

**Supporting Statement
for
Marine Casualty Information &
Periodic Chemical Drug and Alcohol Testing
of Commercial Vessel Personnel**

A. Justification.

1) Circumstances that make the collection necessary.

I. Marine Casualty Information

Title 46 USC 6101 authorizes the Coast Guard to prescribe regulations for the reporting of marine casualties involving death, serious injury, material loss of property, material damage affecting the seaworthiness of a vessel, or significant harm to the environment. It also requires that information on the use of alcohol be included in a marine casualty report. These reporting requirements permit the Coast Guard to initiate the immediate investigation of marine casualties as required by 46 USC 6301, in order to: (a) determine the causes of casualties, and, (b) whether existing safety standards are adequate or whether new laws or regulations need to be developed. The overall goal of investigations therefore is to identify pertinent safety lessons and to initiate appropriate steps for reducing the likelihood of similar accidents in the future. Regulations implementing reporting requirements and investigative procedures are contained in 46 CFR Part 4. The table below identifies which part of the CFR corresponds to the subject.

**Table 1
Marine Casualty Information: CFR, Subject and Affected Population**

46 CFR	Subject and Affected Population
4.05-10	<p>Written report of marine casualty.</p> <ul style="list-style-type: none"> Owners, agents, masters, operators, or persons in charge are required to submit a written report with details about the casualty (CG-2692, supplemented as necessary by CG-2692A and CG-2692B).
4.05-12	<p>Alcohol or drug use by individuals directly involved in casualties.</p> <ul style="list-style-type: none"> On form CG-2692 the marine employer is required to identify those individuals for whom evidence of intoxication has been obtained; and specifies the method used to determine whether there is any evidence of alcohol or drug use by individuals directly involved in the casualty.
4.06-5(b)	<p>Refusal to provide blood, breath or urine specimens for chemical tests.</p> <ul style="list-style-type: none"> The marine employer is required to document such refusal on the form CG-2692B and in the logbook if the vessel involved is required to have one.
4.06-60 (a) – (d)	<p>Submission of reports and test results.</p> <ul style="list-style-type: none"> The marine employer is required to complete and submit form CG-2692B after a serious marine incident occurs. The marine employer is also required to submit the report of chemical test results for each person listed in the CG-2692B.¹

1. The regulation specifies that all chemical testing results be submitted to the Coast Guard. In The Department of Transportation's (DOT) Paperwork Reduction Act submission titled *Procedures for Transportation Drug and Alcohol Testing Program*, OMB # 2105-0529, DOT has taken the responsibility of the burden posed by reporting the result of drug tests. The Coast Guard is the only transportation mode that requires alcohol testing results; therefore, only the burden of reporting alcohol testing results is accounted in this submission.

II. Periodic Chemical Testing

Title 46 USC 7503 requires the Coast Guard to deny the issuance of licenses, certificates of registry, and merchant mariner's documents (seaman's papers) to users of dangerous drugs.

Similarly, 46 USC 7704 requires the Coast Guard to revoke such papers when a holder of the same has been shown to be a drug user. Congress has shown increased interest in this problem by enacting 46 USC 2302 and 18 USC Chapter 17A, which prohibit an individual from operating a vessel while intoxicated by any drug or alcohol. Until 1988, the primary means of detecting drug use has been through examination of criminal conviction records of applicants and holders of seaman's papers. This results in a narrowly focused method. It does not identify drug users in a timely manner.

With advances in the reliability and accessibility of chemical testing methods, the Coast Guard developed drug and alcohol testing requirements that provide meaningful enforcement of existing statutory prohibitions. These requirements are part of a DOT-wide initiative for reducing and deterring substance abuse in all modes of commercial transportation and are consistent with regulations issued by other regulatory agencies.

Coast Guard regulations implementing chemical testing requirements are contained in 46 CFR Part 16. DOT implemented its own drug and alcohol testing requirements, contained in 49 CFR Part 40, some of which overlapped with the Coast Guard's regulatory requirements in this area. Therefore the burdens associated with the overlapping regulatory requirements that were calculated in the previous Collection of Information renewal have now been moved over to DOT. The details associated with this burden can be found in DOT Collection of Information titled *Procedures for Transportation Drug and Alcohol Testing Program*, OMB # 2105-0529, which expires on October 31, 2006.

The table below identifies the parts of the CFR that the Coast Guard is now responsible for, and shows the populations that correspond to the applicable area of regulation.

