

## **TITLE 14. NATURAL RESOURCES RECREATIONAL BOATING SAFETY REGULATIONS**

### **INITIAL STATEMENT OF REASONS**

**Subject Matter of Proposed Regulations:** Fire Extinguishing Equipment Required

**Sections Affected:** Amend the California Code of Regulations, Title 14, Division 4, Chapter 1 (CCR) §§ 6570, 6571, 6572, 6573 and definitions found in § 6552

### **BACKGROUND AND PROBLEM STATEMENT**

Title 14 CCR §§ 6570, 6571, 6572, 6573 and definitions found in § 6552 which addresses the fire extinguishing equipment required on recreational vessels 65 feet or less in length.

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

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 did not comply 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.

DBW must update Title 14 CCR §§ 6570, 6571, 6572, 6573 and definitions found in § 6552 to align with federal regulations and current industry standards.

SPECIFIC PURPOSE, ANTICIPATED BENEFIT, AND NECESSITY

14 CCR § 6570

**§ 6570. Fire Extinguishing Equipment--Definitions.**

(a) A “B” type fire extinguisher means a fire extinguisher system suitable for extinguishing fires involving flammable liquids, greases, etc.

(b) “Hand-portable fire extinguisher” means a fire extinguisher of either of the following minimum sizes:

<i>Size</i>	<i>Foam gallons</i>	<i>Carbon dioxide, pounds</i>	<i>Dry chemicals, pounds</i>	<i>Freon, pounds</i>
I	1 ¼	4	2	2 ½
II	2 ½	15	10	--

(c) “Semi-portable fire extinguisher” means a fire extinguisher system of the following size or larger which is fitted with a suitable hose and nozzle, or other practicable means, so that all portions of the space concerned may be covered.

<i>Size</i>	<i>Foam gallons</i>	<i>Carbon dioxide, pounds</i>	<i>Dry chemicals, pounds</i>
III	12	35	20

(d) ~~“Fixed fire extinguishing system” means a fire extinguishing system of an approved carbon dioxide type, designed and installed in agreement with the applicable provisions of subpart 76.15 of subchapter H of Title 46, Code of Federal Regulations, as amended.~~ **Fixed Fire Extinguishing Systems**

(1) A fixed fire extinguishing system must be of a type approved by the Coast Guard under 46 CFR part 162.

(2) A carbon dioxide system must be designed and installed in accordance with 46 CFR part 76, subpart 76.15.

(3) An automatic sprinkler system must be designed and installed in accordance with 46 CFR 25.30-15(c).

#### Specific Purpose:

The specific purpose of this amendment is to make non-substantial, grammatical changes to the regulation. Additionally, the purpose of updating Title 14 CCR 6570(d) to incorporate 33 CFR Subpart E, § 175.315 is to align California regulations with updated federal fire safety requirements for recreational vessels. 33 CFR § 175.315 sets standards for the fixed fire extinguishing systems required on recreational vessels, specifying the minimum fire extinguisher requirements based on the length and type of vessel. By updating Title 14 CCR 6570(d) to mirror these federal standards, California will ensure consistency in fire safety requirements across both state and federal waters. This update will provide clear guidelines for recreational boaters regarding fixed fire extinguishing systems and where these extinguishers should be placed on their vessels.

#### Benefits:

The revised grammatical edits ensure that the regulations are easier to understand, thus reducing the potential for misinterpretation. Additionally, the benefits of updating Title 14 CCR 6570(d) to incorporate 33 CFR Subpart E, § 175.315 will ensure that California boaters have the correct type of fixed fire extinguishing systems based on the size and type of their vessel, as per federal guidelines. By having adequate fire protection, boaters will be better equipped to manage fire emergencies on the water, potentially saving lives and preventing property damage. The proper placement of fire extinguishers also ensures quick access in case of an emergency, further enhancing the vessel's fire preparedness.

#### Necessity:

Even without substantial changes, the revisions help ensure that the regulatory text is up to date with current legal practices, terminology, and formatting standards. Additionally, fires on recreational vessels can have devastating consequences. Whether caused by fuel leaks, engine malfunctions, or electrical issues, fires can spread rapidly on boats, especially in confined spaces. Having the correct fixed fire extinguishing systems in designated spaces is crucial for preventing fire-related injuries and fatalities. 33 CFR § 175.315 outlines clear fire extinguisher requirements, ensuring that boaters are adequately prepared for such emergencies.

#### ~~14 CCR § 6570~~

#### ~~§ 6570. Fixed Fire Extinguishing Systems~~

~~(a) A fixed fire extinguishing system must be of a type approved by the Coast Guard under [46 CFR part 162](#).~~

~~(b) A carbon dioxide system must be designed and installed in accordance with [46 CFR part 76, subpart 76.15](#).~~

~~(c) An automatic sprinkler system must be designed and installed in accordance with [46 CFR 25.30-15\(c\)](#).~~

#### Specific Purpose:

This regulation was struck out and moved in its entirety to § 6570 (d) Fixed Fire Extinguishing Systems. The primary purpose of moving the regulation section is to improve the overall structure of the regulations, ensuring that related provisions are grouped together logically. This enhances the flow of information and makes the regulations easier to navigate. Also, by consolidating related provisions into a single section, the reorganization reflects a clearer presentation of regulatory intent, helping stakeholders understand the context of related rules more easily.

#### Benefits:

Grouping related provisions together enhances the ease of use for stakeholders, allowing them to quickly locate relevant rules. This will reduce the time spent searching through different sections and increase regulatory compliance. Also, by ensuring that similar provisions are placed together, the reorganization strengthens consistency in how the regulations are applied. This reduces the chances of conflicting interpretations and ensures uniformity in enforcement.

