

Program  
Management &  
Operations  
Branch  
(CG-BSX-21)

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United States Coast Guard



# CG-BSX-21

- State RBS Program Reviews
- Exemptions, Equivalents, and Federal Preemption
- State Guide Update
- Performance Reports
- Vessel Identification System
- Emerging Trends
- For Your Situational Awareness



# CG-BSX-21 Staff

## Full-Time Staff:

- Walt Taylor, Senior Recreational Boating Program Specialist
- Jonathan Hsieh, Management & Program Analyst
- Kristin Williams, Recreational Boating Program Specialist
- Brian Moore, Recreational Boating Program Specialist
- Seth Wagner, Recreational Boating Program Specialist
- Vacant: Regulatory / NBSAC Coordinator
- Vacant: Statistician

## Temp Staff:

- Darrin Watson, BARD Review
- MSTC Brian Bannen, BARD Review
- BM2 Ashley Hester, BARD Review

## Contract Staff:

- Rachel Warner
- Suzanne Heiler
- William “Will” Rodriquez

# State RBS Program Reviews

## **46 USC §13101 - Definitions**

(1) Eligible State.—The term "eligible State" means a State that has a State recreational boating safety program accepted by the Secretary.

(2) State Recreational Boating Safety Program.—The term "State recreational boating safety program" means education, assistance, and enforcement activities conducted for maritime casualty prevention, reduction, and reporting for recreational boating.



# State RBS Program Review

## 46 USC 13102 – State RBS Programs:

- To encourage greater State participation and uniformity in boating safety efforts, and particularly to permit the States to assume the greater share of boating safety education, assistance, and enforcement activities.
- A State whose recreational boating safety program has been approved by the Secretary is eligible for allocation and distribution of amounts to assist that State in developing, carrying out, and financing its program.



# State RBS Program Review

## Elements of Acceptance:

- (1) Vessel numbering system
- (2) MOA
- (3) Sufficient patrol and other activity to ensure adequate enforcement of applicable State boating safety laws and regulations;
- (4) State boating safety education program, and
- (5) A system, approved by the Secretary, for reporting marine casualties



# State RBS Program Reviews

Fully Approved	CAP	CON	Valid MOU	LE / ATON
17 of 55	38	27	54	36

If Certificate of Number (CON) issues were corrected,  
**47 states**  
would be fully compliant.



# CG-BSX-21 State Program Reviews

## Purpose of Review:

- Ensure the State meets the minimum State RBS Program acceptability requirements to be eligible to receive financial assistance via the Sport Fish Restoration and Boating Trust Fund.

## 2025 State RBS Program Reviews Completed:

- AK, AZ, CO, DE, FL, GA, ID, IN, KS, ME, NJ, NM, OH, PA, WI, WY,
  - Approved: 3
  - Provisionally Approved: 13

State RBS Program Review: CG-BSX-21 is reviewing its State RBS Program Review process in conjunction with State Guide update.



# CG-BSX-21 State RBS Program Reviews (Con't)

## Evolution of CG-BSX-21 State RBS Program Reviews:

- Prior to 2010: CG-BSX-21 assisted Finance and Grants Branch (CG-BSX-22) State Financial Reviews by providing program operational expertise.
- 2010: CG-BSX-21 and CG-BSX-22 divided State Program Review responsibilities.
  - CG-BSX-21: Program Acceptance Eligibility
  - CG-BSX-22: Federal Financial Assistance Requirements



# CG-BSX-21 State RBS Program Reviews (Con't)

## Guiding References:

- Federal Boat Safety Act of 1971 established the National Recreational Boating Safety (RBS) Program.
- Federal Statutes:
  - 46 USC 43: Recreational Vessels
  - 46 USC 61: Marine Casualty Reporting System
  - 46 USC 123: Numbering Undocumented Vessels
  - 46 USC 131: Recreational Boating Safety
- Code of Federal Regulations:
  - 33 CFR 173: Vessel Numbering and Casualty Reporting
  - 33 CFR 174: State Numbering and Casualty Reporting Systems
  - 33 CFR 175: Equipment Requirements
  - 33 CFR 183: Manufacturer Requirements
  - 33 CFR 187: Vessel Identification System



# CG-BSX-21 State RBS Program Reviews (Con't)

- CG-BSX-2 Policy Letters:
  - 2022 – Fees for Issuing a Vessel Certificate of Number
  - 2022 – Change 1 to Requirements for Mechanically Propelled Personal Hydrofoils (MPPH) and Mechanically Propelled Surfboards (MPS)
  - 2023 – Compliance Guidance for Hull Identification Numbers (HIN)
  - 2023 – Change 1 to Recreational Boating Incident Reporting
- Federal Exemptions: Example - Preemption for PFD Wear on Paddlecraft
- State Recreational Boating Safety Grant Programs (State Guide):
  - Guidance regarding the acceptance of State RBS programs and the administration of grant funding for eligible States



# State Program Review Focus Areas

- Consistency & documenting Status of State RBS Program
- Focus on the five required program elements and approval acceptance
- Reevaluate CAP determination: Past and future
- Document discrepancies for State Program History and Awareness



# Federal Preemption

What it is: Federal law, specifically 46 U.S.C. §4306, establishes that federal regulations for recreational vessel safety standards are supreme.