Table 2
Periodic Chemical Testing: CFR, Subject and Affected Population

46 CFR	Subject and Affected Population
16.201 (c)	Positive drug/alcohol test report. <ul style="list-style-type: none"> • Employers are required to report positive results to the OCMI..
16.207	Foreign Laws Exemption Program. <ul style="list-style-type: none"> • Employers of U.S. citizens operating in foreign waters may, under certain circumstances, request exemption from these drug-testing requirements.
16.220	Periodic testing requirements. <ul style="list-style-type: none"> • All applicants for original issuance or a renewal of a license, a certificate of registry, or a merchant mariner's document, are required to provide results of a chemical test or evidence of participation in a random testing program.
16.250 (c) and (d)	Reasonable cause testing requirement. <ul style="list-style-type: none"> • When the marine employer requires testing of an individual based upon a reasonable suspicion of drug or alcohol use, the individual must be informed of that fact and directed to provide a urine specimen. This fact shall be entered in the vessel's official logbook, if one is required. If an individual involved in a SMI refuses to provide a urine specimen when directed to do so by the employer, this fact shall be entered in the vessel's official logbook if one is required.
16.401(a) and (b)	Employee assistance program education and training. <ul style="list-style-type: none"> • All employers are required to provide an Employee Assistance Program. • In the program, the displaying and distribution of informational material is required. • The documentation of training given to crewmembers and the employer's supervisor personnel is required. • The documentation that supervisory personnel received 60 minutes of training is also required.

III. Strategic Goals

This information collection supports the following strategic goals:

Department of Homeland Security

- Prevention
- Protection

Coast Guard

- Maritime Safety
- Maritime Stewardship

Marine Safety, Security and Stewardship Directorate (CG-5)

- Reduce crewmember deaths and injuries on U.S. commercial vessels
- Reduce the risk of major loss of life on passenger vessels
- Reduce the amount of oil discharged into the marine environment
- Reduce the amount of chemicals entering the environment

2) Purpose of the information collection.

I. Marine Casualty Information

Receipt of a marine casualty report (CG-2692) is often the only way in which the Coast Guard becomes aware of a marine accident. It is therefore a necessary first step that provides the Coast Guard with the opportunity to determine the extent to which a casualty will be investigated. In the short term, the information provided in the report may also trigger: (a) corrective safety actions addressing immediate hazards or defective conditions; (b) further investigations of mariners' conduct or professional competence; and/or, (c) civil or criminal enforcement actions by the Coast Guard, other Federal agencies, or state and local authorities.

Form CG-2692B in particular will be utilized for reporting chemical testing following serious marine incidents. The two-page form will capture elementary information on the incident category, names of individuals directly involved, whether urine, blood, or breath samples were obtained, and where the samples have been sent for analysis. The Coast Guard can use this critical information to: (a) initiate administrative action against a commercial mariner's right to continue holding seaman's papers, (b) initiate civil or criminal penalty action when an individual has been found to be operating a vessel while intoxicated, and, (c) assess the impact of drug or alcohol use in serious marine incidents.

In the long term, information contained in the report becomes part of a comprehensive marine casualty database at Coast Guard Headquarters. This database is utilized extensively by the Coast Guard for:

(a) identifying specific safety problems and analyzing longer-term trends, (b) publishing casualty summaries and annual statistics for public use, (c) supporting the need for additional safety oversight or regulation, (d) measuring the effectiveness of existing safety regulatory programs, and, (e) better focusing of limited Coast Guard marine safety resources. This database is also continually in use by other Federal and state government agencies, marine industry researchers, international groups or foreign government representatives involved in marine safety issues, and the public.

II. Periodic Chemical Testing

Reasonable cause testing requirements outlined in 46 CFR 16 are designed for marine employers to identify users of dangerous drugs and/or alcohol.

3) Considerations of the use of improved information technology to reduce the burden.

All forms used for this collection can be found on the Coast Guard's Marine Safety, Security and Environmental Protection Web site at-- <http://www.uscg.mil/hq/g-m/moa/repor.htm>. Currently, all reporting requirements for this collection are submitted in written form. Electronic reporting of

marine casualties is under consideration.

I. Marine Casualty Information

Marine casualty reports are currently submitted to the Coast Guard in writing on the existing "Report of Marine Accident, Injury, or Death" (Form CG-2692). If more than two barges are involved in the same accident, a "Barge Addendum" is also used (Form CG-2692A). Form CG-2692B is used for reporting drug and alcohol testing following a serious marine incident and was also designed for independent submission for those few serious marine incidents that do not meet the marine casualty criteria.

