

**MARINE EMPLOYER
CHEMICAL TESTING
GUIDEBOOK
(JANUARY 2002)**

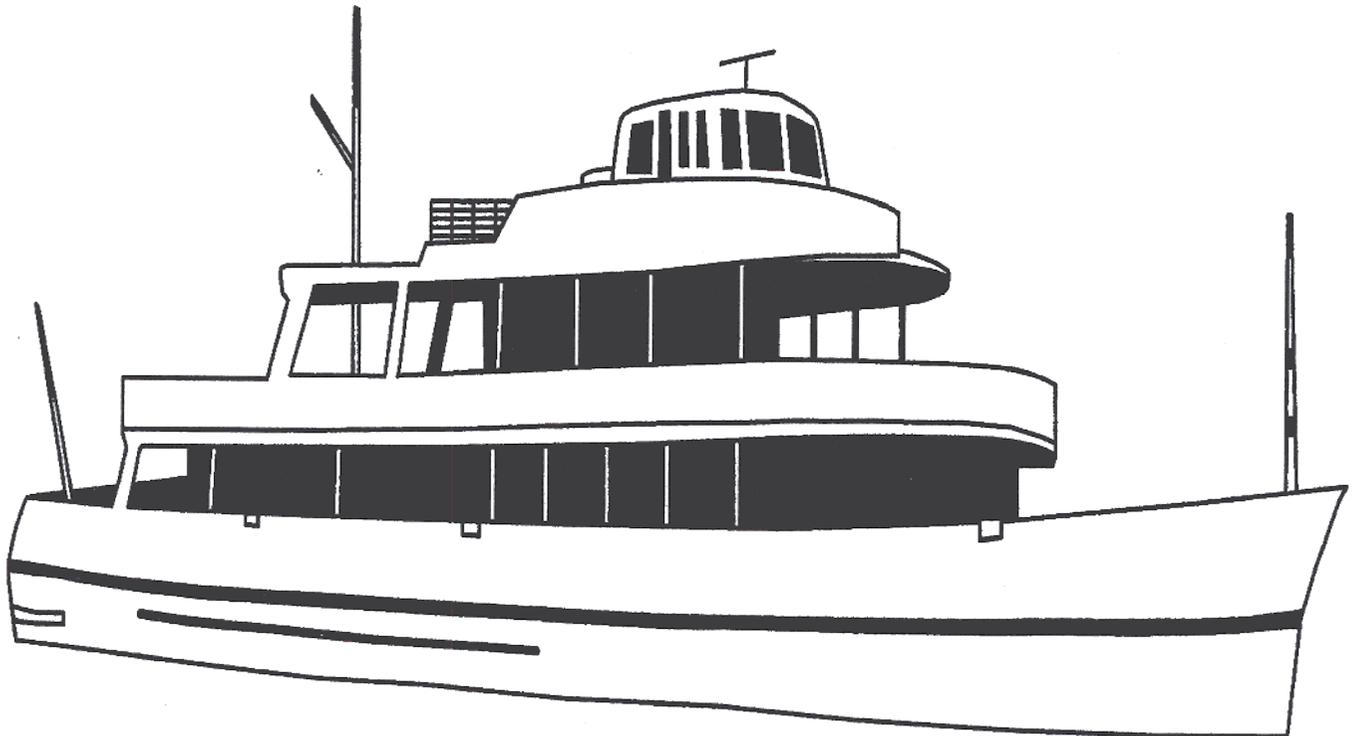


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CHEMICAL TESTING PROGRAM

CODE OF FEDERAL REGULATIONS (CFR)

These citations provide more information on the chemical testing requirements. See enclosure 1 for methods of obtaining these regulations.

46 CFR 4.06 Coast Guard - Mandatory Chemical Testing Following Serious Marine Incidents Involving Vessels in Commercial Service

46 CFR 16 Coast Guard - Chemical Testing: types of testing required and procedures for the marine employer (when and who to test).

49 CFR 40 DOT - Procedures for Transportation Workplace Drug Testing Programs: procedures for all DOT-regulated drug testing, includes technical regulations for collection and testing (how to test).

33 CFR 95 Coast Guard - Operating a Vessel While Under the Influence of Alcohol or a Dangerous Drug: sets the standard for alcohol intoxication and contains authority for chemical testing, primarily for alcohol. 33 CFR 95 is not discussed in this guide.

Failure, on the part of a marine employer, to implement or conduct chemical testing for dangerous drugs or for evidence of alcohol may result in a **civil penalty of \$5,000.00 per day for each violation**. Each day of a continuing violation constitutes a separate violation. (46 United States Code, Section 2115)

DEFINITIONS

Chain of Custody - Procedures to account for the integrity of each urine or blood specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen. Procedures include the use of a drug testing custody form at collection and a laboratory chain of custody form.

Chemical Test - a scientifically recognized test which analyzes an individual's breath, blood, urine, saliva, bodily fluids, or tissues for evidence of dangerous drug or alcohol use.

Crewmember - an individual who is:

- (a) On board a vessel acting under the authority of a license, certificate of registry (COR), or merchant mariner's document (MMD), whether or not the individual is a member of the vessel's crew; or
- (b) Engaged or employed on board a vessel owned in the United States that is required by law or regulation to engage, employ, or be operated by an individual holding a license, COR, or MMD.

Dangerous Drug - a narcotic drug, a controlled substance.

Employer - marine employer or sponsoring organization.

Marine Employer – any one or more of the following: the owner, managing operator, charterer, agent, master, or person in charge of a vessel, other than a recreational vessel.

Medical Review Officer (MRO) – a person who is a licensed physician and who is responsible for receiving and reviewing laboratory results generated by an employer’s drug testing program and evaluating medical explanations for certain drug testing results.

Refuse to Submit - crewmember fails to provide a urine sample without a genuine inability to provide a specimen, after he/she has received notice of the requirement to be tested.

Substance Abuse Professional (SAP) – a person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

APPLICABILITY: Determining the need for a program and who to test

The marine employer is responsible for administering the drug and alcohol testing program for their employees. Certain crewmembers are subject to the regulations of Part 16. If a license, certificate of registry (COR), or merchant mariner's document (MMD) is required by at least one person on the vessel, then that person, and possibly more could be subject to the regulations based upon their responsibilities on the vessel. Each vessel must be evaluated independently using the definitions of "crewmember" and "operation" to determine person-specific applicability. Any crewmember who performs a safety related function on board the vessel, including but not limited to line handling, steering the vessel, distributing life vests, or ensuring the safety of the passengers, is required to be included in the program.

With the exception of serious marine incident testing requirements, the regulations contained in Part 16 are not applicable to foreign flag vessels or those vessels that do not require licensed personnel. Examples of vessels where licensed personnel are not required (and therefore these regulations do not apply) are towing vessels under 26 feet in length and commercial fishing industry vessels under 200 gross tons.

DRUG TESTING PROCEDURES (SIMPLIFIED)

Step 1. Employer has employee submit to test at an approved collection site

Step 2. Collection site receives split specimen

Step 3. Collection site ships specimens to Department of Health and Human Services (DHHS) certified lab

Step 4. Lab receives specimens, ensures security of samples, retains first specimen unopened

and begins processing second specimen for tests.