Core Principle: States and local governments cannot create, maintain, or enforce their own safety standards or equipment requirements for recreational boats that are different from the federal standards set by the U.S. Coast Guard.

The Goal: To ensure uniform safety standards for boats and equipment across the entire United States, preventing a confusing and contradictory patchwork of state-by-state rules.



# Secretary's Role in Setting Standards

Authority: The Secretary (acting through the U.S. Coast Guard) is granted the authority under 46 U.S.C §4302 to create minimum safety standards for recreational boats and associated equipment.

Scope: This includes everything from hull construction to lifesaving devices, fire extinguishers, ventilation systems, and navigation equipment.

Process: When creating these regulations, the Secretary must consider the need for the rule, consult with the National Boating Safety Advisory Council, and review safety data and research.



# How a State "Exemption" Works

Purpose: A state can be exempted from federal preemption to address unique local dangers. Under 46 U.S.C. §4306, the Secretary can permit a state to enforce a non-identical regulation if it is needed to meet "uniquely hazardous conditions or circumstances within the State."

Safety First: An exemption will only be granted if the Secretary determines that "recreational vessel safety will not be adversely affected" (46 U.S.C. §4305).

Real-World Example: Federal regulations (33 CFR §175.5) specifically grant states an exemption from preemption to create their own laws for personal flotation device (PFD) carriage and wear. (child, PWC, paddlecraft, sailboard)



# How "Equivalency" Works

What it is: Equivalency is not for states, but for boat and equipment manufacturers (CG-BSX-23). The Secretary can accept a substitute for a required piece of equipment or a specific safety standard.

The Standard: The substitution must provide an "equivalent level of safety" (46 U.S.C. §4305).

How it's different from an exemption: An exemption allows a state to create a different rule for a specific situation. An equivalency allows a manufacturer to use a different design or technology to achieve the same level of safety required by the federal standard. This encourages innovation while maintaining safety.



# Process for State Exemption Application

The state must submit a written request to the CG-BSX. Key requirements for the waiver request shall include:

- Specific Identification: The state must identify the exact federal regulation from which it is seeking an exemption.
- Justification of Need: Detailed evidence showing why the state's unique geographic or environmental conditions require a standard different from the national one.
- Safety Impact Assessment: Evidence that the state's proposed regulation will not adversely affect recreational vessel safety.
- Supporting Documentation: Technical data, drawings, or incident reports that support the necessity of the unique state requirement



# State Guide Update

## State Guide Update:

- Definitions of “adequate and sufficient,”
- CG Comments/Edits currently being reviewed by F&G Committee
  - Seth and Cynthia F&G liaisons
  - F&G Chair stated this a priority project for the committee.
    - Cody Jones committee lead
- “Dispute Process”
- Timeline dependent on many variables
- Performance Reports



# Vessel Identification System

## USCG-State VIS MOA

- New format
- No substantive changes
- Addresses increased data security and privacy incidents
- Requires CG and State review every 3 years

## MOA will be sent in 2 phases

1. Current non-participating, but interested VIS states (12)
  - MOA will be sent to 4 states at a time to allow time to address waivers
2. Current VIS Participating States (39)
  - Updated MOA will be sent with current MOA



# Vessel Identification System

## VIS User Request Form

- Updating format and accessibility
- Will be available on-line: no more downloading, completing, scanning required
- Upon approval, only required for **new** VIS User Accounts
- VIS specific email: [VISInfo@uscg.mil](mailto:VISInfo@uscg.mil)



# Emerging Trends

- Wake Sports: CG-BSX-2 currently has no position.
  - Three CG Staff on Boating Standards Panel
- New Vessel Types: BSX-2 will make Vessel Determinations upon request.
- Abandoned / Derelict Vessels: CG-BSX-2 currently has no official position.
  - Two CG Staff on Waterways Management Committee
- BUI Enforcement: CG continues to follow established agreement to hand-off CG recreational boating BUIs to States (Ref: Federal / State RBS MOA)
- Emerging Enforcement Trends and Challenges:
  - State of Principle Operation



# For Your Situational Awareness...

- 2026 RBS Events: NSBW/Proclamation and ODW
- USCG Sector RBS Award
- BSX-21 NASBLA Committee Liaisons:
  - Seth: ERAC and Finance & Grants
  - Brian: Enforcement and Training
  - Kristin: VIRT
  - Jonathan: ERAC and Waterway Management



# For Your Situational Awareness... (Cont)

## BSX-21 Non-Profit Grant Tech Managers:

- Walt: NASBLA Standardization Grant
- Kristin: Boat on Course
- Brian: Boating Under the Influence and Enforcement Training
- Seth:
  - Boat incident Investigation and GPS Forensics Training
  - Staged Boat Collision and Video Documentation
  - National Life Jacket Wear Rate Study



# Questions?

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