

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 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 below and should specify the 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 **October 15, 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 changes align Cal. Code Regs. Tit. 14, §§ 6570, 6571, 6572, 6573 and definitions found in § 6552 with 86 FR 58560 issued on October 22, 2021, and 16790 / AUX-PL-006(A) BSX Policy Letter 20-01, published by the United States Coast Guard (USCG) in June 2020.

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 Division's 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 terminology found in Title 14 CCR §§ 6570, 6571, 6572, 6573 and definitions found in § 6552 was out of compliance with Code of Federal Regulations (CFR), found at 33 CFR 175, Chapter 1, Sub-Chapter S which addresses the fire extinguishing equipment required on recreational vessels 65 feet or less in length, effective April 20, 2022.

Additionally, on June 3, 2020, CG-BSX-2 issued Policy Letter 20-01 (Policy Letter). The purpose of the letter was to provide additional guidance to Vessel Examiners on portable fire extinguisher requirements for recreational vessels. Specifically, the Coast Guard now uses a performance-based classification system that will impact recreational vessels constructed after August 22, 2016. The Policy Letter identifies Ref: VESSEL SAFETY CHECK - PORTABLE FIRE EXTINGUISHER GUIDANCE (a) Auxiliary Vessel Safety Check Manual, COMDTINST M16796.8 (series). Section 3.B.5. of reference (a) identifies portable fire extinguisher requirements on recreational vessels. These requirements changed for such vessels constructed after August 22, 2016. Although this guidance is policy-based, the respective federal regulations reference these changes. See 33 CFR 175, Chapter 1, Sub-Chapter S, published April 20, 2022.

Most extinguishers already have Coast Guard approval and UL rating classification. Moving from B-II to 20-B and B-1 to 5-B, aligns fire protection standards with updated testing criteria, enhancing safety, and improving the clarity of fire safety equipment requirements. Fire extinguisher ratings are updated to align with national and international standards, such as those from the National Fire Protection Association (NFPA) or Underwriters Laboratories (UL). The change from B-II to 20-B and B-1 to 5-B reflects an updated system for assessing fire extinguisher performance. The numeric

ratings (20-B and 5-B) are based on newer, more specific testing methods and provide clearer guidance on the type of fire the extinguisher can effectively combat. This applies to all approved fire extinguishers installed on vessels constructed prior to August 22, 2016. These extinguishers can remain on recreational vessels if they are still serviceable. The new classification system requires portable and semi-portable extinguishers to be marked with a combined number and letter designation. The letter designates the general class of fire for which the extinguisher is suitable, and the number indicates the relative extinguishing potential of the device. The new requirements apply to vessels built after August 22, 2016, and focuses on requiring 5-B portable fire extinguishers in lieu of B-1 portable fire extinguishers (essentially 5 times the relative extinguishing potential). Additionally, ratings that include higher numbers or more letters are acceptable; one 20-B extinguisher may be carried to replace two required 5-B extinguishers, and there are special rules for vessels built prior to 1952.

Further, pursuant to 33 CFR 175, Chapter 1, Sub-Chapter S, published April 20, 2022, if a disposable (non-rechargeable) fire extinguisher has a date of manufacture stamped on the bottle, and it is older than 12 years, the extinguisher is considered expired and must be removed from service.

DBW must update Title 14 CCR §§ 6570, 6571, 6572, 6573 and definitions found in § 6552 to align with current federal regulations. This will ensure consistency with the labeling standards already being used by manufacturers and encourage the safety of the boating public.

ANTICIPATED BENEFITS OF THE PROPOSED REGULATION:

By updating the fire extinguishing equipment regulations required on recreational vessels 65 feet or less in length, the Division can ensure that Title 14 CCR §§ 6570, 6571, 6572, and 6573, along with the definitions found in § 6552, remain aligned with federal requirements. This update will also help ensure consistency with the labeling standards already used by fire extinguisher manufacturers, thereby eliminating confusion and increasing the safety of the boating public who rely on fire extinguishing equipment on their recreational vessel.

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 fire extinguishing equipment required on recreational vessels 65 feet or less in length.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Division has made the following initial determinations:

Mandate on local agencies and school districts: The Division does not believe that any vessels owned or operated by a state, County or City municipality would qualify as a recreational vessel. All vessels required to carry a fire extinguisher are still required to do so under this new regulation. There is no change to the quantity of extinguishers required. Recreational vessels older than model year 2017 may carry a B-I or B-II rated fire extinguisher but must replace them with a 5-B or 20-B when they are no longer in good and serviceable condition. All recreational vessels of model year 2018 and newer must carry 5-B or 20-B rated fire extinguishers that are date stamped. Vessels older than model year 2018 may carry either 5-B or 20-B rated fire extinguishers that are less the 12 years old or B-I or B-II rated fire extinguishers that are in good and serviceable condition.

Cost or savings to any state agency: All vessels required to carry a fire extinguisher are still required to do so under this new regulation. There is no change to the quantity of extinguishers required. Recreational vessels older than model year 2017, may carry a B-I or B-II rated fire extinguisher, but must replace them with a 5-B or 20-B when they are no longer in good and serviceable condition. All recreational vessels of model year 2018 and newer must carry 5-B or 20-B rated fire extinguishers that are date stamped. Vessels older than model year 2018 may carry either 5-B or 20-B rated fire extinguishers that are less the 12 years old or B-I or B-II rated fire extinguishers that are in good and serviceable condition.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500-17630:

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: All vessels required to carry a fire extinguisher are still required to do so under this new regulation. There is no change to the quantity of extinguishers required. Recreational vessels older than model year 2017, may carry a B-I or B-II rated fire extinguisher, but must replace them with a

5-B or 20-B when they are no longer in good and serviceable condition. All recreational vessels of model year 2018 and newer must carry 5-B or 20-B rated fire extinguishers that are date stamped. Vessels older than model year 2018 may carry either 5-B or 20-B rated fire extinguishers that are less than 12 years old or B-I or B-II rated fire extinguishers that are in good and serviceable condition.

Significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states: None.

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, and (4) unlikely that the proposal will eliminate any existing businesses.

Benefits of the Proposed Action: By updating Title 14 CCR §§ 6570, 6571, 6572, 6573, and definitions found in §6552, California law will be aligned with federal requirements found in 33 CFR 175, Chapter 1, Sub-Chapter S and 86 FR 58560 issued by USCG in 2021. This update will also help ensure consistency with the labeling standards already used by fire extinguisher manufacturers, thereby eliminating confusion and increasing the safety of the boating public who rely on fire extinguishing equipment on their recreational vessel. Therefore, the proposed regulations will have benefits to the health and welfare of California residents and worker safety. The proposed regulations are not expected to affect the state's environment.

SMALL BUSINESS DETERMINATION:

All vessels required to carry a fire extinguisher are still required to do so under this new regulation. There is no change to the quantity of extinguishers required. Recreational vessels older than model year 2017, may carry a B-I or B-II rated fire extinguisher, but must replace them with a 5-B or 20-B when they are no longer in good and serviceable condition. All recreational vessels of model year 2018 and newer must carry 5-B or 20-B rated fire extinguishers that are date stamped. Vessels older than model year 2018 may carry either 5-B or 20-B rated fire extinguishers that are less than 12 years old or B-I or B-II rated fire extinguishers that are in good and serviceable condition.

It is unlikely the proposed regulations will adversely affect small businesses. Any small business who owns 1 or several recreational vessels would need to check and see that any vessel model year 2018 or newer has 5-B or 20-B rated fire extinguishers that are date stamped.

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 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 Hess 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 Hess 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 Hess 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.