- a. Lab initiates first test by immunoassay (screening)

If negative, testing stops - negative reported.
If positive, testing continues.

- b. Lab initiates second test by Gas Chromatography/Mass Spectrometry (GC/MS), a confirmation test

If negative, negative reported.
If positive, confirmed positive.

* Lab places all confirmed positive samples into frozen storage.

Step 5. Lab reports all results to the employer's Medical Review Officer (MRO).

Step 6. MRO verifies confirmed positive.

- a. Reviews positive report documents
- b. Notifies employee of positive test results
- c. Provides employee opportunity to discuss results
- d. Reviews any pertinent medical records
- e. Reviews medical history, other factors
- f. Processes employee request for split sample test (if appropriate)

Step 7. MRO notifies employer of positive test by telephone, electronically, or in writing.

Step 8. Marine employers report positive test results in writing to the nearest USCG Marine Safety Office.

The marine employer will safeguard the confidentiality of the program and shall not release drug testing or other personal information except to the person who was tested, to a third party that the tested person specifies in writing, or to the Coast Guard.

COLLECTION SITE (49CFR40.41)

The sample must be collected at an adequate location. The regulations are very specific in how specimens are collected, and how specimen containers are sealed and transported. Chain of custody must be maintained from the time of collection of the specimen to its testing. The marine employer needs to ensure that the collection site uses DOT collection procedures. Some certified labs have designated sites and individuals allowed to collect and maintain samples to ensure the sample's integrity.

DHHS LABORATORY REQUIREMENTS (49 CFR 40.81)

The employer shall ensure that all chemical testing for dangerous drugs required by this part is conducted by a Department of Health and Human Services (DHHS) certified laboratory. These laboratories shall meet the requirements of 49CFR40. See enclosure 1 for more information on certified labs.

SPECIMEN ANALYSIS (46 CFR 16.350)

A URINE specimen is the only acceptable means by which to test for the presence of drugs. Each specimen shall be analyzed in accordance with 49 CFR 40.85, which requires testing for all of the below at specified cutoff levels:

- (a) Marijuana
- (b) Cocaine
- (c) Opiates
- (d) Phencyclidine (PCP)
- (e) Amphetamines.

This test is commonly referred to as the DOT 5-panel test. If an employer wishes to test for additional drugs or use a different cutoff level, the employer must keep such a program separate from the DOT required testing program, including separate sample collections.

Testing for alcohol in the marine industry may be conducted using breath or blood. If blood is tested, only a qualified medical person may collect it. Breath testing may be done by anyone trained to conduct such tests. The Coast Guard does not mandate the use of Evidential Breath Testing devices.

TESTING REQUIREMENTS

Pre-employment (46 CFR 16.210)

A marine employer must conduct a drug test and receive a negative result prior to employing any crewmember. A Pre-employment test may be waived if the applicant provides proof (for example, a test result or a letter from a company who conducted the random program) of one of the following conditions:

- 1) The person has passed a Coast Guard required drug test within the previous six months with no subsequent positive test results.
- 2) The person has been subject to a Coast Guard random drug testing program for 60 of the past 185 days, and has not failed or refused a test. "Being subject to random testing" means that the individual has been eligible to be tested, not that they have necessarily been tested.

An employer is not required to exempt prospective employees from pre-employment testing.

Periodic (46 CFR 16.220)

Whenever a physical examination is required for an individual, a chemical test for dangerous drugs must be included as part of the physical examination. This type of testing is not necessarily the responsibility of the marine employer.

Physical exams are required for the following:

- (a) Licensing and Certificates of Registry (46 CFR 10)
- (b) Certification (46 CFR 12)
- (c) Shipment and Discharge of Seaman (46 CFR 14)
- (d) Vessel Manning (46 CFR 15)

A drug test must be included when applying for a license or merchant mariner's document. The results of the test must be provided to the Regional Exam Center (REC).

All persons required by the regulations to take periodic exams must provide each test result to the REC when applying for a renewal.

A periodic test is not required if there is proof (for example, a test result or a letter from a company who conducted the random program) of one of the following conditions:

- 1) The person has passed a Coast Guard required drug test within the previous six months with no subsequent positive test results.
- 2) The person has been subject to a Coast Guard random drug testing program for 60 of the past 185 days, and has not failed or refused a test. "Being subject to random testing" means that the individual has been eligible to be tested, not that they have necessarily been tested.

Random (46 CFR 16.230)

A person may not serve (including self-employment) on a vessel as master, operator, or person in charge, unless there is an active random drug testing program which covers ALL the required crewmembers who are subject to random testing.

Each marine employer is required to test crewmembers on a random basis at an annual rate of greater than or equal to 50 percent. No other tests, such as pre-employment or SMI, can be counted toward the 50 percent. (Example: If 11 employees are covered under random testing, at least 6 persons are required to be tested per year. Five would be less than 50% and is not adequate to meet this requirement.)

Random drug tests are required for the following crewmembers:

Inspected Vessels

- (a) Those who occupy a position, or perform the duties and functions of a position required by the vessel's COI;
- (b) Those who perform duties and functions of patrolman or watchman;
- (c) Those with specifically assigned duties of warning, mustering, assembling, assisting, or controlling passenger movements during emergencies.

Uninspected Vessels

- (a) Those required by law or regulation to hold a CG issued license to perform duties on the vessel;
- (b) Those who perform duties and functions directly related to the safe operation of a vessel;

- (c) Those who perform duties and functions of patrolman or watchman;
- (d) Those with specifically assigned duties of warning, mustering, assembling, assisting, or controlling passenger movements during emergencies.

Random testing means:

- 1) All crewmembers have an equal chance of selection;
**Rather than select individuals, a marine employer may randomly select vessels within their fleet and test all crewmembers, as long as the vessels are equally subject to selection.
- 2) The chance of selection exists for the entire employment period of the person;
**There should not be periods when an employee is "free" from chance of selection or high-risk/low-risk selection periods.
- 3) The dates of testing must be random;
**For example: randomly picking names each payday is not acceptable because the date is predictable and the employees could "beat" the test.
- 4) A scientifically-based method of selection is used;
**For example: random number table or computer-based random number generator.
- 5) Dates of tests are spread reasonably throughout the year;
- 6) An individual subject to random testing does not manage the random process.

The random testing program functions may be accomplished by forming sponsor organizations or hiring contractors. See the section titled "Consortiums" on page 14.

Serious Marine Incident (46 CFR 16.240, 46 CFR 4.06)

Post-accident drug and alcohol testing regulations apply to all U.S. commercial vessels operating anywhere in the world and all foreign vessels operating upon the navigable waters of the U.S. When a marine casualty occurs, the marine employer needs to make a timely, good faith determination as to whether the occurrence is or is likely to become a serious marine incident as described in 46 CFR 4.06. A marine employer shall require all persons (not limited to crewmembers) on board the vessel(s) whom the employer determines to be directly involved in a serious marine incident to be chemically tested for dangerous drugs and alcohol.

An individual whose order, action, or failure to act is determined to have, or cannot be ruled out as having, caused or contributed to a serious marine incident is "directly involved". A law enforcement officer, such as a Coast Guard officer or a state or local police officer, may also determine that a person was directly involved in a serious marine incident. If this happens, the marine employer shall then take all practicable steps to collect a sample.

