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WHY PFDs AREN'T THE ANSWER TO WINDSURFING SAFETY

A. INTRODUCTION

This is a January 1991 update of a paper originally written in 1987 by Charles Granger while serving as a member of the USWA's Safety and Access Committee. The committee is charged with formulating safety policies and promoting safe windsurfing practices. Previously he played a major role in persuading Connecticut officials to exempt windsurfers from mandatory use of PFDs (personal flotation devices).

The purpose of this paper is to provide background information on the PFD issue for windsurfing organizations that seek to convince regulatory authorities in their state that windsurfers should be granted the right to decide whether and under what circumstances they should use PFDs in their sport. As of January 1998, the following 7 states require windsurfers to wear or attach PFDs to their boards:

New Mexico*, New York, Kentucky, Oklahoma, Pennsylvania, Louisiana, Alabama [from most recent polling, 1998] * New Mexico requires a FAD, floatation assistance device: min. shorty wetsuit or PFD.

B. HISTORY OF PFD REGULATION

The U.S. Coast Guard is the official regulatory authority in federal waters for such matters under the Federal Boat Safety Act of 1971. This act pre-empted state safety standards not identical with those issued by the Federal Government. The Coast Guard on February 18, 1973 granted to "Windsurfer" an exemption from PFD carriage requirements.

In 1979 and 1980, this exemption was proposed to be renewed by the Coast Guard, which was also about to extend this exemption from PFD carriage requirements to all sailboards, based on the USCG notice in the Federal Register Volume 45, page 47876. The Federal Register (available in or through public libraries) of August 20, 1981, Vol. 46, Pages 42288 and 42289, gives more detail on this history. However, in 1981, under the Reagan Administration's efforts to achieve regulatory simplification and reform, the U.S. Coast Guard determined that sailboards should not be subject to Federal regulation. Thus the states were free to apply such regulations as they saw fit. Many states had boating safety regulations requiring PFD carriage on all vessels. With the Federal withdrawal, some of these states merely treated a sailboard like any other vessel, requiring PFD carriage.

Sailboard News estimated that at the beginning of 1983 only 10 states did not have sailboard PFD requirements. By June 1990, the number of states without PFD requirements had grown to 34.

This was mainly through action by windsurfers in persuading the authorities to change the regulations.

C. FACTORS IN COAST GUARD EXEMPTION

The U.S. Coast Guard makes these points in justifying exemption of sailboards from PFD carriage requirements: (See above-named August 20, 1981 Federal Register).

1. Unlike a normal vessel used for transportation, they determined that the "windsurfer" was "in essence.... more a novelty craft used as a swimming toy than a vessel used or capable of being used for transportation." (Boardsailors may cringe at the word "toy" being used to describe their high-tech machines, but these toys do give an amazing amount of fun; more seriously, many boardsailors have discouraged state attitudes exempting sailboards as non-vessels because the boardsailors are concerned they may lose Rules-of-the-Road privileges and responsibilities, as well as being banned (like inner tubes, for example) from some waters. As such boardsailors would prefer to keep with the definition of a sailboard as a vessel but on the other hand declare the sailboard hull a suitable PFD. The Coast Guard considers sailboards to be vessels for Rules-of-the-Road matters, a very desirable condition.

2. The Coast Guard noted the skills required for proper use of a sailboard as being like "the skills of a surfer, a sailor, and a skier." (They might also have added a high diver in the case of wave sailing.) They go on to point out that "many water sport items have evolved over the years which, although they may be capable of a limited use as a means of noncommercial transportation on the water, have not been subject to regulation under the Federal Boat Safety Act of 1971. These water sport items include inner tubes, inflatable air mattresses, float boards, and surf boards." They go on to say, "It has been determined by the Coast Guard that sailboards should be treated in a manner similar to water sport items and that formal regulation of sailboards is not needed at this time."

