

DANA ROHRBACHER  
46th District, California

Committees:

FOREIGN AFFAIRS

Chairman, Subcommittee on  
Oversight and Investigations

Subcommittee on the  
Middle East and South Asia

SCIENCE, SPACE, AND TECHNOLOGY

Subcommittee on  
Space and Aeronautics

Subcommittee on  
Energy and Environment



Congress of the United States  
House of Representatives

WASHINGTON OFFICE:  
2300 Rayburn House Office Building  
Washington, DC 20515-0546  
(202) 225-2415 FAX: (202) 225-0145

DISTRICT OFFICE:  
101 Main Street, Suite 380  
Huntington Beach, CA 92648-8118  
(714) 960-6483 FAX: (714) 960-7806

South Bay: (310) 377-9493  
<http://rohrbacher.house.gov>

March 23, 2012

Admiral Robert J. Papp Jr.  
Commandant  
United States Coast Guard  
2100 Second Street S.W.  
Washington D.C. 20593-7000

Dear Admiral Papp:

Like thousands of my constituents, I surf, scuba dive and boat along the shoreline of the coastal cities within the 46<sup>th</sup> Congressional District, which I have the honor to serve in Congress. Anyone out on the water along our beaches these days cannot help but see that stand-up paddle-boarding is a major new ocean sport that seems here to stay. I write to request that you take appropriate action to ensure that federal regulation of stand-up paddle boards (SUP's) in navigable waters reflects common sense and serves the best interests of the United States Coast Guard as well the public using our waterways.

As you know better than anyone, the United States Coast Guard has been entrusted with multiple missions critical to homeland security, safety for all users of navigable waterways, and prevention of interruptions to navigation that would disrupt our economy and way of life. That is why we all have an interest in ensuring the brave men and women who protect and serve along our coastlines and waterways are not distracted from their mission by anomalous assignments and duties that are not essential. I hope when you consider the matter you will agree that enforcing life preserver rules for SUP's is not effective use of Coast Guard personnel and resources.

Indeed, that is why the USCG in 1981 cancelled proposed federal regulations on use of life preservers on sailboards, allowing state and local governments to decide if and when sailboarders, and later windsurfers, should be required to wear a lifejacket, or "personal flotation device" (PFD). Now that stand up paddle boarding has emerged as a major new board-riding sport, the only common sense approach is to extend to paddle board users the same federal policy on use of PFD's already applicable to sailboards and windsurfing. It would seem that if you so determine this very well may not require lengthy or unduly complicated new rule-making, just a common sense administrative determination that SUP's fall within the same class of water craft and PFD rules as sailboards and windsurfing.

Paddle boards are PFD's, and leash options coupled with low paddling speeds make SUP's even safer than sailboards and windsurfing, both of which have excellent safety records without any federal PFD requirements. Classifying SUP's as vessels subject to all other applicable safety and navigation rules is expected, but the board riding community makes a good case that PFD's actually increase risk of injury

and loss of flotation by the SUP if worn by paddlers or attached to SUP deck. The published record supporting the 1981 USCG policy of regulatory restraint on PFD requirements for board-riders (Federal Register Vol. 48, No. 161, 42288) spelled out the specific safety related reasons, as well as principles of good governance, favoring locally promulgated board riding safety rules based on local conditions.

There are reports of ad hoc communications to state marine safety officers and SUP user organizations indicating that SUP's are not covered by the sailboard and windsurfing exemption from PFD requirements. Because that would not enhance safety and raises enforcement feasibility issues, my constituents in the board-riding community hope that upon closer consideration the USCG will embrace the logic of the sailboard and windsurfing exemption as the only relevant federal policy precedent rationally and reasonably suited for adoption as a federal PFD policy for SUP's.

That enlightened policy will prevent the perverse result that would obtain if paddle, sail, and windsurfing boards with virtually identical features and safety attributes are treated differently with respect to PFD rules. Again, application of uniform federal boating safety rules to SUP's is expected, but that should include a uniform rule on local control of PFD rules for all board riders. Under the 1981 PFD rules for board-riders and subsequent rule-making by USCG, sailboards and windsurfers are subject to the same rules on internal and international navigation, casualty reporting and operator intoxication as other vessels when used in navigable waters.

It is my understanding that as with other small wave riding devices, including surfboards, when used in the surf-line along the shores where waves are breaking, wind, sail and paddle boards are outside USCG navigable waterways jurisdiction. In the surf line however all board riders are subject to local rules made by local officials accountable to the local community. The customs and protocols established by the wave rider community also play a role. This arrangement should be preserved because it works, and that is why I support restraint of federal power in favor of local rules not only for wave riders, but also for PFD rules applicable to board riders in navigable waters.

Accordingly, I am requesting a simple and timely administrative determination that SUP's fall within the PFD exemption for board riders using watercraft in the same class. The USCG and Congress have urgent work to do, and an administrative determination in this already settled matter is in the best interest of the USCG. Among other things it avoids non-essential and arguably vexatious enforcement duties. It also is just common sense for my constituents and all our fellow citizens who use the navigable waters of our nation for recreational water sports that include sail, paddle and wind boarding.

Allowing state and local governments to ensure paddle boards are treated the same as sailboards and windsurfing with regard to PFD rules will promote uniform enforcement of federal and local boating and water safety rules, for the benefit of all who depend on the navigable waters of our country for a livelihood or for recreation.

Yours sincerely,



Dana Rohrabacher  
Member of Congress