The regulations do not set a specific time limit but require collections "as soon as practicable." They also state that the regulations shall not prevent a person from performing duties in the aftermath of an accident to protect lives, property, or the environment. Each case will be different. However, it should be noted that evidence of alcohol can leave the body quite quickly.

Urine collection and shipping kits must be maintained aboard vessels unless they can be obtained within 24 hours of an incident. Inspected vessels certificated for unrestricted ocean routes or restricted overseas routes must have a breath testing device on board to test for alcohol.

Serious marine incident (46 CFR 4.03-2) means any marine casualty or accident, required by regulations to be reported to the Coast Guard and resulting in:

- (a) one or more deaths;
- (b) an injury to any person (including passengers) which requires medical treatment beyond first aid and, in the case of a person employed on board a commercial vessel, which renders the person unable to perform routine vessel duties;
- (c) damage to property over \$100,000;
- (d) actual or constructive total loss of any inspected vessel;
- (e) actual or constructive total loss of any uninspected, self-propelled vessel of 100 gross tons or more;
- (f) discharge of 10,000 gallons or more of oil into U.S. navigable waters (whether or not a result of a marine casualty);
- (g) a reportable discharge of a hazardous substance into U.S. waters, or release of reportable quantities into the U.S. environment (whether or not a result of a marine casualty).

Post-Accident Reporting Requirements

A Coast Guard form **CG-2692B**, Report of Required Chemical Drug and Alcohol Testing Following a Serious Marine Incident, must be submitted to the appropriate Officer in Charge, Marine Inspection (OCMI) following any serious marine incident. A copy of CG-2692B can be found in enclosure 5. This form should be submitted along with a form CG-2692, Report of Marine Accident, Injury or Death, if a CG-2692 is required to be submitted. The drug test results will not always be available when the CG-2692 and CG-2692B are submitted. The marine employer must report the test results when they are received, regardless of a positive or negative result.

Reasonable Cause (46 CFR 16.250)

A marine employer shall require any crewmember that is reasonably suspected of using a dangerous drug to be chemically tested for dangerous drugs. The decision to test must be based on reasonable belief that the individual has used a drug based on immediate observation of physical, behavioral, or performance indications of probable use. When available, observation should be made by two persons who are in supervisory positions.

When the marine employer determines that reasonable cause to require a test exists, the individual must be informed of that fact and directed to test as soon as practicable. Never allow these people to drive themselves to the collection site.

An entry concerning the basis of reasonable cause, the order to test given to the crewmember, and any refusal or other response should be documented. A log entry must be made whenever an official ship's log is required.

Reasonable cause means a probability exists, based on some evidence, that a crewmember is intoxicated by or has used drugs or alcohol. Generally the following elements must be present to have "reasonable cause" to require drug testing:

- 1) Direct observation of the suspected crewmember and/or any physical evidence by two persons in supervisory positions. This means the supervisors must personally see the evidence for themselves.
- 2) There must be some physical, behavioral, or performance indication of use or intoxication. Indicators include but are not limited to:
 - (a) an individual's speech, behavior, or appearance
 - (b) drugs and drug paraphernalia in clothing and personal property, or concealed in staterooms or elsewhere
 - (c) smoke, breath, and body odors
 - (d) slurred and incoherent speech
 - (e) lack of coordination and balance
 - (f) nodding and dozing off on watch
 - (g) inability to report for duty
 - (h) frequent or extended unexplained absences from assigned duties
 - (i) sudden or wide changes of mood.

(Since illness, injury, or other factors could also cause these circumstances and conditions, the decision to test for reasonable cause must be made with prudence and common sense.

Reasonable cause testing supports the need for an effective Employee Assistance Program (EAP) as discussed on page 10.)

RECORDS (49CFR40.333)

For tests reported positive by the MRO, the marine employer is to keep the records for at least five years. All negative test results are to be kept for at least one year.

A marine employer must have test records that will permit an individual to obtain confirmation that an employee has passed a pre-employment test (this means keeping pre-employment records for all employees throughout their entire employment) and has been subject to random testing. Any return-to-work letters from MROs/SAPs should be kept on file, if applicable. A marine employer must also have records that reflect:

- 1) The total number of individuals chemically tested annually for dangerous drugs in each of the categories of testing required, and
- 2) The number of individuals who tested positive and for what types of drugs.

****Copies of previous MIS forms will serve as excellent records for past years.**

Employers are required to retain a previous employee's DOT drug and alcohol testing records for two years. This also includes pre-employment DOT drug and alcohol test results for potential employees (applicants), even if the applicant was not hired.

Before placing an employee in a safety-sensitive position, you must obtain the employee's written consent and request information from all DOT-regulated employers for whom the employee has worked within the previous two years. Procedures on requesting information, as well as specific information to request can be found in 49CFR40.25.

MEDICAL REVIEW OFFICER (49CFR40.123)

The Medical Review Officer (MRO) must be a licensed physician who has knowledge of substance abuse disorders. The marine employer shall designate or appoint a MRO meeting the qualifications of 49 CFR 40.121. If the employer does not have a qualified individual on staff to serve as MRO, the employer may contract for the provision of MRO services as part of its drug testing program.

The MRO shall review and interpret each confirmed positive test result in accordance with 49CFR 40.129. The MRO will consider over-the-counter and prescription medication, as well as physical ailments.

The MRO also reviews the chain-of-custody and other procedures to ensure that there is no possibility of error or "mix-up." If there is a legitimate explanation or a possibility of error, the MRO will not verify the test as positive.

If the MRO verifies a laboratory confirmed positive report, the MRO shall confidentially report the positive test result to the employer or the employer's designated agent.

SPLIT SPECIMAN TESTING (49CFR40.171)

The mariner has one opportunity to make a request for retest of the split specimen, which must be within 72 hours after the Medical Review Officer (MRO) made contact with the individual. Only this MRO can direct a split specimen test. The spit specimen test is to be conducted in a separate certified lab. Submitting a separate sample does not apply and is not valid to negate the first positive test result.

RETURN TO WORK – MRO (46CFR16.201(f))

Before an individual who has failed a required chemical test for dangerous drugs may return to work aboard a vessel, the MRO must determine that the individual is drug-free and the risk of subsequent use of dangerous drugs by the person is sufficiently low to justify his or her return to work. **In addition, the individual must agree to be subject to a minimum of six (6) tests in the first year after the individual returns to work as required in 49CFR40, and for any additional period as determined by the MRO up to a total of 60 months.** The employee must also complete any requirements assigned by a Substance Abuse Professional (SAP).

SUBSTANCE ABUSE PROFESSIONAL (49CFR40.291)

Once it is determined an employee has violated a DOT drug and alcohol testing violation, a SAP will conduct a face-to-face assessment and clinical evaluation of the employee, and recommend education and/or treatment. Before an individual who has failed a required chemical test for dangerous drugs may return to work aboard a vessel, a determination by the SAP that the employee has successfully complied with the SAP's recommendations is necessary. Regardless of the SAP's determination, only the employer can decide whether or not to put the person back to work

QUALITY ASSURANCE: BLIND SPECIMENS (49CFR40.103)

A blind specimen is a urine specimen with a fictitious identifier submitted to a laboratory for quality control testing purposes. The laboratory cannot distinguish it from any other specimen submitted for testing. This specimen may either contain a known quantity of a specific drug or may be a blank (contain no drug).