#### Necessity:

The reorganization is necessary to address inconsistencies or confusion caused by the previous placement of the section. Moving it to a more logical location ensures that the regulations are as clear and easy to follow as possible. By improving the organization and making the regulations easier to interpret, the move will ultimately support better enforcement and compliance, reducing the likelihood of errors or misinterpretation by both regulators and regulated entities.

### ~~14 CCR § 6571~~

### ~~§ 6571. Fire Extinguishing Equipment--Vaporizing--Liquid Type.~~

~~A vaporizing-liquid type fire extinguisher containing carbon tetrachloride or chlorobromomethane or other toxic vaporizing liquids are not acceptable as equipment required by Section 6573.~~

#### Credits

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

## HISTORY

- ~~1. Amendment filed 1-18-77; effective thirtieth day thereafter (Register 77, No. 4).~~
  - ~~2. Editorial correction of NOTE filed 10-11-85 (Register 85, No. 41).~~
- ~~This database is current through 7/19/24 Register 2024, No. 29.~~  
~~Cal. Admin. Code tit. 14, § 6571, 14 CA ADC § 6571~~

### Specific Purpose:

This regulation was struck out and moved in its entirety to § 6573 (c). The primary purpose of moving the regulation section is to improve the overall structure of the regulations, ensuring that related provisions are grouped together logically. This enhances the flow of information and makes the regulations easier to navigate. Also, by consolidating related provisions into a single section, the reorganization reflects a clearer presentation of regulatory intent, helping stakeholders understand the context of related rules more easily.

### Benefits:

Grouping related provisions together enhances the ease of use for stakeholders, allowing them to quickly locate relevant rules. This will reduce the time spent searching through different sections and increase regulatory compliance. Also, by ensuring that similar provisions are placed together, the reorganization strengthens consistency in how the regulations are applied. This reduces the chances of conflicting interpretations and ensures uniformity in enforcement.

### Necessity:

The reorganization is necessary to address inconsistencies or confusion caused by the previous placement of the section. Moving it to a more logical location ensures that the regulations are as clear and easy to follow as possible. By improving the organization and making the regulations easier to interpret, the move will ultimately support better enforcement and compliance, reducing the likelihood of errors or misinterpretation by both regulators and regulated entities. Additionally, it reduces the complexity of understanding how the regulations interrelate, helping stakeholders better understand the rules and their implications.

**14 CCR § 6572**

**§ 6572. Fire Extinguishing Equipment--Markings Required.**

Currentness

(a) Each ~~hand portable~~ **handportable** fire extinguisher and semiportable fire extinguishing system shall have permanently attached thereto a metallic name plate giving the

- (1) Name of the item
- (2) Rated capacity in gallons, quarts, or pounds
- (3) Name of the person or firm for whom approved
- (4) Address of the person or firm for whom approved, and
- (5) The identifying mark of the actual manufacturer.

(b) Each ~~hand portable~~ **handportable** fire extinguisher and semiportable fire extinguisher shall bear a label containing the “marine type” listing manifest issued by a recognized laboratory, as defined in 46 CFR 162.028-5 and 162.039-5. This label will include the classification of the extinguisher in accordance with the Coast Guard approval number, thus: “Marine Type USCG Type \_\_\_\_\_, Approval No. 162.028/\_\_\_\_\_, or 162.039/Ex. \_\_\_\_\_.”

**Credits**

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

**HISTORY**

- 1. Amendment filed 10-31-83; effective thirtieth day thereafter (Register 83, No. 45).
  - 2. Editorial correction of NOTE filed 10-11-85 (Register 85, No. 41).
- This database is current through 7/19/24 Register 2024, No. 29.

**Specific Purpose:**

The specific purpose of this amendment is to make non-substantial, grammatical changes to the regulation.

**Benefits:**

The revised language removes ambiguity and ensures that the regulations are easier to understand, thus reducing the potential for misinterpretation.

**Necessity:**

Even without substantial changes, the revisions help ensure that the regulatory text is up to date with current legal practices, terminology, and formatting standards.

14 CCR § 6573

**§ 6573. Fire Extinguishing Equipment, --Requirements. Portable fire extinguishers and semi-portable fire extinguishing systems**

Specific Purpose:

The specific purpose of this amendment is to add “Portable fire extinguishers and semi-portable fire extinguishing systems” to the requirements section in the title of 14 CCR § 6573. This change makes it clearer where to find information on portable and semi-portable fire extinguishers and reduces the complexity of understanding how the regulations interrelate, helping stakeholders better understand the rules and their implications.

Benefits:

The revised language removes ambiguity and ensures that the regulations are easier to understand, thus reducing the potential for misinterpretation.

Necessity:

Even without substantial changes, the revisions help ensure that the regulatory text is up to date with current legal practices, terminology, and formatting standards.

- (a) ~~Boat Propelled by Machinery Sixty-five Feet or Less in Length. A boat propelled by machinery 65 feet or less in length shall carry at least the minimum number of hand-portable fire extinguishers set forth in~~ **Recreational vessels 65 feet or less in length. A recreational vessel 65 feet or less in length must carry at least the minimum number of portable fire extinguishers set forth in Table 2.**

Specific Purpose:

The specific purpose of this amendment is to make non-substantial, grammatical changes to the regulation.

Benefits:

The revised language removes ambiguity and ensures that the regulations are easier to understand, thus reducing the potential for misinterpretation. The revisions also ensure consistency in terminology and structure, making it easier to cross-reference different sections of the regulations.



Necessity:

Even without substantial changes, the revisions help ensure that the regulatory text is up to date with current legal practices, terminology, and formatting standards.

TABLE 2				
		<i>Minimum number of type <del>B-I</del> 5-B hand-portable fire extinguishers required<sup>1</sup></i>		
<i>Size of boat</i>	<i>Length, feet</i>	<i>Without fixed fire extinguishing system in machinery space</i>	<i>With fixed fire extinguishing system in machinery space</i>	
Under 16		1		0
16 and over, but under 26		1		0
26 and over, but under 40		2		1
40 and over, but not over 65		3		2

1 One type ~~B-II~~ 20-B hand-portable fire extinguisher may be substituted for two type ~~B-I~~ 5-B hand-portable fire extinguishers.

