

U.S. Department
of Transportation

United States
Coast Guard



Commandant
United States Coast Guard

Washington, DC 20593-0001
Staff Symbol: (G-NAS-6)
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In the matter of the petition of
THE AMERICAN POWER BOAT ASSOCIATION
for an exemption from Subpart B of
Part 175 of Coast Guard
Boating Safety Regulations

September 14, 1995

CGS 95-004

GRANT OF EXEMPTION

By letter dated August 15, 1995, Mr. Richard Snyder of the American Power Boat Association, 17640 E. Nine Mile Road, Eastpointe, Michigan petitioned the United States Coast Guard for an exemption from Subpart B of Part 175 of Title 33, Code of Federal Regulations.

The Personal Flotation Device (PFD) regulations in Subpart B of Part 175 prohibit the use of a recreational vessel unless a Coast Guard approved Type I, Type II, Type III or Type V PFD is on board for each person. Subpart B of Part 175 also prohibits the use of a recreational vessel 16 feet or more in length unless one Coast Guard approved Type IV PFD is also on board.

The exemption is sought for American Power Boat Association (APBA) registered drivers of race boats while in competition or practice related to an APBA sanctioned competition. The APBA is the official powerboat race sanctioning organization of the United States. Drivers of raceboats in APBA sanctioned events are required to wear APBA certified racing life jackets, which do not have Coast Guard approval. The petition therefore requests an exemption from the Coast Guard approved PFD carriage requirements.

In the letter dated August 15, 1995, the petitioner states that drivers of APBA race boats must wear specific APBA certified and labeled life jackets and also do not carry Coast Guard approved throwable Type IV PFDs. The APBA life jackets are manufactured in accordance with strict specifications, which meet more stringent standards than those which apply to Coast Guard approved PFDs intended for use on recreational boats. The APBA certified life jackets are also capable of withstanding accidents in which race boats are traveling at speeds of 150 miles per hour. The petitioner further states that each APBA life jacket must be new or returned to the manufacturer for detailed inspection, repair, cleaning, and relabeling (recertification) within a three year period prior to the date of racing with the new or renewed date stated on the life jacket manufacturer's label.

With regard to the request for an exemption from the requirement for a throwable Coast Guard approved Type IV PFD, the petitioner states that an increasing number of APBA classes are incorporating the requirement for a reinforced capsule or cockpit into which the driver is strapped by a carefully

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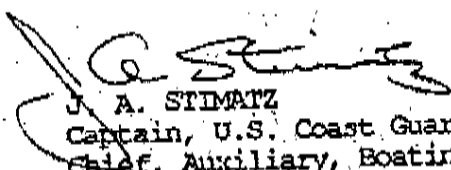
defined five point harness. Most of the classes are now also using a heavy plastic canopy to deflect the inflow of high velocity water into the cockpit or capsule. The petitioner states that a throwable Type IV PFD in a race boat or in a race boat capsule would be of no value, would take up valuable space in a form fitting capsule, and could be dangerous if the PFD broke loose and went flying around in a capsule where high "G" loads are commonly seen in some of the very sharp turns, or plunges back into the water following a lengthy airborne launch.

The petitioner also states that all APBA sanctioned race events must have a quality rescue team on scene as well as considerable emergency medical equipment. The APBA keeps detailed statistics on its racing incidents regardless of whether an injury is involved. In 1992 for example, according to the petitioner, in 330 incidents in which a rescue team went into action, just over 50 percent of the drivers were reached in less than 20 seconds; 87 percent were reached in less than 40 seconds.

All of the information presented in the petition has been carefully considered by the Coast Guard. The intent of the Coast Guard approved PFD equipment carriage requirements is to promote a safer recreational boating environment by requiring the carriage of safety equipment which can prevent drownings, the most frequent cause of boating fatalities. In consideration of the fact that APBA drivers are required to wear their PFDs, the APBA certified PFD meets standards which are in many respects more stringent, and because of the requirement for rescue teams at APBA sanctioned races, I find that to grant this exemption would not adversely affect boating safety. Therefore, pursuant to the authority contained in 46 U.S.C. 4305 and 49 CFR 1.46(n)(1), which authority has been delegated to me by the Commandant, an exemption from the requirements of Subpart B of Part 175 of Title 33, Code of Federal Regulations is hereby granted to the American Power Boat Association, subject to the following provisions:

(1) The exemption applies only to American Power Boat Association (APBA) registered drivers of race boats while in competition or practice related to an APBA sanctioned competition.

(2) This exemption is effective on its date of issuance and remains in effect until superseded, rescinded or otherwise terminated.


J. A. STUTZ
Captain, U.S. Coast Guard
Chief, Auxiliary, Boating,
and Consumer Affairs Division
By direction of the Commandant

Issued in Washington, DC on: September 14, 1995