

Supporting Statement for Report of Marine Casualty & Chemical Testing of Commercial Vessel Personnel

[as modified by USCG-2016-0748; RIN 1625-AC33]

OMB No.: 1625-0001
COLLECTION INSTRUMENTS: CG-2692, CG-2692A, CG-2692B,
CG-2692C, CG-2692D & Instruction

A. Justification

1) Circumstances that make the collection necessary.

I. Report of Marine Casualty

Title 46 U.S.C. 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 U.S.C. 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
Report of Marine Casualty: CFR, Subject and Affected Population

46 CFR	Subject and Affected Population
4.05-10	Written report of marine casualty. <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, CG-2692B CG-2692C and CG-2692D).
4.05-12	Alcohol or drug use by individuals directly involved in casualties. <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)	Refusal to provide blood, breath or urine specimens for chemical tests. <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)	Submission of reports and test results. <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.*

* 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. Chemical Testing

Title 46 U.S.C. 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 U.S.C.

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 U.S.C. 2302 and 18 U.S.C. 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.

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
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
- Prevention Policy & Response Policy Directorates (CG-5P & CG-5R)
 - 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. Report of Marine Casualty

Title 46 CFR 4.05.1 requires that "the owner, agent, master, operator, or person in charge, shall notify the nearest Sector Office, Marine Inspection Office or Coast Guard Group Office whenever a vessel is involved in a marine casualty. 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. For a marine casualty involving multiple barges, a form CG-2692A (Barge Addendum) may be used to report data for barges causing or sustaining damage in the accident described on form CG-2692. This form may only be used in addition to form CG-2692, never alone. Forms CG-2692C (Personnel Casualty Addendum) and CG-2692D (Involved Person and Witnesses Addendum) may also be used in conjunction with form CG-2692 as needed.

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. Chemical Testing

Reasonable cause and periodic testing requirements outlined in 46 CFR 16 are designed for marine employers to identify users of dangerous drugs and/or alcohol. As required by 46 CFR 16.201 (C), the marine employer must notify the nearest OCMI in writing when a individual holding a Coast Guard credential fails a chemical test for dangerous drugs. The individual testing positive must be denied employment and is subject to suspension and revocation proceedings against their credential under 46 CFR Part 5.

3) Considerations of the use of improved information technology.

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-- <https://homeport.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. Report of Marine Casualty

Marine casualty reports forms may be downloaded, filled out and submitted in writing, electronically via e-mail, or by facsimile equipment.

II. Chemical Testing

Marine employer records, when required, may be submitted electronically via e-mail, or by facsimile equipment.

4) Efforts to identify duplication.

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 conducted less frequently.

I. Report of Marine Casualty

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. Chemical Testing

Circumstances requiring periodic testing are identified in 46 CFR 16.220. Testing is required for an original issuance/renewal of a CG credential, a raise in grade, and certain first endorsements.¹ Less frequent collection will reduce marine employer's' capability to identify drug users and the Coast Guard's ability to take enforcement action concerning drug or alcohol use by commercial mariners. This reduced capability would have obvious negative consequences on marine safety.

7) Special collection circumstances.

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

8) Consultation.

The Coast Guard published on January 23, 2017, a Notice of Proposed Rulemaking (NPRM) entitled "Marine Casualty Reporting Property Damage Thresholds" (MCR-PDT) [USCG-2016-0748; RIN 1625-AC33; 82 FR 7755]. The rulemaking proposed—

- to amend the monetary property damage threshold amounts for reporting a marine casualty, and for reporting a type of marine casualty called a "serious marine incident" (SMI). The initial regulations setting these dollar threshold amounts were promulgated in the 1980s and they have not been updated. Because the monetary thresholds for reporting have not kept pace with inflation, relatively minor casualties must be reported. Additionally, the regulations require

¹ Generally tests are required on issuance, reissuance, upgrades, annual physicals, raise in grade, etc. of CG licenses, COR, MMD, or MMC.

mandatory drug and alcohol testing following an SMI, so testing is being conducted for casualties that are less significant than those intended to be captured by the regulations. This has resulted in an undue burden on vessel owners and operators, and on Coast Guard resources expended to investigate these incidents.

