Do I need Alcohol and Drug testing?

46 CFR 4.05-12

For each marine casualty required to be reported, and verified to be a Serious Marine Incident, 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

The term 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 resulting in 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, as defined in 46 CFR 4.05-1(a)(7) of this part, in excess of $100,000;
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, - 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 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

The National Response Center is the sole federal point of contact for reporting oil and chemical spills.

1-800-424-8802

Suspicious Activity: Any incident, activity, or behavior that you deem to be activity of a suspicious nature should be reported to the National Response Center by calling **1-877-24-WATCH** or **1-800-424-8802**

Coast Guard on the web

United States Coast Guard
www.uscg.mil

National Response Center
www.nrc.uscg.mil

Coast Guard Sector Southeastern New England
http://www.uscg.mil/d1/sectSENE

All Reportable Marine Casualty forms can be obtained from Coast Guard Sector Southeastern New Englandss website, under the Investigations link

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

Schedule your free 'no fault' Commercial Fishing Vessel Dockside Safety Exam on www.fishsafe.info or call 508-991-6812

Report Marine Casualties

(24 hrs) **508-457-3211** (24 hrs)
or
Channel 16 VHF/FM

Fax: 508-457-3397

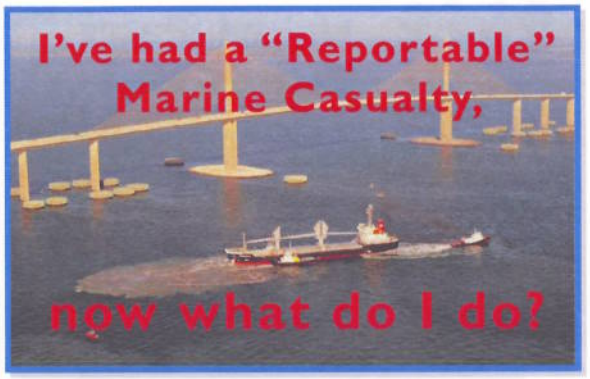
Commander
USCG Sector Southeastern New England
Prevention Department - Investigations Office
20 Risho Ave.
East Providence, RI 02914 - 1208

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 causing a hazard to navigation, the environment, safety of a vessel, or creates #3 through # 8 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
5) Loss of Life
6) Injuries 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 $25,000
8) An occurrence involving significant harm to the environment as defined in 46 CFR 4.03-65 (a report pursuant to 33 CFR 153.203, 40 CFR 117.21, or 40 CFR 302.6



46 CFR 4.05-1

Immediately after the addressing of resultant safety concerns, the owner, agent, master, operator, or person in charge of a vessel, shall notify the Coast Guard

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. Determine if it is a Serious Marine Incident as listed in this brochure or 46 CFR 4.03-2

Step 2 *

Call the U.S. Coast Guard and report it

508-457-3211

(24 hrs) or (24 hrs)

Channel 16 VHF/FM

Step 3 *

Submit a written report in Form CG-2692 (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, file a written report of any marine casualty required to be reported under 46 CFR 4.05-1

CG-2692 reporting forms can be obtained online at: http://homeport.uscg.mil/sene

*** Failure to perform steps 2 & 3 could result in imposed fines not to exceed $27,500**

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 is directly involved in the incident, chemically tested for evidence of drug and alcohol use.

Effective June 20, 2006, final rule requires that most commercial vessels have alcohol testing devices on board, and authorizes the use of saliva as an acceptable specimen for alcohol testing.

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 $5,000 per violation, with each day of a continuing violation constituting separate violations.

Conforming products for Evidential Breath Measurement Devices can be obtained by selecting the drug and alcohol tab at www.marineinvestigations.us

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.

The responsibility to ensure that the alcohol testing occurs remains on the marine employer.

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