While the testing laboratories are required to maintain stringent in-house quality assurance programs, marine employers or consortiums/Third Party Administrators (C/TPA) with an aggregate of 2000 or more DOT-covered employees are also required to play a role in ensuring the accuracy of the drug tests. To each laboratory to which you send at least 100 specimens in a year, you must submit a number of blind specimens equivalent to one percent of the specimens you send to that laboratory, up to a maximum of 50 blind specimens per quarter. Blind specimen submissions must be evenly spread throughout the year. Approximately 75% of the specimens must be blank, approximately 15% must be either adulterated or substituted with one or more of the five drugs involved in DOT tests, and approximately 10% must be either adulterated with a substance cited in Health and Human Services (HHS) guidance or substituted.

Blind specimens with specific quantities of a drug can be purchased from pharmaceutical companies.

If you are an employer, MRO, or C/TPA who submits a blind specimen, and if the result reported to the MRO is different from the result expected, you must investigate the discrepancy and take action in accordance with 49CFR40.105.

EMPLOYEE ASSISTANCE PROGRAM (EAP) (46CFR 16.401)

The marine employer must establish an EAP. The marine employer may establish the EAP as part of its internal personnel services or the employer may contract with an entity, such as a consortium, that will provide EAP services to a crewmember. This EAP must include education and training.

The requirements of the educational program must include display and distribution of:

- 1) information on drug use/abuse;
- 2) a community service, substance abuse hot-line telephone number for crewmember assistance;

3) the marine employers drug and alcohol policy.

The requirements of the training program must include:

- 1) the effects of drug and alcohol use on personal health, safety, and the work environment;
- 2) the behavioral indications of drug and alcohol use/abuse;
- 3) documentation of training completed by employees.

Additionally, employers must provide to each employee (including an applicant or new employee) who violates a DOT drug and alcohol testing regulation a listing of SAPs readily available to the employee and acceptable to you, with names, addresses, and telephone numbers. You cannot charge the employee any fee for compiling or providing this list. You may provide this list yourself or through a C/TPA or other service agent.

Supervisors must be given sixty (60) minutes of training, which should also be documented. Documentation can be in the form of a letter, memo, or log entry attesting to the date/time, type of training, and personnel attending.

An EAP is a work-site based program designed to assist in identifying and resolving productivity problems arising from personal concerns affecting an employee. The Coast Guard Chemical Testing Regulations only require an employer to provide education and training as previously stated. However, EAPs may include resources to assist employees with other issues, such as health, financial, marital, family and legal.

COMPANY POLICY STATEMENT (46CFR16.401(a))

The company policy statement should clearly identify the company's position regarding substance abuse and describe the actions that will occur if the policy is violated. The written company policy can provide protection. Companies without a written chemical testing policy may be subject to legal actions by disgruntled former employees. A sample chemical testing policy is included in this guide (enclosure 2).

MANAGEMENT INFORMATION SYSTEM (MIS) (46CFR16.500)

The marine employer must collect drug and alcohol testing program data for input to the Management Information System (MIS). This data is collected for each calendar year, January 1 to December 31, and must be submitted by March 15 of the following year on Form CG-5573. Data may be submitted by a drug testing consortium on behalf of a marine employer. In this case, the marine employer must notify Commandant (G-MOA) in writing of the consortium or representative that will submit the employer's data. The marine employer remains responsible for ensuring that the data is submitted and is accurate. Marine employers with 10 or less employees who submit their own MIS form (not via a consortium) and who have submitted for three years in a row will be exempt from further submissions.

The data shall be submitted to: **Commandant (G-MOA)**
 U. S. Coast Guard
 2100 Second Street SW
 Washington, DC, 20593-0001

A copy of CG-5573 can be found in enclosure 4.

THE THREE R's OF A POSITIVE TEST

Remove

Any crewmember that fails any required drug test must immediately be removed from duties that directly affect the safe operation of the vessel (or denied employment in the case of a pre-employment test). This requirement applies to all persons who fail drug tests, whether or not they hold a license, COR, or MMD.

Report

Marine employers must make a written report to the Coast Guard of all positive drug tests resulting from any required testing of an individual who has a license, COR, or MMD issued by the Coast Guard. Positive test results must be reported both for present and prospective employees. The marine employer must make this report whether or not the individual was hired and regardless if the position required a license, COR, or MMD is required. As long as the person has credentials issued by the Coast Guard, a report must be made to the Coast Guard. A sample report can be found in enclosure 3.

Marine employers are not required to report positive pre-employment drug test results to the Coast Guard for persons who do not have licenses, CORs, or MMDs. These individuals may not be employed, however, the marine employer must maintain a file regarding the positive test in accordance with 49CFR40.25. All drug and alcohol test results must be reported following a serious marine incident, regardless of citizenship or whether or not the persons tested hold Coast Guard papers.

Review Options

Anyone who has tested positive for use of a dangerous drug must complete an initial and follow-up SAP evaluation, and complete any required education and/or treatment as per 49CFR40.301, and receive a MRO's drug-free determination prior to being allowed to return to work in any safety related position. This includes the mariner who does not hold a license, MMD, or COR.

There are several options available, none of which are a 'quick fix'. A common misconception is that by providing a subsequent drug test result, which is negative, the matter of the positive test will end. **This is not true.** The Coast Guard will continue to prosecute the positive test result regardless of any negative test taken thereafter.

Licensed individuals may "Voluntarily Deposit" their license or document with the Coast Guard to show good faith that they are going to correct the situation in the minimal time. This deposit does not exempt the mariner from any proceedings, but it gets the process started and shows good faith.

Mariners may opt to go to a Suspension and Revocation (S&R) hearing in front of a federal Administrative Law Judge (ALJ). The hearing is administrative in nature and concerns only the mariner's right to continued use of a Coast Guard issued license, MMD, or COR. It will not result in fines or imprisonment. It is the mariner's burden to provide proof that will negate the test results. The Coast Guard will recommend and seek revocation as per Title 46 United States Code (USC), Article 7704.

The mariner may surrender their license/document. They will be eligible to reapply for their license under "Administrative Clemency". Normally this is three years after the license or document is surrendered.

The last option is to enter into "Joint Motion", where you agree with the Coast Guard to undergo counseling, rehabilitation (as deemed necessary by medical authority), and accelerated testing for a period of 12 months. There will be no exceptions to these requirements.

REFUSALS & EXCUSES

Employees must provide a urine sample for drug testing and a blood or breath sample for alcohol testing when directed by their marine employer. A crewmember who holds a license, COR, or MMD who refuses to provide a test sample should be reported to the nearest Coast Guard Marine Safety/Inspection Office for the Coast Guard to take action in accordance with applicable laws and regulations. This may include Suspension and Revocation (S&R) proceedings.

Additionally, previous drug cases have established the precedent that "unconscious ingestion" (you did not knowingly take the drug and don't know how it got in your system) and "passive inhalation" (you did not personally smoke it; you were just standing nearby), are not plausible defenses to a "use of a dangerous drug" charge.

