

**South Coast Sailing Team**  
**PFD Use Policy**  
**As revised on 9/28/08**

**Foreword:**

We will be sued in the event of injury or death to a person (minor or adult) who is participating in one of our programs or using our equipment. We can expect this.

We will undoubtedly experience a detrimental financial court judgment if we are unable to demonstrate to a jury that we conducted ourselves in a very prudent and reasonable manner. It is also true that we may experience a detrimental financial court judgment regardless of our intent or actions. So what can we do? We can set up well thought out procedures. We can train thoroughly. We can acquire insurance.

Across this nation, in the last year, incorporated boating schools providing programs such as the one we provide have experienced accidents and law suits. We can quiver at this known danger or we can accept that life is filled with unknowns. Life is all about the journey. Each of us must determine the course to be followed at any given time in our personal journey. Collectively the adult advisors of the SCST must do the same for the SCST.

Casting aside the tendency to fear, adult advisors in the SCST over the past 32 years have determined prudent and reasonable procedures relative to every aspect of the Program. This document states the most recent procedures established by the SCST with regard to the possession and wearing of Personal Flotation Devices (PFD) by participants in the programs of the SCST.

**Premise:**

The SCST has procured liability insurance through the Boy Scouts of America and the Saint Paul Fire & Marine Insurance Company. It is prudent that we meet the requirements set down by these organizations so that the insurance for which we have paid premiums will indeed provide a financial umbrella in the event of an accident and/or law suit.

The Boy Scouts of America in the publication "Safety Afloat No. 34368 and in the Online Learning Center" sets the condition that "properly fitted U.S. Coast Guard approved personal flotation devices (PFDs) must be worn by all persons engaged in activity on the open water (rowing, canoeing, sailing, boardsailing, motorboating, waterskiing,

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rafting, tubing, kayaking, and surfboarding). For cruising vessels (excluding rowboats, canoes, kayaks, and rafts, but including sailboats and powerboats greater than 20 feet long) used in adult-supervised unit activities by a chartered Venturing crew/ship specializing in watercraft operations, or used in adult-supervised program activity in connection with any high-adventure program or other activity under the direct sponsorship and control of the National Council, the standards and procedures in the Sea Scout Manual may be substituted for the Safety Afloat standards.

The Saint Paul Fire and Marine Insurance Company policy states that "A United States Coast Guard approved Personal Flotation Device (PFD) will be required of customers on the watercraft" and "the Head Instructor on duty will hold a current Sailing Certification". The Sailing Certification adopted for use by the SCST is that offered by the United States Sailing Association. In the instructor course manual for the small boat sailing, level 1 sailing instructor certification, the following is stated. "A fundamental safety precaution is the wearing of life jackets (PFDs). US Sailing requires that instructor candidates and instructors wear PFDs while on or near the water during US Sailing training courses, but it is smart to wear your PFD at all times around the water".

In addition to insurance company requirements, the SCST must meet applicable Federal and State requirements.

The United States Coast Guard requires the carrying of specific PFDs modified by the size of the vessel.

California law conforms to the Federal law with regard to PFDs with the following exception. Under state law, it is an infraction, punishable by a fine of up to \$250, to operate a vessel that is 26 feet or less in length unless every child 11 years of age or younger on board is wearing a Type I, II, III, or V Coast Guard-approved personal flotation device (life jacket). The law does not apply to:

- \_ the operator of a sailboat on which every child under age 12 is restrained by a harness tethered to the sailboat, OR
- \_ the operator of a vessel on which every child under age 12 is in an enclosed cabin.

**Summary:**

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Neither the insurance companies, US Sailing nor the applicable state and federal laws mandate the wearing of PFDs on the docks or the vessels tied to them by persons older than 11 years of age. The BSA mandates the wearing of PFDs by all persons engaged in activities on the water. However the BSA has a special clause for Sea Scout cruising vessels. The clause reads "For cruising vessels (excluding rowboats, canoes, kayaks, and rafts, but including sailboats and powerboats greater than 20 feet long) used in adult-supervised unit activities by a chartered Venturing crew/ship specializing in watercraft operations, or used in adult-supervised program activity in connection with any high-adventure program or other activity under the direct sponsorship and control of the National Council, the standards and procedures in the Sea Scout Manual may be substituted for the safety Afloat Standards. The BSA rule, clearly by the stated examples does not include docks in the mandate. US Sailing clearly recommends the wearing of PFDs on the docks.

It appears that the SCST is free to require or not require the wearing of PFDs on the dock without violating any applicable rules or laws.

In the operation of vessels, the situation is not so clear. The BSA stipulates that everyone at all times must wear a PFD. However, by the stated examples, the rule appears to be directed at small vessels in the range of 15 feet or less. By not being more specific, the rule is left open to ridiculous applications. Does the rule apply to ocean liners? If not, who determines to what size vessels the rule does apply? The Saint Paul Insurance Company states that a PFD will be required of customers. Does this strange phrasing suggest possessing or wearing a PFD? Does it suggest wearing a PFD in the cabin of a thirty-eight foot sailboat while in the harbor? The applicable State and Federal laws clearly do not mandate the wearing of PFDs by persons over the age of 11.

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**SCST Rules with regard to PFDs:**

- 1) These rules shall apply to all persons involved in activities conducted under the auspices of the SCST.
- 2) Each vessel captain before departure shall be responsible for insuring that there are a sufficient number of type I, II or III PFDs on board that are in good working order and readily accessible. In addition, for vessels greater than 16 feet in length, there must be a type IV throwable PFD readily available.
- 3) Persons 11 or younger are required to wear PFDs at all times while on any vessel with the exception of being tethered or inside an enclosed cabin.
- 4) The wearing of PFDs is not required by persons engaged in activities on the docks or vessels tied to the docks or at anchor.
- 5) While underway PFDs shall be worn on the exterior (not within a closed cabin below decks) of vessels in the following situations:
  - a) For all vessels under 20 feet in length
  - b) All vessels while racing
  - c) All vessels greater than 20 feet in length between sunset and sunrise
  - d) All vessels greater than 20 feet in length at the discretion of the adult advisor in charge between sunrise and sunset