025 1:24 PM

To: Mundy, Zachary@Parks <Zachary.Mundy@parks.ca.gov>

Subject: Re: Notice of Regulatory Action by the Division of Boating and Waterways

2.1

Zach, I was looking at the changes, as far as the 6565.7 (storage)I noticed you removed the wording "immediately available" for a throwable PFD and replaced it with "readily" . Is that what the current CFR also states?

(c) No person may use a recreational vessel boat 16 feet or more in length, except a canoe or kayak, unless one United States Coast Guard approved throwable PFD, such as a ring life buoy or buoyant cushion, is onboard, so placed as to be readily accessible for use in an emergency, in addition to the total number of wearable PFDs required in paragraph (a) of this section. A throwable PFD required by this paragraph is readily accessible for use in an emergency if:

(1) It is stowed in close proximity to the operator of the vessel and in a position to be quickly thrown to a person overboard by either the operator or a passenger; and

(2) Out of its original packaging; and

(3) Not under lock and key.

(1) One Type IV PFD is on board, and

(2) At least one PFD of the following types is on board for each person:

(i) Type I PFD;

(ii) Type II PFD; or

(iii) Type III PFD

Cal. Code Regs. Tit. 14, § 6565.5

Note: Authority cited: Sections 652, 658.3 and 669, Harbors and Navigation Code. Reference: Section 652, Harbors and Navigation Code.

§ 175.19 Stowage.

(a) No person may use a recreational boat unless each wearable PFD required by [§ 175.15](#) is readily accessible.

(b) No person may use a recreational boat unless each throwable PFD required by [§ 175.15](#) is immediately available.

From: Mundy, Zachary@Parks <Zachary.Mundy@parks.ca.gov>

Sent: Friday, February 28, 2025 2:01 PM

To: doug powell <h20.50@live.com>

Subject: FW: Notice of Regulatory Action by the Division of Boating and Waterways

Hi Doug,

FYI. Not sure if you received these.

Zach

From: Hesse, Charley@Parks <Charley.Hesse@parks.ca.gov>

Sent: Friday, January 31, 2025 3:28 PM

To: Hesse, Charley@Parks <Charley.Hesse@parks.ca.gov>

Cc: Hesse, Charley@Parks <Charley.Hesse@parks.ca.gov>

Subject: Notice of Regulatory Action by the Division of Boating and Waterways

Please distribute to anyone interested in Regulatory Actions by the Division of Boating and Waterways.

Official Notice published here:

<https://oal.ca.gov/wp-content/uploads/sites/166/2025/01/2025-Notice-Register-No.-5-Z-January-31-2025.pdf>

Notice of Proposed Regulatory Action

By the Division of Boating and
Waterways within the Department of
Parks and Recreation

The Division of Boating and Waterways is
updating regulations in the California Code
of Regulations

**Public Comment Period opens on
January 31, 2025 for 45 days ending
March 17, 2025.**

All related documents will be available at
https://dbw.parks.ca.gov/?page_id=30093

Final Text - PFD

Notice of Proposed Action - PFD

Initial Statement of Reasons - PFD

Any questions please forward to my email.

Thank you,

Charley Hesse

Administration

Division of Boating and Waterways

916.204.0639

charley.hesse@parks.ca.gov



Comment Letter #3

45 day Comment Period

925 L Street • Suite 260
Sacramento CA 95814
916.441.4166

www.rboc.org



March 17, 2025

Via Email to: charley.hesse@parks.ca.gov

Charley Hesse, Regulations Analyst
California State Parks Division of Boating and Waterways
P.O. Box 942896, Floor 12
Sacramento, CA 94296

RE: Personal Flotation Device Regulations – Support

Mr. Hesse –

3.1

Bill Gargan
President

Anne Eubanks
Vice President – South

Linda Blue
Vice President - North

Ron Orr
Treasurer

Jamie Clark
Past President

Legislative Advocate
Jerry Desmond
Director of
Government Relations

Mail donation checks to
RBOC
925 L Street Suite 260
Sacramento CA 95814

Donations to RBOC are
not tax deductible due
to our extensive lobbying
activities.

Recreational Boaters of California [RBOC] supports adoption of the proposed amendments to the personal flotation device [PFD] provisions in the California Code of Regulations, Title 14, Division 4, Chapter 1 (CCR) Sections 6656.2, 6656.4, 6565.5, 6565.6, and 6565.7.

RBOC is the nonprofit, state-wide advocacy organization that has promoted the protection and enhancement of recreational boating in California since 1968. The organization receives financial support from tens of thousands of individual boaters, many belonging to the close to 200 boating and sailing clubs throughout the state, and others belonging to our national boating advocacy partner BoatU.S.