THE DRUG PROGRAM AUDIT

The scope of the audits will include required record keeping and reporting, specimen collection, MRO activities, employee assistance programs, proper designation of crewmembers to be tested, and proper conduct of required tests. To ensure the effectiveness of the program, it should be in a written format and presented to the Coast Guard inspector at the time of the audit. Many consortiums provide the written program as part of their service.

To expedite the drug program audit of an inspected vessel, the records should be available on board the vessel during the inspection. There should also be a representative present who is knowledgeable of the company's drug testing program and is able to address any questions the inspector may have. However, if the records cannot be made available on board the vessel, please contact the Inspections Department prior to the inspection in order to make alternative arrangements.

Copies of the audit checklists are available in this guidebook (enclosure 7). There are two checklists; one is for a consortium run program and the other is for an employer run program. Marine employers are encouraged to copy and use the applicable form to conduct a pre-audit of

their company's drug testing program. The form will help you determine if your company is in compliance with the regulations, correct any deficient areas, and prepare you for the actual Coast Guard audit.

Uninspected vessel operators who are prepared to conduct an audit are encouraged to contact their local MSO to schedule an audit. Depending on your program, the audit may be done through the mail.

Do not wait until you are contacted for an audit to establish a drug program. The drug testing regulations have been in effect for several years, and marine employers must be in compliance with these regulations. While our desire is to promote compliance through a partnership of education and cooperation, enforcement action will be taken against non-compliant operators. Besides, a good chemical testing and education program could be valuable: protecting you in a third party liability action, decreasing insurance rates, and protecting the valuable personnel who operate your business.

CONSORTIUMS/THIRD PARTY ADMINISTRATORS

Marine employers, especially smaller companies, may find it advantageous to comply with the chemical testing regulations by joining a chemical testing consortium/third party administrator (C/TPA). C/TPAs combine the employees of several companies into a single "testing pool" and administer the chemical testing programs for all the companies as a single entity. Be aware that C/TPAs differ in services they provide. Some may provide "full service" coverage of the chemical testing regulations, while others may provide only limited services such as a random drug testing pool. Because the marine employer remains ultimately responsible for the company's chemical testing program, ensure that the C/TPA you choose is able to meet your specific needs. See enclosure 1 to get more information on C/TPAs.

When considering civil penalties of as much as \$5,000.00 per occurrence for non-compliance, or costs associated with civil liability after an injured customer sues, or post-casualty insurance hikes, the cost of complying with these regulations becomes much more reasonable.

FREQUENTLY ASKED QUESTIONS

Do I need a chemical testing program?

A prevailing question smaller commercial operators (employing only one or two employees) often ask is "Do the chemical testing regulations apply to me?" The answer is a big "Yes". The chemical testing regulations apply to most commercial vessel operations regardless of the number of employees and regardless of whether the vessel is inspected or uninspected. This includes "guide services".

Do "independent contractors" or part time crewmembers need to be part of a marine employer's chemical testing program?

Again, the answer is "yes". If an individual meets the definition of a crewmember, as described in 46CFR16.105, they must be part of the chemical testing program, regardless of how short the

time period they work on board the vessel. Enclosure 6 has been included in this guide in order to assist with the problem of having part time crewmembers in the chemical testing program.

With bareboat charters, who is responsible for ensuring a drug testing program is in place for that chartered vessel (the hired captain, vessel owner, people who chartered the vessel, etc.)?

The marine employer is responsible. This can be played out in several ways depending on the arrangements/contracts and should probably be looked at on a case by case basis. Any one of the people listed above can play the part of the marine employer. That person must have a chemical testing program in place.

I change mates so frequently; do I have to obtain a pre-employment test for each mate?

The pre-employment test may be waived if one of the conditions under 46CFR16.210 is met. See page 5.

What are the penalties for violation of these regulations?

The following enforcement actions may be taken for noncompliance with the Coast Guard chemical testing regulations:

1. Certificate of Inspection (COI) may be removed or not issued
2. Civil Penalty may be assessed of up to \$5,000.00 per day per violation
3. Suspension & Revocation (S&R) proceedings may be initiated against an individual's license, MMD, or COR
4. Captain of the Port (COTP) order may be issued
5. Letter of Warning
6. CG-835 (deficiency ticket) may be issued.

What about the marine employer who runs a "non-profit" or charity operation and the crewmember who is a "volunteer"?

In these two cases the financial or payment status is not an issue. The requirements for chemical testing still apply.

Are individuals changing positions or ships within a company's fleet considered "new hires" and need a pre-employment test?

No.

What is a "serious marine incident"?

See page 7.

Are breathalyzer devices required onboard?

Yes, but only for inspected vessels certified for unrestricted ocean or restricted overseas routes.

WHERE TO GET INFORMATION ABOUT...

SUBSTANCE ABUSE

National Clearinghouse for Alcohol and Drug Information
PO Box 2345
11426-28 Rockville Pike
Rockville, MD 20847-2345

1-800-729-6686 or (301) 468-2600

You can obtain a free catalog, containing thousands of drug prevention products, by calling the toll-free number.

THE DRUG TESTING REGULATIONS

There are several sources available to obtain the regulations.

Website: www.access.gpo.gov/nara/cfr/cfr-retrieve.html

Order charged to credit card: (202) 512-1800 or Order by fax: (202) 512-2250

Order by mail: **Superintendent of Documents**

Government Printing Office

PO Box 371954

Pittsburgh, PA 15250-7954

Purchases paid by check or money order made payable to **Government Printing Office**.

Ordering information:

46 CFR, Parts 4 and 16 (volume contains parts 1 through 40)

Order Document No. 869-034-00171-8 Cost: \$26.00 each

49 CFR, Part 40 (volume contains parts 1 through 99)

Order Document No. 869-034-00192-1 Cost: \$31.00 each

Drug and Alcohol Testing Management Information System (MIS)

Data Collection Form (7 copy version)(Pkg of 50)

Order Document No. 050-000-00558-5 Cost: \$36.00 Pkg

COMMUNITY SERVICE HOTLINE NUMBERS

Your local telephone directory

COLLECTION PROCEDURES

Secretary of Transportation's Drug Office at (202) 366-3784

CERTIFIED LABORATORIES

At the beginning of each month, the list of DHHS certified laboratories is published in the Federal Register.

Website: www.health.org/labs/index.htm

DHHS: (314) 443-6014

Enclosure (1)

MIS FORM

Copy provided in this guidebook.

Website: www.uscg.mil/hq/g-m/nmc/genpub.htm#forms

The form and its instructions may be obtained at any Marine Safety/Inspection Office. The forms can also be ordered from the Government Printing Office as indicated in the section titled THE DRUG TESTING REGULATIONS.

CONSORTIUMS/THIRD PARTY ADMINISTRATORS

The Coast Guard Issues a Letter Of Substantial Compliance (LOSC) to companies who have submitted their programs and have been determined to meet the basic requirements of the chemical testing regulations. Contact the nearest Coast Guard Marine Safety/Inspection Office or the USCG District One Drug and Alcohol Program Inspector (DAPI) to obtain an updated list of LOSC holders.