The NPRM 60-day comment period closed on March 24, 2017. The Coast Guard received no collection of information-related comments to the NPRM. On March 19, 2018, the MCR-PDT Final Rule was published [83 FR 11889].

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. This information collection is covered by a Privacy Impact Assessment (PIA) and System of Records Notice (SORN). Details follows—

- Privacy Impact Assessment for the Marine Information for Safety and Law Enforcement (MISLE) System // September 3, 2009 // DHS/USCG/PIA-008.
- Privacy Act of 1974; United States Coast Guard--013 Marine Information for Safety and Law Enforcement (MISLE) System of Records Notice (DHS/USCG-013) [June 25, 2009; Docket No. DHS-2008-0110; 74 FR 30305].

The PIA and SORN are available at— <http://www.dhs.gov/privacy> .

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

The Coast Guard's authority and need for collecting information, including sensitive information, is stated on form CG-2692. In part, it states—46 U.S.C. §6301 and 46 CFR Part 4 authorizes the collection of this information. Reportable marine casualty information is needed for Coast Guard investigations of vessel casualties involving death, vessel damage, and property loss and data reports mandated by Congress. Information gathered is also used to determine whether new or revised safety initiatives are necessary. Additionally, chemical testing information is needed to improve Coast Guard detection and reduction of drug use by mariners.

12) Estimate of annual hour and cost burden.

- The estimated annual number of respondents is 32,252.
- The estimated annual number of responses is 180,152.
- The estimated annual hour burden is 22,939 hours.
- The estimated annual cost burden is \$1,020,164.

The burden to respondents is provided in Appendix A. The wage rates shown are in accordance with the current edition of COMDTINST 7310.1(series) for "Out-Government" personnel.

I. Report of Marine Casualty

We estimate that it takes about 1 hour for a vessel crewmember to complete all parts of the form (CG-2692, with CG-2692A, CG-2692B, CG-2692C & CG-2692D when necessary). The position of a vessel crewmember is analogous to a GS-03. In addition, some Report of Marine Casualty forms may undergo additional processing by respondents. To account for this additional time, we estimate that up to 10% of the forms submitted may have about 10 hours of additional burden.² The additional time reflects

² The Coast Guard estimates that it takes up to 1 hour to complete a form CG-2692/A/B/C/D. However, we received public comments in 2013 stating that some submitters take more time—up to 8-12 hours—to complete the form. The reason for this difference is that some entities have the form(s) reviewed by shore-side personnel, such as an attorney prior to submission to the CG. The practice of having a form reviewed by an attorney is not required by CG regulation. While we believe that this does not typically occur, we adjusted our burden estimate to account for the added review.

company internal review by individuals in addition to the person that completed the form. The additional reviewers may be shore-side reps, port engineers, attorneys, etc. We estimate the wage rate for this added review is done by personnel analogous to a GS-14.

II. Chemical Testing

Depending on the task (requirement), we estimate that it will take from about 0.065 hours (4 min.) to 2 hours for a vessel crewmember or shore-side personnel to perform the required reporting and recordkeeping activity. See Appendix A for a detailed breakdown of tasks and times. The position of a vessel crewmember or shore-side personnel is analogous to a GS-03. The number of respondents, and responses per respondent, are based on historical estimates.

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 estimated annual Federal Government cost is \$502,935 (see Appendix B). The wage rate shown is in accordance with the current edition of COMDTINST 7310.1(series) for "In-Government" personnel.

I. Report of Marine Casualty

We estimate that it takes about 1 hour by a Lieutenant Junior Grade (LTJG; O-2) to process each form CG-2692/CG-2692A/CG-2692B/CG-2692C/CG-2692D, including auditing at a local field investigation office and the entry of pertinent information into a computerized database at Coast Guard Headquarters.

II. Chemical Testing

We estimate that it takes about 0.1 hours by a LTJG to process each chemical testing report, or review each chemical testing record, including auditing at a local field investigation office and the entering of pertinent information into our computerized database.

15) Explain the reasons for change in burden.

The change (i.e., decrease) in burden is a PROGRAM CHANGE due to the MCR-PDT rulemaking that will result in a decrease in the estimated annual number of responses. The reporting and recordkeeping requirements, and methodology for calculating burden, remain unchanged. Forms CG-2692 and CG-2692B are revised to reflect the updated MCR-PDT amounts.

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.