

New Boating Speed Limits in Florida **Advocacy's Letter to the U.S. Department of the Interior**

On June 3, 2003, the Office of Advocacy of the U.S. Small Business Administration (Advocacy) filed a comment letter on a rule proposed by the Fish and Wildlife Service of the U.S. Department of the Interior. The rule would impose reduced speed limits on boats in three major waterways in Florida and impose “no wake” restrictions on major recreation areas. The rule is intended to reduce accidental deaths of Florida manatees by slowing down boat traffic. Advocacy is concerned that the Fish and Wildlife Service did not fully consider the burden the rule could impose on small marine recreation firms. A complete copy of Advocacy's comments may be accessed at <http://www.sba.gov/advo/laws/comments/>. A summary of Advocacy's concerns follows.

Advocacy enforces a law that requires more thorough analysis

- The Regulatory Flexibility Act requires Federal agencies to explain the costs of their proposed rules on small businesses and to consider alternative approaches that would minimize small business costs. An agency may avoid these requirements, in part, if it “certifies” that the rule would not have a significant economic impact on a substantial number of small businesses and provides the public with the reasons the agency has done so. The Office of Advocacy disagrees with the Fish and Wildlife Service's decision to “certify” the proposed rule and the adequacy of the justification provided.
- The Office of Advocacy believes that the Fish and Wildlife Service has underestimated the costs of the rule by including in its impact analysis businesses not affected by the rule. Advocacy encourages the Fish and Wildlife Service to reach out to small businesses to identify impacts and regulatory alternatives, and to reflect the comments from small business in the agency's analysis of the rule.
- Small businesses have told Advocacy that the rule would likely impose significant burdens through reduced recreation and boating activity. Advocacy recommends that the Fish and Wildlife Service perform a thorough analysis of the rule's impacts on small businesses and consider alternatives to minimize that burden, in accordance with the Regulatory Flexibility Act. Advocacy recommends that the Fish and Wildlife Service publish a new analysis for comment to provide small businesses the opportunity to participate meaningfully in the rulemaking.

For more information on the Office of Advocacy

- Visit Advocacy's Web page at <http://www.sba.gov/advo> or contact Michael See at (202) 205-6533.