(1) Exceptions: A ~~boat~~ vessel of any of the following types is not required to carry a fire extinguisher:

(A) Less than 26 feet in length, not carrying passengers for hire, propelled by an outboard motor, without permanently installed fuel tanks, and of a construction which will not permit the entrapment of explosive or flammable gasses or vapors.

Specific Purpose:

The specific purpose behind changing fire extinguisher ratings, such as moving from B-II to 20-B and B-1 to 5-B, align 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. In California, the U.S. Coast Guard requires vessels to carry fire extinguishers with certain ratings based on the size and type of vessel. The changes in ratings help boaters meet these updated regulatory requirements.

#### Benefits:

Vessels are vulnerable to fires due to the combination of flammable materials (fuel, oils, and other combustibles) and confined spaces. Having the right fire extinguisher, rated appropriately for marine hazards, is critical to ensuring that boaters can address a fire before it becomes life-threatening.

The updated ratings (e.g., 20-B and 5-B) reflect modern testing that better aligns with the types of fires that are most common on boats. These fires can occur in engine rooms, kitchens, or even in cabins, and having an extinguisher with the proper rating ensures the boat is adequately prepared to handle a fire in these specific environments.

#### Necessity:

The updated ratings (e.g., 20-B and 5-B) are important to boaters because they ensure they have the right fire safety equipment to handle potential fire risks on their vessels effectively. The updated ratings help boaters comply with regulations, improve fire protection, and increase safety on board, ultimately reducing the risk of fire-related accidents or tragedies at sea.

#### (1) Conditions requiring fire extinguishers:

- (A) Closed compartment under thwarts and seats wherein portable fuel tanks may be stored.
- (B) Double bottoms not sealed to the hull or which are not completely filled with flotation material.
- (C) Closed living spaces.
- (D) Closed stowage compartments in which combustible or flammable materials are stowed.
- (E) Permanently installed fuel tanks.

#### (2) Conditions that do not in themselves require Fire Extinguishers:

- (F) Bait wells
- (G) Glove compartments
- (H) Buoyant flotation material
- (I) Open slatted flooring.

## (J) ice chests

### Specific Purpose:

The specific purpose behind this addition is to align state regulations with United States Coast Guard requirements found in 33 CFR § 175.320(a)(2). By aligning state regulations with federal regulations, it ensures that boaters are subject to the same safety standards, no matter where they are located. This consistency simplifies compliance for boaters who may operate in different states or cross state lines, ensuring they follow the same rules everywhere. Additionally, the conditions that require fire extinguishers, such as closed compartments where fuel tanks are stored or closed living spaces, are critical areas where fire risks are higher. Ensuring these conditions are covered by state regulations improves safety by ensuring all boats meet the same fire safety requirements, minimizing the risk of fire-related incidents in these high-risk areas.

### Benefits:

By aligning state regulations with federal regulations, it ensures that boaters are subject to the same safety standards, no matter where they are located. This consistency simplifies compliance for boaters who may operate in different states or cross state lines, ensuring they follow the same rules everywhere. Additionally, the conditions that require fire extinguishers, such as closed compartments where fuel tanks are stored or closed living spaces, are critical areas where fire risks are higher. Ensuring these conditions are covered by state regulations improves safety by ensuring all boats meet the same fire safety requirements, minimizing the risk of fire-related incidents in these high-risk areas. By embedding federal regulations into state laws, law enforcement and safety inspectors at the state level have clear, standardized rules to enforce, which streamlines safety inspections and ensures boaters are properly protected.

### Necessity:

Incorporating these federal fire extinguisher regulations into state laws is important because it ensures uniformity, enhanced safety, clarity in compliance, and up-to-date protections for boaters. It not only standardizes fire safety across jurisdictions but also fosters trust, reduces risks, and strengthens both compliance and enforcement, contributing to a safer boating environment overall. Additionally, the conditions that require fire extinguishers, such as closed compartments where fuel tanks are stored or closed living spaces, are critical areas where fire risks are higher. Ensuring these conditions are covered by state regulations improves safety by ensuring all boats meet the same fire safety requirements, minimizing the risk of fire-related incidents in these high-risk areas.

(b) All portable and semi-portable fire extinguishers must—

(1) Be on board and readily accessible;

(2) Be of an approved type;

(3) Not be expired or appear to have been previously used; and

(4) Be maintained in good and serviceable working condition, meaning:

(i) If the extinguisher has a pressure gauge reading or indicator it must be in the operable range or position;

(ii) The lock pin is firmly in place;

(iii) The discharge nozzle is clean and free of obstruction; and

(iv) The extinguisher does not show visible signs of significant corrosion or damage.

#### Specific Purpose:

The specific purpose behind this addition is to align state regulations with United States Coast Guard requirements found in 33 CFR § 175.310(a)(1-4). By aligning state regulations with federal regulations, it ensures that boaters are subject to the same safety standards, no matter where they are located. This consistency simplifies compliance for boaters who may operate in different states or cross state lines, ensuring they follow the same rules everywhere. The requirement that fire extinguishers must be “on board and readily accessible” ensures that boaters can quickly access fire-fighting equipment in an emergency. In the event of a fire, quick access is critical to preventing the spread of flames and reducing damage to the boat or injury to passengers. This regulation is already a requirement for boaters in CCR 14 CCR § 6569 and helps to mitigate the risk of delays in firefighting efforts that could lead to greater harm. The regulations provide boaters with clear and actionable instructions about fire extinguisher requirements. This simplicity helps boat owners know what to check and maintain for compliance, ensuring they are properly equipped for fire safety. For example, boaters are clearly informed that extinguishers must be approved, non-expired, and in good working condition, so they can be proactive about safety rather than reactive in an emergency.