3. Interestingly, when the Coast Guard announced the proposed extension of its exemption from the "Windsurfer" to all sailboards with a request for comments, it said that the comments it received can generally be divided into two categories:

a) The manufacturers of sailboards and most sailboard operators were in favor of granting an exception to all sailboards.

b) State and local law enforcement agencies, a few sailboard operators, and other boat operators were generally in favor of terminating the existing exemption and requiring all sailboard operators to carry PFDs. (It has since been noted that in at least one case, state regulatory authorities urged local police to actively enforce PFD requirements on boardsailors as a means of increasing local municipality revenues through fines.)

4. Finally, in announcing its withdrawal, the Coast Guard said: "Although the Coast Guard does not intend to regulate sailboards under the Act, it plans to continue to monitor sailboard activities to determine whether regulatory action may be needed. The Coast Guard will not hesitate to consider imposing requirements on sailboards if it is determined that problems of safety exit." It should be noted that the Coast Guard has taken no such action at this writing six years later.

Updates since 1991 changes;

Excerpt from Federal Register/ Vol. 58, No. 148/Wednesday, August 4, 1993/ Rules and Regulations, section 175.15 "Personal Flotation Devices Required"; Sailboards, exempt...
"The Coast Guard has decided to formally exempt sailboards from Federal PFD carriage requirements, thus allowing each state to decide whether or not PFD's should be worn and/or carried on sailboards based on climate and navigation conditions within its boundaries."

D. WHY WINDSURFING DIFFERS FROM OTHER WATER CRAFT

1. But windsurfers are always falling into the water. Therefore, shouldn't they be required to wear PFDs as a safety measure? This author was present at one state hearing where a legislator, in good conscience, stated that she lived near the water and saw this happening all the time and therefore why on earth shouldn't they wear PFDs?

Such thinking obviously does not appreciate that windsurfing is a sport in which some swimming ability is both expected and required. There is no similarity at all between a boardsailor falling into the water and several fishermen in an overloaded skiff unexpectedly capsizing. The boardsailor expects to swim, just as much as a high diver, and in cold weather they are protected by wetsuits, drysuits, steamers and possibly insulated footwear, gloves, and helmets. The latter unfortunate fishermen or hunters in the skiff have no intention of swimming at all and may be non-swimmers and without apparel to protect them when immersed in cold water.

2. In boardsailing, PFDs are no substitute for swimming ability and other safety practices! In this author's opinion, and no doubt in 99.9% of instructors working with beginners, if you try to boardsail before you are a swimmer, you have your priorities wrong. Take time to become comfortable with swimming before you try boardsailing. Wearing a PFD is not a proper substitute for being a comfortable swimmer. PFDs can become unfastened, damaged, and lost. This is not intended to discourage use of PFDs by those who wish to wear them--it is simply to point out that a PFD is not advised as a substitute for swimming ability.

Parents have been known to come into a boardsailing shop even on a spring morning when the water temperature is still in the low 50-degree range and buy a standard board and rig for their child. But when asked if they had thought about a wetsuit, they responded, "No, we insist that he wear a life jacket at all times--he will be safe enough!" The two main potential killers in boardsailing are: (1) Hypothermia - preventing this requires protective clothing and education about coming in as soon as you begin to feel cold; and (2) Offshore winds which are winds which blow you offshore. Typically such winds get stronger and stronger as you get carried offshore and there is no way an inexperienced person can sail back in against them. In addition to avoiding the above, other safety practices include: always staying with the hull in case of trouble, not sailing alone, and being alert to protecting yourself from power boaters, upon which a beginner will be drilled by a qualified/certified instructor (any boardshop can recommend one).

The point being stressed here is that in the essentially safe sport of boardsailing, there are indeed hazards to be educated about and guarded against. This piece is not intended to be a

comprehensive safety treatise. However, the reader (especially the non-boardsailor) should be made aware that safety is a major concern to boardsailors. We are all aware that there will be restrictions put on boardsailing if we develop a poor safety record. Education on safe practices is the major answer to safety. PFDs, for those who wish to use them, are only a tiny part of the answer.

