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4 August 2022  
CG-BSX-23 Policy Letter 22-01

From: J.A. Ludwig  
COMDT (CG-BSX-23)

To: Distribution

Subj: Recreational Boat Exemptions & Equivalencies

Ref: (a) Title 46 U.S. Code Chapter 43  
(b) Title 33 Code of Federal Regulations Subchapter S  
(c) DHS Delegation No. 170.1(92)

1. Purpose. This policy letter provides guidance for the issuance of exemptions from, or equivalencies to, boating safety requirements promulgated by or under the authority of 46 USC 43.
2. Directives Affected. None.
3. Action. USCG Headquarters Units and Offices, Districts, Sector Commanders and recreational boat manufacturers may use this policy letter to ensure compliance with U.S. statutory and regulatory requirements.
4. Background.
  - a. Exemption authority was included in the Federal Boat Safety Act of 1971, which was subsequently codified in 46 USC 43. Equivalency authority was granted in the Coast Guard Authorization Act of 2020 and was also codified in 46 USC 43.
  - b. Title 46, U.S. Code, Chapter 43 establishes requirements for recreational vessels and associated equipment.
  - c. Title 46, U.S. Code, Section 4302(a) provides the U.S. Coast Guard with the authority to prescribe regulations establishing minimum safety standards for recreational vessels and associated equipment.
  - d. Title 46, U.S. Code, Section 4305 provides the U.S. Coast Guard with the authority to:
    - i. issue exemptions from this chapter or a regulation prescribed under this chapter if the recreational vessel safety will not be adversely affected; and
    - ii. accept a substitution for associated equipment performance or other safety standards for a recreational vessel if the substitution provides an equivalent level of safety.
5. Discussion.
  - a. Reference (a) authorizes the Secretary (Coast Guard by delegation) to grant exemptions from and/or determine equivalencies to statutory requirements found in reference (a) or regulations prescribed in reference (b). Exemptions may be issued if the Coast Guard

considers that recreational vessel safety will not be adversely affected. The Coast Guard may accept a substitution (equivalency) for associated equipment performance or other safety standards for a recreational vessel if the substitution provides an equivalent level of safety.

- b. Historically the Coast Guard has granted exemptions to which the application of the standard(s) is (are) impossible or impractical to comply with, providing that the manufacturer can show why granting the requested exemption will not adversely affect boating safety. Personal watercraft (PWC), drift boats, hovercraft, airboats, and submarines are some of the types of boats for which the Coast Guard has historically issued exemptions.
- c. The Coast Guard will not issue exemptions based on where the manufacturer claims the boat is intended for use. Once a boat has been sold, it is out of the manufacturers control and has the potential to be used anywhere, so any exemption of applicable safety standards should not be justified by where the manufacturer says the boat is intended to be used.
- d. Equivalencies will strive to be performance based, and use consensus-based voluntary standards where practical.

6. Additional Considerations.

- a. Original grants of exemption or equivalency determinations for recreational vessels shall be reviewed by CG-LMI-P for legal sufficiency.
- b. Recreational vessel exemptions are issued for a period of five years.
- c. Recreational vessel exemptions shall be vessel-specific and recreational vessels that have been granted exemptions shall be labeled accordingly.
- d. Recreational vessel equivalencies will be reviewed every five years.
- e. A list of recreational vessel equivalencies shall be maintained in the policy section of the CG-BSX-23 website at <https://safeafloat.com/policies-letters/> and in a section of the Boating Safety Circular (BSC). If a new equivalency is issued, it will be publicized through a BSC article and notification of ABYC and NMMA.
- f. CG-BSX-2 is the approving authority for new recreational vessel exemptions and equivalencies.
- g. CG-BSX-23 is the approving authority for recreational vessel exemption renewals, amendments, and re-issuances.
- h. CG-BSX is the final reviewing authority for recreational vessel exemption or equivalency denial appeals.

7. Disclaimer.

The guidance in this policy letter is not a substitute for applicable legal requirements and is not a rule. It is not intended to impose legally binding requirements on any party. This guidance represents the USCG's current thinking on this topic and may assist industry, mariners, the public, and the Coast Guard, as well as other Federal and state regulators, in applying statutory and regulatory requirements.

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8. Changes.

This policy will be revised as necessary. It will be available with any changes on the CG-BSX-23 website at <https://safeafloat.com/policies-letters/>

Questions concerning exemptions and equivalencies should be directed to Commandant (CG-BSX-23), Recreational Boating Product Assurance Branch, Office of Auxiliary & Boating Safety at [rbscompliance@uscg.mil](mailto:rbscompliance@uscg.mil).

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