

Do I need Alcohol and Drug testing?



46 CFR 4.05-12

For each marine casualty required to be reported and determined to be a Serious Marine Incident, or likely to become one, the marine employer shall determine whether there is any evidence of alcohol or drug use by individuals directly involved in the casualty and report the results on a CG-2692B

Serious Marine Incident

A Serious Marine Incident includes the following events involving a vessel in commercial service:

Any marine casualty or accident as defined on the front of this brochure or 46 CFR 4.03-1, which is required to be reported by 46 CFR 4.05-1, AND which results in ANY the following:

- 1) One or more deaths;
- 2) An injury to a crewmember, passenger, or other person which requires professional medical treatment beyond first aid, and, in the case of a person employed aboard a vessel in commercial service, which renders the individual unfit to perform routine vessel duties;
- 3) Damage to property in excess of \$200,000 (excluding the cost of salvage, cleaning, gas-freeing, drydocking, or demurrage);
- 4) Actual or constructive total loss of any vessel Subject to inspection under 46 USC 3301;
- 5) Actual or constructive total loss of any self-propelled vessel, not subject to inspection under 46 USC 3301, of 100 gross tons or more;
- 6) A discharge of oil of 10,000 gallons or more into the navigable waters of the United States, as defined by 33 USC 1321, whether or not resulting from a marine casualty;
- 7) A discharge of a reportable quantity (RQ) of a hazardous substance into the navigable waters of the U.S. or a release of a RQ of a hazardous substance into the environment, whether or not resulting from a marine casualty.

Report All Oil and Chemical Spills

Per 40 CFR 110.6 and 300.405, all oil and chemical spills **shall** be reported to the National Response Center (NRC) at **1-800-424-8802**

Suspicious maritime activity may also be reported to the NRC at the above number or by calling **1-877-24WATCH**

NRC operates 24/7/365.

Coast Guard on the web

United States Coast Guard
www.uscg.mil

National Response Center
www.nrc.uscg.mil

All Reportable Marine Casualty forms may be obtained by contacting the MSU Valdez Investigations staff at:

vio@uscg.mil
907-835-7294
907-835-7223

Coast Guard Commercial Fishing Industry Safety Information
www.fishsafe.info

To schedule a Commercial Fishing Vessel Exam, contact MSU Valdez CFV Examiners at
907-795-5885

Report Marine Casualties

(24 hrs) **907-406-0001** (24 hrs)
or
Channel 16 VHF/FM

Email: vio@uscg.mil
Fax: 907-835-7287

Commanding Officer
Marine Safety Unit Valdez
PO Box 486
105 Clifton Drive
Valdez, AK 99686



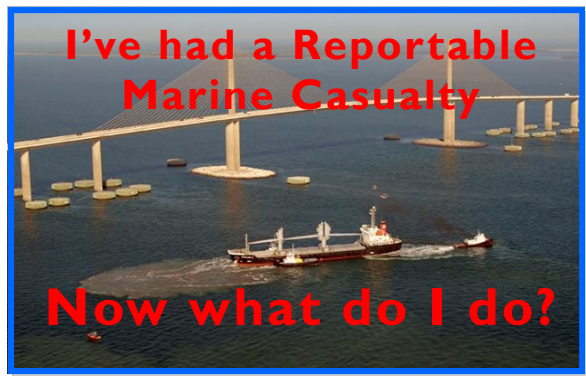
United States Coast Guard

Department of Homeland Security

Commercial Vessels: Reportable Marine Casualty and what to do?



- 1) Unintended grounding, or bridge allision,
- 2) Intended grounding, or bridge allision, that creates a hazard to navigation, the environment, safety of a vessel, or which results in any of the scenarios listed below;
- 3) Loss of main propulsion, primary steering, or any associated component or control system that reduces the maneuverability of the vessel;
- 4) An occurrence materially and adversely affecting the vessel's seaworthiness or fitness for service or route, such as flooding, fire, failure of or damage to lifesaving, firefighting, bilge-pumping, or auxiliary power-generating equipment;
- 5) Loss of life;
- 6) An injury requiring professional medical treatment (treatment beyond first aid), and, for persons engaged or employed aboard, renders them unfit to perform routine duties;
- 7) Occurrence causing property damage in excess of \$75,000 (excluding the cost of salvage, cleaning, gas-freeing, drydocking, or demurrage);
- 8) An occurrence involving significant harm to the environment as defined in 46 CFR 4.03-65.



46 CFR 4.05-1

Step 1

Verify that you have been involved in a Reportable Marine Casualty as listed on the front of this brochure or 46 CFR 4.05-1. Also determine if it is a Serious Marine Incident as listed in this brochure or 46 CFR 4.03-2.

Step 2*

Report it to the Coast Guard

907-406-0001
(24 hrs) or (24 hrs)
Channel 16 VHF/FM

Step 3*

Submit a CG-2692

Within 5 Days

(Report of Marine Accident, Injury or Death)

As per 46 CFR 4.05-10, the owner, agent, master, operator, or person in charge of the vessel shall, within five days, submit to the Coast Guard a CG-2692 for any marine casualty required to be reported under 46 CFR 4.05-1.

* Failure to perform the above steps could result in imposed fines up to \$38,954 per violation and/or Suspension and Revocation action against your Merchant Mariner Credential.

(See <https://ecfr.io/Title-33/pt33.1.27> for current maximum civil penalty amounts.)

Who is Required to conduct Alcohol and Drug Testing and When?

Coast Guard regulations currently require marine employers to take all practical steps after a Serious Marine Incident to have each individual engaged or employed on board a vessel in commercial service, who was directly involved in the incident, chemically tested for evidence of drug and alcohol use.



Per 46 CFR 4.06-15, most commercial vessels are required have onboard alcohol testing devices which comply with this section.

Certain operations where the vessels could conceivably get the tests completed within two hours will not need to carry the alcohol testing devices; however, all other vessels should carry them to ensure they will not be subject to civil penalty of \$7,520 per violation, with each day of a continuing violation constituting a separate violation.

Time Limit Requirements

Drug testing is mandatory within 32 hours following a Serious Marine Incident.

Alcohol testing is mandatory within 2 hours following a Serious Marine Incident.

If alcohol testing cannot be conducted within 2 hours due to safety concerns directly related to the casualty, testing is to be conducted as soon as the safety concerns have been adequately addressed to permit such testing, but no later than 8 hours after the incident.

It is the responsibility of the marine employer to ensure that the alcohol and drug testing occurs.

(See <https://ecfr.io/Title-33/pt33.1.27> for current maximum civil penalty amounts.)

Why Does the Coast Guard Investigate Marine Casualties?

The investigations of marine casualties and accidents and the determinations made are for the purpose of taking appropriate measures for promoting safety of life and property at sea, and are not intended to fix civil or criminal responsibility.

The investigation will determine as closely as possible:

- (1) The cause of the accident;
- (2) Whether there is evidence that any failure of material (either physical or design) was involved or contributed to the casualty, so that proper recommendations for the prevention of the recurrence of similar casualties may be made;
- (3) Whether there is evidence that any act of misconduct, inattention to duty, negligence or willful violation of the law on the part of any licensed or certificated person contributed to the casualty;
- (4) Whether there is evidence that any Coast Guard personnel or employee of any other government agency or any other person caused or contributed to the cause of the casualty; or
- (5) Whether the accident shall be further investigated by a Marine Board of Investigation in accordance with regulations in 46 C.F.R. 4.09.

