

**ISSUES SUBMITTAL FORM**

Date: 08/26/2022

<b>ISSUE:</b>	<b>Should the requirements of a personal flotation devise be adjusted to align with US coast Guard labeling changes?</b>
<b>DISCUSSION (FACTS AND FIGURES, EXPLANATION OF ISSUE):</b>	
<p>In 2014, the US Coast Guard changed the definition of a personal flotation device (PFD) from Type I, II, III, IV, or V to wearable or throwable with designations of performance level by newtons of buoyancy. However, the new PFD labeling guidance was not released until 2017. The USCG allowed PFD manufacturers to sell the remainder of their PFDs that were printed with the old labeling, but required them to start utilizing the new label standard on all new PFDs.</p> <p>As the licensing agency and one of the permitting agencies for river outfitters whom operate within the state, CPW sets and maintains qualification standards for river guides, trip leaders and guide instructors; requirements for equipment used on regulated river trips; and administrative requirements regarding the issuance of a River Outfitter License (ROL), such as the application process, insurance requirements, etc. The PFD language within river outfitter licensing regulations is out of date and needs to be modified. The modification needs to capture jackets that still meet the old standard (types) but also reflect the current PFD (wearable) language. CPW wants to ensure our regulation language allows us to keep up with innovation.</p> <p>To draft these regulation changes a number of discussions with state and federal agencies that deal with commercial swift water boating enforcement were conducted.</p>	
<p><b>STATE LAW REQUIRES CPW TO SOLICIT INPUT FROM STAKEHOLDERS THAT MAY BE AFFECTED POSITIVELY OR NEGATIVELY BY THE PROPOSED RULES. THE FOLLOWING STAKEHOLDERS HAVE BEEN ADVISED OF AND INVITED TO PROVIDE INPUT ON THE REGULATORY CHANGES PROPOSED IN THIS ISSUE PAPER:</b></p> <p><b>*IT IS ASSUMED THAT ALL NECESSARY INTERNAL PARTIES HAVE BEEN NOTIFIED*.</b></p> <p>ROL advisory Committee (2 Outfitters and a CPW staff member)-          CROA (Colorado River Outfitters Association)-          AROA (Arkansas River Outfitters Association)-          All ROL holders          BLM, Forest Service, and NPS</p>	
<b>ALTERNATIVES: (POSSIBLE OUTCOMES or POSSIBLE REGULATIONS):</b>	
<p>1. <b>*Preferred Alternative*:</b> Changing the language of regulation #304 to the following:  <b># 304 - PERSONAL FLOTATION DEVICES</b></p> <p>1. <u>River outfitters shall provide commercial passengers participating in regulated trips personal flotation devices (PFDs) as follows:</u>  <u>A river outfitter shall ensure that each commercial passenger participating in a regulated trip is provided with a personal flotation device that is in good and serviceable condition and of the proper size for the intended wearer and is:</u></p> <p>a. <u>PFDs shall be in good and serviceable condition, of the proper size and fit for the intended wearer and be used in accordance with the manufacturer's label. PFDs shall have 70 Newtons (NT) of buoyancy, be adjustable, and be capable of retaining the wearer in swift water conditions. PFDs shall be U.S. Coast Guard approved and inherently buoyant. Hybrid and inflatable PFDs are unacceptable. PFDs shall be wearable, meaning a PFD that is intended to be worn or otherwise</u></p>	

attached to the body in accordance with the manufacturer's label. Or, U.S. Coast Guard approved Type I, Type III, or Type V – whitewater non-inflatable, except that:

(1) If the person weighs fifty pounds or less, a Type II non-inflatable personal flotation device may be worn in lieu of a Type I, Type III, or Type V – whitewater non-inflatable device, provided it is a vest style designed with a crotch strap and an additional flotation collar.

b. PFDs must be U.S. Coast Guard Type II, Type III, or Type V, provided the PFD is a vest style design. CPW incorporates the PFD type codes promulgated by the U.S. Coast Guard and codified in the October 21, 2014 version of 46 CFR § 160 by reference, but not subsequent amendments. Such materials are available through the U.S. Coast Guard, Office of Governmental & Public Affairs (CG-0922), 2703 Martin Luther King Jr. Ave. SE, Washington, D.C. 20593. All Type III personal flotation devices must have a minimum of 2 adjustable straps on the side, 1 adjustable waist strap and adjustable shoulder straps, capable of retaining the wearer in swift water conditions. Type III personal flotation devices must be intended for paddling or kayak use by the U.S. Coast Guard and labeled accordingly.

i. All Type III PFDs that are not labeled for youth or child must have a minimum of 2 adjustable straps on the side, 1 adjustable waist strap and adjustable shoulder straps, capable of retaining the wearer in swift water conditions. Type III PFDs that are not labeled for youth or child must, according to the manufacturer's label, be intended for paddling or kayaking.

c. All child and youth PFDs must be a vest style design equipped with an additional flotation collar and all child PFDs must have a crotch strap worn in accordance with the manufacturer's label, including previous Type II, Type III, and Type V PFDs.

2. Each guide shall require that every commercial passenger wears and has tied or otherwise securely fastened his or her assigned personal flotation device at all times while on or in a river, except during regulated trips operating on designated flatwater where passengers thirteen years of age or older may be permitted to remove or loosen the personal flotation device at the discretion of the guide or trip leader.

3. Except on designated flatwater, every river outfitter, guide, guide in training, guide instructor, and trip leader shall at all times while participating in a regulated trip or guide training trip wear a PFD meeting the specifications listed in #304-1 and in the manner specified in #304-21. Every river outfitter, guide, guide in training, guide instructor, and trip leader shall at all times while participating in a regulated trip or guide training trip, except on designated flatwater, wear a securely tied or fastened U.S. Coast Guard approved personal flotation device of Type I, III noninflatable, or V- whitewater non-inflatable. The personal flotation device shall be in good and serviceable condition and shall be of the proper size for the intended wearer.

4. Designated flatwater means:

- a. The Colorado River- from the Loma boat launch in Mesa County to the Utah/Colorado state line; and
- b. The Gunnison River in Delta County -from the Smith Fork to the North Fork.
- c. The Yampa River from the Hayden Station Pump Station in Routt County to the Juniper Canyon Access Site in Mofatt County and from the Maybell Bridge at Highway 40 in Mofatt County to the Cross Mountain River Access Site in Mofatt County.

5. The trip leader shall ensure that at least one spare U.S. Coast Guard approved personal flotation device ~~as specified in of the type required by # 304-1.a.~~ is carried per regulated trip that includes one or more rafts, dories, or motorboats. All required spare personal flotation devices shall be in good and serviceable condition.

**2. NO CHANGE**

<b>Issue Raised by:</b>	<b>Grant Brown(Boating Safety &amp; Registrations Program Manager), Michael Haskins (Swift Water Investigator), and Tappan Brown (AHRA River Ranger)</b>	
<b>Author of the issue paper (if different than person raising the issue):</b>		
<b>CC:</b>		
<b>APPROVED FOR FURTHER CONSIDERATION BY:</b>	<b>Ty Petersberg</b>	
<b>REQUIRES NEW SPACE IN THE BROCHURE?</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
<b>ARE ADEQUATE STAFF AND FUNDING RESOURCES AVAILABLE TO IMPLEMENT?</b>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
<b>REGION, BRANCH, OR SECTION LEADING IMPLEMENTATION</b>	<b>Field Services</b>	
<b>RECOMMENDED FOR CONSENT AGENDA?</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	