



16702
CG-ENG
Policy Letter 02-18
August 1, 2018


From: B. J. Hawkins, CAPT
COMDT (CG-ENG)

To: Distribution

Subj: ADOPTION OF ANSI/CAN/UL 12402-5 AND -9

Ref: (a) ANSI/CAN/UL 12402-5, Standard for Personal Flotation Devices – Part 5:
Buoyancy Aids (Level 50) – Safety Requirements [UL 12402-5]

(b) ANSI/CAN/UL 12402-9, Standard for Personal Flotation Devices – Part 9: Test
Methods [UL12402-9]

1. Purpose. This policy letter provides guidance for obtaining U. S. Coast Guard (USCG) approval of personal flotation devices (PFDs) that provide a level of safety at least equivalent to a PFD meeting the requirements of 46 CFR 160.064, 160.076, and 160.077, using references (a) and (b).

2. Background.

- a. The USCG has statutory authority under Title 46, U.S. Code, Sections 3306 (a) & (b), 4102 (a) & (b), 4302(a), and 4502(a) & (c)(2)(B) to prescribe regulations for the design, construction, performance, testing, carriage, use, and inspection of lifesaving equipment on commercial and recreational vessels. Under 46 CFR 159.005-7(c), the USCG has the authority to approve an item of equipment that does not meet all of the requirements of 46 CFR 160.064, 160.076, and 160.077 if it has equivalent performance characteristics.

An item of equipment or material that does not meet all of the requirements of this subchapter for design or performance may be approved by the Commandant if it has equivalent performance characteristics. The item has equivalent performance characteristics if the application and any approval tests prescribed by the Commandant, in place of or in addition to the approval tests required by this subchapter, demonstrate to the satisfaction of the Commandant that the item is at least as effective as one that meets the requirements of this subchapter.

- b. In 2008, the USCG and Transport Canada (TC), in cooperation with members of the PFD industry, began the task of harmonizing PFD standards with ISO 12402, the current

international standard, to create a single North American standard for PFD approval. In 2015, references (a) and (b) were accredited by American National Standards Institute (ANSI) & Standards Council of Canada (SCC) and subsequently published as national standards in the U.S. and Canada. UL 12402-5 provides requirements for Level 50 and Level 70 PFDs. This policy only includes Level 70. UL 12402-9 provides test methods.

- c. In April 2017, the USCG and TC signed a Memorandum of Understanding (MOU) outlining intended cooperation for approval of personal lifesaving appliances that comply with mutually acceptable standards, are tested by mutually accepted conformity assessment bodies (or independent test laboratories), and are covered by a mutually acceptable follow-up program.

3. Discussion.

- a. The USCG and TC supported and participated in the development of UL 12402-5 and UL 12402-9. These standards were developed by an expert Standards Technical Panel (STP) to replace, in part, legacy standards UL 1123: Marine Buoyant Devices, UL 1180: Fully Inflatable Recreational Personal Flotation Devices, and UL 1517: Hybrid Personal Flotation Devices in the United States. Adopting these new standards will allow manufacturers the opportunity to produce more innovative equipment that meets the approval requirements of both Canada and the United States.
- b. The USCG has determined that Level 70 inherently buoyant devices, Level 70 inflatable devices, and Level 70 multi-chamber devices that meet the requirements of UL 12402-5 provide equivalent performance to a PFD meeting the requirements of 46 CFR 160.064, 160.076, or 160.077-15. According to UL 12402-5, PFDs must be marked with the performance characteristics of the PFD including performance level and turning capability, allowing the user to make an informed selection of the most appropriate device for their ability, activity, and location.

4. Action.

- a. Independent laboratories which are recognized by both the USCG and TC should update their procedures to accommodate evaluation and testing according to UL 12402-5 and UL 12402-9.
- b. Manufacturers should consider using UL 12402-5 and UL 12402-9 when designing new PFDs.

5. Compliance.

- a. Effective August 1, 2018, the USCG will accept Level 70 PFDs complying with UL 12402-5, and tested according to UL 12402-9, as equivalent to PFDs meeting the requirements in 46 CFR 160.064, 160.076, or 160.077-15, and issue USCG approval numbers to those devices, except that:

- (1) Adult devices that cannot meet the requirements of Level 70 with inherent buoyancy alone must be marked "Approval conditions state that this device must be worn to be counted as equipment required by vessels meeting Transport Canada or USCG regulations."
 - (2) Child and Youth devices may not rely on inflatable buoyancy to provide the minimum performance required by the standard.
 - (3) Devices that rely partially or totally on inflatable buoyancy to meet the minimum performance requirement must be marked "WARNING – Not approved for users less than 16 years old."
- b. This policy does not cover the following devices: infant PFDs; throwable PFDs; work vests; and devices intended to meet carriage requirements on U.S.-flag inspected vessels, uninspected passenger vessels, and uninspected commercial vessels over 12 meters (40 feet) in length. The approval process and requirements for these devices are not changed by this policy.
 - c. There is no action required by PFD users. Currently approved PFDs will maintain their approval and meet carriage requirements as long as the PFD is in serviceable condition and is used according to the approval and markings per 33 CFR 175 and 46 CFR 25.25.

6. Approval Series.

- a. *PFDs with inherent buoyancy only.* Inherently buoyant PFDs that meet the requirements of UL 12402-5 will be approved under approval series 160.264, as defined by 46 CFR 199.30.
- b. *PFDs relying on one or more inflatable chamber.* PFDs which rely on one or more inflatable chambers to meet all or part of the performance requirements of UL 12402-5 will be approved under approval series 160.276. Fully-inflatable and partially-inflatable devices will also be approved under approval series 160.276.

7. Additional Considerations.

- a. *Safety and training.* Devices that are approved to and meet the requirements of UL 12402-5 provide an equivalent level of safety to devices meeting 46 CFR 160.064 and 160.076. Members of the boating community, including owners and operators, retailers, law enforcement, and manufacturers should familiarize themselves with the new labels and level designations. PFDs must be used in accordance with the label per 33 CFR 175 and 46 CFR 25.25.
- b. *Existing PFDs.* PFDs that were approved prior to the effective date of this policy are not affected. Currently approved PFDs will maintain their approval and continue to meet carriage requirements if they are in good serviceable condition and are used in accordance with the label per 33 CFR 175 and 46 CFR 25.25.

- c. *Level 50 devices.* Level 50 devices are not included in this policy but may be considered for acceptance in the future. The USCG is still evaluating the equivalency and safety of Level 50 devices.
 - d. *Youth inflatable devices.* Youth inflatable PFDs are not included in this policy (see 77 Federal Register 19937, USCG Final Rule on Inflatable Personal Flotation Devices, April 3, 2012).
8. 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. An alternative approach for complying with these requirements is acceptable, if the approach satisfies the requirements of the applicable statutes and regulations.
9. Contact Us. Questions concerning equipment approval should be directed to Commandant (CG-ENG-4), Commercial Regulations and Standards Directorate, Office of Design and Engineering Standards, Lifesaving and Fire Safety Division at TypeApproval@uscg.mil.

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USCG Recognized Independent Laboratories for PFDs