



Ship Type: All Trade Area: USA

Bulletin 445 - 12/05 - Serious Marine Incident - Alcohol & Drug Testing Requirements - USA

Amendments to the US Coast Guard Marine Casualties and Investigations; Chemical Testing Following Serious Marine Incident regulations come into force 20 June 2006. The amendments to the regulations requiring testing for drug and alcohol use by persons involved in serious marine incidents (SMIs), requires that alcohol testing of people directly involved in the incident be conducted within 2 hours of its occurrence. This rule also requires most commercial vessels to have alcohol testing devices on board and authorises the testing of saliva as an acceptable specimen for alcohol testing. A 32-hour time limit for the collection of specimens for drug testing following a serious marine incident has also been included.

Coast Guard regulations currently require marine employers to take all practical steps after an SMI 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. The amendment now requires tests to be performed within two hours of the SMI but if the alcohol testing cannot be conducted within that timeframe because of safety concerns directly related to the casualty, alcohol 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 occurs.

When a marine employer determines that a casualty or incident is, or is likely to become, an SMI, the marine employer must ensure that the following alcohol and drug testing is conducted:

(a) Alcohol testing.

- 1) Alcohol testing must be conducted on each individual engaged or employed on board the vessel who is directly involved in the SMI.
 - (i) The alcohol testing of each individual must be conducted within 2 hours of when the SMI occurred, unless precluded by safety concerns directly related to the incident.
 - (ii) If safety concerns directly related to the SMI prevent the alcohol testing from being conducted within 2 hours of the occurrence of the incident, then alcohol testing must be completed as soon as the safety concerns are addressed.
 - (iii) Alcohol testing is not required to be conducted more than 8 hours after the occurrence of the SMI.
- 2) Alcohol-testing devices must be used according to the procedures specified by the manufacturer of the testing device and by this part.
- 3) If the alcohol testing required in paragraphs (a)(1)(i) and (a)(1)(ii) of this section is not conducted, the marine employer must document on form CG-2692B the reason why the testing was not conducted.
- 4) The marine employer may use alcohol-testing results from tests conducted by Coast Guard or local law enforcement personnel to satisfy the alcohol testing requirements of this part only if the alcohol testing meets all of the requirements of this part.

(b) Drug testing.

- 1) Drug testing must be conducted on each individual engaged or employed on board the vessel who is directly involved in the SMI.
 - (i) The collection of drug-test specimens of each individual must be conducted within 32 hours of when the SMI occurred, unless precluded by safety concerns directly related to the incident.
 - (ii) If safety concerns directly related to the SMI prevent the collection of drug-test specimens from being conducted within 32 hours of the occurrence of the incident, then the collection of drug-test specimens must be conducted as soon as the safety concerns are addressed.
- 2) If the drug-test specimens required in paragraphs (b)(1)(i) and (b)(1)(ii) of this section were not collected, the marine employer must document on form CG-2692B the reason why the specimens were not collected.

Marine employers are relieved of the requirement to carry alcohol testing devices on board if the trade of the vessel is such that it can receive testing from a shoreside testing facility within 2 hours of an SMI. Where alcohol testing devices are required, they must be of a type listed on the most current versions of either the NHTSA Conforming Products Lists of Evidential Breath Measurement Devices or the NHTSA Conforming Products List of Alcohol Screening Devices. <http://www.nhtsa.dot.gov/people/injury/alcohol/ebtcpl040714FR.pdf>
<http://a257.g.akamai-tech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/pdf/E5-6848.pdf>

Source of information: Freehill Hogan & Mahar, LLC
USA