

mechanism for non-swimmers and asserted that even the best automatic systems are prone to misfires or failures to fire. Several PFD manufacturers' comments seemed to favor requiring PFDs with automatic inflation mechanisms. One of those manufacturers favoring a requirement for an automatic inflation mechanism for non-swimmers suggested that alternatively, a non-swimmer should be required to wear the inflatable PFD fully inflated. Inflatable PFDs for non-swimmers, according to one of the manufacturers should provide a minimum of Type I performance. Two of these manufacturers pointed out, however, that law enforcement agencies will not be able to make a determination concerning a person's swimming abilities.

The Coast Guard acknowledges that there is no practical way that law enforcement officials can conduct a field assessment of swimming abilities. This would make a restriction against use by non-swimmers unenforceable. Therefore the Coast Guard is not placing any restrictions on the use of inflatable PFDs by non-swimmers.

One PFD manufacturer favored revising the PFD pamphlet to make boaters aware of the PFD's limitations by suggesting that they select an automatically inflatable PFD. Similarly, the boat owners association stated that non-swimmers should be made aware of the limitations of an inflatable PFD on the package at the point of purchase.

In this interim final rule, the labeling and PFD information pamphlet for these PFDs are required to explicitly state that the devices are not recommended for use by non-swimmers.

The Coast Guard considers the marking required to be on the PFDs and the required owner's manual and information pamphlet sufficient to inform adult non-swimmers of the pertinent facts regarding PFDs to enable them to make an informed choice when purchasing a PFD. The Coast Guard will review PFD information pamphlets to ensure that they include a clear statement regarding the risks a non-swimmer faces in using a particular type of inflatable PFD.

Self-Inspecting Inflation Systems

The ANPRM also asked about the average boater's ability to determine whether an inflatable PFD is in a serviceable condition if it has a "self-inspecting" inflation system.

Three PFD manufacturers and the boat owners association indicated that most recreational boaters have the ability to perform simple checks and tests to determine if a PFD is in a

serviceable condition, even if it has only the simplest of indicators.

The Coast Guard disagrees that most boaters can determine the condition of older style inflation systems (those inflators not meeting the higher standards adopted by this IFR). In an informal survey at the National Association of State Boating Law Administrators (NASBLA) annual meeting, only two out of 18 participants were able to correctly identify the serviceability of four older style inflation mechanisms. Therefore, in this IFR, the Coast Guard adopts new requirements and a new test for status indicator recognition which have been added to the UL standard adopted for inflation systems (UL 1191).

Inflatable PFD Complexity

The ANPRM also asked whether inflatable PFDs are too complicated for some people to operate in an emergency situation.

Comments received on this issue from three PFD manufacturers and the boat owners association acknowledged that there will always be some individuals who do not understand mechanisms, and indicated that foolproof-PFDs cannot be designed. However, these comments contended that most boaters would be able to operate an inflatable PFD in an emergency situation. One of the comments stated that people who have difficulty responding in an emergency are the ones who will refrain from choosing an inflatable PFD. Another PFD manufacturer felt that there is a greater likelihood that an inflatable PFD will be worn in anticipation of an emergency which removes the complication of donning it under the extreme conditions of an emergency.

It is the Coast Guard's position that a strong Federal, State, and industry education effort is important in order to minimize unintended outcomes associated with people panicking upon sudden immersion or upon the malfunction of a manual or an auto-inflation mechanism. The marking, pamphlet, and manual instructions required to be provided with the PFDs will contribute significantly to this needed education. The Coast Guard will review the warning statements to ensure that the public is given sufficient information to enable them to determine whether use of an inflatable PFD is appropriate.

Inflatable PFD Costs

The ANPRM also asked for comments on what price the average boater will pay to purchase an inflatable PFD.

One PFD manufacturer stated that wide use of approved inflatable PFDs will occur only if they are priced much lower than the current non-approved inflatable PFDs. With their obvious advantages, according to the comment, inflatable PFDs are significantly more expensive than inherently buoyant PFDs that are sold at discount stores for less than 15 dollars. Based on the company's market research, the manufacturer feels that the lowest performance inflatable PFD providing 17 pounds (75 N) of buoyancy, a single chamber, a plastic buckle harness (with approximately 150 pound (670 N) breaking strength), and a manual inflation system, must be priced at less than \$40 in order for the industry to see growth in the market. A single cell inflatable PFD providing 35 pounds (150 N) of buoyancy with an automatic inflation mechanism and plastic buckles must be priced at less than \$95.

Two other comments from PFD manufacturers stated that it is unlikely that inflatable PFDs can be sold at a price which compares favorably with the price of existing inherently buoyant PFD types, but that sales of automatics with many features are more than double the sales of basic, manually inflated models. According to one of the comments, consumers tend to measure value according to obvious features of the inflatable PFD, rather than basic characteristics. Also, according to the comment, consumers may tend to consider all inflatable PFDs as equivalent, regardless of PFD type classification.

Another comment from the boat owners association stated that the price for an approved inflatable PFD should be comparable to currently available Type I and II PFDs. Another PFD manufacturer stated that while some boaters will spend \$150 or more for an inflatable PFD, the average boater will probably only pay \$25 to \$50 depending on features.

The challenge, according to one of the other PFD manufacturers will be to avoid driving up costs by placing burdensome approval requirements on devices, such as increased numbers of chambers and high levels of destructive testing per lot manufactured. The comment also suggested that the higher cost of an inflatable PFD may encourage purchasers to properly care for their PFDs.

The Coast Guard generally agrees with most of the comments but notes that there is no evidence which indicates that the high cost of an inflatable PFD will encourage proper care. The Coast Guard appreciates the cost and pricing information supplied by the comments. Such information is useful in