ASSISTANCE

If a highly technical, legal, or unique problem arises, consult the regulations, the nearest Coast Guard Marine Safety/Inspection Office, the U.S. Coast Guard District One Drug and Alcohol Inspector (DAPI) at (401) 435-2300, or Commandant (G-MOA), U.S. Coast Guard at (202) 267-1430.

SAMPLE

DRUG AND ALCOHOL POLICY

GENERAL:

The purpose of this policy is to ensure public safety and to maintain a safe, and productive work environment for all employees by preventing accidents or other dangerous incidents that may result from drug or alcohol use. This policy pertains to all employees of the company who have cause to be on company vessel(s) and other properties.

POLICY STATEMENT:

The possession, use, or sale of alcohol on company premises during work hours is strictly prohibited. Further, the possession, use or sale of illegal drugs is prohibited at any time.

Employees are prohibited from reporting to work under the influence of alcohol or drugs.

An employee who is taking a prescription drug is required to present to the company a statement from the prescribing physician that the prescription drug will not impair the employee's work performance.

The company will require drug testing of applicants for employment in safety-sensitive positions. Any applicant who refuses to submit to the test will no longer be considered eligible for employment.

The company will require drug testing of employees who hold safety-sensitive positions. Any employee who refuses to submit to the test will no longer be considered eligible for employment.

Drug testing shall be conducted in accordance with USCG rules and regulations. Specifically, individuals will be tested for the presence of controlled substances (marijuana, cocaine, opiates, amphetamines, phencyclidine (PCP) and alcohol) and will be subject to pre-employment, reasonable cause, periodic, random, and post accident drug testing. Such individuals must **TEST NEGATIVE** for the presence of controlled substances.

In the interest of the safety and health of its employees, the company reserves the right to inspect and search, at random, unannounced times, all packages, boxes, clothing, or any personal belongings carried on or off company property.

SAMPLE

DRUG AND ALCOHOL POLICY

DISCIPLINE:

Employees found to be in violation of this policy either directly possessing or using alcohol or drugs, as described above, or through a verified positive drug test or by court conviction, will be subject to immediate discharge from employment.

Any employee who fails to cooperate with the requirements set forth in this policy, including refusal to test, failure to provide a specimen within a reasonable time, failure to report for a scheduled appointment to provide a specimen, adulteration of a specimen, will be subject to disciplinary action which may include immediate termination of employment.

ADMINISTRATIVE:

The company strictly prohibits the use, possession, sale of illegal drugs, drug paraphernalia or unsanctioned use of alcohol aboard company vessel(s) or property. The company will cooperate fully with public authorities in the prosecution of anyone in violation of said prohibition.

Information concerning drug and/or alcohol test results, or violations of this policy will be treated as confidential information. Such information will be released only to management representatives who have a need to know. This information will also be provided to the Coast Guard or other federal and state agencies where required by law or regulation.

Test results or documentation showing the employee has been subject to random drug testing shall be provided to that employee or to their designated representative, upon written request by the employee.

ALCOHOL AND DRUG POLICY ACKNOWLEDGMENT

I, _____, acknowledge that I have read the company alcohol/drug policy, and that I fully understand that violation of this policy will be grounds for immediate termination of my employment.

Signature _____ Date _____

SAMPLE REPORT TO COAST GUARD
(Fill in areas that are in ALL CAPS)
COMPANY LETTERHEAD

DATE

Commanding Officer
Marine Safety Office XXXX
ATTN: Senior Investigating Officer
PO BOX XXXXX
CITY, ST 12345-6789

Gentlemen:

Pursuant to provisions of 46 CFR, parts 4, 5, and 16 COMPANY NAME hereby notifies you that MARINER'S NAME tested positive for DRUG TYPE during a REASON FOR TEST chemical test administered on DATE TEST and in accordance with the standard set forth in 49 CFR40. The laboratory used was LABORATORY NAME and the chemical test Identification number is ID NUMBER.

MARINER'S NAME holds a Coast Guard Merchant Marine LICENSE/DOCUMENT, number LICENSE/DOCUMENT NUMBER, as TYPE OF LICENSE/DOCUMENT, which was issued on ISSUE DATE. MARINER'S NAME last known address and phone number are:
ADDRESS PHONE NUMBER.

Sincerely,

SIGNATURE
NAME OF DESIGNATED REPRESENTATIVE
TITLE

Enclosure: (1) USCG Merchant Marine License/Document (COPY)
(2) Drug testing Custody and control Form
(3) Lab report and/or MRO report

Enclosure (3)

YEAR COVERED BY THIS REPORT: 20

A. MARINE EMPLOYER INFORMATION

Company _____

Address _____

I, the undersigned, certify that the information provided on this United States Coast Guard Drug and Alcohol Testing Management Information System Data Collection Form is, to the best of my knowledge and belief, true, correct, and complete for the period stated.

 Signature

 Title

 Printed Name

 Phone Number

 Date

Title 18, U.S.C., Section 1001, makes it a criminal offense subject to a maximum fine of \$10,000, or imprisonment for not more than 5 years, or both, to knowingly and willfully make or cause to be made any false or fraudulent statements or representations in any matter within the jurisdiction of any agency of the United States.

B. COVERED EMPLOYEES

COVERED EMPLOYEES					
EMPLOYEE CATEGORY	NUMBER OF USCG COVERED EMPLOYEES	NUMBER OF EMPLOYEES COVERED BY MORE THAN ONE DOT OPERATING ADMINISTRATION			
		FAA	FHWA	FRA	FTA
Crewmembers					

READ BEFORE COMPLETING THE REMAINDER OF THIS FORM

- All items refer to the **current** reporting period **only** (for example, January 1, 1998 – December 31, 1998).
- This report is only for testing **REQUIRED BY THE UNITED STATES COAST GUARD (USCG)**:
 - Results should be reported only for employees in **COVERED POSITIONS** as defined by the USCG drug and alcohol testing regulations.
 - The information requested should only include testing for: Marijuana (THC), cocaine, phencyclidine (PCP), opiates, and amphetamines using the standard procedures required by DOT regulation 49 CFR Part 40; and alcohol using the standard procedures required by USCG regulations 33 CFR Part 95 and 46 CFR Parts 4 and 16.
- Information on refusals for testing should only be reported in the table entitled "EMPLOYEES WHO REFUSED TO SUBMIT TO A DRUG TEST". Do not include refusals for testing in other sections of this report.
- Do not include the results of any quality control samples submitted to the testing laboratory in any of the tables.
- Complete all items; **DO NOT LEAVE ANY ITEM BLANK**. If the value for an item is zero (0), place a zero (0) on the form.

The United States Coast Guard estimates that the burden for this report form is 31 minutes. You may submit any comments concerning the accuracy of this burden estimate or any suggestions for reducing the burden to: Commandant, U.S. Coast Guard Headquarters (G-MOA-1); 2100 2nd St., SW; Washington, DC 20593-0001; OR Office of Management and Budget, Paperwork Reduction Project (2115-0003); Washington, DC 20503.

This part of the form requires information on VERIFIED POSITIVE and REPORTED NEGATIVE drug tests. These are the results that are reported to you by your Medical Review Officer (MRO).