RBOC supports the objective of the amendments to:

1. Remove references to type codes found on PFDs which in turn will facilitate future incorporation by reference of new industry consensus standards for PFD labeling that more effectively convey safety information to boaters and is a step toward harmonization of USCG regulations with PFD requirements in Canada and in other countries. These regulatory changes will align CCR with federal statute and provide consistency throughout the state on use of PFD terminology.
2. Move the requirements found in Title 14 CCR 6567.7 (a) to section 6565.5 to ensure boaters understand what “readily accessible” means if they are over 13 years of age and choose not to wear a PFD, and to more clearly define what “readily accessible” means.
3. Add definitions of “personal flotation device” and “wearable PFD” consistent with 33CFR Subpart B—Personal Flotation Devices § 175.13 to ensure regulatory language found in CCR is consistent throughout the state on use of PFD terminology.

Thank you for this opportunity to express RBOC’s support for the proposed PFD amendments. If you have any questions, I can be reached at 707-291-2782, and RBOC’s advocate Jerry Desmond can be reached at 916.441.4166.

Sincerely,

William J. [Bill] Gargan, President



PART F

UPDATED INFORMATIVE DIGEST

UPDATED INFORMATIVE DIGEST

Due to no clear and reasonable suggestions, comments, and requests by boating constituents, subject matter experts, and stakeholders through the 45-day Comment Period, the Department will make no changes to the PFD regulation package as submitted.

PART G

FINAL STATEMENT OF REASONS

FINAL STATEMENT OF REASONS

All references in the rulemaking file to this being a Department of Parks and Recreation rulemaking refer to the Division of Boating and Waterways in the Department of Parks and Recreation.

Additionally, the non-substantive changes were made to the proposed regulations after the publication of the 45-Day Notice.

Update to the Initial Statement of Reasons

The Proposed regulations were reorganized for better readability. Additionally, minor, non-substantive grammatical corrections were made.

1. **Section 6565.2(c):** This subsection is being revised to align with Harb. & Nav. Code § 651(u).
2. **Section 6565.2(f):** The definition of “throwable PFD” was revised to align with 33 C.F.R § 175.13 and Harb. & Nav. Code § 651(ac).
3. **Section 6565.5(a):** The existing reference to the regulations in this subsection becoming effective 1/1/1998 was deleted since the amendments to this section cannot be retroactive.
4. **Section 6565.5(a)(1)-(3):** The proposed regulations in these paragraphs are to align with Harb. & Nav. Code § 658.3(a).
5. **Section 6565.5(b):** The phrase “for use in an emergency” needed to be deleted so that this provision aligns with 33 C.F.R. § 179.19(a).
6. **Section 6565.5(b):** This existing subsection is being deleted since this time period has passed.
7. **Section 6565.5(c):** The phrase “readily accessible” in this subsection was changed to “immediately available” to align with 33 C.F.R. § 175.19(b).
8. **Section 6565.5:** 33 C.F.R. § 175.17 was added as a Reference citation since regulations in this section duplicate federal regulations contained in that section of the C.F.R.
9. **Section 6565.6(a)(1):** There was an incorrect statement in the Initial Statement of Reasons that described the phrase “intended boating” as being added to this paragraph. No such change is being made.

Non-Duplication Justification

Some of the proposed regulations repeat or rephrase federal regulations and state statutes. This duplication is necessary to satisfy the “clarity” standard of Gov. Code § 11349.1(a)(3).

SUMMARY AND RESPONSE TO PUBLIC COMMENTS RECEIVED DURING INITIAL NOTICE PERIOD OF JANUARY 31, 2025 TO MARCH 17, 2025.

COMMENT LETTER 1

Regulatory Analyst – State Net Regulatory, Roanne Dominique A. Galano
(Received by email 02/07/2025)

COMMENT 1.1: The commenter noted that the 45-Day Notice contained an incomplete list of sections affected in this rulemaking.

Response: While the 45-Day Notice did contain an incomplete list, the nature of this rulemaking was accurately described.

COMMENT LETTER 2

Private Citizen, Douglas Powell, (Received by email 03/14/2025)

COMMENT 2.1: The commenter noted that the Division’s use of “readily accessible” in Section 6565.5(c) appears to conflict with 33 C.F.R § 175.19(b).

Response: This provision was revised accordingly as a non-substantive change.

COMMENT LETTER 3

RBOC, President, William J.(Bill) Gargan, (Received by email 03/17/2025)

COMMENT 3.1: The commenter fully supports the regulatory changes and has requested no modifications.

Response: The Division is taking no action on this comment. The Division thanks the commenter for their support, thorough review, and thoughtful comment.

Consideration of Alternatives

No reasonable alternative considered by the agency would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the adopted regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Local Mandate Determination

The proposed regulations do not impose a mandate or additional requirements on local agencies or school districts.