#### Benefits:

The regulations provide boaters with clear and actionable instructions about fire extinguisher requirements. This simplicity helps boat owners know what to check and maintain for compliance, ensuring they are properly equipped for fire safety.

For example, boaters are clearly informed that extinguishers must be approved, non-expired, and in good working condition, so they can be proactive about safety rather than reactive in an emergency.

**Necessity:**

The necessity of requiring these federal regulations in California state law is to ensure consistent and effective fire safety across the state and align with national standards. These regulations promote the readiness, maintenance, and accessibility of fire extinguishers on boats, thereby reducing fire risks, improving boater safety, and ensuring that the equipment works when it's needed most. By incorporating these standards into state law, California can enhance boating safety, protect lives, and minimize property damage due to fires, while also ensuring compliance with federal regulations.

(c) Vaporizing-liquid type fire extinguishers containing carbon tetrachloride, chlorobromomethane, or other toxic vaporizing liquids, are not acceptable as equipment required by this subpart.

**Specific Purpose:**

This language was added to 14 CCR § 6573 from the proposed repealed section 14 CCR § 6571 to improve the overall structure of the regulations, ensuring that related provisions are grouped together logically. This enhances the flow of information and makes the regulations easier to navigate. Also, by consolidating related provisions into a single section, the reorganization reflects a clearer presentation of regulatory intent, helping stakeholders understand the context of related rules more easily.

**Benefits:**

Grouping related provisions together enhances the ease of use for stakeholders, allowing them to quickly locate relevant rules. This will reduce the time spent searching through different sections and increase regulatory compliance. Also, by ensuring that similar provisions are placed together, the reorganization strengthens consistency in how the regulations are applied. This reduces the chances of conflicting interpretations and ensures uniformity in enforcement.

**Necessity:**

The reorganization is necessary to address inconsistencies or confusion caused by the previous placement of the section. Moving it to a more logical location ensures that the regulations are as clear and easy to follow as possible. By improving the organization and making the regulations easier to interpret, the move will ultimately support better enforcement and compliance, reducing the likelihood of errors or misinterpretation by both regulators and regulated entities. Additionally, it reduces the complexity of understanding how the regulations interrelate, helping stakeholders better understand the rules and their implications.

(d) Portable or semi-portable extinguishers that are required by their name plates to be protected from freezing must not be located where freezing temperatures may be expected.

#### Specific Purpose:

The specific purpose behind this addition is to align state regulations with United States Coast Guard requirements found in 33 CFR § 175.310(c). By aligning state regulations with federal regulations, it ensures that boaters are subject to the same safety standards, no matter where they are located. This consistency simplifies compliance for boaters who may operate in different states or cross state lines, ensuring they follow the same rules everywhere. Additionally, fire extinguishers susceptible to freezing (e.g., those with water-based agents) must be kept above freezing temperatures to ensure the contents do not freeze. If the contents freeze, the extinguisher will be ineffective when needed. This regulation ensures that fire extinguishers are stored in locations where freezing temperatures will not compromise their ability to work during an emergency.

#### Benefits:

On a boat, fire extinguishers are essential, especially since fires can spread quickly in the confined and often hazardous environment of a boat. Requiring extinguishers to be stored in areas protected from freezing temperatures ensures that boaters have reliable firefighting equipment at all times, even in cold conditions. By requiring portable or semi-portable extinguishers be protected from freezing temperatures, California is safeguarding against the risk of malfunctioning fire extinguishers due to freezing, thereby enhancing boater safety, and ensuring fire-fighting readiness in all conditions. This requirement helps maintain equipment integrity, supports national consistency in fire safety regulations, and prevents avoidable fire safety failures in cold or fluctuating temperatures.

#### Necessity:

On a boat, fire extinguishers are essential, especially since fires can spread quickly in the confined and often hazardous environment of a boat. The requirement to store extinguishers in areas protected from freezing ensures that boaters have reliable firefighting equipment at all times, even in cold conditions. California, especially in certain regions, can experience cold temperatures, especially in higher elevations or during winter months. Boaters who operate in areas where freezing is possible must follow this regulation to ensure their extinguishers will perform as needed if a fire occurs. Freezing could compromise both the physical components of the extinguisher and the performance of the fire suppressing agent.

(e) The use of dry chemical stored pressure fire extinguishers not fitted with pressure gauges or indicating devices, manufactured prior to January 1, 1965, is permitted on board recreational vessels if such extinguishers are maintained in good and serviceable condition. The following maintenance and inspections are required for such extinguishers:

(1) When the date on the inspection record tag on the extinguishers shows that 6 months have elapsed since the last weight check ashore, then such extinguishers are no longer accepted as meeting required maintenance conditions until they are reweighed ashore, found to be in a serviceable condition, and within required weight conditions.

(2) If the weight of the container is 1/4 ounce less than that stamped on the container, it must be serviced.

(3) If the outer seal or seals (which indicate tampering or use when broken) are not intact, the boarding officer or marine inspector will inspect such extinguishers to see that the frangible disc in the neck of the container is intact; and, if such disc is not intact, the container must be serviced.

(4) If there is evidence of damage, use, or leakage, such as dry chemical powder observed in the nozzle or elsewhere on the extinguisher, the extinguisher must be serviced or replaced.

#### Specific Purpose:

To incorporate fire protection requirements found in 33 CFR 175.310 into the California Code of Regulations, state authorities would have more direct control and oversight over enforcement. Additionally, CCR is silent on requirements for the use of dry chemical stored pressure fire extinguishers not fitted with pressure gauges or indicating devices, manufactured prior to January 1, 1965.

#### Benefits:

By incorporating fire protection requirements into the California Code of Regulations, state authorities would have more direct control and oversight over enforcement. This could streamline enforcement efforts, making it easier for local authorities to inspect and ensure compliance with fire safety standards. State-level enforcement might be more efficient and responsive to California's specific challenges, potentially offering better regulatory oversight for vessel owners and operators in the state.