C. MARINE EMPLOYEE DRUG TESTING INFORMATION

TYPE OF TEST	NUMBER OF SPECIMENS COLLECTED	NUMBER OF SPECIMENS REPORTED NEGATIVE	NUMBER OF SPECIMENS VERIFIED POSITIVE FOR ONE OR MORE OF THE FIVE DRUGS	NUMBER OF SPECIMENS VERIFIED POSITIVE FOR EACH TYPE OF DRUG				
				Marijuana (THC)	Cocaine	Phencyclidine (PCP)	Opiates	Amphetamines
PRE-EMPLOYMENT								
RANDOM								
POST-ACCIDENT								
REASONABLE CAUSE								

Number of persons denied a position as a covered employee following a positive drug test:

Number of marine employees with a positive drug test result verified by an MRO, who were returned to duty in a Covered position, having met the requirements of 46 CFR 16.370(d) and 46 CFR Part 5:

SPECIMENS VERIFIED POSITIVE FOR MORE THAN ONE DRUG

NUMBER OF VERIFIED POSITIVES	Marijuana (THC)	Cocaine	Phencyclidine (PCP)	Opiates	Amphetamines

EMPLOYEES WHO REFUSED TO SUBMIT TO A DRUG TEST

Number

Covered employees who refused to submit to a random drug test required under USCG regulations:

Covered employees who refused to submit to a non-random drug test required under USCG regulations:

DRUG AND ALCOHOL TRAINING

Number

Covered employees who have received initial training on the consequences, manifestations, and behavioral cues of drug and alcohol use as required by USCG drug and alcohol testing regulations:

Supervisory personnel who have received initial training on the specific contemporaneous physical, behavioral, and performance indicators of probable drug and alcohol use as required by USCG drug and alcohol testing regulations:

D. MARINE EMPLOYEE ALCOHOL TESTING INFORMATION

TYPE OF TEST	NUMBER OF TESTS	NUMBER OF TEST RESULTS EQUAL TO OR GREATER THAN 0.04
POST-ACCIDENT		
REASONABLE CAUSE		

DEPARTMENT OF TRANSPORTATION U. S. COAST GUARD CG-2692B(1-91)	REPORT OF REQUIRED CHEMICAL DRUG AND ALCOHOL TESTING FOLLOWING A SERIOUS MARINE INCIDENT <small>(See instructions on reverse)</small>	APPROVED OMB NO. 2115-0003 (Expiration 8-93) 5 Burden Hrs. ELECTRONIC TEST VERSION USCG CASE NUMBER
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SECTION I—VESSEL INFORMATION

1. Name of vessel	2. Official Number	3. Call Sign	4. Nationality
5. Vessel Type (Freight, Towing, Fishing, MODU, etc.)	6. Length	7. Gross Tons	8. Year Built
9. Operating Company Name: Address: Telephone Number:		10. Master or Person In Charge Name: Address: Telephone Number:	

SECTION II—INCIDENT INFORMATION

11. Type of Serious Marine Incident (Check Appropriate Box(es). (See Instructions on Reverse)

<input type="checkbox"/> a. Death (Append to Form CG-2692)	<input type="checkbox"/> e. Loss of uninspected, self-propelled vessel of over 100 gross tons (Append to Form CG-2692)
<input type="checkbox"/> b. Injury requiring medical treatment (Append to Form CG-2692)	<input type="checkbox"/> f. Discharge of oil of 10,000 gallons or more into U.S. waters
<input type="checkbox"/> c. Property damage in excess of \$100,000 (Append to Form CG-2692)	<input type="checkbox"/> g. Discharge of a reportable quantity of hazardous substance into U.S. waters
<input type="checkbox"/> d. Loss of inspected vessel (Append to Form CG-2692)	<input type="checkbox"/> h. Release of a reportable quantity of hazardous substance into U.S. environment

12. Date of Incident 13. Time (local) of Incident 14. Location of Incident (Latitude and Longitude or River and Milepost)

SECTION III—PERSONNEL / TESTING INFORMATION

15. Personnel Directly Involved in Serious Marine Incident			16. Drug and Alcohol Testing (See Instructions on reverse)							
15a. Name (Last, First, Middle Initial)	15b. Licensing/Certification (Check Appropriate Box(es))			16a. Drug Test Urine Specimen Provided?		16b. Alcohol Test Blood Specimen Provided?		16c. Alcohol Test Breath Specimen Provided?		Breath Test Results
	USCG License	USCG MMD	NEITHER	YES	NO	YES	NO	YES	NO	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____

17. Laboratory Conducting Chemical Drug Tests Name: Address: Telephone Number:	18. Laboratory Conducting Blood Alcohol Test(s) or Individual Conducting Breath Test(s) Name: Address: Telephone Number:
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19. Person Making This Report (Please Print) Name: Address: Telephone Number:	20. Signature Title:	21. Date
--	---------------------------------	----------

22. Remarks (See Instructions on Reverse)

INSTRUCTIONS FOR COMPLETION OF FORM CG-2692B REPORT OF REQUIRED CHEMICAL DRUG AND ALCOHOL TESTING FOLLOWING A SERIOUS MARINE INCIDENT

NOTE: When this form is being submitted along with a REPORT OF MARINE ACCIDENT, INJURY OR DEATH (Form CG-2692), Blocks 3-10 and Blocks 12-14 on Form CG-2692B need not be completed.

WHEN TO USE THIS FORM

1. This form satisfies the requirements in the Code of Federal Regulations for written reports of chemical drug and alcohol testing of individuals directly involved in serious marine incidents. Public vessels and recreational vessels are exempted from these reporting requirements.

SERIOUS MARINE INCIDENTS

2. The term "serious marine incident" includes the following events involving a vessel in commercial service:

- A. Any marine casualty or accident that occurs upon the navigable waters of the U.S., its territories or possessions, or that involves a U.S. vessel anywhere, and that results in any of the following:
 - 1. One or more deaths;
 - 2. Any injury to a crewmember, passenger, or other person which requires professional medical treatment beyond first aid;
 - 3. Damage to property, as defined in 46 CFR 4.05-1(f), in excess of \$100,000;
 - 4. Actual or constructive total loss of any vessel subject to inspection under 46 U.S.C. 3301; or
 - 5. Actual or constructive total loss of any self-propelled vessel, not subject to inspection under 46 U.S.C. 3301, of 100 gross tons or more.
- B. A discharge of oil of 10,000 gallons or more into the navigable waters of the United States, as defined in 33 U.S.C. 1321, whether or not resulting from a marine casualty.
- C. A discharge of a reportable quantity of a hazardous substance into the navigable waters of the United States, whether or not resulting from a marine casualty.
- D. A release of a reportable quantity of a hazardous substance into the environment of the United States, whether or not resulting from a marine casualty.

INDIVIDUAL DIRECTLY INVOLVED IN A SERIOUS MARINE INCIDENT

3. Term "individual directly involved in a serious marine incident" is an individual whose order, action or failure to act is determined to be, or cannot be ruled out as, a causative factor in the events leading to or causing a serious marine incident.

COMPLETION OF THIS FORM

4. This form should be filled out as completely and accurately as possible. Please type or print clearly. Fill in all blanks that apply to the kind of incident that has occurred. If a question is not applicable, the abbreviation "NA" should be entered in that space. If an answer is unknown and cannot be obtained, the abbreviation "UNK" should be entered in that space. If "NONE" is the correct response, then enter it in that space.

