

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	Written report of marine casualty. 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	Alcohol or drug use by individuals directly involved in casualties. 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)	Refusal to provide blood, breath or urine specimens for chemical tests. 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)	Submission of reports and test results. - 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. Employers are required to report positive results to the OCMI..
16.207	Foreign Laws Exemption Program. 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. 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. 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. - 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.

The information may be submitted in writing or electronically via facsimile or e-mail. All forms used for this collection can be found on the Coast Guard's Marine Safety, Security and Stewardship Web site at-- <http://homport.uscg.mil> Missions > Investigations.. We estimate that 100% of the reporting and recordkeeping requirements can be done electronically. At this time, we estimate that 40% are done electronically.

I. Marine Casualty Information

Marine casualty reports forms may be downloaded, filled out and submitted in writing or electronically via

e-mail.

II. Periodic Chemical Testing

Use of facsimile equipment is authorized to transmit marine employer records when required.

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.

This information collection does not have an impact on small businesses or other small entities.

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.

This information collection is conducted in manner consistent with the guidelines in 5 CFR 1320.5(d)(2).

8) Solicitation of comments.

A 60-day Notice was published in the Federal Register to obtain public comment on this collection (see [USCG-2011-0710]; August 3, 2011; 76 FR 46824). Additionally, a 30-day Notice was published in the Federal Register to obtain public comment on this collection (October 7, 2011; 76 FR 62424). The Coast Guard received 2 comment letters on this information collection. Agency responses to these letters will be posted in ROCIS.

9) Provide any payment or gift to respondents.

There is no offer of monetary or material value for this information collection.

10) Assurances of confidentiality provided to respondents.

There are no assurances of confidentiality provided to the respondents for this information collection.

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

There are no questions of sensitive language.

12) Estimate of annual hour and cost burden.

Annualized Hour and Cost Burden:

- The number of respondents is 31,388.
- The number of responses for this collection is 179,288.
- The total annual reporting and recordkeeping burden is 16,194 hours.
- The total annual cost burden is \$464,844.

A wage rate of \$28/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 7310.1M. 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 2007-2010 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 = 4,792

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 \$28/hour, the total annual cost associated with the requirement is **\$134,176, and the burden hours are 4,792.**

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.	4,792	4,792	4,792	\$134,176
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 reasonable suspicion).	3	3	0.19	\$5.51
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)	31,388	179,288	16,194	\$464,844

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

There are no capital, start-up or maintenance costs associated with this information collection.

14) Estimates of annualized cost to the Federal Government.

The total annualized cost to the Government is \$174,040.

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 \$40/hour for Coast Guard personnel of rank E-4¹ the annual cost, for 4,351 forms, is \$174,040.

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. There is no proposed change to the reporting or recordkeeping requirements of this collection. The reporting and recordkeeping requirements, and the methodology for calculation burden, remain unchanged.

¹ According to COMDTINST 7310.1M

16) Plans for tabulation, statistical analysis and publication.

This information collection will not be published for statistical purposes.

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

The Coast Guard will display the expiration date for OMB approval of this information collection

18) Exception to the certification statement.

The Coast Guard does not request an exception to the certification of this information collection.

B. Collection of Information Employing Statistical Methods.

This information collection does not employ statistical methods.