#### Necessity:

Shifting fire protection requirements for vessels from 33 CFR 175.310 to the California Code of Regulations would directly enhance public boater safety by allowing for more targeted and effective safety measures that are tailored to the unique conditions of California's waters. With local enforcement, boaters would be more likely to follow regulations that are

directly relevant to their specific needs and the environmental risks they face. These localized regulations could be updated more quickly to address new fire hazards or safety technologies, ensuring boaters are always operating with the most current information. Additionally, clearer, state-specific guidelines would increase public awareness and education around fire safety, leading to better compliance and ultimately reducing the risk of fire-related incidents on California's waters.

(f) Dry chemical extinguishers, stored pressure extinguishers, and fire extinguishers without pressure gauges or indicating devices, manufactured after January 1, 1965, cannot be labeled with the marine type label described in 46 CFR 162.028-4. These extinguishers may be carried onboard recreational vessels as excess equipment, subject to paragraphs (b) and (c) of this section.

#### Specific Purpose:

To incorporate fire protection requirements found in 33 CFR 175.310 into the California Code of Regulations, state authorities would have more direct control and oversight over enforcement. Additionally, CCR is silent on requirements for dry chemical extinguishers, stored pressure extinguishers, and fire extinguishers without pressure gauges or indicating devices, manufactured after January 1, 1965.

#### Benefits:

Shifting fire protection requirements for vessels from 33 CFR 175.310 to the California Code of Regulations would directly enhance public boater safety by allowing for more targeted and effective safety measures that are tailored to the unique conditions of California's waters. With local enforcement, boaters would be more likely to follow regulations that are directly relevant to their specific needs and the environmental risks they face. These localized regulations could be updated more quickly to address new fire hazards or safety technologies, ensuring boaters are always operating with the most current information. Additionally, clearer, state-specific guidelines would increase public awareness and education around fire safety, leading to better compliance and ultimately reducing the risk of fire-related incidents on California's waters.

#### Necessity:

Shifting fire protection requirements for vessels from 33 CFR 175.310 to the California Code of Regulations would directly enhance public boater safety by allowing for more targeted and effective safety measures that are tailored to the unique conditions of California's waters. With local enforcement, boaters would be more likely to follow regulations that are directly relevant to their specific needs and the environmental risks they face. These localized regulations could be



updated more quickly to address new fire hazards or safety technologies, ensuring boaters are always operating with the most current information. Additionally, clearer, state-specific guidelines would increase public awareness and education around fire safety, leading to better compliance and ultimately reducing the risk of fire-related incidents on California's waters.

(g) Semi-portable extinguishers must be fitted with a suitable hose and nozzle, or other practicable means, so that all portions of the space concerned may be covered.

#### Specific Purpose:

The purpose of adding the CFR 175.310 fire protection requirements into Title 14 CCR § 6573 is to ensure that recreational boaters in California are equipped with the necessary fire safety equipment and measures to protect themselves and their passengers while on the water. These regulations focus on minimum standards for fire extinguishers and other safety gear, tailored to the unique conditions of recreational boating. Incorporating these requirements into the state's regulations would ensure consistency and clarity in enforcing fire safety on recreational vessels.

#### Benefits:

The anticipated benefit of adding these regulations to Title 14 CCR § 6573 is a higher level of safety for recreational boaters, reducing the risk of fire-related accidents while boating. By adopting these fire protection requirements at the state level, California can ensure that boaters are better equipped to handle fire emergencies on their vessels. The clear, localized guidelines would make it easier for boaters to understand what is required, and state enforcement agencies would have the authority to conduct inspections more effectively. This would help ensure that fire safety measures are being followed, leading to fewer incidents and enhanced safety for all involved.

#### Necessity:

The necessity of these fire protection requirements lies in the fact that recreational boaters face unique fire hazards on the water that are not fully addressed by federal regulations alone. California's large boating community, combined with the frequent use of older or less well-maintained vessels, presents specific risks where fire protection is critical. Accidents such as engine fires, fuel system leaks, and electrical fires can happen on any boat, and having proper fire extinguishers and safety equipment is vital in preventing tragedy. By incorporating these regulations into the California Code of Regulations, the state can directly address these risks, ensuring boaters have the appropriate equipment and training to respond effectively to fire emergencies while on the water. This localized approach is necessary to create a safer boating environment, where regulations are tailored to the needs of California's boating community.

(h) ~~Boat~~ **Vessel** Propelled by Machinery Over Sixty-Five Feet in Length. A ~~boat~~ **vessel** propelled by machinery over 65 feet in length shall carry at least the minimum number of hand-portable fire extinguishers set forth in Table 3 and in addition shall carry:

(1) One type ~~B-II~~ **20-B** hand-portable fire extinguisher for each 1,000 **Brake horsepower (B.H.P.)** of the main engine or fraction thereof. However, not more than six such extinguishers ~~need~~ **are required to** be carried.

(2) On ~~boats~~ **vessels** propelled by machinery over 65 feet in length and over 300 gross tons, either one type ~~B-III~~ **160-B** semi-portable fire extinguishing system shall be fitted, or alternatively, a fixed fire extinguishing system shall be fitted in the machinery space.

**Specific Purpose:**

The specific purpose of this amendment is to make non-substantial, grammatical changes to the regulation to define what BHP means in the current text.

**Benefits:**

The revised language removes ambiguity and ensures that the regulations are easier to understand, thus reducing the potential for misinterpretation.

**Necessity:**

Even without substantial changes, the revisions help ensure that the regulatory text is up to date with current legal practices, terminology, and formatting standards.

*(c) Extinguishers with larger numerical ratings or multiple letter designations.* Extinguishers with larger numerical ratings or multiple letter designations may be used to meet the requirements of Table 2 and table 3.

