

# United States Coast Guard

May 26, 2006

## **To whom it may concern:**

First and foremost - this regulatory revision, effective June 20, 2006, is applicable to all vessels in commercial service. All US flagged vessel are to be in compliance with this requirement and to be prepared to do testing if there is a serious marine incident. If a US flagged vessel has a SMI while in international or foreign waters, they are expected to comply.

Foreign flagged commercial service vessels while they are in US territorial waters are required to be in compliance. US territorial water extend to 12 out from the coast line and all waters within that boundary line are considered US waters.

This compliance requirement is being added to the checklist of items to be looked for when a foreign flagged vessel arrives in a US port or before entering the Great Lakes via the St. Lawrence River Seaway.

Personnel to be tested are those whose negligence cannot be discounted as contributing to the accident. This is a determination to be made by the marine employer. A law enforcement person may require additional vessel personnel to be tested.

To be more specific the items as shown below are the basic requirements:

### **[A] Alcohol Testing:**

- alcohol testing must be completed within 2 hours following a serious marine incident; If there are safety concerns to be met, then testing may be delayed until the safety concerns have been addressed. No testing is required after 8 hours for alcohol.
- alcohol testing devices must be currently listed on the CPL (Conforming Products List); The use of any device that is not listed on the CPL and published by NHTSA will not be acceptable. This includes devices that may be listed on list from another source, country, region, etc.
- alcohol testing devices must be used according to the procedures specified by the manufacturer. If a device is used incorrectly and not according to the procedures specified by the manufacturer may result in a penalty action against the marine employer.
- alcohol testing can only be conducted by personnel trained to operate the alcohol-testing device. The person using the device may have to demonstrate their qualifications to use the device upon a bonafide request.
- The vessel should carry a sufficient number of alcohol test devices to test all personnel who could be involved in a Serious Marine Incident.

### **[B] Drug Testing:**

- drug testing must be completed within 32 hours following a serious marine

- incident;
- vessels must have a sufficient number of urine- specimen collection kits and chain-of-custody forms meeting the requirements of 49 CFR Part 40 that are readily accessible for use following a serious marine incident (46 CFR Part 4, Section 4.06-20), if the drug test specimens cannot be collected within 32 hours.
  - urine specimen collections can only be conducted by personnel trained in DOT specimen collection procedures.
  - All drug tests have to be collected in accordance with the requirements given in 49 CFR part 40. This includes the personnel who do the collections must meet the DOT collector qualification requirements.
  - All drug tests have to be sent to a laboratory that is accredited by the US Department of Health and Human Services for Workplace drug testing.
  - The use of on-site testing devices or other types or forms of drug testing is not allowed in accordance with US Coast Guard regulations.
  - Arrangements for drug test collection can be made through a port agent or another agent of the marine employer. This does not negate the 32 hour requirement but does assist in meeting the drug test requirements.

**[C] Penalty:**

- If it is determined that a vessel is not in compliance, that vessel/marine employer is subject to civil penalty action.