



December 30, 2005

### **United States Coast Guard Revises Drug & Alcohol Testing Regulations**

The United States Coast Guard released a Final Rule on December 22, 2005, revising the Coast Guard requirements for chemical and alcohol testing after a serious marine incident. The Final Rule becomes effective on June 20, 2006.

The present regulations require marine employers to determine whether an incident is, or is likely to become, a serious marine incident, and if so, 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. 46 C.F.R. § 4.06-1. The regulations do not, however, provide specific requirements for when such alcohol and drug testing must be completed; instead the regulations only require that such testing be completed "as soon as practicable" following the occurrence of a serious marine incident. 46 C.F.R. § 4.06-20.

The revised rule provides the specific requirements which the current regulations are lacking. The revised regulations require all marine employers to test each individual engaged or employed on board the vessel who is directly involved in the serious marine incident for alcohol use within **2 hours** of the serious marine incident, unless precluded by safety concerns directly related to the incident. 46 C.F.R. § 4.06-3. If safety concerns directly related to the incident prevent the alcohol testing within 2 hours, the test must be completed as soon as the safety concerns are addressed.

The Final Rule also requires marine employers to drug test each individual engaged or employed on board the vessel who is directly involved in the serious marine incident within **32 hours** of the serious marine incident, unless precluded by safety concerns directly related to the incident. 46 C.F.R. § 4.06-3. If safety concerns directly related to the incident prevent drug testing within 32 hours, the test must be completed as soon as the safety concerns are addressed.

Finally, the Final Rule authorizes the use of saliva alcohol screening devices as an acceptable method for alcohol testing in addition to the breath testing permitted under the present regulations. Marine employers are required to have a sufficient number of alcohol testing devices readily accessible on



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board the vessel to determine the presence of alcohol in the system of each individual who was directly involved in the serious marine incident.

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