II. Periodic Chemical Testing

Use of facsimile equipment is authorized to transmit marine employer records when required. Options for electronic reporting are under review for the future.

4) Efforts to identify duplication. Why similar information available cannot be used.

There is no duplication of this information at the Federal level. The Coast Guard is the only Federal agency that collects this information from the marine industry and the public.

5) Methods used to minimize the burden to small businesses if involved.

I. Marine Casualty Information

Forms CG-2692, CG-2692A and CG-2692B are all designed for filling out with the minimal information necessary for fulfilling the regulatory reporting requirement and for identifying causal and contributing factors. The Coast Guard retains the responsibility to determine the extent to which the marine casualty should be investigated. Accordingly, the initial burden on small entities is small.

II. Periodic Chemical Testing

To lessen the burden on small businesses, the Coast Guard delayed the scheduled implementation of the regulatory requirements so as to provide additional time to allow small businesses to explore contracting options, obtain necessary equipment and training, learn from the experiences of larger entities, and to organize themselves into a consortium to reduce costs.

6) Consequences to the Federal program if collection were not conducted or conducted less frequently.

I. Marine Casualty Information

Information is collected only upon occurrence of a reportable marine casualty. Less frequent collection of such information would directly conflict with a well-established statutory mandate, would lead to inconsistencies with data already collected, and would severely diminish the capability to identify specific safety hazards and accurately analyze unsafe trends in the commercial marine industry. This in turn would have a highly negative impact on the Coast Guard's continuing efforts to reduce the incidence of marine casualties.

II. Periodic Chemical Testing

Less frequent collection will reduce marine employers' capability to identify drug users and take enforcement action concerning drug or alcohol use by commercial mariners. This reduced capability would have obvious negative consequences on marine safety.

7) Special circumstances that require collection to be conducted in an inconsistent manner.

Information is collected in manner that is consistent with the guidelines.

8) Solicitation of comments.

A 60 day Notice was published in the Federal Register to obtain public comment on this collection. (See [USCG-2008-0180], January 2, 2008, 73 FR 201). The USCG has not received any comments on this information collection.

9) Provide any payment or gift to respondents.

No payments or gifts of any kind are provided to respondents.

10) Assurances of confidentiality provided to respondents.

I. Marine Casualty Information

Information collected during the investigation of marine casualties and serious marine incidents is a matter of public record in accordance with 46 USC 6302.

II. Periodic Chemical Testing

The majority of information collected as part of periodic, pre-employment, random, or reasonable cause testing will normally remain confidential. However, when positive test results are used to initiate follow-up enforcement action, that information will become part of the public record during any subsequent administrative, civil, or criminal proceedings.

11) Additional justification for any questions of a sensitive nature.

I. Marine Casualty Information

Routine collection of marine casualty information does not involve questions of a sensitive nature. Chemical testing following serious marine incidents also does not involve sensitive questions. In 1989 the U.S. Supreme Court upheld the Federal Railroad Administration's (FRA) requirements for drug and alcohol testing of involved personnel following major accidents as a permissible search under the Fourth Amendment to the U.S. Constitution. The Coast Guard's requirements for similar testing following serious marine incidents are consistent with that of the FRA.

II. Periodic Chemical Testing

Concerns have been expressed regarding chemical testing as an invasion of privacy and an unreasonable method of search of an individual's person. These concerns are related primarily to random urinalysis, and to a lesser degree with periodic, pre-employment, and reasonable cause testing requirements. These questions have been the subject of a lawsuit and have been resolved with the court finding that the public's right to safety overrides an individual's right to privacy.

12) Estimate of annual hour and cost burden.

Annualized Hour and Cost Burden:

- The number of respondents is 30,947.
- The number of responses for this collection is 178,847.
- The total annual reporting and recordkeeping burden is 15,753 hours.
- The total annual cost burden is \$456,847.

A wage rate of \$29/hour was used for all calculations involving the marine industry and the public. This is the GS-03 out of government rate according to COMDTINST 7310.1K. Detailed calculations, as well as explanations of the assumptions used, can be found in Appendix A of this Supporting Statement. Table 3 below gives the hour and cost burdens associated with the regulatory requirements in this collection of information. Some figures may be rounded.

I. Marine Casualty Information

An incident list from 2006 was downloaded from the MISLE Incident Investigations cube. The list was narrowed to only included cases of reported marine casualty or environmental damage.

