

November 15, 2011

Jeffery G. Lantz
Director, Commercial Regulations and Standards (CG - 52)
U.S. Coast Guard
2100 Second Street, SW
Washington, DC 20593-0001

Re: NPRM on Inflatable Personal Flotation Devices – Docket #USCG-2011-0076

Dear Mr. Lantz:

The National Marine Manufacturers Association (NMMA) appreciates this opportunity to comment on the U.S. Coast Guard's (USCG) notice of proposed rulemaking (NPRM) entitled: *Inflatable Personal Flotation Devices*. [76 Fed. Reg. 60,405](#) (Sept. 29, 2011). This is a follow up to the direct final rule and request for comments published earlier in the year. [76 Fed. Reg. 17,561](#) (March 30, 2011). NMMA filed [comments](#) in support of the direct final rule in which the USCG sought to harmonize the standards for approval of inflatable life jackets with the current voluntary industry consensus standards and to remove current impediments in the development of innovative life jackets. Taking the actions proposed in the direct final rule and this NPRM will move us one critical step closer to eventually making inflatable life jackets available for youth under 16 years of age. However, many steps remain before that becomes a reality.

NMMA urges the Coast Guard to go forward with its plan to remove the language “approved for use by adults only” in 46 CFR 160.076-1. This change would have no substantive effect on Coast Guard approval of inflatable personal flotation devices (PFDs) since the editions of the Underwriters Laboratories (UL) Standards that would replace the editions currently incorporated by reference in subpart 160.076 continue to limit the use of inflatable PFDs to those who are at least 16 years of age and more than 80 pounds. This change would allow the Coast Guard and industry to consider whether inflatable life jackets are appropriate for youth under 16 years of age and if so under what conditions. If adopted, the next step would be for the voluntary consensus standard body to carefully consider this question. This will also allow the Coast Guard to comply the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) that directs agencies to use voluntary consensus standards in their regulatory activities unless inconsistent with applicable law or otherwise impractical.

The USCG proposed removing this regulatory barrier in its direct final rule. Unfortunately, because of an adverse comment it was required to provide for additional opportunity to comment. Specifically, one commenter expressed concern that deleting the words “approved for use by adults only” in its regulations would create a perception that inflatable PFDs for youth

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would be available on the date the rule went into effect, would facilitate teens using existing inflatable PFDs, and would enable marketing of existing inflatable personal flotation devices to youth. In addition, this commenter expressed concern that this rulemaking is premature in light of work that still needs to be done to evaluate sizing requirements for infant or child PFDs. The Coast Guard asked for additional comment on these issues.

There appears to be a misunderstanding on the part of this commenter on the actual impact of the Coast Guard's proposed regulatory change. This rulemaking, if adopted, will not make inflatable life jackets available for youth, nor will it provide a green light to manufacturers to begin marketing inflatable products for use by youth. This change will merely make it possible for a panel of experts to review the available data, recommend changes to the current personal flotation device consensus standard to reflect that data, and have a full and robust opportunity for public comment pursuant to ANSI procedures. Only when these steps are complete will the standards body take a vote on whether to adopt a standard that would apply to youth inflatable life jackets. Most importantly, the approval of the standard would have no impact on the ability of a manufacturer to sell an inflatable life jacket to youth in the U.S. The Coast Guard would have to incorporate any new standard into its life jacket regulations before any product could be approved. There is no guarantee that all of these steps will be successfully completed.

NMMA does not agree that making the proposed change would enable marketing of existing inflatable personal flotation devices to youth. The markings allowed on approved personal flotation devices and their labels are quite specific. Making such claims would be in violation of a manufacturer's Coast Guard approval and may be false advertising as well.

NMMA applauds this rulemaking and urges the Coast Guard to continue its efforts in life jacket regulatory reform. Life jacket wear rates will improve if more boaters have access to the innovative designs and comfort benefits of inflatable life jackets.

By way of background, NMMA is the leading national recreational marine trade association, with nearly 1,400 members involved in every aspect of the boating industry. NMMA members manufacture over 80 percent of recreational boats, engines, trailers, accessories, and gear used by boaters and anglers in the United States. Please contact me at 202-737-9766 or csquires@nmma.org for additional information or questions.

Sincerely,

A handwritten signature in blue ink that reads "Cindy L. Squires". The signature is fluid and cursive, with a long horizontal stroke at the end.

Cindy L. Squires, Esq.
Chief Counsel for Public Affairs and Director of Regulatory Affairs