**Specific Purpose:**

To incorporate fire protection requirements found in 33 CFR 175.320 into the California Code of Regulations as CCR is silent on the option for extinguishers with larger numerical ratings or multiple letter designations to be used to meet the requirements of Table 2 and table 3 found at 14 CCR § 6573.

#### Benefits:

Shifting fire protection requirements for vessels from 33 CFR 175.320 to the California Code of Regulations would directly enhance public boater safety by allowing for more targeted and effective safety measures that are tailored to the unique conditions of California's waters. Further, the addition allows boaters the option to use extinguishers with larger numerical ratings or multiple letter designations to meet specific requirements found in Table 2 and table 3 of this section (14 CCR § 6573) local enforcement, boaters would be more likely to follow regulations that are directly relevant to their specific needs and the environmental risks they face. These localized regulations could be updated more quickly to address new fire hazards or safety technologies, ensuring boaters are always operating with the most current information. Additionally, clearer, state-specific guidelines would increase public awareness and education around fire safety, leading to better compliance and ultimately reducing the risk of fire-related incidents on California's waters.

#### Necessity:

Shifting fire protection requirements for vessels from 33 CFR 175.320 to the California Code of Regulations would directly enhance public boater safety by allowing for more targeted and effective safety measures that are tailored to the unique conditions of California's waters. With local enforcement, boaters would be more likely to follow regulations that are directly relevant to their specific needs and the environmental risks they face. These localized regulations could be updated more quickly to address new fire hazards or safety technologies, ensuring boaters are always operating with the most current information. Additionally, clearer, state-specific guidelines would increase public awareness and education around fire safety, leading to better compliance and ultimately reducing the risk of fire-related incidents on California's waters.

TABLE 3			
<u>Gross tonnage</u>		<i>Minimum number of <del>B-II</del> 20-B portable fire extinguishers <del>hand-</del></i>	
<i>Over</i>	<i>Not over</i>	<i>portable fire extinguishers</i>	
--	50		1
50	100		2
100	500		3
500	1,000		6
1,000	--		8

#### Specific Purpose:

The specific purpose behind changing fire extinguisher ratings, such as moving from B-II to 20-B and B-1 to 5-B, align 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. In California, the U.S. Coast Guard requires that vessels carry fire extinguishers with certain ratings based on the size and type of vessel. The changes in ratings help boaters meet these updated regulatory requirements.

#### Benefits:

Vessels are vulnerable to fires due to the combination of flammable materials (fuel, oils, and other combustibles) and confined spaces. Having the right fire extinguisher, rated appropriately for marine hazards, is critical to ensuring that boaters can address a fire before it becomes life-threatening.

The updated ratings (e.g., 20-B and 5-B) reflect modern testing that better aligns with the types of fires that are most common on boats. These fires can occur in engine rooms, kitchens, or even in cabins, and having an extinguisher with the proper rating ensures the boat is adequately prepared to handle a fire in these specific environments.

#### Necessity:

The updated ratings (e.g., 20-B and 5-B) are important to boaters because they ensure they have the right fire safety equipment to handle potential fire risks on their vessels effectively. The updated ratings help boaters comply with regulations, improve fire protection, and increase safety on board, ultimately reducing the risk of fire-related accidents or tragedies at sea.

#### (ej) Barge Carrying Passengers.

(1) 65 Feet in Length or Less. A barge 65 feet in length or less ~~carrying passengers~~, which is regularly operated with a boat propelled by machinery, shall be fitted with hand-portable fire extinguishers as required by Table 2 depending upon the length of the barge.

(2) Over 65 Feet in Length. A barge of over 65 feet in length ~~carrying passengers~~, which is regularly operated with a boat propelled by machinery, shall be fitted with hand-portable fire extinguishers as required by Table 3, depending upon the gross tonnage of the barge.

#### Specific Purpose:

The legal intent of fire protection regulations in Title 14 CCR § 6573 is to ensure that all recreational boats meet safety standards, regardless of whether they carry passengers. By removing "carrying passengers" from the regulation, it would clarify that the fire protection requirements apply universally to all recreational vessels, including those that may only be operated by the owner or a single individual without passengers onboard.

#### Benefits:

Removing "carrying passengers" from Title 14 CCR § 6573 ensures that fire protection requirements are applied consistently across all recreational vessels. This aligns the regulation with federal standards, simplifies enforcement, and eliminates ambiguity. By focusing on the inherent risks of fire on vessels rather than the number of people onboard, the regulation becomes more practical, effective, and protective of public safety on the water. The federal regulations, such as those outlined in the U.S. Coast Guard regulations (33 CFR 175), apply fire protection standards to all recreational vessels, regardless of passenger status. These federal regulations do not make distinctions based on whether the vessel is carrying passengers. Removing "carrying passengers" from Title 14 CCR § 6573 would harmonize California state regulations with federal standards, avoiding conflicting or confusing rules for recreational boaters. This would lead to a more coherent regulatory framework, simplifying compliance for boaters who operate in both state and federal jurisdictions.

#### Necessity:

Removing "carrying passengers" from Title 14 CCR § 6573 ensures that fire protection requirements are applied consistently across all recreational vessels. This aligns the regulation with federal standards, simplifies enforcement, and eliminates ambiguity. By focusing on the inherent risks of fire on vessels rather than the number of people onboard, the regulation becomes more practical, effective, and protective of public safety on the water.

#### k) Condition and number of fire extinguishers required for recreational vessels built model year 2017 or earlier.

Vessels with a model year between 1953 and 2017 must meet the following requirements:

- (1) Previously installed extinguishers with extinguishing capacities that are less than what is required in table 2 and (a) (1) of this section, need not be replaced but must be maintained in good condition.
- (2) All extinguishers installed after August 22, 2016, must meet the applicable requirements of 33 CFR §§ 175.305 through 175.320.