Appendix A

PRA Cost Indicator Summary: Marine Casualty Info. and Periodic Chemical Testing

Using ARMA: Chemical Testing Calculations

PRA Task	Rule Citation	Times Performed	Record Creation \$1.145	Record Filing \$0.118	Record Storage \$0.0228	Total Sum (\$)	Burden Hours \$29
Post Accident Determination Documentation ¹	46 CFR 4.06-5 (b), and 4.06-60	245	280.53	28.91	5.59	\$464	16
Foreign Laws Program Exemption ²	46 CFR 16.207	1	1.15	0.12	0.02	\$1.89	0.065
Periodic Test Result Report ³	46 CFR 16.220	87,000	99,615.00	10,266.00	1,983.60	\$162,197	5,593
Reasonable Suspicion Determination Documentation ⁴	46 CFR 16.250 (c)	79	90.46	9.32	1.80	\$145	5
Refusal-to-Test Record ⁵	46 CFR 16.250 (d)	3	3.44	0.35	0.07	\$5.51	0.19
Employee Training Documentation ⁶	46 CFR 16.401 (a) and (b)	69,600	79,692.00	8,212.80	1,586.88	\$129,775	4,475
Supervisor Training Documentation ⁷	46 CFR 16.401 (b)	17,400	19,923.00	2,053.20	396.72	\$32,451	1,119

- 1 The 'times performed' is the number of times in a year the Coast Guard expects that a drug/alcohol test after a SMI would be refused. Also, the log entry is only made when the person is a crewmember of a ship that is required to have a logbook (ships that are greater than 1600 gross tons).
- 2 No companies have submitted applications under this program. The burden has been calculated in case any apply.
- 3 For the number of times performed, we assumed 8 new employees and 2 employees would apply for licenses and renewal of licenses, for 8,700 firms. The number of firms involved is based on Coast Guard estimates. The total number of times performed is therefore 87,000.
- 4 The times performed was determined by taking the actual 1998 number of "reasonable suspicion" tests that were performed, times the proportion of documented vessels that are greater than 1600 gross tons. Since there were 741 inspected vessels greater than 1600 gt in 1999, and 7,521 inspected vessels overall in 1999, the times performed = (741/7521)*800 = 79.
- 5 Number of times performed is estimated by the number of times in a year the Coast Guard expects drug/alcohol test after reasonable suspicion would be refused. Also, the log entry is only made when the person is crewmember of a ship that is required to have a logbook (ships that are greater than 1600 gross tons).
- 6 For number of times performed, assumed 8 new employees for 8,700 firms. The number of firms involved is a Coast Guard estimate.
- 7 For number of times performed, assumed 2 new supervisors for 8,700 firms. The number of firms involved is a Coast Guard estimate.

Appendix A**PRA Cost Indicator Summary: Marine Casualty Info. and Periodic Chemical Testing**

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Using Standard Method: Chemical Testing

PRA Task	Rule Citation	Time to Complete Single Task (hours)	Number of Times Performed	Burden Hours	Burden Cost \$29
Special Post Accident Documentation ¹	46 CFR 4.06-5(b)	0.083	1	0.083	\$2.41
Positive Chemical Test Report to OCMI ²	46 CFR 4.06-60(d)	0.250	40	10	\$290
Promulgate Policy ³	46 CFR 16.401	2	87	174	\$5,046
Positive Drug/Alcohol Test Report to OCMI ⁵	46 CFR 16.201(c)	0.250	40	10	\$290

1. The times performed is the number of times in a year the Coast Guard expects that a drug/alcohol test after SMI would be refused. Also, the log entry is only made when the person is crewmember of a ship that is required to have a logbook (greater than 1600 gross tons).

2. The number of times performed is estimated from the number of positives reported on CG-2692B post a SMI.

3. The number of times performed is estimated by assuming 1% of existing companies is the number of new companies every year, which is 1% of 8,700 = 87. Number of firms is a Coast Guard estimate.

4. The number of times performed is estimated using the number of licensed personnel who tested positive.

5. The number of times performed is a historical estimate using the number of licensed personnel who tested positive as reported in the MIS forms.

Using Standard Method: Marine Casualty Information Collection

Requirement	Rule Citation	Time to complete task (hours)	Number of times performed	Burden hours	Burden Cost \$29
Written Report of Marine Casualty ¹	46 CFR 4.05-10	1	4,351	4,351	\$126,179

1. The number of times performed is based on a Coast Guard database count of the number of Forms CG-2692 (including CG-2692A & CG-2692B) that were submitted to the Coast Guard in year 2006.