3. "But when you fall in, can't you be stunned or knocked unconscious?" I'll bet all boardsailors have been asked this dozens of times by well-meaning members of the public. The obvious explanation is, "It rarely happens." Even for beginners, the forces of nature are on your side. Most of the time, the sailor is gripping the boom as he slowly sinks into the water underpowered. The sail comes down gently with no question of being struck. At other times, such as with a sudden gust, the sail falls away from the boardsailor on the opposite side of the hull, so there is rarely a problem of his/her being hit by the boom or mast.

There are still two circumstances that happen occasionally to expert or intermediate boardsailors. These are not beginner situations. In one case, you can be thrown while hooked into the harness. Here, there is no time to think. Action is instantaneous and automatic. With the skill of the gymnast, in a fraction of a second, you can maneuver to minimize the impact, and certainly to avoid hitting your head. The other case is in the advanced maneuvers, such as aerial loops mainly in wave-prone coastal waters such as California and Hawaii, and practiced by possibly one tenth of one percent of boardsailors, i.e. one in a thousand. Some such maneuvers are aborted and if not done properly, there could be a danger of being struck by the hull. Some safety is achieved by the sailor splashing into and under the water so the hull cannot strike him. If he were wearing a PFD he could lose this safety-enhancing maneuverability in both the above cases, and the ability to find safety beneath the water in the latter case. Refraining from sailing alone (at least in conditions or with maneuvers that might be more than you can handle) seems by far the most practical means of dealing with this proper but very rare concern.

4. Windsurfers are different--in the hull! The boardsailors may be faced with the use of either a Class III PFD with a buoyant force of 15 1/2 pounds, or he may wish to rely on the sailboard hull itself. In the case of a typical beginner's 12' board, this will have about 400 pounds of flotation (over 20 times the life vest). It will be made of virtually indestructible material, it will ride the user out of the water, and it has excellent visibility. The life jacket with its 15-1/2 pounds rides you almost totally immersed in what may be quite numbing water, and it gives you very little visibility to be seen by a searcher. A container of sailboard hulls was sunk and broke up at sea in a storm off Labrador in the early 1980's. About 6 weeks later the hulls began showing up on the beaches in Portugal. Many of them were recovered by a company sales representative, refitted and sold as sailboards.

Is it any wonder that new boardsailors are continually drilled to "stay with your hull"? In an emergency, they are instructed to tether themselves (for example by the ankle) with a line taken from the rig or harness to the hull.

E. WINDSURFERS KNOW THAT PFDs ARE SOMETIMES A HAZARD!

1. Some PFDs may prevent you from swimming back to your hull if you are thrown into the water. Perfectly legal Class I, Class II, and Class IV PFDs in active use make it very awkward to swim at all. In a strong breeze they can easily prevent the user from quickly returning to the

hull before it is caught in the wind and begins to drift rapidly away. In a 1986 Lake Michigan drowning tragedy, the unfortunate victim indeed had a PFD. However, when the deceased was recovered, the PFD was not attached... We do not know the details of this event, as there were no witnesses. But one visualizes the ironic tragedy of this woman being thrown into the water in the increasing winds at the time, finding she was unable to swim fast enough with the PFD to reach her hull, removing her PFD so as to swim faster, but finding that the hull had gotten permanently away. What greater tragedy could there be in the name of the false security of "always wear a PFD" and in the name of "uniformity of law enforcement"?

2. In case of collision, boardsailors without a PFD can sometimes escape by going deep or quickly swimming out of the way. "This sounds far-fetched", the inexperienced might say. But consider some incidents-- not too frequent but not too rare either:

a) At the U.S. Boardsailing Association National Championships in July 1985, Anthony Spada of Port Washington, NY, was winning the first race at the time when his board was hit and badly damaged by a 50-foot powerboat. *Spada dived to safety before the collision and was not injured.* One hates to imagine what injury or fatality might have happened if, because of wearing a PFD, Spada had not been able to dive to safety.

