

I've had a "Reportable"  
Marine Casualty,

now what do I do?

### 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

**305-535-4472/4473**

(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:  
[homeport.uscg.mil](http://homeport.uscg.mil)

\* Failure to perform steps 2 & 3 could result in imposed fines not to exceed \$35,000



## United States Coast Guard

Department of Homeland Security

### Reportable Marine Casualty

As per 46 CFR subpart 4.05-1 and immediately after the addressing of resultant safety concerns, the owner, agent, master, operator, or person in charge, shall notify the nearest Sector Office, Marine Inspection Office whenever a vessel is involved in a marine casualty consisting in:

- 1) An unintended grounding, or an unintended strike of (allision with) a bridge.
- 2) An intended grounding, or an intended strike of a bridge, that creates a hazard to navigation, the environment or the safety of a vessel, or that meets any criterion of paragraphs 3 thru 8.
- 3) A 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, including but not limited to fire, flooding, or failure of or damage to fixed fire-extinguishing systems, life saving equipment, auxiliary power—generating equipment, or bilge—pumping systems.
- 5) Loss of Life
- 6) An Injury that requires professional medical treatment (treatment beyond first aid), and if the person is engaged or employed on board a vessel in commercial service, that renders them individual unfit to perform his or her routine duties.
- 7) Occurrence causing property damage in excess of \$25,000, this damage including the cost of the labor and material to restore the property to its condition before the occurrence, but not including the cost of cleaning, gas freeing, dry-docking, or demurrage.
- 8) An occurrence involving significant harm to the environment as defined in 46 CFR 4.03-65.

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

## 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 contacting Coast Guard Miami Investigation office.

## 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



## Bareboat Charter Operations

What is a bareboat charter operation?

1. The owner retains only the title of the vessel for the duration of the bareboat charter.
2. The charterer stands in the shoes of the owner.
3. The charterer is responsible for the safe navigation of the vessel.

What is the difference between an inspected vessel and a bareboat charter vessel?

1. A bareboat is not inspected, therefore it does not have a Certificate of Inspection (COI).
2. A bareboat cannot carry more than 12 passengers; an inspected vessel can carry more than 12.
3. A bareboat cannot carry passengers for hire; an inspected vessel can.

How many passengers can a bareboat carry?

1. A bareboat can only carry 12 passengers; not including the crew.
2. The charterer can opt to charter the vessel without a licensed master.
3. An inspected vessel has to be in the control of a licensed master.

What are the most common bareboat charter infractions?

1. A bareboat charter carrying more than 12 passengers without a COI.
2. A charter contract includes a captain; this is not allowed since the charter contract cannot include a master. There has to be two different contracts, one for the captain and one for the charter.
3. Certificate of Documentation (COD) is for recreational purposes only; If it is a legitimate charter, they will have a COD for commercial operation.
4. Bareboat of more than 5 net tons w/ out COD
5. Master onboard chartered vessel knowingly carries more passengers than allowed. This practice can result in Suspension and Revocation proceedings against the master.
6. Charter company knowingly tells charterer who to hire as captain. This practice is illegal since the charter company cannot tell them who to hire. They can only advise them or provide them a list of qualified masters.