

Background

June 20, 2006, a new regulation requiring alcohol testing within two hours of a Serious Marine Incident went into effect.

This rule requires commercial service vessels to carry alcohol testing devices onboard and affects approximately 183,400 vessels.

Applicability

If you own or work on one of the vessels listed below you are subject to the requirements of this rule:

- All United States Flagged vessels in commercial service on any route
- Commercial fishing vessels
- Foreign-flagged vessels operating within the territorial waters of the United States

Who Must be Tested?

Anyone whose actions, or inactions, may have contributed to the casualty, or When directed by a law enforcement officer.

When Is Alcohol and Drug Testing Required?

When a marine employer determines that a casualty or incident is, or is likely to become, a Serious Marine Incident, the marine employer shall take all practicable steps to have each individual engaged or employed on board the vessel who is directly involved in the incident chemically tested for evidence of drug and alcohol use.

A Serious Marine Incident is defined in 46 CFR Part 4 as a marine casualty resulting in any of the following:

1. Actual or constructive total loss of any vessel subject to inspection
2. Actual or constructive total loss of any self-propelled vessel, not subject to inspection, of 100 gross tons or more
3. Injury that requires professional medical treatment (beyond first aid)
4. Loss of life
5. Property damage in excess of \$100,000
6. Discharge of oil of 10,000 gallons or more into the navigable waters of the United States
7. Discharge of a reportable quantity of a hazardous substance into the navigable waters of the United States
8. Release of a reportable quantity of a hazardous substance into the environment of the United States

Testing

Following a Serious Marine Incident alcohol testing **MUST** be Conducted:

- Within 2 hours
- Unless safety concerns preventing testing are documented

Persons subject to testing prohibited from consuming alcoholic beverages:

- for 8 hours or
- until testing has been completed

If tests conducted by CG or local law enforcement personnel meet the testing requirements, test results will be allowed.

Tests must be conducted with a DOT/NHTSA-approved device in accordance with instructions provided by device manufacturer:

- NHTSA Conforming Products List of Alcohol Screening Devices
- NHTSA Conforming Products List of Evidential Breath Measurement Devices

Breath Alcohol Sensors	Saliva Test Strips
Unlimited tests	10 tests/shipping unit
Need to be calibrated	No maintenance
Greater accuracy	Less accurate
Some can store test results	No storage of test results
Need training to operate	No or very little training required
Larger-size units	Credit card-size

Documentation

Test results must be noted on **CG-2692B**, Report of Required Chemical Drug and Alcohol Testing Following a Serious Marine Incident form, and the vessel's official log book, if required.

I—PERSONNEL / TESTING INFORMATION									
16. Drug and Alcohol Testing (See Instructions on reverse)									
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?		
USCG License	USCG MMD	NEITHER	YES	NO	YES	NO	YES	NO	Breath Test Results
<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"/>	<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"/>	_____

Recommendations

- Know when Serious Marine Incident testing is required to be conducted.
- Know how to use your selected testing device correctly.
- Ensure device has not expired and has been stored in a cool place.
- Document test results or why tests not done in a timely manner.
- Make all reports to Coast Guard in a timely manner.

Self-Testing

Required to be done within two hours of the incident.



Potential Consequences

Potential consequences for persons who could have contributed to a Serious Marine Incident not completing an alcohol test within two hours of the incident include: letters of warning, civil penalties of up to \$5000, and suspension and/or revocation proceedings that could result in mariners permanently losing their licenses or documents.



Questions?

Contact your District Drug and Alcohol Program Inspector or the Program Manager at Coast Guard Headquarters:

Robert C. Schoening

Phone: 202-372-1033

Email: Robert.C.Schoening@uscg.mil

Web: www.uscg.mil/hq/g-m/moa/dapip.htm

Serious Marine Incident Alcohol Testing Two-Hour Rule



46 CFR Part 4 & Part 16
49 CFR Part 40

Effective 20 June 2006