b) According to the written description of the Tender Skipper, on April 13, 1986, in San Francisco Bay, one of the 12-meter (America's Cup) series ran right over a downed sailboard and rig. Luckily the rider was able to swim aside and was unharmed. There were four very highly skilled yachtsmen on the bridge of this yacht at the time of the incident. "The sun was low as it was late in the afternoon and the glare was very strong..." True, the downed boardsailor must share responsibility in this incident. But what tragedy might have resulted if the boardsailor, encumbered by an approved PFD, had been unable to swim aside quite quickly enough?

c) Your author on Long Island Sound late one afternoon in the summer of 1986 was patiently treading water with a downed rig, waiting for a sufficient puff to waterstart. Despite being in an area usually avoided by powerboats, he noticed one coming at him into the sun on a collision course. Quickly getting up on the hull and waving and shouting to attract attention, it was apparent that no one was tending the wheel of the powerboat (the skipper was doing some chore). I was hyperventilating and just getting ready to time my plunge for the depths when the powerboat skipper re-appeared and swerved aside. I would have been totally helpless if wearing an approved PFD.

3. In surf, boardsailors like surfers often need to dive below a breaking wave to avoid potential injury. A PFD of course prevents diving beneath the surface. Ken Winner, several time national champion, resident of The Gorge, and former resident of both Maryland and Hawaii writes: "Surfing a sailboard is much like surfing a surfboard. A sailor in surf is generally within swimming distance from shore, he frequently needs to swim short distances to recover his board after a fall, and he will dive under breaking waves and surges of whitewater so as to avoid their full force. *Thus gear that impedes efficient swimming, on the surface or below, can be a hazard.*"

F. PFD ENFORCEMENT HAS LED TO UNNECESSARY CONFLICT WITH POLICE

Every boardsailor who has sailed in a Draconian jurisdiction can tell you horror stories such as:

-Police in Oklahoma arresting boardsailors not carrying a whistle or other audible device.

- Police in Ohio arresting a boardsailor without a PFD, sitting on his hull in 12 inches of water on a riverbank.
- Police taking boardsailors shivering in their bathing suits into the police station for booking, because the boardsailor did not have positive identification on his person while sailing.
- Police in powerboats charging up to a boardsailor sailing in light air without a PFD so as to dump the boardsailor into the water with the police-boat wake before issuing a summons.
- Police issuing a summons to a boardsailor for not having a PFD, while a few feet away unaccompanied distance swimmers swim past, obviously without PFDs.
- Law-abiding Canadian sailors, many of them true experts, complying with the "always wear a PFD regulations" in Canada -- but never once wearing them in Florida, Hawaii, Barbados, or at Cape Hatteras.

Boardsailors know these stories, they know that PFDs don't always work, PFDs can sometimes be dangerous, and compulsory PFD carriage is a misapplication of a concept to boardsailing, which may be quite proper for other vessels and powerboats.

On the other hand, some windsurfers enjoy taunting the police. Hopefully, where this condition exists, the more levelheaded boardsailors can influence the police-baiters to cool it. In the interests of safety, we need a truce with the authorities, not more war. It would appear necessary for us as experienced boardsailors to explain the problem and these overall facts to legislators and other proper authorities in a convincing manner.

Thus we can contribute to the removal of improper and sometimes harmful regulations, and we can focus much needed proper safety education on the factors where it is truly needed!

G. RESPECT THOSE BOARDSAILORS WHO STILL USE PFDs!

Some boardsailors, even in jurisdictions not requiring PFDs, use them at least some of the time. Why?

On being asked, some refer to force of habit rooted in childhood requirements in sailing programs. Others apparently are not totally confident about their health or their swimming abilities. In such cases it is only prudent that if a boardsailor feels the least bit safer with a PFD, he or she should use it!

However, US Windsurfing advocates that such a boardsailor should observe all the other boardsailing safety precautions (with respect to hypothermia, offshore winds, etc.) and not be trapped into a false sense of security by using a PFD.

We have no quarrel with voluntary use of PFDs when and where the user deems advisable. We do have a quarrel with compulsory at-all-times mandatory use of PFDs for all boardsailors, as discussed in this paper.

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