I) Vessels constructed prior to August 22, 2016, will be deemed built before model year 2017 and must meet the requirements of 33 CFR § 175.380.

#### Specific Purpose:

The purpose of adding CFR § 175.380, which governs the condition and number of fire extinguishers required for recreational vessels built in model year 2017 or earlier, to Title 14 CCR § 6573 is to ensure that California's recreational boaters meet federal standards for fire safety, specifically regarding the condition and adequacy of fire extinguishers on older vessels. This regulation specifies that vessels built in or before 2017 must carry fire extinguishers that are in good working condition and meet the minimum quantity requirements based on vessel length and type. Integrating this federal rule into Title 14 would align California's state regulations with federal standards, providing clarity and uniformity for boaters, inspectors, and law enforcement.

#### Benefit

Ensuring that recreational vessels built in 2017 or earlier meet the fire extinguisher standards will reduce the risk of fire-related accidents. By mandating that these vessels carry functional and appropriate fire extinguishers, the state will help ensure that boaters are prepared to handle fire emergencies effectively, thus enhancing safety on the water. Additionally, by adopting this specific federal regulation, California will create a consistent regulatory environment for recreational boaters, ensuring that boaters comply with both federal and state standards. This will simplify compliance for boaters who navigate both state and federal waters, as they will have to adhere to the same requirements across jurisdictions. Finally, state authorities, such as the California Department of Parks and Recreation, will have a clear set of standards to enforce regarding fire extinguishers on older recreational vessels. This will make inspections more straightforward and consistent, leading to more effective regulatory oversight and fewer misunderstandings between boaters and enforcement agencies.

#### Necessity:

Recreational vessels built in or before 2017 may have outdated or poorly maintained fire extinguishers, posing a significant safety risk. Fire extinguishers degrade over time, and older vessels may have equipment that no longer meets modern safety standards. This regulation ensures that boat owners maintain fire extinguishers in proper condition, which is essential for responding to fire hazards. Furthermore, California is home to a large population of recreational boaters, and the state's boating community includes many older vessels. As such, the fire extinguisher condition and quantity requirements for these older vessels are particularly important. California's specific adoption of this regulation will ensure that older vessels in the state are properly equipped for fire safety, especially in high-traffic areas like the coastal waters and lakes that attract recreational boaters.

m) Vessels constructed prior to November 19, 1952, will be deemed built before model year 1953 and must meet the requirements of 33 CFR § 175.390.

n) A vessel built before model year 1953 must meet the applicable number and general type of equipment provisions of §§ 175.305 through 175.320. Existing items of equipment and installations previously approved but not meeting the applicable requirements for type approval may be continued in service provided they are in good condition. All new installations and replacements must meet the requirements of §§ 175.305 through 175.320.

#### Specific Purpose:

The purpose of adding CFR § 175.390, which specifically addresses the condition and number of fire extinguishers required for recreational vessels built before model year 1953, to Title 14 CCR § 6573 is to set clear and enforceable standards for fire extinguisher requirements for older recreational vessels in California. These vessels, due to their age, may not be equipped with modern safety equipment or may have fire extinguishers that are outdated or not in compliance with current standards. This regulation ensures that recreational vessels built before 1953 carry a sufficient number of fire extinguishers, and that those extinguishers are in proper working condition. Incorporating this federal regulation into California's state code aligns local standards with federal regulations and ensures that the fire safety needs of older recreational vessels are adequately addressed, thus enhancing public safety on California's waterways.

#### Benefit:

Many vessels built before 1953 may not have been designed with modern fire safety features, leaving them potentially more vulnerable to fire hazards. This regulation ensures that these older vessels are equipped with sufficient and functional fire extinguishers, significantly reducing the likelihood of fire-related accidents. This improvement in fire preparedness could save lives, as fire extinguishers can be critical in preventing the spread of fire before emergency responders can arrive. Older vessels may be operated by individuals who are less likely to be aware of the specific fire safety requirements for older boats. By adding CFR § 175.390, California can ensure that boaters are prepared for fire emergencies by mandating the proper maintenance and condition of fire extinguishers. This enhances the overall safety of both the operator and any passengers on board, especially since older vessels might be more prone to mechanical issues that could lead to fire hazards. Finally, enforcement agencies will have clear and consistent standards to follow when inspecting recreational vessels built before 1953. This makes inspections more straightforward and less subject to interpretation, leading to more efficient and effective enforcement of fire safety laws. It also ensures that boat owners understand the specific fire safety expectations for their older vessels.

**Necessity:**

Older vessels, especially those built before 1953, may have outdated electrical systems, engines, and fuel systems that increase the risk of fires. These vessels may not have been built to modern fire safety standards, which could make them more prone to fire hazards. Ensuring that these boats are properly equipped with functional fire extinguishers is crucial in mitigating these risks. CFR § 175.390 provides the necessary fire extinguisher standards to ensure older vessels are adequately prepared in case of fire. Additionally, fire extinguishers on older vessels may not be as effective if they haven't been regularly maintained or replaced. CFR § 175.390 mandates that fire extinguishers be in good working order, ensuring they are capable of effectively putting out fires in an emergency. Without such a regulation, boat owners may fail to maintain or replace outdated extinguishers, putting themselves, their passengers, and their vessel at risk in the event of a fire.

## **§ 6552. Definitions.**

(b) "Barge" means any ~~nonsel~~~~self-propelled~~ **non "self-propelled"** vessel.

**Specific Purpose:**

The specific purpose of this amendment is to make non-substantial, grammatical changes to the regulation.

**Benefit:**

The revised definition removes ambiguity and ensures that the regulations are easier to understand, thus reducing the potential for misinterpretation. The revisions also ensure consistency in terminology and structure, making it easier to cross-reference different sections of the regulations.