5. When this form has been completed, deliver or mail it as soon as practicable to the Coast Guard Marine Safety or Marine Inspection Office nearest to the location of the incident or, if at sea, nearest to the port of first arrival.

6. Upon receipt of a report of chemical test results, the marine employer shall submit a copy of the test results for each person listed in block 15(a) of this form to the Coast Guard Officer in Charge, Marine Inspection whom the CG-2692B was submitted. (Ref. 46 CFR 4.06-60(d)).

7. Amplifying information for completing the form:

A. Block 11—"TYPE OF SERIOUS MARINE INCIDENT" Check each appropriate box. If box a, b, c, d, or e is checked, append this form to the required form CG-2692, "REPORT OF MARINE ACCIDENT, INJURY OR DEATH", and submit both forms as indicated in 5. above.

B. Block 16c—"ALCOHOL TEST BREATH SPECIMEN PROVIDED?" When breath test results are available alcohol concentration shall be expressed numerically in percent by weight (i.e., .04, .10 etc...).

C. Block 22—"REMARKS" Describe the duties of each individual listed in 15a, at the time of incident (i.e., master, pilot, chief engineer...). If an individual refuses to provide the required specimens, or if specimens are not obtained for any reason, describe the circumstances completely.

NOTICE: The information collected on this form is routinely available for public inspection. It is needed by the Coast Guard to carry out its responsibility to investigate marine casualties, to identify hazardous conditions or situations and to conduct statistical analysis. The information is used to determine whether new or revised safety initiatives are necessary for the protection of life or property in the marine environment.

22. REMARKS (Continued)

CHEMICAL TEST REPORTING AGREEMENT

Marine employers should use this form, if they have an individual working for them who is not part of their Drug and Alcohol Testing Program. Remember, it is still the responsibility of the marine employer to ensure that all employees are enrolled in a valid program and that the information contained on this form is accurate and up to date. Each marine employer must keep a copy of this form in their records. If you have any questions, please contact your local Marine Safety Office or the District One Drug and Alcohol Program Inspector at 401-435-2300.

_____ is employed by _____. He/she
(Name of employee) (Name of company where mariner is enrolled
in a chemical- testing program)

was hired on _____ and successfully passed a pre-employment chemical test
(Date of employment)

on _____. Since the date of employment he/she has been enrolled in a
(Date of pre-employ test)

chemical testing program that meets all requirements of 46 CFR 16. _____
(Name of company where mariner is enrolled in
chemical testing program)

agrees to notify _____ if _____ fails a chemical test
(Name of company that is going to hire mariner) (Name of mariner)

for dangerous drugs, refuses to submit to a chemical test for dangerous drugs, or
discontinues employment.

(Signature of Company Representative) (Date)

(Signature of Mariner) (Date)

_____ agrees to notify _____ if
(Name of company that is going to hire mariner) (Name of company that has mariner enrolled
in the chemical testing program)

_____ fails a chemical test for dangerous drugs or refuses to submit to a
(Name of mariner)
chemical test for dangerous drugs.

(Signature of Company Representative) (Date)

(Signature of Mariner) (Date)

USCG CHEMICAL TESTING PROGRAM CHECKLIST

Name of Vessel _____ Inspected/Uninspected _____ Date: _____
 Official # of Vessel _____ (circle one) COMMAND: _____
 Owner: _____ Consortium/TPA: _____
 _____ (if applicable) _____

IF OWNER'S CONSORTIUM HAS A LETTER OF SUBSTANTIAL COMPLIANCE (LOSC) ISSUED BY COMDT G-MOA, YOU MAY SKIP TO PART VIII

GENERAL PROGRAM REVIEW
 All in safety sensitive duties covered by Marine Employer's program _____ DHHS certified laboratory used _____
 Specimens tested for only THC, Cocaine, Opiates, PCP, and Amphetamines _____ MRO specified by employer _____
 Collection Sites comply with requirements of 49 CFR 40 (DOT Procedures: DOT Form, ID, bluing water, no access to water, etc.) _____
 Unlicensed/undocumented mariners testing positive have submitted MRO Drug Free Certificates before rehiring. _____
 Security of records maintained _____ Positive records kept 5 years _____ Negative records kept 1 year _____
 Positive test results & refusals forwarded to the CG _____ Positive testing mariners removed from safety sensitive duties _____

I. **PRE-EMPLOYMENT TESTING -- 46 CFR 16.210**
 Results/exemption received prior to work in safety sensitive position _____ Documentation kept for entire employment period _____

II. **RANDOM TESTING -- 46 CFR 16.230**
 Greater than or equal to 50% annually _____ Statistically based method _____ Managed by person outside of random process _____
 All crew have equal chance of selection _____ Testing dates are random _____ Dates spread throughout the year _____
 Crewmember is never free from "chance" of selection _____

V. **SERIOUS MARINE INCIDENT TESTING -- 46 CFR 16.240 or 46 CFR 4.06**
 Provisions made for testing _____ Appropriate testing timelines _____ Document & report all refusals to test to CG _____
 If an inspected vessel certificated for unrestricted oceans or restricted overseas routes, breath testing device on board _____
 If unable to obtain within 24 hours, urine collection kits maintained onboard _____
 If required above, qualified collector of urine and breath specimens on board _____
 Review "timely, good faith decision" _____ Review "all persons directly involved" _____

REASONABLE CAUSE TESTING -- 46 CFR 16.250 / 33 CFR 95
 Provisions made for testing _____ Document & report all refusals to test to CG _____
 Review "observation made by 2 supervisors when possible" _____ Review "never allow suspected person to drive themselves" _____

VI. **EAP REQUIREMENTS -- 46 CFR 16.401**
 EAP Program: Marine Employer or Contractor (circle one) _____ Program addresses effects & behavior cues of drug use/abuse _____
 Display & distribute: _____ Hotline Number _____ Info on drug use/abuse _____ Company Policy _____
 Documentation supports that: _____ Supervisor received 1 hour of training _____ Crew received EAP training _____

VII. **MIS SUBMISSION -- 46 CFR 16.500**
 Report sent to G-MOA by March 15 _____ Program addresses who (consortium or marine employer) is responsible for submitting _____
 Copy of latest MIS Form, OR Consortium letter stating report filed for the employer. _____
 Address any form discrepancies (improperly filled out, not signed, etc.) _____

VIII. **MARINE EMPLOYER WHOSE CONSORTIUM HAS A LOSC**
 Proof of "current" enrollment _____ SMI _____ EAP _____ MIS _____

Based on the results of a USCG audit on the above mentioned date, your chemical testing program was/was not (circle one) found in compliance with 6 CFR Parts 4 & 16 and with 33 CFR Part 95. If not in compliance you have _____ days to resolve the above discrepancies with your program.

ACKNOWLEDGED BY: _____ NAME OF INSPECTOR: _____
 _____ BY DIRECTION, OCMI

Enforcement Action: CG-835 / COI not issued / COTP order / Civil Penalty / S&R / LOW / Other: _____
 Time Spent: Travel _____ Audit _____ Admin. _____ Other _____
 White-Company Yellow-District DAPI Pink-Unit