

**REGULATORY FLEXIBILITY ANALYSIS**  
**(FORMERLY SMALL BUSINESS IMPACT STATEMENT)**

**SECTION A**

**Date:** 19 October 2017

**Agency Submitting Proposed Regulation:** Department of Energy and Environmental Protection

**Proposed Regulation Title:** USCG Boating Safety Regulation Conformance Amendments

Prior to or concomitant with the posting of a notice pursuant to C.G.S. § 4-168a, as amended by Public Act 16-32, each agency shall prepare a regulatory flexibility analysis. Agencies must complete this document and upload it into the eRegulations System prior to posting the Notice of Intent described in C.G.S. § 4-168(a)(1). This document will automatically publish to [eregulations.ct.gov](http://eregulations.ct.gov) at the time the filing agency posts the Notice of Intent.

Reminder: Pursuant to C.G.S. § 4-168a(c), prior to the adoption of any proposed regulation that may have an adverse impact on small businesses, each agency shall notify the Department of Economic and Community Development and the joint standing committee of the General Assembly having cognizance of matters relating to commerce of its intent to adopt the proposed regulation.

**Scope and Objectives of the Proposed Regulation (mandatory for all filers):**

It is the lawful duty of the Commissioner of the Department of Energy and Environmental Protection (DEEP) pursuant to the boating statutes to “prescribe uniform standards for safety devices and equipment,” to “cooperate with the United States and the several states in promoting uniformity of boating laws and regulations” and to “adopt such regulations as... necessary to...promote the...safe operation of vessels” (section 15-121(b) of the Connecticut General Statutes (CGS)). The DEEP fulfills its obligation to cooperate with the United States via formal agreement with United States Coast Guard (USCG) wherein the state assumes the primary share of boating safety education, assistance and enforcement activities in the state, in conformance with certain federal boating regulations and under the rubric of an approved state Recreational Boating Safety (RBS) program. In return, the USCG provides federal funding for state boating safety activities but contingent upon such conformance. Accordingly, the Commissioner herewith proposes to amend six sections of the state boating safety regulations (segregated into two groups) to conform to recent changes in federal boating regulation.

The group of amendments come under the rubric of “Changes to Standard Numbering System, Vessel Identification System and Boating Accident Report Database.” Announced as a Final Rule in the Federal Register, Volume 77, No. 60 and beginning on Page 18689, the USCG makes changes to modernize the terminology collected at the time of vessel registration and during accident reporting. In order to comply, it is necessary to amend a section of regulation containing definitions (Regulations of the Connecticut State Agencies (RCSA) sec. 15-121-A1, amendment Section 1), a section regarding the reporting of boating accidents (RCSA sec. 15-121-A8, amendment Section 2), a section that prescribes the information to be collected at the time of vessel registration (RCSA sec. 15-121-B1, amendment Section 5) and a section that prescribes the type of information that must appear on a vessel’s registration document (RCSA sec. 15-121-B2, amendment Section 6).

The second group of amendments come under the rubric of “Personal Flotation Devices Labeling and Standards.” Announced as a Final Rule in the Federal Register, Volume 79, No. 183 and beginning on page 56491, the USCG changes its labeling standards for personal flotation devices (PFDs) by removing familiar “type codes” (such as “Type I”, “Type II”, “Type III”, etc.) and replacing those type codes with labeling that better describes the uses and limitations of a given personal flotation device. In this particular case, state statute already incorporates by reference federal labeling requirements and any changes made thereto (CGS sec. 15-129(a)), but in order to

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foreclose any confusion regarding compliance with the change, it is necessary to change the regulatory definition of “PFD” and to amend those sections of regulation where type codes have been written into the text (RCSA sec. 15-121-A1, amendment Section 1; RCSA sec. 15-121-A15(a)(1), amendment Section 3; and, RCSA sec. 15-121-A17, amendment Section 4).

This action is not expected to affect small business directly; as such, the requirement to prepare a regulatory flexibility analysis under section 4-168a of the General Statutes does not apply.

The Commissioner is authorized to propose this action by CGS Sections 15-121(b)(4), (b)(10), (b)(11), (c)(2), (c)(4), (c)(5), and 15-144(a) and 15-149a(a).

Please check the appropriate box:

- The regulatory action will not have an effect on small businesses. *If you check this box, do not complete SECTION B.*
- The regulatory action will have an effect on small businesses, but will not have an adverse effect on such small businesses. *If you check this box, complete SECTION B.*
- The regulatory action may have an adverse effect on small businesses, but no alternatives considered would be both as effective in achieving the purpose of the action and less burdensome to potentially effected small business. *Note: alternatives considered may include those listed in C.G.S. § 4-168a(b)(6). If you check this box, complete SECTION B.*
- The regulatory action will have an adverse effect on small businesses that cannot be minimized in a manner that is consistent with public health, safety and welfare. *If you check this box, complete SECTION B.*

## **SECTION B**

For regulatory actions which effect or may effect small businesses, please provide responses to the following:

- **Types of Businesses Potentially Affected by the Proposed Regulation:**
- **Total Number of Small Businesses Potentially Subject to the Proposed Regulation:**
- **Will small businesses, in order to comply with the proposed regulation, have additional requirements as listed in C.G.S. § 4-168a(b)(4)? If so, identify the requirements and provide an explanation for each.**
- **Has the agency communicated with small businesses or small business organizations in developing the proposed regulation and the regulatory flexibility analysis, if applicable? If so, to what extent?**
- **Does the proposed regulation provide alternative compliance methods for small businesses that will accomplish the objectives of applicable statutes while minimizing the adverse impact on small businesses? If so, to what extent?**