**Necessity:**

Even without substantial changes, the revisions help ensure that the regulatory text is up to date with current legal practices, terminology, and formatting standards.

(c) "Boat" means any vessel which is any of the following:

(1) Manufactured or used primarily for noncommercial use.

(2) Leased, rented, or chartered to another for the latter's noncommercial use.

(3) Engaged in the carrying of six or fewer passengers, including those for-hire vessels carrying more than three passengers while using inland waters of the state that are not declared navigable by the United States Coast Guard.



(4) Commercial vessels required to be numbered pursuant to Section 9850 of the Vehicle Code.

Specific Purpose:

The specific purpose of this amendment is to make non-substantial, grammatical changes to the regulation by moving from the bottom of the regulation (p) to section to “c” to keep definitions in alphabetical order.

Benefits:

The revised order removes ambiguity and ensures that the regulations are easier to understand, thus reducing the potential for misinterpretation. The revisions also ensure consistency in terminology and structure, making it easier to cross-reference different sections of the regulations.

Necessity:

Even without substantial changes, the revisions help ensure that the regulatory text is up to date with current legal practices, terminology, and formatting standards.

(j) “Model Year” means the period beginning June 1 of a year and ending on July 31 of the following year and being designated by the year in which it ends.

Specific Purpose:

“Model Year” was previously not defined in CCR. The purpose of adding federal regulatory definitions to California Code of Regulations (CCR) when incorporating federal regulations is to ensure clarity and consistency between state and federal regulations, especially when it comes to safety and compliance in recreational boating. By adopting the definitions provided in federal regulations (such as those found in the Code of Federal Regulations - 33 CFR § 175.3), California ensures that boaters and enforcement agencies interpret key terms in the same way across both state and federal waters.

This alignment will streamline regulatory compliance and enforcement by providing a consistent framework that applies to all vessels, whether they are operating in state-controlled or federally regulated waters. The adoption of these definitions helps ensure that all parties understand exactly what terms like mean in the context of the law, reducing potential confusion or legal issues.

Benefit:

With unified definitions, enforcement officers and regulatory agencies can more easily inspect vessels and confirm compliance. Having the same set of definitions allows for smoother inspections, more efficient citation processes, and ultimately higher levels of compliance, as boaters will not be confused by differing definitions across jurisdictions. Recreational boaters who navigate both state and federal waters benefit greatly from this consistency. Also, by incorporating federal definitions into state law, California ensures that boaters only need to be aware of a single set of definitions, making compliance easier and helping boaters avoid unintentional violations due to confusion about the law. By aligning state and federal definitions of these terms, California helps ensure that boaters are fully aware of the equipment they need to carry and how to use it. This promotes safer boating practices and reduces the risk of accidents and injuries.

#### Necessity:

Federal regulations and California state regulations often work in tandem, particularly when it comes to recreational boating, which spans both state and federal jurisdictions. Adopting federal definitions into California law is necessary to maintain regulatory harmony, ensuring that boaters are held to the same standards no matter where they operate their vessels. Without this alignment, boaters could face conflicting interpretations, leading to confusion and increased risk of noncompliance.

### 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

Title 33, Chapter I, Part 175, Equipment Requirements 175.1 – 175.390 and Subpart E Fire Protection Equipment 175.301 – 175.390

## ECONOMIC IMPACT ASSESSMENT / ANALYSIS (Government Code Section 11346.3(b))

### **Purpose:**

The purpose of the proposed amendments is to align California's recreational boating fire extinguisher regulations with updated U.S. Coast Guard standards (33 CFR §§ 175.305–175.390). These changes ensure consistency between state and federal requirements, modernize outdated rating systems, and clarify equipment and maintenance provisions. By updating the regulations, California will improve boater safety, reduce confusion and compliance burdens, and provide clearer enforcement authority for inspectors, ultimately enhancing public safety and protecting the state's waterways.

### **The Creation or Elimination of Jobs Within the State of California**

The proposed amendments are not anticipated to eliminate any jobs in California. Because the regulations align state fire extinguisher requirements for recreational vessels with existing U.S. Coast Guard standards (33 CFR §§ 175.305–175.390), manufacturers and marine suppliers have already adjusted their practices to comply at the federal level. Therefore, no job loss is expected. At most, minor administrative or compliance verification positions may be indirectly supported in the marine supply and inspection sectors, but the overall job creation effect will be minimal.

### **The Creation of New Businesses or the Elimination of Existing Businesses Within the State of California**

No new businesses are expected to be created, and no existing businesses are anticipated to be eliminated as a result of these amendments. The regulated community—boat owners, marina operators, marine equipment suppliers—already operates under comparable federal requirements. The STD 399 confirms that the regulation affects approximately 9,393 commercial vessel operators, representing less than 0.2% of California businesses, and all are already complying with the federal mandate. Thus, there is no measurable expansion or contraction of business sectors.

### **The Expansion of Businesses Currently Doing Business Within the State of California**

The regulation is unlikely to cause significant expansion of existing businesses. Since compliance with federal labeling, expiration, and performance standards for fire extinguishers is already mandatory nationwide, California businesses are

already aligned. However, marine retailers and service providers may experience marginally increased sales or inspection activity due to heightened awareness and enforcement clarity at the state level, leading to small-scale business support but not measurable large-scale expansion.

### **Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and the State's Environment**

The primary benefits are increased boating safety and clarity for compliance. Aligning California's regulations with federal standards ensures consistent fire extinguisher requirements for all recreational vessels, improving readiness and reducing fire-related risks. This directly benefits the health and welfare of California residents who recreate on state waterways by enhancing protection from onboard fires. Worker safety is improved for marine inspectors, enforcement personnel, and vessel operators, who will work under clearer and harmonized safety rules. Environmental benefits stem from preventing or mitigating boat fires that could release fuel, chemicals, or debris into waterways. Overall, the amendments will improve public and marine safety statewide.

### **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.