Good Cause Statement

The Division requests that the proposed regulations become effective upon filing with the Secretary of State. An early effective date is needed because these regulations are currently in conflict with federal regulation and state statutes. Aligning these Division regulations with federal regulations and state statutes will help avoid public confusion and enhance public safety.

[Continued]

[Continued]

[Continued]

[Continued]

[Continued]

[Continued]

PART H

STATEMENTS OF MAILING NOTICES

STATEMENT OF MAILING NOTICE

(Section 86 of Title I of the California Code of Regulations)

The Division of Boating and Waterways has complied with the provisions of Government Code section 11346.4, subdivision (a) (1) through (4), regarding the mailing of the notice of proposed regulatory action. The notice was mailed on January 31, 2025, 45 days prior to the close of the public comment period (March 17, 2025).

PART I

ECONOMIC AND FISCAL IMPACT STATEMENT
(FORM 399)

ECONOMIC AND FISCAL IMPACT STATEMENT

(REGULATIONS AND ORDERS)

STD. 399 (Rev. 10/2019)

ECONOMIC IMPACT STATEMENT

DEPARTMENT NAME State Parks and Recreation	CONTACT PERSON Charley Hesse	EMAIL ADDRESS Charley.Hesse@parks.ca.gov	TELEPHONE NUMBER
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400			NOTICE FILE NUMBER Z

A. ESTIMATED PRIVATE SECTOR COST IMPACTS *Include calculations and assumptions in the rulemaking record.*

1. Check the appropriate box(es) below to indicate whether this regulation:

- | | |
|--|---|
| <input type="checkbox"/> a. Impacts business and/or employees | <input type="checkbox"/> e. Imposes reporting requirements |
| <input type="checkbox"/> b. Impacts small businesses | <input type="checkbox"/> f. Imposes prescriptive instead of performance |
| <input type="checkbox"/> c. Impacts jobs or occupations | <input type="checkbox"/> g. Impacts individuals |
| <input type="checkbox"/> d. Impacts California competitiveness | <input checked="" type="checkbox"/> h. None of the above (Explain below): |

As of 2014, all manufacturers of life jackets/PFDs are already required to meet the requirements of 79 FR 56491

If any box in Items 1 a through g is checked, complete this Economic Impact Statement.

If box in Item 1.h. is checked, complete the Fiscal Impact Statement as appropriate.

NA

2. The _____ estimates that the economic impact of this regulation (which includes the fiscal impact) is:
(Agency/Department)

- ☐ Below \$10 million
- ☐ Between \$10 and \$25 million
- ☐ Between \$25 and \$50 million
- ☐ Over \$50 million *[If the economic impact is over \$50 million, agencies are required to submit a [Standardized Regulatory Impact Assessment](#) as specified in Government Code Section 11346.3(c)]*

3. Enter the total number of businesses impacted: **NA**

Describe the types of businesses (Include nonprofits): **NA**

Enter the number or percentage of total businesses impacted that are small businesses: **NA**

4. Enter the number of businesses that will be created: **NA** eliminated: **NA**

Explain: _____

5. Indicate the geographic extent of impacts: ☒ Statewide
☐ Local or regional (List areas): _____

6. Enter the number of jobs created: **NA** and eliminated: **NA**

Describe the types of jobs or occupations impacted: **NA**

7. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here? ☐ YES ☒ NO

If YES, explain briefly: _____

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (Rev. 10/2019)

ECONOMIC IMPACT STATEMENT (CONTINUED)

B. ESTIMATED COSTS *Include calculations and assumptions in the rulemaking record.*

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? \$ NA
 - a. Initial costs for a small business: \$ _____ Annual ongoing costs: \$ _____ Years: _____
 - b. Initial costs for a typical business: \$ _____ Annual ongoing costs: \$ _____ Years: _____
 - c. Initial costs for an individual: \$ _____ Annual ongoing costs: \$ _____ Years: _____
 - d. Describe other economic costs that may occur: _____

2. If multiple industries are impacted, enter the share of total costs for each industry: NA

3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements. *Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted.* \$ _____

4. Will this regulation directly impact housing costs? ☐ YES ☒ NO
If YES, enter the annual dollar cost per housing unit: \$ _____

Number of units: _____

5. Are there comparable Federal regulations? ☒ YES ☐ NO

Explain the need for State regulation given the existence or absence of Federal regulations: DBW is out of compliance with life jacket terminology found in Title 14 CCR §6565.5 per Federal Register 79 FR 56491, Published by the United States Coast Guard in 2014.

Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: \$ _____

C. ESTIMATED BENEFITS *Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. Briefly summarize the benefits of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment: Removing references to type codes found on PFDs will facilitate future incorporation by reference of new industry consensus standards for PFD labeling that more effectively convey safety information. Final rule will enable the Standards

Technical Panel, (Panel) the panel charged with the new industry consensus standards, to complete development of a standard for wearable PFDs without including unnecessary references to type codes.