Total number of respondents = 4,351

We assume that it takes approximately one (1) hour to complete all parts of the form (CG-2692, with CG-2692A and CG-2692B when necessary). With an hour to fill out the form, at a wage rate of \$29/hour, the total annual cost associated with the requirement is **\$126,179, and the burden hours are 4,351.**

II. Periodic Chemical Testing

For reporting and recordkeeping calculations for chemical testing, we use the Association of Records Management and Administrators, Inc. (ARMA) methodology required by OMB. As the ARMA methodology was not applicable to all the elements involved in this collection of information, we used the Standard method of calculation for those elements. The annualized cost and burden hours associated with chemical testing are **\$330,668 and 11,402 burden hours** respectively. Again, please see Table 3 below, and Appendix A, for more details on the calculations.

Table 3 below offers a more detailed tabulation of the hour and cost burdens associated with each of the regulatory requirements for information collection. The source of certain cost information is Appendix A.

Table 3
Annual Burden of Collection of Information

Requirement	Respondents	Responses	Burden (Hours)	Cost
46 CFR 4.05-10 & 4.05-12 • Written report of marine casualty.	4,351	4,351	4,351	\$126,179
46 CFR 4.06-5(b) • Employer documentation of refusal to provide blood, breath or urine specimens for chemical tests.	1	1	0.083	\$2.41
46 CFR 4.06-5(b) & 4.06-60 • Post accident determination documentation.	245	245	16	\$464
46 CFR 4.06-60(d) • Positive chemical test report to OCMI.	40	40	10	\$290
46 CFR 16.201(c) • Positive drug/alcohol test report to OCMI.	40	40	10	\$290
46 CFR 16.207 • Exemption from foreign laws.	1	1	0.065	\$1.89
46 CFR 16.220 • Periodic test result report.	8,700	87,000	5,593	\$162,197
46 CFR 16.250(c) & (d) • Reasonable suspicion determination documentation.	79	79	5	\$145
• Refusal-to-test record (from	3	3	0.19	\$5.51

reasonable suspicion).				
46 CFR 16.401(a) and (b)				
• Supervisor training documentation.	8,700	17,400	1,119	\$32,451
• Employee training documentation.	8,700	69,600	4,475	\$129,775
• Promulgating the policy requirement.	87	87	174	\$5,046
Total Annual Respondents and Burden (Hours & Cost)	30,947	178,847	15,753	\$456,847

13) Estimate of annualized capital and start-up costs.

There are no annualized capital and start-up costs.

14) Estimates of annualized cost to the Federal Government.

The total annualized cost to the Government is \$139,232.

I. Marine Casualty Information

It is estimated that 1 hour is required for the Coast Guard's processing of each form CG-2692/CG-2692A/CG-2692B, including the auditing at a local field investigation office and the entering of pertinent information including the additional information resulting from the change "significant harm to the environment" into a computerized database at Coast Guard Headquarters. Using an estimated wage rate of \$32/hour for Coast Guard personnel of rank E-4¹ the annual cost, for 4,351 forms, is \$139,232.

II. Periodic Chemical Testing

Those applying for original issuances, a renewal of a license, a certificate of registry and other similar licenses include the passing of a chemical test for dangerous drugs that has to be submitted to the CG Regional Examination Center. The additional cost to the Federal Government here is minimal, as it would have been calculated under the cost to review an application for such licenses. Moreover, there are no costs to the Federal Government from the requirements for routine drug and alcohol testing by employers, as these are records that have to be retained by employers for inspection when necessary.

15) Reasons for change in the burden.

The change in burden is an ADJUSTMENT due a change in the number of marine casualty reports submitted to the Coast Guard.

16) Plans for tabulation, statistical analysis and publication.

I. Marine Casualty Information

The Coast Guard publishes annual marine casualty statistics based on information gathered from forms CG-2692/CG-2692A/CG-2692B submitted by the public and the marine industry.

II. Periodic Chemical Testing

The Coast Guard publishes a Notice on annual basis setting the periodic chemical testing rate for the following year. The Coast Guard uses the aggregate percentage rate of positive results of the conducted periodic chemical tests to determine the following year's periodic chemical testing rate. Personal information is not used nor disclosed.

17) Approval for not explaining the expiration date for OMB approval.

¹ According to COMDTINST 7310.1K

1625-0001

We are not seeking such approval. The OMB Number will appear on appropriate PRA disclosure information.

18) Exception to the certification statement.

There are no exceptions to the certification statement.

B. Collection of Information Employing Statistical Methods.

This information collection does not employ statistical methods.