2. Are the benefits the result of: ☐ specific statutory requirements, or ☐ goals developed by the agency based on broad statutory authority?

Explain: _____

3. What are the total statewide benefits from this regulation over its lifetime? \$ NA

4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: NA

D. ALTERNATIVES TO THE REGULATION *Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: There is no alternative to aligning state law with Federal Requirements.

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (Rev. 10/2019)

ECONOMIC IMPACT STATEMENT (CONTINUED)

2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

Regulation: Benefit: \$ NA Cost: \$ _____
 Alternative 1: Benefit: \$ NA Cost: \$ _____
 Alternative 2: Benefit: \$ NA Cost: \$ _____

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives:

NA

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs?

☐ YES

☐ NO

Explain: NA

E. MAJOR REGULATIONS *Include calculations and assumptions in the rulemaking record.*

California Environmental Protection Agency (Cal/EPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.

1. Will the estimated costs of this regulation to California business enterprises **exceed \$10 million**? ☐ YES ☒ NO

If YES, complete E2. and E3

If NO, skip to E4

2. Briefly describe each alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

Alternative 1: _____

Alternative 2: _____

(Attach additional pages for other alternatives)

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

Regulation: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 1: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 2: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

4. Will the regulation subject to OAL review have an estimated economic impact to business enterprises and individuals located in or doing business in California exceeding \$50 million in any 12-month period between the date the major regulation is estimated to be filed with the Secretary of State through 12 months after the major regulation is estimated to be fully implemented?

☐ YES

☒ NO

If YES, agencies are required to submit a [Standardized Regulatory Impact Assessment \(SRIA\)](#) as specified in Government Code Section 11346.3(c) and to include the SRIA in the Initial Statement of Reasons.

5. Briefly describe the following:

The increase or decrease of investment in the State: NA

The incentive for innovation in products, materials or processes: N/A As of 2014, all manufacturers of life jackets/PFDs are already required to meet the requirements of 79 FR 56491.

The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency: State law would align with Federal Requirements.

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (Rev. 10/2019)

FISCAL IMPACT STATEMENT

A. FISCAL EFFECT ON LOCAL GOVERNMENT *Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

- ☐ 1. Additional expenditures in the current State Fiscal Year which are reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ _____

- ☐ a. Funding provided in _____

Budget Act of _____ or Chapter _____, Statutes of _____

- ☐ b. Funding will be requested in the Governor's Budget Act of _____

Fiscal Year: _____

- ☐ 2. Additional expenditures in the current State Fiscal Year which are NOT reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ _____

Check reason(s) this regulation is not reimbursable and provide the appropriate information:

- ☐ a. Implements the Federal mandate contained in _____

- ☐ b. Implements the court mandate set forth by the _____ Court.

Case of: _____ vs. _____

- ☐ c. Implements a mandate of the people of this State expressed in their approval of Proposition No. _____

Date of Election: _____

- ☐ d. Issued only in response to a specific request from affected local entity(s).

Local entity(s) affected: _____

- ☐ e. Will be fully financed from the fees, revenue, etc. from: _____

Authorized by Section: _____ of the _____ Code;

- ☐ f. Provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each;

- ☐ g. Creates, eliminates, or changes the penalty for a new crime or infraction contained in _____

- ☐ 3. Annual Savings. (approximate)

\$ _____

- ☒ 4. No additional costs or savings. This regulation makes only technical, non-substantive or clarifying changes to current law regulations.

- ☒ 5. No fiscal impact exists. This regulation does not affect any local entity or program.

- ☐ 6. Other. Explain _____

FISCAL IMPACT STATEMENT (CONTINUED)

B. FISCAL EFFECT ON STATE GOVERNMENT *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ _____

It is anticipated that State agencies will:

☐ a. Absorb these additional costs within their existing budgets and resources.

☐ b. Increase the currently authorized budget level for the _____ Fiscal Year

☐ 2. Savings in the current State Fiscal Year. (Approximate)

\$ _____

☒ 3. No fiscal impact exists. This regulation does not affect any State agency or program.

☐ 4. Other. Explain _____

C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ _____

☐ 2. Savings in the current State Fiscal Year. (Approximate)

\$ _____

☒ 3. No fiscal impact exists. This regulation does not affect any federally funded State agency or program.

☐ 4. Other. Explain _____

FISCAL OFFICER SIGNATURE

DocuSigned by:

 Johnnie Brannon

DATE

1/24/2025

The signature attests that the agency has completed the STD. 399 according to the instructions in SAM sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.

AGENCY SECRETARY

 Bryan Cash

DATE

1/24/2025

Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD. 399.

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER

DATE

